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Report on the Headcorn Neighbourhood Development Plan 2022 - 2038

An Examination undertaken for Maidstone Borough Council with the support of the Headcorn Parish Council on the March 2024 submission version of the Plan.

Independent Examiner: Derek Stebbing BA(Hons) DipEP MRTPI

Date of Report: 15 January 2025

Contents

Main Findings - Executive Summary	4
1. Introduction and Background	4
Headcorn Neighbourhood Plan 2022-2038.....	4
The Independent Examiner.....	5
The Scope of the Examination.....	6
The Basic Conditions	7
2. Approach to the Examination	7
Planning Policy Context.....	7
Submitted Documents	8
Supporting Documents	9
Examiner Questions	9
Site Visit	13
Written Representations with or without Public Hearing	13
Modifications.....	13
3. Procedural Compliance and Human Rights	13
Qualifying Body and Neighbourhood Plan Area	13
Plan Period	14
Neighbourhood Plan Preparation and Consultation	14
Development and Use of Land.....	15
Excluded Development	15
Human Rights	15
4. Compliance with the Basic Conditions	16
EU Obligations.....	16
Main Assessment	16
Vision for Headcorn’s Neighbourhood Plan.....	18
The Planning Policy Context.....	18
Design Policy for Headcorn	18
Policy HNP1 – Design Policy for Headcorn	19
Headcorn Design Guidance	19
Siting, Landscaping and Protecting the Natural and Historic Environment and ...	19
Setting.....	19
Policy HNP2 – Siting, Landscaping and Protecting the Natural and Historic.....	20
Environment and Setting.....	20
Connectivity and Access.....	21
Policy HNP3 – Connectivity and Access	21

Infrastructure Provision	22
Policy HNP4 – Infrastructure Provision.....	22
Dwellings – Housing and Gypsy and Traveller Provision	23
Policy HNP5 – New Dwellings	24
The Economy	24
Policy HNP6 – The Economy – Supporting Business Development in Headcorn ...	25
Overall Policy Assessment	25
Monitoring and Review.....	25
Appendices	26
Other Matters.....	26
Concluding Remarks.....	27
5. Conclusions	27
Summary	27
The Referendum and its Area.....	27
Overview	27
Appendix: Modifications	29

Main Findings - Executive Summary

From my examination of the Headcorn Neighbourhood Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the modifications set out in the Appendix to this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body – the Headcorn Parish Council;
- the Plan has been prepared for an area properly designated – the Neighbourhood Plan Area, the boundary of which is identified on the Map at Page 8 of the Plan;
- the Plan specifies the period to which it is to take effect – from 2022 to 2038; and,
- the policies relate to the development and use of land for a designated neighbourhood plan area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Headcorn Neighbourhood Plan 2022-2038

- 1.1 The Parish of Headcorn is within the Low Weald of Kent within the Borough of Maidstone. The village of Headcorn is 16 kilometres to the south-east of Maidstone and is situated on the A274 road between Maidstone and Tenterden. The Parish also borders the Boroughs of Ashford to the east and Tunbridge Wells to the south.
- 1.2 Headcorn village is designated as a Rural Service Centre in the adopted Maidstone Borough Local Plan Review 2021-2038 (MBLPR) (2024). As such, it is identified as a sustainable settlement in the MBLPR's settlement hierarchy, and the village has seen housing allocations on seven sites for over 500 new dwellings in the previous Local Plan (adopted 2017) and the MBLPR. The Parish has therefore experienced some significant growth, with an increase from 3,387 residents in 2011 to 4,277 residents (living in 1,849 households) in 2021. The resident population is older on average than the population of Maidstone Borough as a whole, with 24.5% being aged 65 years and over, compared to 19.1% for the Borough as a whole. Conversely, the proportion (22.1%) of younger people aged 19 years and lower is slightly below the Borough figure of 23.1%.

- 1.3 Due to its location within the Low Weald, Headcorn is relatively distant from the major employment centres of Maidstone, Tunbridge Wells and Ashford, which leads to travel to work distances for Headcorn's residents being much higher than the national average. Similarly, for students at secondary school age, the nearest secondary school is Lenham School which is 11 kilometres from Headcorn village.
- 1.4 However, the village has a good range of local services, including a variety of shops, a primary school, a GP surgery, a library, several churches and a number of public houses, restaurants and cafés.
- 1.5 Within the Parish, there are 207 sites of architectural or historic interest listed in the Kent County Council (KCC) Historic Environment Record including the Grade I listed St. Peter and St. Paul Church, the Grade II* listed Headcorn Manor and Old Cloth Hall and five medieval moated sites, including the important site of Moatenden Priory. The centre of Headcorn village is a designated Conservation Area.
- 1.6 Developments within the countryside beyond Headcorn village mainly comprise small clusters of dwellings and farm buildings and the small hamlet of Hawkenbury. The village itself is surrounded on three sides by streams and rivers, including the River Beult which is designated as a Site of Special Scientific Interest (SSSI).
- 1.7 Headcorn Railway Station is on the South Eastern Main Line between London (Charing Cross) and Dover and Ramsgate, with additional peak-hour services to London (Cannon Street). The principal local bus service operates between Maidstone and Tenterden via Headcorn, with other services providing schoolday journeys to Linton and Lenham. Headcorn Aerodrome (which is also known as Lashenden Airfield) lies to the south-east of the village and is an important part of the local economy. The Aerodrome is also an important heritage asset, having had an important role in the Second World War.

The Independent Examiner

- 1.8 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Plan by Maidstone Borough Council (the Borough Council), with the agreement of the Headcorn Parish Council (the Parish Council).
- 1.9 I am a chartered town planner, with over 45 years of experience in planning. I have worked in both the public and private sectors and have experience of examining both local plans and neighbourhood plans. I have also served on a Government working group considering measures to improve the local plan system and undertaken peer reviews on behalf of the Planning Advisory Service. I therefore have the appropriate qualifications and experience to carry out this independent examination.

1.10 I am independent of the Qualifying Body and the Local Authority and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

1.11 As the independent examiner, I am required to produce this report and recommend either:

(a) that the neighbourhood plan is submitted to a referendum without changes; or

(b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or

(c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.12 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:

- Whether the plan meets the Basic Conditions.
- Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for "excluded development"; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.13 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.14 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with and not breach European Union (EU) obligations (under retained EU law)¹; and
- meet prescribed conditions and comply with prescribed matters.

1.15 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.²

2. Approach to the Examination

Planning Policy Context

- 2.1 At the point of this examination, the adopted Development Plan for this part of the Maidstone Borough Council area, not including documents relating to excluded minerals and waste development, comprises the adopted Maidstone Borough Local Plan Review 2021-2038 (MBLPR), which was adopted on 20 March 2024. The MBLPR replaced the previous Maidstone Borough Local Plan 2011-2031 (MBLP).
- 2.2 The Plan area is also covered by the Kent Minerals and Waste Local Plan 2013-2030 (as amended by Early Partial Review) (adopted September 2020) and its accompanying Mineral Sites Plan (adopted September 2020).
- 2.3 The Basic Conditions Statement (at pages 28-41) provides a full assessment of how each of the policies proposed in the Plan are in general conformity with the relevant strategic policies contained in the previous MBLP and with the (then emerging) MBLPR. Although the Basic Conditions

¹ The existing body of environmental regulation is retained in UK law.

² This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

Statement pre-dated the adoption of the MBLPR by a short period of time, I am satisfied, also taking into account the Parish Council's response to Question No. 6 that I raised on 19 September 2024 (see paragraph 2.8 below), that it has addressed the strategic policies in the MBLPR satisfactorily. However, the draft Plan does not address future monitoring and review in light of any further reviews of the Local Plan by the Borough Council and any relevant changes to national policy, and accordingly I make a recommendation to include a new sub-section in Section 1 of the Plan regarding its monitoring and review (see also paragraph 4.43 below and recommended modification **PM8**).

- 2.4 The planning policy for England is set out principally in the NPPF. The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. All references in this report are to the December 2023 NPPF and its accompanying PPG.³

Submitted Documents

- 2.5 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Headcorn Neighbourhood Plan 2022-2038 Submission Version (March 2024) and its Appendices;
 - the Basic Conditions Statement (March 2024, and updated in June 2024), including the appended Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) – Screening Assessment Report (April 2023);
 - the Consultation Statement and its Appendices (March 2024);
 - all the representations that have been made in accordance with the Regulation 16 consultation⁴;
 - the letter and schedule from Headcorn Parish Council of 25 August 2024, commenting on Maidstone Borough Council's Regulation 16 representation; and
 - the request for additional clarification sought in my letter of 19 September 2024 to the Borough Council and the Parish Council and their responses, both dated 18 October 2024 (the Parish Council's included a full copy of a revised draft Plan to illustrate its suggested modifications).⁵

³ A revised NPPF was published on 12 December 2024 which includes transitional arrangements for neighbourhood plans. Paragraph 239 of the December 2024 NPPF advises that it will only apply to neighbourhood plans submitted after 12 March 2025.

