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## **Statement of Common Ground – General / Planning Matters**

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Land at Moat Road, Headcorn, Maidstone

Planning Application Ref: 23/504471/OUT

LPA: Maidstone Borough Council

The Appellants : The Master Fellows and Scholars of the College of Saint John the Evangelist in the University of Cambridge & Catesby Strategic Land Ltd

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## 1.0 Introduction

1.1 This [draft] Statement of Common Ground (“**SoCG**”) has been agreed between the **Appellants** (Catesby Strategic Land Ltd and The Master Fellows and Scholars of the College of Saint John the Evangelist in the University of Cambridge) and Maidstone Borough Council (**MBC**) as the local planning authority (“LPA”), in the lead up to the Public Inquiry.

1.2 The SoCG follows the refusal of an outline planning application by MBC under the reference: 23/504471/OUT, for development at Land at Moat Road, Headcorn, Maidstone (“**The Site**”). It relates to general and planning matters only. Further topic specific SoCG will be provided in relation to landscape, heritage and highways.

1.3 The description of development (herein referred to the “**Appeal Scheme**”), as set out in the Decision Notice is: -

*“Outline application (with all matters reserved except access) for the development of up to 115 no. dwellings (Use Class C3) with 40% affordable housing including demolition of existing buildings, new means of access into the site from Moat Road (not internal roads), short diversion to the public right of way (KH590), associated highway works, provision of public open space, provision of shelter to replace curtilage listed building, emergency/ pedestrian access to Millbank, and associated infrastructure including surface water drainage (with related off site s278 highway works to Moat Road).”*

1.4 The application was refused by MBC on 29 April 2024. The Decision Notice and Officer’s Delegated Report originally set out six reasons for refusal. Following the CMC, all parties have noted that MBC has updated the reasons for refusal as outlined in their SoC. These are: -

- 1. The proposed development would cause unacceptable harm to the character and appearance of the local area, which lies in the Low Weald Landscape of Local Value, due to the visual prominence of the development in a semi-rural locality, which has not been adequately considered or respected in the design, layout and form of the development. The indicative sizes and number of dwellings mean that the development is unable to provide lower densities and built form on the western portion of the site to reflect its adjacency to open countryside. The proximity of dwellings to the southern and western boundaries, with intervening attenuation basins, results in a lack of sufficient space for landscaping to suitably mitigate and assimilate the development into the area and there are inadequate structural landscape buffers within and across the site from east to west to break up the massing and roofscape. The proposals will therefore result in a form of development inappropriate for the rural edge of Headcorn and be harmful to the local area which is contrary to NPPF paragraph 135 and policies LPRSP14(A) (part 1b), LPRSP15 (parts 2, 6 and 7) and LPRSA310 (parts 7 and 8) of the Maidstone Borough Local Plan Review 2024.*
- 2. The demolition of the curtilage listed former Granary (Building 3) is contrary to the NPPF paragraphs 206(a) and 207, and policies LPRSP14(B) (parts 2 and 4) and LPRENV1 (parts 1 and 4) of the Maidstone Borough Local Plan Review 2024. There is substantial harm from loss of a heritage asset with no justification or mitigation for the loss with the absence of a satisfactory replacement structure that reuses any of the materials from Building 3.*

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3. *There is a lack of community gardens and an inadequate amount of natural and semi-natural open space in terms of public useability because the attenuation basins have not been demonstrated to be wet ponds and ecological habitat/mitigation areas would not be publicly accessible. Therefore, the proposal has not been demonstrated to comply with policies LPRSP13 (parts 2 and 8(c)), LPRSA310 (parts 25 and 26), and LPRINF1 (parts 1 and 2) of Maidstone Borough Local Plan Review 2024.*
  4. *There has not been a demonstration of safe pedestrian and cycle access when vehicles will use the Secondary Access route to the A274 during major flood events. There has not been demonstration of safe cyclist access to the A274 via the alterations to Moat Road. This would be contrary to the aims of sustainable development by securing good walking, wheeling and cycling infrastructure as set out in the NPPF paragraphs 108(c), 110(d), 114(a)(b), 116(a)(c), the objectives of Active Travel England, and policies LPRSP12 (part 3(b)(e)(k)), LPRSP15 (parts 1 and 11), and LPRSA310 (parts 18 and 20) of the Maidstone Borough Local Plan Review 2024.*
  5. *The development will result in significant additional pressure on Kent County Council infrastructure including primary and secondary education that is unlikely to be fully mitigated in the absence of a s106 legal agreement providing supplementary financial contributions to the Local Education Authority. This is contrary to policy LPRSP13 (part 1) of the Maidstone Borough Local Plan Review 2024.*
- 1.5 The Appellants and the LPA will continue to work together to prepare a Core Documents Library, which will contain plans and documents that will be referenced during the course of this Appeal.

