
Examination Statement

Land North of Moat Road, Headcorn

Maidstone Borough Council Local plan
Examination in Public

Matter 7: Policy Framework and Site Allocations for the Rural Service Centres, Larger Villages, Smaller Villages and the Countryside

Examination Statement

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1. Introduction

- 1.1. This Examination Statement has been prepared on behalf of Catesby Estates Plc (Catesby). Catesby is the sole promoter of the Land North of Moat Road (SA310), (identified in the SLAA as Site reference SA310; identified in the LPR under Draft Policy LPRSA310). The allocation of SA310 is supported.
- 1.2. Prior to the submission of the LPR by Maidstone Borough Council (MBC) to the Planning Inspectorate for examination, Catesby and the consultant team have participated in the formal consultation of the LPR at both Regulation 18 consultations (Summer 2019 and Winter 2020) and to the R19 consultation (Winter 2021). Site SA310 has previously been submitted to MBC as part of the Call for Sites for the Strategic Housing and Economic Land Availability Assessment. Catesby also met with MBC in Spring 2020 to discuss SA310 and provide additional information on design, flooding and access.
- 1.3. Catesby made representations to the R19 consultation of the Local Plan, which should be read alongside this Hearing Statement, supporting the allocation of Site SA310 and providing specific comments on the allocation policy (LPRSA310). Additional observations, comments and objections were also made on other draft policies within the LPR.
- 1.4. The location of SA310, its surroundings and the vision for SA310 have been set out in detail at the Call for Sites stage, the R18 stages and the R19 Stage, and through discussions with Officers, and have therefore not been reproduced in detail in this statement.

2. Response to the Inspectors Questions

- 2.1. Catesby has informed the Programme Officer that they wish to participate at the hearing sessions relating to Stage 2 of the EiP on matters relating to SA310.

Matter 7 – Policy Framework and Site Allocations for the Rural Service Centres, Larger Villages, Smaller Villages and the Countryside

Issue 1 – Strategic Policy and Housing Allocations for the Rural Service Centres

Q7.10 Is it necessary for plan soundness to reference the River Beult SSSI and associated action plan in Policy LPRSP6(c) as proposed in LPRSUB011?

- 2.2. There is no objection to the inclusion of the reference to the River Beult SSSI (The SSSI) and evidence is provided at paragraphs 2.16-2.17 of this statement to demonstrate how the development of SA310 would not impact The SSSI. However, specific reference in this policy it is not considered necessary for the Plan to be found sound.
- 2.3. In accordance with NPPF paragraph 179 requires the SSSI to be identified within the LPR Policy Maps and Policy LPRSP14A sets out safeguarding components to ensure the avoidance of damage to internationally, nationally and locally designated sites. These policy requirements would necessitate any development within proximity to a SSSI to avoid adverse effects. This is as confirmed at paragraph 1.5 of the LPRSUB 005. This paragraph implies that Policy LPRSP14A is only effective if additional wording to another policy is added. The inclusion creates unnecessary duplication which should be avoided in accordance with NPPF paragraph 16. The LPR is consistent with national policy and meets the tests of soundness without the specific reference to The SSSI within LPRSUB011.
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Q7.12 Is the approach to site selection in Headcorn justified and deliverable, including a single larger allocation for 100-110 dwellings and the rolling forward of EMP1(1) for 3,500sqm of employment floorspace?