⁴ View the submission documents, Regulation 16 consultation responses and examination documents at: [Headcorn Neighbourhood Plan Regulation 16 Consultation June 2024 - MBC Local Plan \(maidstone.gov.uk\)](https://www.maidstone.gov.uk/headcorn-neighbourhood-plan-regulation-16-consultation-june-2024)

⁵ View at: [Headcorn Neighbourhood Plan Regulation 16 Consultation June 2024 - MBC Local Plan \(maidstone.gov.uk\)](https://www.maidstone.gov.uk/headcorn-neighbourhood-plan-regulation-16-consultation-june-2024)

Supporting Documents

- 2.6 I have also considered the various supporting documents to the submission Plan, including:
- Residents' Survey 2021;
 - Headcorn Survey of Businesses 2013; and
 - Sustainability Appraisal of Possible Strategic Development Sites in Headcorn (Levett-Therivel) 2015.

Examiner Questions

- 2.7 Following my appointment as the independent examiner and my initial review of the draft Plan, its supporting documents and representations made at the Regulation 16 stage, I wrote to the Borough Council and the Parish Council on 19 September 2024⁶ seeking further clarification and information on six matters contained in the submission Plan, as follows:
1. With regard to the drafting of the Plan's policies, I noted that the policies all state that development proposals "will be permitted", "allowed" or "will not be permitted" as a part of the policy wording. The Parish Council does not have the legal function of being able to grant or refuse planning applications in the Plan area, that responsibility resting with Maidstone Borough Council and Kent County Council. I therefore advised the policies should be redrafted to indicate that development proposals will be "supported" or "not supported", to be commensurate with the role and functions of the Parish Council. In order to avoid multiple modifications to the draft Plan, I invited the Qualifying Body to provide me with a note setting out the necessary amendments to each policy, which I could consider as a consolidated modification to recommend to the draft Plan.
 2. With regard to Policy HNP2 (Siting, landscaping and protecting the natural and historic environment and setting), I noted that I was concerned about the length of this policy.⁷ Furthermore, I also noted that it states that it "covers all development in Headcorn Parish" and that, as drafted, it is implicit (rather than being explicitly stated otherwise) that all proposed developments are subject to the 13 (and in some cases 15) policy sub-clause requirements (numbered 1-15). This will clearly not be the case as, for example, several categories of minor development, householder developments and changes of use will not be subject to many of the stated requirements, in the assessment of proposals. I considered that the policy required some substantive redrafting to provide the necessary clarity for future users of the Plan on the nature of the developments that it intended to encompass. I also considered that the policy should be restructured to set out its

⁶ View at: [Headcorn Neighbourhood Plan – Headcorn Parish Council \(headcornnpc.org\)](https://www.headcornnpc.org)

⁷ See PPG Reference ID: 41-041-20140306: "A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence...".

requirements under appropriate headings such as “Natural Environment”, “Historic Environment”, “Flood Risk and Drainage”, in a similar way to the structure of Policies HNP4 and HNP6. I therefore requested that the Qualifying Body consider this matter and provide me with a note setting out the draft text of a revised policy, dealing with the matters that should be addressed as part of the relevant development proposals to which the policy will be applicable. This would enable me to consider a suitable proposed recommended modification(s) to the draft Plan.

3. With regard to Policy HNP3 (Connectivity and Access), I noted that this policy also states that it “covers all development in Headcorn Parish” and, again, it is implicit that all proposed developments are subject to the ten policy sub-clause requirements (as numbered 1-10). Clearly, many categories of development will not be subject to the majority of these requirements, and the policy should therefore be drafted to provide greater clarity for future users of the Plan on the types of development that it intended to encompass. I was also concerned that this policy fails to provide sufficiently positive support for access to local public transport services, and initiatives to enhance such services. I therefore requested that the Qualifying Body provide me with a note setting out suggested amendments to the draft text of this policy that addressed the points that I had raised, which I may consider as a proposed modification to recommend to the draft Plan.
4. With regard to Policy HNP4 (Infrastructure provision), I set out a number of queries regarding the content of this policy, as follows:
 - Part B – I requested the Qualifying Body please explain why the policy only seeks to cover residential developments, and why non-residential development proposals are subject to a lower policy threshold? By way of examples, how would this part of the policy apply to mixed-use development proposals or to tourist accommodation?
 - Part C – I considered that this part of the policy needs to provide clearer support for the incorporation of Sustainable Drainage Systems (SuDS) in major new developments as a sustainable surface water drainage solution, and which can also bring other environmental benefits.
 - Part C – I asked the Qualifying Body to explain how sub-clause 4 will be measurable in planning terms in the assessment of development proposals?
 - Part D – I requested the Qualifying Body explain how sub-clause 2 will be measurable in planning terms in the assessment of development proposals?
 - Part E – I recognised that this part of the policy has been drafted to reflect the results of the 2021 Residents’ Survey, and intended to establish a prioritisation for infrastructure provision to be secured through Section 106 legal agreements and for potential Community Infrastructure Levy (CIL). However, I did not consider that it should form part of the policy itself, and should more appropriately be

linked to the policy by a cross-reference to either supporting text in the form of enhanced paragraphs 8.31-8.39 or to a table alongside the policy. I invited the Qualifying Body's views on this matter, which I would consider as part of my overall assessment of the policy and its supporting justification.

In addressing the above points, I noted that the Qualifying Body may also wish to take account of the representations that had made to this policy by Maidstone Borough Council, Southern Water and Kent County Council.

5. With regard to Policy HNP5 (New Dwellings), I was concerned at the length of this draft policy which, from my initial assessment, I considered could be significantly reduced in length by setting out the requirements that proposals for new residential developments should seek to meet in a much more concise form. I suggested this might be under a series of appropriate sub-headings, such as "Density", "Housing Mix", "Affordable Housing", "Open Space Provision", etc. I observed that, whilst the Neighbourhood Plan is to be read as a whole, there is some degree of overlap between this policy and other policies in the draft Plan, and it would be helpful if appropriate cross-references could be made to other relevant policies, such as to Policy HNP1 for design policy considerations, for the benefit of future users of the Plan. I therefore requested that the Qualifying Body consider the points that I had raised and consider how the draft policy could be presented in a more concise form, in order to set out a clearer series of fundamental planning requirements that should be met in proposed new residential developments within the Plan area, for the benefit of future users of the Plan.
6. With regard to the Maidstone Borough Local Plan Review 2021-2038 (MBLPR), it was clear that the draft Plan had been prepared for submission to the Borough Council very shortly prior to the adoption of the Maidstone Borough Local Plan Review 2021-2038 by the Borough Council on 20 March 2024. This is only made clear by the 'Update' contained at Section 5 (page 28) of the Basic Conditions Statement. The draft Plan contains very few references to the (then emerging) Local Plan Review, and the limited references are generally within Section 1. Those references are now no longer up to date, two examples being at paragraphs 1.3 and 1.18. I noted that the Basic Conditions Statement, which had been prepared on the basis of the draft Plan's general conformity with the previous adopted Borough Local Plan (adopted on 25 October 2017), is regarded as continuing to be valid in so far as there have been limited changes to the Local Plan's strategic policies. However, the adopted Local Plan Review does include an additional housing site allocation (at Policy LPRSA310) for approximately 110 dwellings on land at Moat Road, Headcorn, to the west of the village, and revisions to the Headcorn Rural Service Centre (Policy LPRSP6 C) Policy Map. These matters are neither addressed in the Basic Conditions Statement nor in the draft Plan. In the interests of ensuring that the draft Plan clearly demonstrates (for users of the

Plan) that it reflects the key strategic policy matters within the adopted Local Plan Review, I considered that a new sub-section should be included within the draft Plan, probably within Section 1, to replace the material that is no longer up to date, summarising the key matters that directly affect Headcorn, notably those that I had highlighted. I also considered that this should include the updated and revised Headcorn Rural Service Centre Policy Map, as referenced above, again for the benefit of users of the Plan. I therefore invited the Qualifying Body, in conjunction (and in agreement) with the Borough Council, to draft a suitable sub-section addressing this matter which I may consider as a proposed recommended modification to the Plan.