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## 2.0 Plans

2.1 The Appeal Scheme will be delivered in general conformity with the following plans, and were before the Council at the time of determination:

*Table 2.1: Plans in which the proposed development will be in general conformity with*

<b>Plan Description</b>	<b>Plan No.</b>	<b>Revision</b>
Site Location Plan	01c Application Boundary Plan	
Framework Plan 01	FWP-01-MP-01	A5
Proposed Highway and Footway Scheme	20472-03	D
Site Access Vehicle Tracking	20472-03-1	D
Visibility Splays	20472-03-2	D
Visibility Splays (with Highway Boundary Overlay)	20472-03-3	E

2.2 The following plans were before the Council at the time of determination and are either illustrative or for information purposes:

*Table 2.2: Plans for information purposes*

<b>Plan Description</b>	<b>Plan No.</b>	<b>Revision</b>
Sketch Layout Masterplan 01	SKMP-01	A5
Existing Site Layout Plan	11	
Street Scenes	SS-01/02/03/04	P3
Teenage Hub / Shelter Floor Plan and Elevations	THS-01	RevA

2.3 The following plan was submitted with the Appeal:

*Table 2.3: Plans submitted with the Appeal*

<b>Plan Description</b>	<b>Plan No.</b>	<b>Revision</b>
Open Space Performance Plan	15d	

2.4 A drafting error has recently been noticed on the visibility splays shown on 20472-03-3 Rev D. Rev E corrects this, and takes the visibility splay from the correct part of the road. The Rev E plan has not materially changed the access drawing from the previous version (Rev D). The Parties have therefore agreed that Rev E should be included in the plans for approval.

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## 3.0 Relevant Planning Policy

3.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004), planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

### **National Planning Policy Framework – ‘Other Material Considerations’**

3.2 The National Planning Policy Framework (NPPF) published in December 2024 provides a direction for planning on a national scale, with the expectation that all local planning documents will be in general conformity with the NPPF. The NPPF is a material consideration in determining planning applications. The Application was determined under the previous iteration of the NPPF (December 2023).

3.3 The following chapters of the NPPF are considered most relevant to this Appeal:

- Chapter 2: Achieving Sustainable Development
- Chapter 4: Decision making
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 9: Promoting sustainable transport
- Chapter 11: Making Effective Use of Land
- Chapter 12: Achieving well designed and beautiful places
- Chapter 15: Conserving and enhancing the natural environment
- Chapter 16: Conserving and enhancing the historic environment

### **The Development Plan**

3.4 The 2004 Planning and Compulsory Purchase Act requires that determination of any planning application must be in accordance with the Development Plan unless material considerations indicate otherwise.

3.5 In this case, MBC’s Development Plan comprises:

- Maidstone Local Plan Review (LPR) 2021-2038 (2024);
- The Kent County Council Minerals and Waste Local Plan 2013-2030 (as amended by Early Partial Review (2020)
- Kent Mineral Sites Plan (2020)
- Saved Local Plan (2017) Policies.

3.6 At the time of the submission of the outline planning application, the preparation of the draft Local Plan Review (LPR) 2021-2038 was underway but had not yet been adopted.

3.7 The LPR 2021-2038 was adopted on 20<sup>th</sup> March 2024. The site is allocated by policy LPRSA310 for approximately 110 dwellings. Upon adoption of the LPR, the appeal site become part of the defined settlement boundary.

3.8 Upon adoption of the LPR, only a small number of policies in the Maidstone Local Plan (2017) were saved, predominantly being allocations. None of the saved policies are relevant to the appeal site.

3.9 All other policies of the Maidstone Local Plan 2017 were not saved and carry no weight.

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- 3.10 There were also a number of adopted supplementary planning documents (SPD) and planning advice notes which provide supplementary guidance to local and national planning policies and were saved upon adoption of the LPR, relevant ones being:
- Affordable and local needs housing (SPD);
  - Building for Life 12 (2018);
  - Air Quality Guidance (2017);
  - Public Art Guidance (2017).
- 3.11 The following policies from the LPR are relevant considerations for the Appeal Scheme
- LPRSS1: Maidstone Borough Spatial Strategy
  - LPRSP6: Rural Service Centres
  - LPRSP6(C): Headcorn
  - LPRSA310: Land at Moat Road, Headcorn
  - LPRSP10(A): Housing Mix
  - LPRSP10(B): Affordable Housing
  - LPRSP12: Sustainable Transport
  - LPRSP13: Infrastructure Delivery
  - LPRSP14: The Environment
  - LPRSP14(A): The Natural Environment
  - LPRSP14(B): The Historic Environment
  - LPRSP14(C): Climate Change
  - LPRSP15: Principles of Good Design
  - LPRHOU5: Density of Residential Development
  - LPRTRA2: Assessing the Transport Impacts of Development
  - LPRINF1: Publicly Accessible Open Space and Recreation
  - LPRENV1: Development Affecting Heritage Assets
- 3.12 There is no made Neighbourhood Plan for Headcorn but a consultation of a draft Regulation 16 version Plan was carried out between 24th June and 12th August 2024. The draft HNP has been the subject of a series of questions from the Examiner in September 2024. Headcorn PC responded in October 2024. The Examiner's Report is due to be published on 27 January 2025. The HNP's weight has therefore increased to limited weight, and its weight may have further increased at the time of the Inquiry.