- 2.4. The allocation of one larger allocation (SA310) is considered both justified and deliverable.
- 2.5. The Stage 1 post examination letter sets out that the spatial strategy is sound. This confirms that the role of a rural service centre as a secondary focus for housing development following Maidstone Urban Area, the proposed Garden Settlements and strategic development locations forms part of an appropriate strategy. This includes Headcorn and therefore, the allocation of housing in Headcorn is appropriate.
- 2.6. The allocation of one larger site provides greater certainty that the required market and affordable housing will be delivered within the Plan Period. Given the Spatial Strategy includes the delivery of two Garden Settlements and large strategic allocations, MBC needs to ensure that smaller scale, major development can come forward within the first five years of the Plan Period. The allocation of one larger unconstrained site, such as SA310, will assist early housing delivery within the plan period.
- 2.7. Regard should be given to paragraph 11.10 of Document LPR 4.1 which explains the reluctance of RPs to offer on smaller sites. Consequently, the delivery of one larger site will deliver more affordable housing particularly as sites at rural service centres are recognised as being highly deliverable due to their land price – house price balance (LPR paragraph 6.102). Hence, 40% affordable housing, in addition to M4(3) units are a viable option as confirmed in paragraph 8.2 of LPR 1.63. In the case of SA310, a single development of 120 dwelling would provide 48 affordable homes which is in excess of the critical number outlined in LPR 4.1.
- 2.8. With regards to site SA310 in Headcorn, MBC has provided clear evidence within the SA and SLAA to demonstrate that a range of sites have been consider for selection. Only one alternative site (SA102) is able to deliver circa 100 dwellings without the need of other sites to come forward. The delivery of this site would not be anticipated until 2027 - 2032 in the latter stages of the Plan Period. Catesby has provided a series of evidence-based documents as part of representations to support the allocation of SA310 demonstrating its suitability and deliverability.

- 2.9. Catesby has a formal promotion agreement in place with the landowner for the development of SA310 and thus it is readily available.
- 2.10. Site SA310 can deliver approximately 120 dwellings as demonstrated by the live outline planning application (Ref: 22/505616/OUT) which is currently under consideration by MBC. The submission of this application demonstrates Catesby's intent to bring SA310 forward within the early stages of the Plan Period. Currently, there are no consultation responses which would pose a bar to development.

Q7.13 Is the proposed allocation and policy framework for Land at Moat Road at LPRSA310 justified and effective having particular regard to local landscape value, the proximity of the River Beult SSSI, flood risk, biodiversity and relationship of the site to services and facilities in Headcorn?

- 2.11. Catesby consider that SA310 is both justified and effective. Details on each topic are provide below.

Local Landscape

- 2.12. Landscape evidence was submitted by Catesby to MBC in response to the R18b as part of the vision document. MBC has also prepared a Landscape Character Assessment which has been used during the assessment of SA310 within the SLAA.
- 2.13. It is acknowledged that SA310 falls within a Landscape of Local Value defined as The Low Weald LLV. This covers the whole of Headcorn and a significant proportion of the countryside in the rural southern half of the borough. The also falls within the Headcorn Pastures Landscape Character Area, as confirmed by the Maidstone Landscape Character Assessment (2013). The whole of the north of Headcorn is surrounded by this area. Hence, all potential development sites in Headcorn are within this LLV and character area . It is also noted that development (Ref: 15/507424/OUT) to the north of SA310 was permitted within this LLV and character area.
- 2.14. Catesby has promoted a landscape led development with 3.26Ha of open space including a substantial western landscaping buffer. Furthermore, character areas have been proposed (as per the amended proposal submission March 2021) which seek to provide a softer edge to the development. In particular,

the proposal offers the opportunity to enhance the way the settlement integrates with the landscape west of the settlement through the provision of a multi-purpose green space centred around the retained high value trees.

- 2.15. A Landscape and Visual Assessment (**Appendix B**) has been completed to support the current planning application. Paragraph 8.10 and 8.11 conclude that " *the site has the capacity for the development as proposed in the illustrative masterplan and there is no in principle or policy landscape or visual reason why the site should not be developed as proposed*". It further states that with sensitive layout and planting, views and character landscape could be retained and reinforced and the proposal would make a positive contribution to visual, recreational and wildlife amenity.

The River Beult SSSI

- 2.16. The SSSI is located approximately 160m south-west of SA310 at its closest point. This has been acknowledged through the SA (Paragraphs 6.104 and 7.243) which explains that development could impact the nationally designated site. Catesby has acknowledged the proximity of the SSSI throughout the representations to the Local Plan Consultations where it has been confirmed that the impacts on the SSSI will be assessed and mitigated, if required, in accordance with NPPF paragraph 180.
- 2.17. An assessment of the impact of the proposed development on the River Beult SSSI is provided in the Ecological Assessment supporting the outline planning application (**Appendix C, paragraph 3.1.5**). The assessment considers it unlikely that the development will result in adverse impacts on the SSSI. Furthermore, it considers that the development will make improvements to the surface water runoff which will likely benefit the water quality within the SSSI. KCC Ecological Environmental Service have provided comments on the application and have not raised concerns relating to the impact of the development on the SSSI.