- 2.8 In response to my letter of 19 September 2024, the Parish Council provided me with comprehensive responses to the six questions listed above on 18 October 2024, including a revised full copy of the draft Plan incorporating all of the Parish Council's proposed amendments and revisions, and an accompanying e-mail (dated 18 October 2024) specifically regarding Map 20 and Question 6. The Borough Council advised me on 18 October 2024 that "*Headcorn Parish Council have submitted a Response to the Examiner's Question 6 ... this Response has been prepared by the Parish Council working together and with the agreement of officers at Maidstone Borough Council*". The Borough Council also added that "*Maidstone Borough Council submitted formal representations to the Headcorn Neighbourhood Plan at the Regulation 16 consultation stage which, in the interests of completeness, it would request are duly considered alongside the Response to Question 6*". I have taken full account of the additional information and proposed amendments set out in the Parish Council's responses, alongside all the representations that have been submitted at the Regulation 16 consultation stage concerning the draft Plan, including those submitted by the Borough Council.
- 2.9 I have also taken into account a letter and accompanying schedule from the Parish Council to myself dated 25 August 2024 addressing matters that were raised by the Borough Council in its submitted Regulation 16 representations.
- 2.10 To avoid unnecessary repetition in subsequent sections of this report, I refer to the questions and to the responses from the Parish Council by their relevant number, e.g. Question 1. Readers should refer to paragraph 2.7 above, and to the response documents from the Parish Council for the full text of questions and responses. In the following sections of this report, including the recommended modifications, I refer, where necessary, to the revised full copy of the draft Plan supplied by the Parish Council on 18 October 2024, as part of its responses to the my questions, as the 'Revised Draft Plan (October 2024)'. Specific references to the content of the submission version of the draft Plan dated March 2024 are described as the 'Draft Plan'.

Site Visit

- 2.11 I made an unaccompanied site visit to the Neighbourhood Plan Area on 12 October 2024 to familiarise myself with it and visit relevant sites and areas referenced in the Plan, evidential documents and representations.

Written Representations with or without Public Hearing

- 2.12 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections and comments regarding the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. I am satisfied that the material supplied is sufficiently comprehensive for me to be able to deal with the matters raised under the written representations procedure, and that there was not a requirement to convene a public hearing as part of this examination.

Modifications

- 2.13 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. I have listed these modifications in the Appendix, which are cross referenced and to be read in conjunction with the relevant changes shown in the Revised Draft Plan⁸ (see 2.8 above).

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Draft Plan has been prepared and submitted for examination by the Headcorn Parish Council, which is a qualifying body. An application to Maidstone Borough Council for the Parish Council area to be designated a neighbourhood planning area was made on 3 December 2012 and was approved by the Borough Council on 8 April 2013 (following consultation between 4 February and 19 March 2013). The designated Headcorn Parish Neighbourhood Area is shown on the Map contained at Page 8 in the draft Plan.
- 3.2 It is the only Neighbourhood Plan for Headcorn and does not relate to land outside the designated Neighbourhood Plan Area.

⁸ View at: <https://localplan.maidstone.gov.uk/home/neighbourhood-planning/headcorn-neighbourhood-plan-regulation-16-consultation-june-2024>

Intelligent Plans and Examinations (IPE) Ltd, 3 Princes Street, Bath BA1 1HL

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Plan Period

- 3.3 The Draft Plan specifies (on the front cover and within the document) the period to which it is to take effect, which is between 2022 and 2038. This aligns with the end date of the MBLPR.

Neighbourhood Plan Preparation and Consultation

- 3.4 The Draft Plan has been prepared in response to the Localism Act 2011. The Consultation Statement (and its Appendices 1-5) contains a record of the principal consultation activities that took place. Work initially commenced on the preparation of the Draft Plan in late-2019 when a Neighbourhood Plan Steering Group comprising members of the community and Parish Councillors was established to guide the preparation of the Plan. However, the onset of the Covid-19 pandemic meant that work was paused until early-2021.
- 3.5 The decision to undertake the preparation of this Plan follows the examination of a previous draft Headcorn Neighbourhood Plan in March 2017, which did not meet the Basic Conditions and therefore did not proceed to a referendum. Despite that disappointment, the Parish Council decided to again progress a neighbourhood plan for the Parish, and the first community engagement work was a Residents' Survey undertaken during February/March 2021, which generated 447 responses (and which is described in fuller detail at Section 4 of the Consultation Statement).
- 3.6 During 2022, an initial draft of the Plan was discussed with the Borough Council and KCC, which was reviewed in light of the comments received. Work on the preparation of the Draft Plan continued during 2022 and a revised draft was issued to the Borough Council in November 2022 for the purposes of undertaking the SEA and HRA Screening Assessments in consultation with the statutory consultees, ahead of the Regulation 14 pre-submission consultation.
- 3.7 For the preparation of the Draft Plan, the Parish Council has relied, to some extent, on various studies undertaken for the preparation of the previous draft Plan (dated 2015). Whilst I have considered those studies, they all date from the period 2013-2015 and are now, in my assessment, of very little weight in the detailed assessment of the policies contained in this Draft Plan. Accordingly, it has been necessary for me to validate a number of the technical matters and issues raised in the Plan by reference to other sources, such as the more recent suite of technical studies and topic papers prepared for the MBLPR and by my own assessments, including the site visit. It is the case, however, that a future review of this Plan will require a fully updated suite of supporting evidence documents. Notwithstanding this position, I am satisfied that the 2021 Residents' Survey does provide a good foundation for the preparation of the Plan and supplants the outcomes of earlier surveys undertaken in 2013 and 2015.

- 3.8 The Regulation 14 pre-submission consultation on the draft Plan was undertaken between 22 June and 14 August 2023. This consultation was accompanied by an online survey via the Parish Council’s website, a large banner in the centre of the village, publicity on social media platforms and notices at various locations around the Parish, together with separate consultations to statutory consultees. A total of 262 responses were made by respondents on the draft Plan (as set out in detail at Appendix 2 to the Consultation Statement), including 14 responses from organisations and stakeholders that were received by letter or email and which are reproduced in full at Appendix 2.
- 3.9 The outcomes from the Regulation 14 consultation were assessed, and a number of focused amendments and changes were made to the Draft Plan in response to the representations received during that consultation period. These amendments and changes are set out at Section 2 of the Consultation Statement. Supporting documents were prepared following the Regulation 14 consultation, including the Basic Conditions Statement and the Consultation Statement.
- 3.10 The Draft Plan was formally submitted to Maidstone Borough Council in March 2024, following approval by the Parish Council on 13 March 2024. The Plan was then subject to further consultation from 24 June to 12 August 2024 under Regulation 16 and I take full account of the 20 responses then received in writing this report, as well as the Consultation Statement.
- 3.11 I am satisfied that the Draft Plan has been prepared with an appropriate level of engagement and consultation with residents and businesses within the Neighbourhood Area at the key stages during its preparation. The consultation process has been open and transparent, has met the legal requirements for procedural compliance and has had regard to the guidance in the PPG on plan preparation and engagement.

Development and Use of Land

- 3.12 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.13 The Plan does not include any provisions and policies for ‘excluded development’.⁹

Human Rights

- 3.14 The Plan must have regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and comply with the Human Rights Act 1998. From my assessment of the Draft Plan,

⁹ See section 61K of the 1990 Act.

its accompanying supporting evidence and the consultation responses that were made to the Plan at the Regulations 14 and 16 stages, I am satisfied that none of the objectives and policies in the Plan will have a negative impact on groups with protected characteristics. Many will have a positive impact.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Draft Plan was screened for SEA by the Borough Council in a report dated April 2023. The Screening Assessment Report confirms that the Plan has been assessed against the Schedule 1 criteria contained in the SEA Regulations¹⁰ for determining the likely significance of the effects on the environment. The Screening Assessment Report concludes (at Page 12) that the Plan is not likely to have a significant effect on the environment and therefore that SEA is not required. The Environment Agency, Historic England and Natural England were consulted on the draft SEA Screening Assessment Report during February-April 2023, and they each concluded that the preparation of a SEA is not required. From my own consideration of the matter, I too arrive at that conclusion.
- 4.2 The Plan has also been assessed by the Borough Council in accordance with the Habitats Regulations Assessment (HRA) screening tests in order to assess its likely effects on sites of European importance. The Borough Council carried out a screening assessment and concluded that an HRA is not required for the Draft Plan as it is not likely to cause a significant effect on the European sites within the area, including any recreational pressures. Natural England were consulted on the draft HRA Screening Assessment Report during February-April 2023, and they concluded that the Headcorn Neighbourhood Plan would not be likely to result in a significant effect on any European site, and that no further assessment work would be required. From my own consideration of the matter, I too arrive at that conclusion, and I concur with the Borough Council's conclusion.
- 4.3 On the basis of the information provided and my independent consideration of the SEA and HRA Screening Assessment Report (dated April 2023) and the Draft Plan, I am satisfied that the Plan is compatible with EU obligations as retained in UK law.

