

**MAIDSTONE BOROUGH LOCAL PLAN REVIEW**  
**DRAFT PLAN FOR SUBMISSION (REGULATION 19)**  
**OBJECTION ON BASIS OF SOUNDNESS AND LEGAL COMPLIANCE**  
**ON BEHALF OF LENHAM PARISH COUNCIL**  
**LESSONS FROM UTTLESFORD**  
**LPC EIGHTEEN**

1. Lenham Parish Council wishes to object on the basis that the Review is unsound. The Parish Council believes, however, that many of the problems making the plan unsound could have been avoided had lessons been learnt from other local plan examinations. One such examination report is Uttlesford which is in the public domain. Best practice in this respect follows from the Inspector's letter which is dated 10<sup>th</sup> January 2020.
2. The obvious lessons from Uttlesford are as follows:
  - i. without the realistic prospect of employment uses garden communities can become little more than commuter settlements;
  - ii. running regular bus services on the existing congested road network could be potentially slower than travelling by car;
  - iii. the policies map should define identified transportation improvements.
  - iv. over reliance on garden communities for delivery carries with it significant risks and lack of flexibility.
3. The Parish Council feels the current plan should be withdrawn and that a radical re-think is needed before a new plan can be prepared for consultation and examination.
4. Appendix LPC – UTT attached below is a review of the Uttlesford Local Plan.

## APPENDIX LPC – UTT

### UTTLESFORD GARDEN VILLAGE CASE STUDY

#### A Review of the Uttlesford Experience with Garden Communities in the Local Plan Review, drawing conclusions for Local Planning Authorities

1. Uttlesford District Council's draft Local Plan was submitted for examination in January 2019. The Plan proposed 3 new garden communities – Easton Park, North Uttlesford and West of Braintree. These proposals were expected to deliver around 18,500 homes in total.
2. The three garden communities made up one of five bids that shared an award of £3.7m funding from MHCLG in March 2019.
3. Inspectors Louise Crosby and Elaine Worthington told the Council in January 2020 that the strategy set out in the Plan is unsound. Following their Examination of the Plan, the Inspectors concluded as follows in their letter dated 10<sup>th</sup> January 2020:

#### ***"Overall Conclusions***

*112. We are very conscious of the considerable work that has been undertaken over several years by the Council and the promoters of the Garden Communities in developing them as proposals. We are also aware of the in-principle support afforded to them as a concept by the Government and the funding that has been provided. However, for the reasons given, the Garden Communities are insufficiently justified and have not been shown to have a reasonable prospect of being delivered as submitted. "*

4. The question has to be asked how did a Plan containing more than one garden community, with support from the Government, come to be found 'unsound'?
5. In relation to Government Policy contained in the National Planning Policy Framework (the Framework), the Inspectors note:

*"6. The Framework acknowledges that 'the supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities. Working with the support of their communities local planning authorities should consider whether such opportunities provide the best way achieving sustainable development.'"*

6. The Inspectors made the following conclusions in relation to the Policies Map:

**"Policies Map**

*17. We are concerned that the boundaries of the Garden Community site allocations are not shown on the Policies Map. This is not a matter to be left to DPDs. We cannot find the plan sound based on vague blurred annotations of broad locations, especially for something as significant as three large new communities. Indeed, The Town and Country Planning (Local Planning) (England) Regulations 2012, require that the adopted plan contains a Policies Map that illustrates geographically the application of the policies in the adopted development plan. The site boundary lines would need clearly defining on the Policies Map and need to include land to be safeguarded for transport and any other infrastructure.*

7. In terms of delivery the Inspectors express the following concerns:

**"Delivery**

*32. Furthermore, if the three Garden Communities allocated in the plan are granted planning permission and then work is commenced on site, it would be very difficult to deviate from this strategy. To do so, and to leave the intended Garden Communities effectively uncompleted, could potentially result in relatively small pockets of residential development in the open countryside that would not have the sustainability credentials of Garden Communities and would not ordinarily be supported. The Framework recognises that it is crucial that Local Plans should 'allocate new sites to promote development and flexible use of land, bringing forward new land where necessary...' (paragraph 157). The current strategy which relies on the Garden Communities to deliver 4190 dwellings in the period 2023/24 –2032/33 (the end of the Plan period), against a target in this period of 7190 dwellings carries with it significant risks and a lack of flexibility."*

8. In terms of Employment Use the Inspectors recognise the following risk:

**"Employment Use**

*37. This is more likely to be successful if the employment uses, or at least some of them, are provided during early phases of development. Otherwise there is a risk that the Garden Communities would become little more than commuter settlements. This would require further work to be undertaken, in conjunction with the site promoters, to at the very least identify zones within the Garden Communities where the various employment uses will be located, at what stage they will be completed and how they will be delivered."*

9. In relation to Transport and Infrastructure the Inspectors comment as follows:

**"Transport and Infrastructure**

*39. It is a core planning principle of the Framework to 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable' (paragraph 17).*