Flood Risk

- 2.18. The Local plan is supported by a Strategic Flood Risk Assessment. In accordance with NPPF paragraph 160, the SFRA is only required to inform strategic policies, of which Policy LPRSA310 is not one. MBC has noted the flood risk at The SA310 within the SLAA detailing that a small area of SA310 falls within Flood

Zone 2 (2.23%) and Flood Zone 3 (2.24%). As MBC is not required to provide flooding evidence for non-strategic allocations, Catesby has provided information to MBC.

- 2.19. RSK prepared a preliminary Flood Risk Assessment in March 2021. This was submitted with the R19 representations and concluded that with respect to flood risk (from all sources) and surface water drainage, there is no reason why the development site should be precluded. Key design features have been incorporated into the proposed development following this information including development being contained within Flood Zone 1, the requirement for an emergency access and SuDS. Policy LPRSA310 is also reflective of these points.

Biodiversity

- 2.20. Catesby has always considered biodiversity within the promotion of the SA310, detailing how improvements would form a key element of the open space strategy for SA310. As such, 3.26Ha of SA310 is proposed to be provided as multifunctional space. Policy LPRSA310 is reflective of Catesby's ambitions and explains that the public open space should contribute towards biodiversity net gain. However, in accordance with the representations to the R19 Catesby do not consider it acceptable or justified for MBC to dictate that 1.9Ha of open space is required with the sole focus on BNG. The BNG has been calculated for the live outline application (**Appendix D**) and confirms that the development will result in 65.47% net gain habitats and 28.66% net gain in hedgerows. Thus, the development provides significant biodiversity benefits over the national requirements. This BNG can be delivered in multiple ways and should not be confined by an open space requirement. Additionally, the Environment Act allows for the offsite provision of BNG and thus, MBC should also allow for this to ensure the LPR is consistent with national legislation.

Services and Facilities

- 2.21. MBC's Settlement Hierarchy Review 2021 considers the services and facilities within the Headcorn which clearly demonstrates Headcorn's high sustainability with regards to the level of services, facilities, employment opportunities and transport links. Policies LPRSP6(c) and LPRSA310 also set out key infrastructure improvements that can be incorporated into Headcorn to provide greater access to the services and facilities within the village. Given the sustainability of the settlement, Catesby has suggested that further dwellings could be accommodated in the settlement in their representations.

- 2.22. It should also be noted that Catesby has provided MBC with Heritage and Arboriculture information.
- 2.23. A proportionate amount of evidence has been collected to demonstrate that the allocation of SA310 is justified. It is clear that this evidence has informed Policy LPRSA310 requirements to ensure a sustainable development can come forward. Through site specific evidence collected by Catesby, it can be confirmed that the delivery of SA310 is achievable.
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Q7.14 Can safe and suitable access to the site be secured via Moat Road for all users, consistent with national policy at paragraph 110 of the NPPF?

- 2.24. Catesby engaged with KCC Highways in July 2019 to discuss the proposed access including the provision of a new footway between SA310 and the village along Moat Road. An emergency access is also provided in the northeast corner which provides an additional foot and cycle link to Millbank. This information was shared with MBC to help inform the allocation. Further evidence is included within the Transport Assessment submitted with the outline application (**Appendix E**) including details on visibility splays, footway design, tracking and a safety audit. This information confirms that a suitable access can be secured.
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Q7.15 Can access to the site be achieved avoiding areas of higher flood risk such that future residents would not be potentially isolated during flood conditions? If access can only be achieved in land in Flood Zone 3 has the proposed allocation satisfied the Exceptions Test and can such access be achieved without increasing the risk of flooding elsewhere in Headcorn?