Main Assessment

- 4.4 Having considered whether the Plan complies with various legal and procedural requirements, it is now necessary to deal with the question of

¹⁰ The Environmental Assessment of Plans and Programmes Regulations 2004, commonly referred to as the 'SEA Regulations'.

whether it complies with the remaining Basic Conditions (see paragraph 1.14 of this report), particularly the regard it pays to national policy and guidance, the contribution it makes to sustainable development and whether it is in general conformity with strategic development plan policies.

- 4.5 I test the Plan against the Basic Conditions by considering specific issues of compliance of the Plan's six policies, which deal with Design; Protecting the Natural and Historic Environment; Connectivity and Access; Infrastructure Provision; New Dwellings; and The Economy.
- 4.6 I consider that overall, subject to the modifications I will recommend to specific policies, that individually and collectively the policies will contribute to the achievement of sustainable patterns of development and meet the other Basic Conditions. I set out my detailed comments below.
- 4.7 The Plan is addressing a Plan period from 2022 to 2038. The Plan seeks to set out a planning strategy that Headcorn will continue to thrive as a friendly, rural community, gradually evolving over time and supported by the right infrastructure. This is reflected in the Draft Plan's Vision and Objectives.
- 4.8 The NPPF states (at paragraph 29) that "*Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan*" and that "*Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies*". The NPPF (at paragraph 11) also sets out the presumption in favour of sustainable development. It goes on to state (at paragraph 13) that neighbourhood plans should support the delivery of strategic policies contained in local plans; and should shape and direct development that is outside of these strategic policies.
- 4.9 The Vision and Objectives for Headcorn up to 2038 are set out in Section 3 of the Draft Plan. The planning policies are set out in Sections 4-10 of the Draft Plan, and I am satisfied that the key issues arising from the NPPF and the strategic policies in the adopted MBLPR covering the period up to 2038, as they affect Headcorn, are appropriately referenced by the amendments and revisions contained within the Revised Draft Plan (October 2024), for example at paragraphs 1.3 (page 8) and 6.42 (page 84), and also in the Basic Conditions Statement (at pages 28-41), albeit that the MBLPR had not been adopted by the date of the preparation of the Basic Conditions Statement.
- 4.10 However, there are a number of detailed matters which require amendment to ensure that the policies have the necessary regard to national policy and are in general conformity with the strategic policies of

the MBLPR. Accordingly, I recommend certain modifications in this report in order to address those matters.

Vision for Headcorn's Neighbourhood Plan

- 4.11 Paragraphs 3.10 -3.15 of the Draft Plan list 5 suitably derived objectives stemming from the Vision and the Resident Survey.

The Planning Policy Context

- 4.12 The Draft Plan has been prepared in the context of national policy to contribute to the achievement of sustainable development, as referenced at page 9 of the Plan. Section 1 of the Plan, entitled Introduction, describes the national and local policy context for the Plan's preparation.
- 4.13 This required some amendments and updating, to reflect the adoption of the MBLPR in March 2024, and the Revised Draft Plan (October 2024) addresses the necessary revisions satisfactorily, principally by the addition of new paragraphs 1.12-1.14. I recommend the incorporation of the proposed revisions to Section 1 as part of consolidated modification **PM1** which covers all of the non-policy amendments set out in the Revised Draft Plan (October 2024).
- 4.14 Section 2 of the Draft Plan, entitled 'Setting the Scene – Headcorn Parish' provides a broad description of the principal socio-economic and landscape features of Headcorn Parish, together with a history of the Parish's development and growth. Section 3 of the Draft Plan sets out the Plan's Vision and policy Objectives as described above. Proposed amendments to the text of Section 2 (at paragraph 2.19) are covered by recommended modification **PM1**.

Design Policy for Headcorn

- 4.15 Section 4 of the Draft Plan contains the Design policy for Headcorn (Policy HNP1). The Plan states that the Design policy should be read alongside the Headcorn Design Guidance, which aims to highlight specific aspects of design that are unique or important to Headcorn and provide policy justification. Individual elements of Headcorn's design policy framework are reinforced in subsequent policies. The aims of the design policies in the Plan are:
- to create well-designed buildings, which will stand the test of time and be desirable both now and in the future;
 - to preserve and enhance Headcorn's distinctive heritage and character; and
 - to create development that is in keeping with Headcorn's position as a rural village; contributing to a high-quality built environment; providing sensitive landscaping; and reflecting its setting within the Parish.

Policy HNP1 – Design Policy for Headcorn

- 4.16 Policy HNP1 states that the policy covers all development in Headcorn, including housing, gypsy and traveller, commercial and community development. New development will be permitted where it satisfies six criteria (A-F) seeking a high quality of development, is sympathetic to the setting of any heritage asset, safeguards residential amenities, promotes high quality exterior spaces, ensures that any new roads resemble traditional village streets and country lanes, and minimises the visual impact of parking and external storage, such as refuse and recycling containers.
- 4.17 The Borough Council raise a representation concerning Clause C of this policy and consider that the policy would benefit from the inclusion of text to recognise the scope for the conservation and enhancement of heritage assets and their setting. I take note of the Parish Council’s response to this representation stating that Clause B addresses this concern. However, in my assessment, Clause B only partly addresses the Borough Council’s concern, and accordingly I recommend through **PM2** a revision to that clause together with the replacement of the word “permitted” with “supported” in the opening text to the policy, as the Parish Council does not have the legal function of being able to grant or refuse planning applications in the Plan area.

Headcorn Design Guidance

- 4.18 Section 5 of the Draft Plan contains the Design Guidance for Headcorn. It is in six sub-sections which address the local context and the key characteristics of developments in Headcorn, heritage and the Conservation Area, being good neighbours, exterior spaces, streetscape and the practicalities such as parking and bins storage. It states that while the focus of design decisions will vary, depending on what is being proposed, the Design Guidance for Headcorn has been created to inform all development in Headcorn including housing, gypsy and traveller pitches, commercial and community development. The guidance covers different aspects of design, including the design of the scheme as a whole, the structures that sit within it, the type of street scape that it will produce, and the practical considerations that should be addressed in order to produce successful schemes. It should be read in conjunction with the Headcorn Design Policy HNP1 and is organised to reflect the structure of that policy. The Parish Council has not proposed any amendments to the content of Section 5.

Siting, Landscaping and Protecting the Natural and Historic Environment and Setting

- 4.19 Section 6 of the Draft Plan covers the natural and historic environments in the Parish and their setting. It notes that a key factor influencing the impact of any development will be choices about siting and landscaping. It

covers the historic setting of the Parish, important views, green spaces, the natural environment, habitats and landscaping, flood risk and development in the countryside.