*40. The Guidance, at paragraph: 001 Reference ID: 54-001-20141010 advises that 'it is important for local planning authorities to undertake an assessment of the transport implications in developing or reviewing their Local Plan so that a robust transport evidence base may be developed to support the preparation and/or review of that plan. A robust transport evidence base can facilitate approval of the Local Plan and reduce costs and delays to the delivery of new development, thus reducing the burden on the public purse and private sector. The transport evidence base should identify the opportunities for encouraging a shift to more sustainable transport usage, where reasonable to do so; and highlight the infrastructure requirements for inclusion in infrastructure spending plans linked to the Community Infrastructure Levy, section 106 provisions and other funding sources'."*

10. The Inspectors review the prospect of achieving enhanced public transport and reach the following conclusions:

*"46. .... there is a danger that the Garden Communities would be served by little more than a conventional, regularly running bus service for a good number of years. This would use the existing road network, which is at times congested and there are concerns that such a bus service would be no quicker, and potentially slower, than travelling by car. It is also unclear to what degree the buses would run on existing roads as opposed to segregated bus lanes or busways and how the latter would be phased in."*

11. In terms of Viability the Inspectors summarise as follows:

**"Viability**

*69. To summarise, the scale of funding necessary and whether the Garden Communities could support such costs is uncertain. For these reasons it has not been adequately demonstrated that the Garden Communities proposed in the plan are financially viable and therefore developable."*

12. The Inspectors summarise their main concerns as follows:

**"Overall Conclusions**

*113. Consequently, as things stand the strategy set out in the plan is unsound.*

*In summary, our main concerns are:*

- *The lack of clear mechanisms to ensure the Garden Community Principles will be met;*
- *The need to define precise boundaries and to show these on the policies map;*
- *The proposed housing delivery trajectory is overly optimistic;*
- *There is unlikely to be a 5 year HLS on adoption;*
- *The stepped trajectory unreasonably delays addressing the housing affordability problem;*
- *The Garden Community approach predetermines the strategy long beyond the plan period and so is unduly inflexible;*
- *As part of the assessment of reasonable alternatives the SA does not consider a smaller number of garden communities, in combination with more housing in existing sustainable settlements, nor does it have regard to the evidence in the HIA;*
- *The lack of certainty about the delivery of employment uses undermines the potential for the Garden Communities to be sustainable places;*
- *The costs, viability and deliverability of the RTS are uncertain and any benefits would be realised too late to help ensure the Garden Communities at Easton Park and West of Braintree would be sustainable places;*
- *Realistic infrastructure costs have not been established meaning it is uncertain whether the Garden Communities will be viable and developable;*
- *The North Uttlesford Garden Community is flawed in terms of landscape and heritage impacts and the potential for the A505 improvements and public transport infrastructure are uncertain, undermining the potential for this Garden Community to be a sustainable place;*
- *The Easton Park Garden Community is flawed in terms of heritage impacts, the potential for highway improvements to M11 junction 8 and the M11 between junctions 8 and 13 are uncertain pending further investigations by Highways England and the unknown implications of the gas pipeline crossing the site on its capacity for built development;*
- *The West of Braintree Garden Community is flawed since the sustainability appraisal and viability assessment only considers the part of the site within Uttlesford despite it being dependent of the delivery of the larger proposed site allocation in Braintree District."*

13. Several conclusions of general application can be drawn from this case study as follows:

- I. Authorities cannot rely solely on the 'halo effect' of the Garden Community programme but need to produce a robust evidence base to demonstrate deliverability and sustainability of each project contained within the Plan.
- II. The Framework encourages authorities to work with the support of their local communities to achieve sustainable development.
- III. The Regulations require the provision of a Policies Map which should clearly define both the site boundary and the land to be safeguarded for transport and any other

supporting infrastructure. Any vagueness or contradiction within the graphic displays is likely to result in the Plan being unsound.

- IV. Authorities should have regard for the consequences which may arise if a Garden Community project fails to be completed once construction work has commenced.
- V. The Framework encourages patterns of growth to focus significant development on locations which are or can be made sustainable. Proposals which cannot make fullest use of public transport are unlikely to be found sound.
- VI. Authorities will need to be able to produce a robust assessment of the transport implications of their proposals which should identify opportunities to encourage a shift to more sustainable transport usage. These infrastructure requirements will need to be justified by infrastructure spending plans clearly linked to identified funding sources.
- VII. Garden Communities served by little more than a conventional, regularly running bus service for a good number of years are unlikely to be found sound.
- VIII. Garden Communities will need to be able to demonstrate through a robust cost plan that they are financially viable and therefore developable if they are to be found sound. Garden Community proposals should be able to demonstrate a clear delivery mechanism to ensure that Garden Community Principles will be achieved in practice.
- IX. Garden Community projects will need to be able to demonstrate that employment uses can be provided during an early phase if they are to be regarded as little more than commuter settlements.
- X. Authorities should not be over-reliant on Garden Community projects to achieve housing land supply. The Sustainability Appraisal should consider whether a combination of Garden Communities with provision at existing sustainable settlements would be a more robust and flexible strategy for ensuring housing land supply over the Plan period and beyond.

Revision 1

8<sup>th</sup> December 2021