- 2.25. When considering sites in Headcorn, it is important to note that the settlement is surrounded by areas of Flood Zone 2 and 3 (Figure 2.1). All potential sites are impacted by these flood zones and Table 4.9 of the SA confirms all other sites to have significant negative effect for flooding whereas SA310 has a minor negative effect.

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- 2.26. In relation Site SA310, the preliminary FRA submitted with the representations to the R19 has informed layout and access arrangements for SA310. All vulnerable development is contained within Flood Zone 1. The main access from Moat Road will pass through Flood Zone 3. To ensure safe access can always be achieved, the FRA sets out the need for a secondary / emergency access into SA310. This is provided to the north of SA310 and links onto Millbank. This access arrangement has been confirmed as acceptable by KCC Highways.
- 2.27. An Exception Test has been completed within the FRA (**Appendix F, paragraph 6.3**) as part of the pending outline application and confirms that the access can be achieved without increasing flooding in Headcorn. The LLFA has no objection to the proposal.

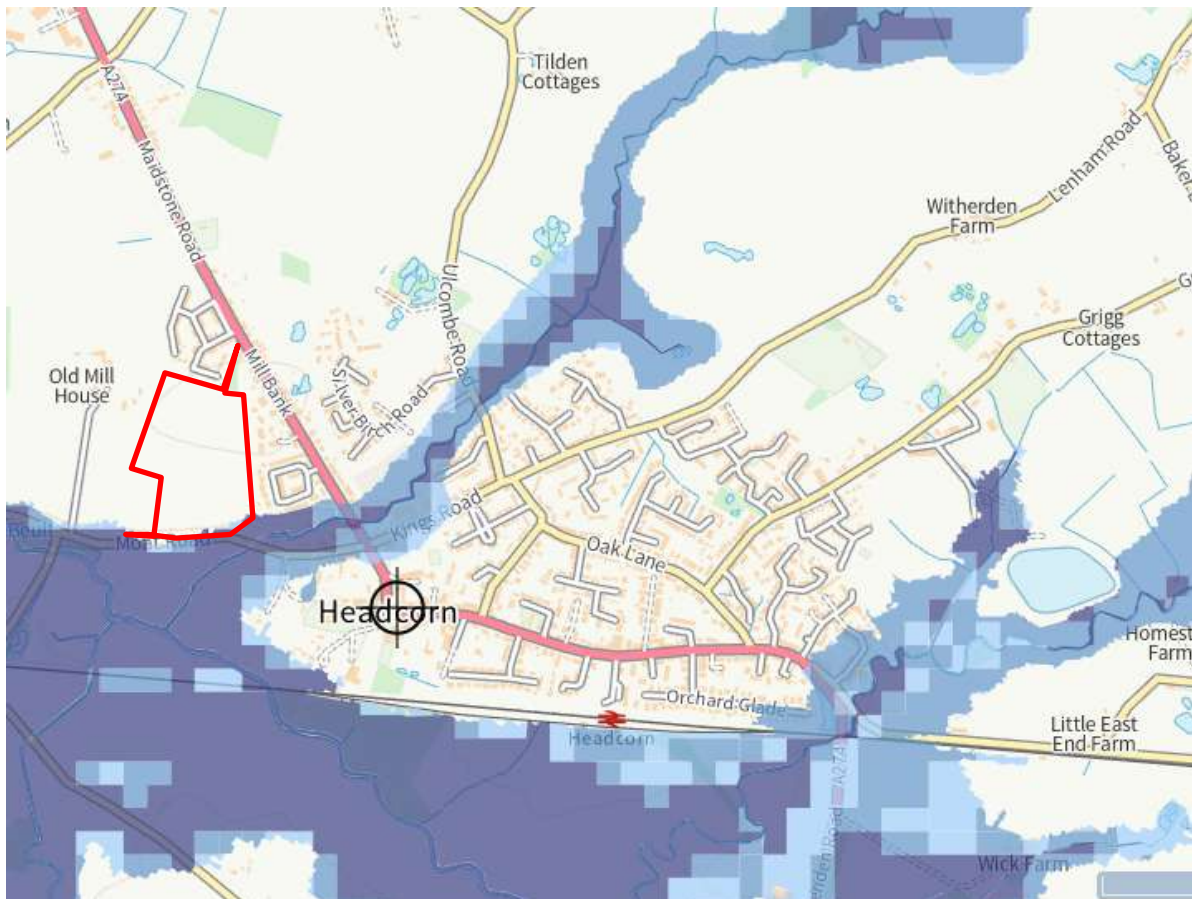


Figure 2.1: Environment Agency Flood Zone Map Headcorn (red line denotes approximately location of SA310)