Policy HNP2 – Siting, Landscaping and Protecting the Natural and Historic Environment and Setting

- 4.20 Policy HNP 2 is a lengthy policy which covers all development in the Plan area, including housing, gypsy and traveller pitches, commercial and community development. It states that new development will be permitted where it satisfies thirteen policy clauses which cover the historic environment, distinctive views, public green spaces, natural features such as trees, hedges and ponds, wildlife corridors, Biodiversity Net Gain, landscaping, landscape buffers, hardstandings and hard landscaping, local streams and rivers, flood risk, surface water run-off and drainage provision. For proposed developments located in the countryside, a further two policy clauses are applicable requiring developments to reflect the established development pattern found in the countryside and to avoid developments being situated in the more isolated parts of the Parish, unless they involve the conversion of established buildings, noting that development should be avoided where it is in a location not within 200 metres of at least two established dwellings.
- 4.21 As part of my initial assessment of the Draft Plan, I raised Question 2 (see paragraph 2.7 above). In summary, I was concerned at the length of this policy. Furthermore, I also noted that it states that it “*covers all development in Headcorn Parish*” and that, as drafted, it is implicit (rather than being explicitly stated otherwise) that all proposed developments are subject to the thirteen (and in some cases fifteen) policy sub-clause requirements (numbered 1-15). I considered that the policy requires some substantive redrafting to provide the necessary clarity for future users of the Plan on the nature of the developments that it is intended to encompass. I therefore invited the Qualifying Body to consider this matter and provide me with a note setting out the draft text of a revised policy, which I may consider as a proposed recommended modification to the Plan.
- 4.22 I also noted that the Borough Council had raised some more substantive representations regarding this draft policy. I have taken full account of these representations, and those made by other parties, together with the Parish Council’s comments dated 25 August 2024 (on the Borough Council’s representations) as part of my further detailed assessment of this policy.
- 4.23 The Parish Council supplied proposed revisions to the policy text and to its supporting text (at paragraphs 6.15, 6.19 and 6.42). I consider that all the proposed amendments to the non-policy supporting text are satisfactory, and should be included in the Plan as part of recommended modification **PM1**. The Parish Council set out its proposed amendments to the policy text within the Revised Draft Plan (October 2024). I have

given careful consideration to the text of the revised policy. In my assessment, whilst it does represent an improvement to the text contained in the Draft Plan, it does require further amendment and revisions to address my own concerns and those of the Borough Council. Accordingly, I set out the full text of the amended policy as recommended modification **PM3**, in order to address the matters raised in the various representations to the policy and to provide the necessary clarity for future users of the Plan.

Connectivity and Access

4.24 Section 7 of the Draft Plan addresses connectivity and access within the Plan area, particularly in relation to proposals for new development. It states that the Plan aims to ensure that new development throughout the Parish will be undertaken in a way that will foster good connectivity and access; will not create or exacerbate problems, for example for road safety, will reflect desired development patterns by, for example, avoiding the creation of ribbon development or 'rat runs'; and will be undertaken in a way that is sensitive to the local environment and helps preserve key features such as wildlife corridors. It further notes that Headcorn's network of roads and pathways also allows good access to the countryside from the village, with a network of footpaths connecting to the water meadows of the River Beult to the south and the attractive agricultural land in other directions. Public rights of way (PRoW) are an important feature of Headcorn's landscape and this network should be preserved and enhanced and new developments should avoid creating any adverse impact on the PRoW network.

Policy HNP3 – Connectivity and Access

4.25 Policy HNP 3 states that new development in Headcorn Parish will be permitted subject to meeting ten criteria covering the creation of safe and well connected developments, promoting and enhancing links both to Headcorn High Street and to the countryside that can be easily accessed by foot and cycle; takes advantage of opportunities to enhance road safety; has direct access from the site to an existing highway or driveway, without the need to cross additional field boundaries; makes best use of pre-existing site access; creates a self-contained development, to avoid creating large estates by default; avoids creating harmful rat runs; is accessed in a way that avoids creating the appearance of ribbon development along the existing road network; avoids choosing access routes that will exacerbate existing key pinch points for traffic flows within the village; does not cause or exacerbate traffic problems; and, is supported by an effective traffic management plan during the construction period.

4.26 As part of my initial assessment of the Draft Plan, I raised Question 3 (see paragraph 2.7 above) regarding this policy. I noted that this policy also states that it "*covers all development in Headcorn Parish*" and, again, it is implicit that all proposed developments are subject to the ten policy sub-

clause requirements (as numbered 1-10) that are summarised in the preceding paragraph above. In my assessment, many categories of development would not be subject to the majority of these requirements, and the policy should therefore be drafted to provide greater clarity for future users of the Plan on the types of development that it is intended to encompass. I was also concerned that the policy fails to provide sufficiently positive support for access to local public transport services, and initiatives to enhance such services. I therefore requested that the Qualifying Body provide me with a note setting out suggested amendments to the draft text of this policy that addresses the points that I had raised, which I may consider as a proposed modification to recommend to the draft Plan.

- 4.27 The Parish Council supplied proposed revisions to the policy text and to its supporting text (at paragraph 7.6). I consider that the proposed amendments to the non-policy supporting text are satisfactory, and should be included in the Plan as part of recommended modification **PM1**. The Parish Council has set out its proposed revisions to the Policy text within the Revised Draft Plan (October 2024). I have given careful consideration to the text of the revised policy. In my assessment, although it does represent an improvement to the text contained in the Draft Plan, it also requires some further amendment and revisions to address matters raised in the representations made by Kent County Council and the Borough Council. Accordingly, I set out the full text of the revised policy as recommended modification **PM4**, in order to address matters raised in the representations to this policy and to provide sufficient clarity for future users of the Plan.

Infrastructure Provision

- 4.28 Section 8 of the Draft Plan addresses infrastructure provision and covers the topics of parking, the provision of broadband infrastructure, water supply and sewerage management, promoting energy efficiency and priorities for infrastructure spending within the Parish.

Policy HNP4 – Infrastructure Provision

- 4.29 HNP4 is a very lengthy policy and is five parts (A-E) covering each of the topics listed above. As part of my initial assessment of the Draft Plan, I raised Question 4 regarding this policy, seeking clarifications on a number of specific points in relation to parts B-E (see paragraph 2.7 above).
- 4.30 The Parish Council responded by proposing revisions to the policy text and to its supporting text (at paragraphs 8.16, 8.27, 8.29, 8.31 and 8.32), with the additions of Table 2 (Priorities for infrastructure spending in Headcorn for residential development) and Table 3 (priorities for infrastructure Headcorn for commercial and community development). I consider that the proposed amendments to the non-policy supporting text, including new Tables 2 and 3, are all satisfactory, and should be included in the Plan as part of recommended modification **PM1**. Necessary

amendments to paragraphs 8.20 and 8.21 are also addressed as part of recommended modification **PM5** below.

- 4.31 I have given careful consideration to the text of the revised policy, as provided by the Parish Council. In my assessment, it does require some further amendments, in order to take account of matters raised in representations. Accordingly, I set out the full text of the revised policy as recommended modification **PM5**.

Dwellings – Housing and Gypsy and Traveller Provision

- 4.32 Section 9 of the Draft Plan addresses housing development in the Plan area including Gypsy and Traveller accommodation. It notes, at paragraph 9.3, that *“In setting a policy covering the provision of new dwellings, Headcorn Parish Council is looking to provide an overarching framework governing new dwellings, and in particular to put in place rules that will promote small scale development. It has decided not to allocate specific sites. The reason for this decision is that Maidstone Borough Council is currently reviewing its Local Plan, and will look to allocate sites in Headcorn as part of that process. Therefore, allocating sites through the Neighbourhood Plan would risk creating a clash with Maidstone’s Local Plan process, as well as duplicating effort. This is particularly true as, in the 2017 Maidstone Local Plan, a large number of the allocated strategic sites were small sites, including sites of fewer than ten houses. This means the Borough is likely to consider the full range of potential sites to form part of its strategic allocations, not just large ones.”* Although this passage is now somewhat out of date, in that the MBLPR was adopted in March 2024 and includes a new strategic housing allocation (Policy LPRSA310) for approximately 110 dwellings on land totalling 7.42 hectares at Moat Road, Headcorn, I am satisfied that the Draft Plan’s approach to the provision of new residential development in the Plan area for the period up to 2038 is appropriate, as it will demonstrate conformity with the strategic policies of the previous MBLP and with the MBLPR regarding the allocation of sites for new housing. However, this will require necessary amendments and revisions to the Draft Plan, as addressed by recommended modification **PM1** in respect of the non-policy text of the Plan and by specific modifications to the text of the draft Policies HNP1, including Policy HNP5 which is considered below. I also note the Parish Council’s intention to update Map 20 at page 108 in the Draft Plan to include the land covered by MBLPR Policy LPRSA310 within the defined Headcorn Village Boundary, and I address that matter as part of recommended modification **PM6**.
- 4.33 Section 9 includes sub-sections covering the topics of density, additional siting considerations for new dwellings, development in the countryside, mix of dwellings, affordable housing and houses for emerging households and size of development. The Borough Council and Catesby Strategic Land Ltd. have made representations concerning this section of the Draft Plan, and I have taken full account of the matters raised. I have also taken into account the Parish Council’s comments regarding paragraph

9.10 and I address that matter as part of recommended modification **PM6**.

- 4.34 The Parish Council supplied proposed revisions to the policy text and to its supporting text (at paragraphs 9.2, 9.3, 9.8, 9.23, 9.33 and 9.34). I consider that these proposed revisions to the supporting text are all satisfactory, and should be included in the Plan as part of recommended modification **PM1**. Matters concerning the text of Policy HNP5 are set out below.

Policy HNP5 – New Dwellings

- 4.35 As drafted, Policy HNP5 is a lengthy policy and is four main parts (I-IV) covering the topics listed above, together with other matters such as the provision of residential private garden space and, communal open and recreation space. As part of my initial assessment of the Draft Plan, I raised Question 5 (see paragraph 2.7 above) regarding this policy. In summary, I noted that I was concerned at the length of this draft policy which, from my initial assessment, I considered could be significantly reduced in length by setting out the requirements that proposals for new residential developments should seek to meet in a much more concise form. This could be under a series of appropriate sub-headings, such as “Density”, “Housing Mix”, “Affordable Housing”, “Open Space Provision”, etc. I also observed that, whilst the Neighbourhood Plan is to be read as a whole, there is some degree of overlap between this policy and other policies in the Draft Plan, and it would be helpful if appropriate cross-references can be made to other relevant policies, for the benefit of future users of the Plan. I therefore requested that the Qualifying Body consider those points that I raised and consider how the draft policy can be presented in a more concise form, in order to set out a clearer series of fundamental planning requirements that should be met in proposed new residential developments within the Plan area.
- 4.36 I have given detailed consideration to the text of the revised policy, as provided by the Parish Council as part of its response to Question 5. In my assessment, it does require some further substantive amendments in order to take account of matters raised in representations. In particular, and to ensure proper regard is given to national advice, the Policy needs to provide greater clarity for users of the Plan regarding the infrastructure requirements and their provision for new residential developments of 10 or more dwellings, and I recommend a supplementary policy clause to address that matter. I set out the full text of the revised policy as recommended modification **PM6** to ensure compliance with the Basic Conditions.

The Economy

- 4.37 Section 10 of the Draft Plan addresses the local economy of Headcorn Parish and covers the topics of supporting business development, promoting the role of Headcorn High Street, Headcorn Aerodrome and

commercial energy generation. It is supported by Policy HNP6 which is assessed below.

Policy HNP6 – The Economy – Supporting Business Development in Headcorn

- 4.38 Policy HNP6 sets a series of general principles for new business developments within the Plan area and then contains three separate sub-sections setting policy criteria for promoting the role of Headcorn High Street, Headcorn Aerodrome (Aviation and Tourism) and Commercial Energy Generation in Headcorn.
- 4.39 The Borough Council has raised a representation concerning this policy, and I take account of this representation in my assessment.
- 4.40 The Parish Council supplied proposed revisions to the policy text and to its supporting text (at paragraphs 10.9, 10.11 and 10.15). I consider that the revisions to the supporting text are satisfactory, and should be included in the Plan as part of recommended modification **PM1**. Matters concerning the text of Policy HNP6 are set out below.
- 4.41 I have given detailed consideration to the text of the revised policy, as provided by the Parish Council in the Revised Draft Plan (October 2024) as part of its response to Question 1 (see also paragraph 2.8 above). In my assessment, the amended policy is generally satisfactory and provides clear guidance for users of the Plan. However, it does require some further focused amendments, to take account of matters raised in the Borough Council’s representation and to ensure the consistency of policy drafting across the Plan as a whole. Accordingly, I set out the necessary amendments as recommended modification **PM7**.

Overall Policy Assessment

- 4.42 With recommended modifications PM2-PM7, I consider that the Draft Plan’s policies (Policies HNP1-HNP6) are in general conformity with the strategic policies of the MBLPR, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Monitoring and Review

- 4.43 The Draft Plan does not contain a section on the future Monitoring and Review of the Plan. I consider this to be an omission, and that the Plan should contain a clear statement regarding the potential need to review the Plan following any future reviews of the MBLPR during the period up to 2038, in order that it remains in general conformity with the strategic policies of the Local Plan, and any changes to national policies that affect the Plan’s policies and guidance. This matter is addressed by recommended modification **PM8**.

Appendices

4.44 The Draft Plan contains three Appendices. Appendix 1 entitled 'List of Abbreviations and Definitions' sets out details and descriptions of the various abbreviations and definitions that are used in the Draft Plan. This requires some updating (with corresponding amendments to the relevant abbreviations contained within the Draft Plan). For example, the abbreviations DCLG and DLUHC are no longer current, having been replaced by the Ministry of Housing, Communities and Local Government (MHCLG) in July 2024. The Maidstone Borough Local Plan has also been replaced by the adopted Maidstone Borough Local Plan Review 2021-2038, which was adopted on 20 March 2024. Appendix 2 is entitled 'The Making of Headcorn's Neighbourhood Plan' and sets out the history and background to the preparation of the Plan, following the designation of the Neighbourhood Area in April 2013. Appendix 3 entitled 'References' is a list of documents that have informed various parts of the Draft Plan.

Other Matters

4.45 Amendments to the text can be made consequential to the recommended modifications, alongside any other minor non-material changes¹¹, factual up-dates, or corrections in agreement between the Borough Council and the Parish Council.¹²

4.46 Minor changes of this nature might include a number of presentational matters in the Draft Plan which could be considered (albeit they are not necessary to meet the Basic Conditions):

- Maps 6-9 are not maps but are unscaled, non-vertical images from Google Earth (similar to Figure 22) .
- Map 12 could be improved by showing a larger part of the area around Headcorn village in order to illustrate more clearly the areas covered by the important views that should be protected beyond the village environs.
- Map 13 is a further Google Earth image but its notations are relatively indistinct, and it would be preferable if this map could be redrawn on an Ordnance Survey base (similar to Map 16).
- the Plan might benefit from greater reference to its accompanying Maps and Figures. As one example, Section 7 (Connectivity and Access) and Policy HNP3 contain no references to Map 17.

4.47 Furthermore, the Borough Council in their detailed comments on the Draft Plan at the Regulation 16 consultation stage also identified a series of desirable amendments to non-policy elements of the Plan, in order that it is up to date and accurate. For example, the Borough Council suggests that Appendix 1 be amended to reflect certain definitions contained in national policy. The Parish Council might seek to take account of the Borough Council's comments and suggestions (albeit again these are not

¹¹ PPG Reference ID:41-106-20190509.

¹² See for example Representation Ref: SNPS:6 and SNPS:18.

matters necessary to meet the Basic Condition) when the Plan is being updated for the purposes of any future referendum.

- 4.48 As a final advisory comment, when the Plan is being redrafted to take account of the recommended modifications, it should be re-checked for any typographical errors and any other consequential changes, etc.

Concluding Remarks

- 4.49 I consider that, with the recommended modifications to the Plan as summarised above and set out in the accompanying Appendix, the Headcorn Neighbourhood Plan meets the Basic Conditions.

5. Conclusions

Summary

- 5.1 The Headcorn Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the supporting documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Headcorn Neighbourhood Plan, as modified, has no policies or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.4 It is clear that the Headcorn Neighbourhood Plan is the product of much hard work since 2019 by the Parish Council, the Neighbourhood Plan Steering Group and the many individuals and stakeholders who have contributed to the development of the Plan. There is no doubt in my view that the Plan reflects the aspirations and objectives of the Headcorn community for the future development of their area up to 2038. The output is a Plan which should help guide the area's development over that

period in a positive way and it should inform good decision-making on planning applications by Maidstone Borough Council.