Q7.16 Is the capacity of the site at approximately 100 dwellings justified? Is it necessary for plan soundness to consider increasing the capacity to 110 dwellings as proposed in LPRSUB011?

- 2.28. Catesby has demonstrated that SA310 can comfortably accommodate 120 dwelling within the illustrative masterplan submitted with the outline application (**Appendix G**).
- 2.29. The LPR includes inconsistencies in relation to the capacity of SA310. The R18b consultation indicated a capacity of approximately 127 dwellings within Policy LPRSA310. This figure was also confirmed within table 1.3 and the table at paragraph 8.1. The capacity in Policy LPRSA310 was then reduced to 110 within the R19 consultation on the basis of a 1.08 ha reduction due to the presence of TPO trees (5% reduction in developable area), and potential archaeology (20% deduction), in addition to a reduction of 1.28 ha for open space as set out within the SLAA Update 2021. The SLAA concluded that SA310 could accommodate 116 dwellings. The reduction did not appear to be based upon site specific surveys or reports but an anticipated constraint.
- 2.30. Confusion was further created by the introduction of a housing figure within Policy LPRSP6(c) within the R19 document. The 100 dwelling figure did not reflect Policy LPRSA310 or the SLAA Update. As part of the representation Catesby requested that Policy LPRSP6(C) was updated to reflect the allocation policy and SLAA Update. Thus, SA310 has never been considered for 100 dwellings and the LPRSUB011 seeks to update Policy LPRSP6(c) to ensure consistency across the Local Plan. Such a reduction from 120 to 100 would result in the loss of eight affordable homes.
- 2.31. With regards to the capacity of SA310, Catesby set out within their R19 representations that the reduction in capacity was not justified given the lack of evidence. To provide further justification for a greater capacity and a more efficient use of land in accordance with NPPF paragraph 124, Catesby provided an Archaeology Report and an Arboriculture Technical Note. Neither report uncovered justified reasons to reduce the capacity of SA310. A proposed scheme of 120 homes is at a very modest overall density of 16.5dph, albeit the density changes across SA310 to reflect the immediate surroundings.
- 2.32. The NPPF sets out a clear message to boost housing numbers and to use land efficiently. Currently, the allocation of the SA310 could better meet this criterion. Sufficient evidence and masterplanning has

demonstrated how a development of approximately 120 dwellings could be delivered on SA310. As such, it is requested that the capacity of SA310 is amended and reflected in LPRSUB011.

PROPOSED AMENDMENT:

Catesby request that the number of dwellings allocated under Draft Policy LPRSA310 is increased from ‘*approximately 110 dwelling*’ to ‘*approximately 120 dwellings*’. The figure should be deleted from Draft Policy LPRSP6(c)

3. Conclusion

- 3.1. As set out in the comments made above in respect to Matter 7 – Issue 1, Catesby support the strategy in Headcorn including the allocation of SA310 for residential development.
- 3.2. The inclusion of specific reference to the River Beult SSSI is not disputed but questioned whether it is required for soundness given the requirements for development to consider SSSI are already stipulated within the NPPF and Policy LPRSP14A.
- 3.3. The delivery of one larger site will provide housing within the early stages of the plan period including 48 affordable homes. SA310 can be delivered without reliance on other sites. Evidence submitted and collected by MBC has justified the allocation of the site. Catesby's clear intention to bring the site forward in a timely fashion is confirmed by the current Outline Application for up to 120 dwellings. Key technical documents from this application have been appended to this statement to further demonstrate the suitability of the site for housing.
- 3.4. It is considered that the site can be used more efficiently by delivering more than 110 dwellings and thus a request to increase the capacity to 120 dwellings has been set out.