Derek Stebbing

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Throughout the Plan	<p><u>Amendments and revisions to the non-Policy text of the Draft Plan</u></p> <p>Incorporate all proposed amendments and revisions contained in the Revised Draft Plan (October 2024) [], with the exception of proposed amendments to the text of Policies HNP1-HNP6, which are addressed separately by Modifications PM2-PM7 respectively, as set out below.</p> <p>https://localplan.maidstone.gov.uk/home/neighbourhood-planning/headcorn-neighbourhood-plan-regulation-16-consultation-june-2024</p>
PM2	Page 30	<p><u>Policy HNP1 – Design Policy for Headcorn</u></p> <p>Delete the word “permitted” in the fourth line of policy text and replace with “supported”.</p> <p>Delete the text of Clause B in full and replace with:</p> <p>“B) Ensures that proposals which affect any heritage asset within the Plan area and/or the Headcorn Conservation Area, seek to conserve and enhance their setting in accordance with the relevant policies and guidance contained in the adopted Maidstone Borough Local Plan Review, and adheres to Conservation Area guidance where appropriate.”</p>
PM3	Pages 84-86	<p><u>Policy HNP2 – Siting, Landscaping and Protecting the Natural and Historic Environment and Setting</u></p> <p>Delete the policy text in full contained in the Draft Plan and in the Revised Draft Plan (October 2024) and replace with the following text:</p> <p>“Proposals for new development in the Plan area will be supported where they are in accordance with the following requirements:</p> <p>A. <u>Historic Environment and Setting</u></p> <p>Where appropriate, proposals should:</p>

		<p>i) respect the setting of any listed buildings, or other buildings that contribute towards the character of the countryside, or exemplify the development of the Low Weald, and protect and sensitively incorporate historic features within the site, including the contribution of these features to local character and identity; and</p> <p>ii) will not have a detrimental impact on the distinctive views within the village and of the surrounding countryside as identified on Map 12.</p> <p>B. <u>Recreational and Public Green Spaces</u></p> <p>Where appropriate, proposals should retain and, where relevant, enhance existing public green spaces (including spaces within existing developments) and recreational spaces within the Plan area. The loss of public green spaces within existing developments will not be supported, unless it can be demonstrated that the development would be of material benefit to the surrounding residents, or the Parish as a whole; and a proposal involving relocating a recreational facility will only be supported where the new facilities to be provided will be of an improved quality to the existing facility and is fully accessible for residents and users.</p> <p>C. <u>Natural Environment</u></p> <p>Where appropriate, proposals should:</p> <p>i) respect the natural features of the site and protect and sensitively incorporate features such as trees, hedges and ponds, to ensure that the proposed development preserves and enhances the natural environment in the Plan area, by providing a habitat for wildlife, and safeguarding the contribution that these natural features make to local character and identity;</p> <p>ii) maintain and enhance existing wildlife corridors and stepping stones and avoid the use of impermeable barriers to wildlife. Roadside verges and hedges, which are important wildlife refuges, should be maintained where possible when development takes place. Developments within and adjacent to Headcorn village should, wherever possible, preserve and enhance the wildlife corridors that link the village and the surrounding</p>
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		<p>countryside, as shown on Map 13, to allow the flow of wildlife into the parks and gardens of the village;</p> <p>iii) be sensitively landscaped, making good use of native plants, including trees such as oak, hawthorn, hornbeam and ash as well as fruit trees, to protect and enhance the green nature of the built environment and rural landscape in the Plan area, and ensure that any loss of hedgerows and established trees from a site in the previous five years or as part of the proposed development will be balanced by the provision of similar species within the development. Mature trees and hedgerows should only be removed as an exception and existing ancient hedgerows must be retained;</p> <p>iv) make appropriate use of landscape buffers between new and existing developments where they will help create and enhance wildlife corridors; and</p> <p>v) will not cause damage to local streams and rivers.</p> <p>D. <u>Biodiversity Net Gain</u></p> <p>Where required, development proposals should demonstrate that Biodiversity Net Gain will be secured in line with national and local targets. The focus of Biodiversity Net Gain projects within the Plan area should be on supporting native flora and fauna, ideally within the development site itself. However, where this is not possible within the site, any off-site solutions should be located within Headcorn Parish and be managed in a way that local residents will be able to enjoy.</p> <p>E. <u>Flood Risk and Drainage</u></p> <p>All proposals will be assessed in order to minimise any risk of flooding, including surface water flooding, within the development site and within the surrounding area, avoiding development on land within Flood Zones 2 and 3 as defined on the latest mapping provided by the Environment Agency and on other land where recent flood events have occurred, including surface water flooding. Where necessary, a Flood Risk Assessment will be required as part of the development proposals in order to demonstrate</p>
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		<p>that flood risk has been fully assessed in relation to the specific proposals.</p> <p>Proposals should demonstrate that appropriate mitigations, such as sustainable urban drainage systems (SuDS), are incorporated within the development scheme to reduce surface water run-off from the site in a way that will not increase the risk of flooding elsewhere (including on adjacent land). Proposals should seek to limit the extent of hardstandings and hard landscaping associated with the development and protect the existing natural drainage routes.</p> <p>Proposals should ensure that adequate drainage capacity is provided to address the needs of the development with clearly identified responsibilities for ongoing future maintenance, for example of all ditches, watercourses and culverts.</p> <p>F. <u>Development in the Countryside</u></p> <p>Proposals for development in the countryside beyond the defined settlement boundary for Headcorn, as shown on Map 20, should be appropriately located in relation to the existing pattern of development within the area, which generally comprises small clusters of dwellings and agricultural buildings with significant gaps in between that provide views of the surrounding countryside. All proposals should be designed to avoid any adverse impacts and significant harm to the character and appearance of the countryside within the Plan area.”</p>
PM4	Page 91	<p><u>Policy HNP3 – Connectivity and Access</u></p> <p>Delete the policy text in full contained in the Draft Plan and in the Revised Draft Plan (October 2024), and replace with the following text:</p> <p>“Proposals for new development in the Plan area will be supported where they satisfy the following criteria:</p> <p>i) the proposals would not cause or exacerbate traffic problems, for example by blocking lines of sight at junctions; contributing to on-street parking; creating vehicular access that will be difficult to use, for example, because of poor lines</p>

	<p>of sight; or creating safety concerns for other road users including pedestrians and cyclists);</p> <p>ii) the proposals make best use of pre-existing site access points (for example to facilitate the retention of hedgerows) unless reasons such as road safety require alternative access points onto the existing road network to be created;</p> <p>iii) the development has a direct access from the site to an existing highway or driveway;</p> <p>iv) the development facilitates convenient access to local public transport services; and</p> <p>v) any existing Public Rights of Way within the development site are protected and enhanced.</p> <p>For commercial and community development proposals and developments involving more than two dwellings, including live-work units and Gypsy and Traveller accommodation, new development in the Plan area should also:</p> <p>vi) create safe and well-connected developments, promote and enhance links to Headcorn High Street, local public transport services and to the countryside which can be easily accessed by pedestrians and cyclists;</p> <p>vii) take advantage of opportunities to improve road safety, for example by enhancing existing junctions that will be key points for access to the development (including any junctions with the primary road network within the Parish);</p> <p>viii) avoid the creation of traffic ‘rat runs’;</p> <p>ix) seek to avoid vehicular access routes that would lead to increased traffic congestion at key junctions within the village; and</p> <p>x) are supported by an effective traffic management plan during the construction period that avoids construction traffic exacerbating key pinch points for traffic flows within the village or on the main road network within the Parish and avoids any impacts upon the Public Rights of Way (PRoW) network.</p> <p>Additionally, for developments involving more than two dwellings in the Plan area, proposals will be</p>
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		<p>supported where they form a self-contained development, avoiding the creation of larger estates, and are accessed in a way that avoids creating the appearance of ribbon developments along the existing road network within the Parish.”</p>
PM5	Pages 99 and 101-104	<p><u>Paragraphs 8.20/8.21 and Policy HNP4 (Infrastructure Provision)</u></p> <p>Paragraph 8.20 – delete second sentence of existing text in full and replace with:</p> <p>“The study was based on a desktop modelling exercise using data and information supplied by Southern Water. Subsequently, Southern Water has raised its concerns regarding the accuracy of the desktop model and the outputs which led to the study’s conclusions.”</p> <p>Paragraph 8.21 – delete third and fourth sentences of existing text in full.</p> <p><u>Policy HNP4 – Infrastructure Provision</u></p> <p>Delete the policy text in full contained in the Draft Plan and amend the policy text contained in the Revised Draft Plan (October 2024) to read as follows:</p> <p>“A. Parking</p> <p>Proposals for new development in the Plan area will be supported where they:</p> <p>i) provide adequate parking provision at each property. In the case of residential development this will include parking for at least one car per dwelling and a minimum of two cars for any dwelling of more than one bedroom, together with on-street parking provision of at least 0.2 spaces per dwelling;</p> <p>ii) demonstrate how the development will support greater adoption of electric vehicles through the provision of appropriate charging facilities;</p> <p>iii) will not result in the loss of parking facilities in the village that support either the High Street, or key facilities such as the Railway Station or GP Surgery; and</p> <p>iv) provides adequate cycle parking provision.</p>

		<p>B. Provision of broadband infrastructure in Headcorn</p> <p>This policy covers all proposed residential developments (except for small developments of at most two dwellings).</p> <p>Proposals for new residential development in the Plan area will be supported where they:</p> <p>i) provide the necessary broadband infrastructure to ensure that all new dwellings in the development (including in live-work units) can be served by a high-performance broadband connection installed on an open access basis; and</p> <p>ii) ensure that the broadband infrastructure is provided in a way that will enable future repair, replacement or upgrading, for example through direct access from the nearest BT Group network exchange/cabinet.</p> <p>The provision of high-performance broadband infrastructure for non-residential developments in the Plan area will be the responsibility of the developers and/or occupiers in conjunction with the infrastructure providers.</p> <p>C. <u>Water and sewerage management</u></p> <p>This policy covers all development in the Plan area, including housing, live-work units, Gypsy and Traveller accommodation, commercial and community development.</p> <p>Proposals for new development in the Plan area will be supported where they:</p> <p>i) employ best practice options for promoting efficient use of water, for example through rainwater harvesting;</p> <p>ii) demonstrate that the water supply can meet any increase in demand;</p> <p>iii) ensure that disposal of sewerage and waste water follows the best practice guidelines provided by the relevant environmental body, and will not create any risks for the ecosystems associated with Headcorn’s streams, rivers and ponds; and</p>
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		<p>iv) where proposals are for major development, developers should consult with the relevant sewerage provider via a pre-application enquiry and, if appropriate, the occupation of new developments will be phased to align with any necessary enhancements to the sewerage infrastructure in the Plan area in liaison with the relevant sewerage provider.</p> <p>D. <u>Promoting energy efficiency</u></p> <p>This policy covers all development in the Plan area including housing, live-work units, Gypsy and Traveller accommodation, commercial and community development.</p> <p>Proposals for new development in the Plan area will be supported where they demonstrate how they will contribute to energy generation and a relative reduction in energy usage, so that the energy needs associated with the development will be lower than for standard properties of the type proposed.</p> <p>E. <u>Priorities for infrastructure spending in Headcorn</u></p> <p>Where there are competing demands for the delivery of new infrastructure secured through Community Infrastructure Levy (CIL) payments or by Section 106 developer contributions, the demands should be prioritised to reflect the specific needs of Headcorn Parish.</p> <p>Based on the evidence gathered to support this Plan, the identified priorities are set out in Table 2 (for residential development) and in Table 3 (for commercial and community development). These rank infrastructure types in order of importance for Headcorn and will be used by the Parish Council to establish priorities.”</p>
PM6	Pages 107, 108 and 119-121	<p><u>Paragraph 9.10, Map 20 and Policy HNP5 – New Dwellings</u></p> <p>Paragraph 9.10 – Insert the words “as defined by the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)” after the words “community self-build scheme” in the first line of text, and delete the words “defined as” in the second line of text.</p>

		<p>Delete the second sentence of text in full.</p> <p><u>Map 20 - Headcorn Village Boundary</u> – amend this map to include the land covered by Policy LPRSA310 in the adopted Maidstone Borough Local Plan Review within the Headcorn Village Boundary.</p> <p><u>Policy HNP5 – New Dwellings</u></p> <p>Delete the policy text in full contained in the Draft Plan and in the Revised Draft Plan (October 2024), and replace with the following text:</p> <p>“This policy sets out the requirements for new residential developments within the Plan area, including live-work units and Gypsy and Traveller developments.</p> <p>A. <u>Location of New Developments</u></p> <p>i) Proposals for new residential development in the Plan area that are accordance with this Plan will be supported providing they are located within or immediately adjoining the defined Headcorn Village Boundary as defined on Map 20.</p> <p>ii) Proposals for new small-scale residential development on sites that are situated in the rural areas within the Plan area, including proposals for community self-build projects for up to 9 dwellings, will be supported where they are fully in accordance with national policies for development in rural areas contained in the National Planning Policy Framework (NPPF), the policies contained in the adopted Maidstone Borough Local Plan Review 2021-2038 (March 2024) and the policies contained in this Plan.</p> <p><u>B. Garden Spaces</u></p> <p>i) Proposals for new residential development in the Plan area will be supported providing they include garden spaces that are appropriate for the size and type of the dwellings being proposed and help create an attractive overall environment within the development.</p> <p>ii) Any proposals involving the change of use of agricultural land to domestic gardens will only be supported where they comply with</p>
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		<p>national and local policies to safeguard the open, rural character of the countryside and to protect the best and most versatile agricultural land.</p> <p><u>C. Density</u></p> <p>i) Proposals for new residential development in the Plan area will be supported providing that they are at an appropriate density (generally not exceeding 30 dwellings per hectare) that reflects the character and surroundings of the site, unless it can be demonstrated that innovative design and site layout solutions will support higher densities without adversely affecting the character and landscape quality of the site, taking account of the requirements for pedestrian/cycle routes, landscape buffers, open space and the protection of important features such as ponds, hedgerows and trees.</p> <p><u>D. Open Spaces</u></p> <p>i) Proposals for new residential developments for 10 or more new dwellings in the Plan area will be supported providing that the proposals include appropriate provision of communal open and recreational space within the development, for uses such as allotments, sports pitches, informal recreational use, children’s play areas and amenity spaces.</p> <p>ii) Where the provision of appropriate on-site open and recreational spaces cannot be met in full, the proposals will only be supported where alternative provision is made at an alternative site, that is accessible for residents, suitable for open and recreation spaces and will not have any adverse impacts upon the environment of the area.</p> <p>iii) All proposals will need to identify and secure the responsibilities for the long-term maintenance of the open and recreation spaces to be created. Headcorn Parish Council will take responsibility for the maintenance of these areas, if required.</p>
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		<p><u>E. Mix of Dwellings</u></p> <p>Proposals for new residential developments for 10 or more new dwellings in the Plan area will be supported providing that:</p> <p>i) The proposals include buildings that are in a variety of different styles, orientations and design that are in accordance with Policy HNP 1 and the accompanying Headcorn Design Guidance.</p> <p>ii) The proposals include some smaller dwellings particularly properties to buy, that will better meet the needs of emerging households.</p> <p>iii) The proposals create a mixed development suitable for all age groups and abilities. Proposals should include a proportion of housing specifically designed to meet the accessibility needs of the elderly and those with disabilities.</p> <p><u>F. Affordable Housing</u></p> <p>Where there is a requirement to provide Affordable Housing in accordance with the requirements of the adopted Maidstone Borough Local Plan Review 2021-2038 (March 2024), proposals will be supported where the proposed tenure mix of social/affordable rented and intermediate or affordable home ownership meets the identified needs and requirements of the Borough Council’s housing strategies and policies and of the specific identified local needs of Headcorn Parish which include seeking a greater proportion of dwellings for affordable home ownership. Developers will be expected to work with Headcorn Parish Council to ensure that affordable homes can be allocated to people with a local connection.</p> <p><u>G. Infrastructure Provision</u></p> <p>Proposals for new residential developments for 10 or more new dwellings in the Plan area will be supported providing that they meet the infrastructure requirements of the development itself, and seek to ensure that the infrastructure improvements include benefits and enhancements, such as improvements to the Public Rights of Way</p>
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		(PRoW) network, that will bring benefits for both new and existing residents of the Headcorn community.”
PM7	Pages 128-129	<p><u>Policy HNP6 – The Economy – Supporting Business Development in Headcorn</u></p> <p>Amend the policy text contained in the Revised Draft Plan (October 2024) as follows:</p> <p>Re-number policy clauses A.1-A.3 as i)-iii) respectively.</p> <p>Re-number policy clauses B.1-B.3 as i)-iii) respectively.</p> <p>Re-number policy clauses C.1-C.3 as i)-iii) respectively.</p> <p>Amend the final sentence of Part B of the policy text to read as follows:</p> <p>“Proposals to upgrade the runway from grass surface to hard surface would not be supported.”</p> <p>Delete in full the final sentence of Part C of the policy text.</p>

PM8	Page 13	<p><u>New Sub-section 1.iv – Monitoring and Review</u></p> <p>In the Revised Draft Plan (October 2024) add new sub-section entitled 'Monitoring and Review' to read as follows:</p> <p>“1.24 During the period up to 2038, the Policies in this Plan will be monitored by the Parish Council on a regular basis to ensure that they remain effective in meeting the Plan’s Vision and Objectives that are set out in Chapter 3.</p> <p>1.25 If necessary, the Plan will be formally reviewed to take account of any future reviews of the recently adopted Maidstone Borough Local Plan Review 2021-2038, in order that the Plan continues to remain in general conformity with the strategic policies of the Local Plan.</p> <p>1.26 The Plan will also be reviewed should any changes to national policies and guidance necessitate revisions to the Plan’s policies and guidance.”</p> <p>Re-number sub-section 1.iv as 1.v, and re-number paragraphs 1.25-1.28 as 1.28-1.31.</p>
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