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## 4.0 Matters Agreed

- 4.1 The following matters are considered to be agreed between the two Parties. Note this relates to Planning matters only.
- 4.2 Topic specific SoCG are being prepared in respect of landscape, heritage and highways (including access) matters and will not be duplicated here.

### Outline Scheme

- 4.3 It is agreed that the Appeal Scheme is for an outline planning application with all matters reserved, except for access. The Parties agree that it was determined with the following description:

*“Outline application (with all matters reserved except access) for the development of up to 115 no. dwellings (Use Class C3) with 40% affordable housing including demolition of existing buildings, new means of access into the site from Moat Road (not internal roads), short diversion to the public right of way (KH590), associated highway works, provision of public open space, provision of shelter to replace curtilage listed building, emergency/pedestrian access to Millbank, and associated infrastructure including surface water drainage (with related off site s278 highway works to Moat Road).”*

- 4.4 Aspects including appearance, landscaping, layout and scale are detailed matters that will be reserved for a later determination. In accordance with Paragraph: 005 Reference ID: 14-005-20140306 of the Planning Practice Guidance:

*An application for outline planning permission allows for a decision on the general principles of how a site can be developed*

### Consultee Responses

- 4.5 It is agreed that the following consultees provided a response to, and did not object to, the application:
- Environment Agency – subject to conditions
  - Kent County Council (KCC) Flood & Water Management – subject to conditions
  - Kent Police – subject to condition
  - KCC Minerals
  - KCC Archaeology – subject to conditions
  - KCC Strategic Development and Place - subject to financial contributions
  - KCC Public Right of Way – subject to condition
  - KCC Highways & Transport – subject to conditions
  - MBC Environmental Protection – subject to conditions MBC Tree Consultant – subject to conditions
- 4.6 It is agreed that the consultees listed below provided a response to, and provided information/advice in relation to the application:
- Active Travel England
  - Natural England
  - KCC Ecology
  - MBC Parks and Open Space



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- MBC Housing
- Upper Medway IDB
- Southern Water

### Planning Policy

- 4.7 It is agreed that the LPR was adopted on 20 March 2024 and became part of the development plan upon adoption. It should attract full weight in making planning decisions.
- 4.8 It is agreed that the NPPF chapters and the policies from the LPR 2021-2038 listed in section 3 of this SoCG are the most relevant for this Appeal Scheme.
- 4.9 There are no saved policies of the Maidstone Local Plan 2017 of relevance to this appeal but there are some saved documents of planning guidance.
- 4.10 In respect of LPR Policy LPRSA310, the parties agree that the Appeal Scheme accords with the relevant criteria set out in table 4.1 below.

*Table 4.1 – SA310 Criterion*

SA310 Criteria	Proposal Accords or not?	Comments
<p><b>Criterion 1</b> Land at Moat Road Headcorn as identified on the Policies Map, is allocated for the development of approximately 110 dwellings. The following conditions are considered appropriate to be met before development is permitted</p>	Accords but some uncommon ground	The Appeal Scheme seeks up to 115 dwellings. The Parties agree that this figure falls within the term 'approximate'. The area of uncommon ground is in respect of whether the Site itself can accommodate this level of development in respect of landscape/open space considerations.
<p><b>Criterion 2</b> The Appeal Schemes shall be informed by a landscape and visual impact assessment undertaken in accordance with the principles of guidance in place at the time of the submission of an application.</p>	Accords but some uncommon ground	A LVIA was produced to support the Appeal Scheme. Refer to Landscape SoCG, However, MBC do not agree it has informed an acceptable scheme
<p><b>Criterion 3</b> Built development shall be set back from Moat Road and the western boundary.</p>	Accords but some uncommon ground	The proposed area for build development is set back from Moat Road. However, MBC consider that the set back from Moat Road is insufficient for an acceptable scheme.
<p><b>Criterion 4</b> Residential density and typologies shall reflect the site's semi-rural setting.</p>	Some uncommon ground	These details are to come forward at reserved matters stages but MBC consider that the quantum of development sought at outline stage would result in residential densities that will not reflect the site's semi-rural setting

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SA310 Criteria	Proposal Accords or not?	Comments
<p><b>Criterion 5</b> The layout of new dwellings and roads shall respect the amenities and setting of adjacent residential properties.</p>	Not relevant to outline proposal	These details are to come forward at reserved matters stages
<p><b>Criterion 6</b> The residential elements shall be defined by distinct character areas, incorporating a variety of typologies, materials, landscaping and street scenes.</p>	Not relevant to outline proposal	These details are to come forward at reserved matters stages
<p><b>Criterion 7</b> Lower densities and built form on the western portion of the site shall reflect its adjacent to open countryside.</p>	Not relevant to outline proposal	These details are to come forward at reserved matters stages.
<p><b>Criterion 8</b> The layout and form of buildings shall be designed to mitigate the rising topography with east west landscaping introduced to break up the overall visual massing.</p>	Disagreement between the Parties	Refer to Landscape SoCG.
<p><b>Criterion 9</b> The layout shall be designed so as to ensure that the substation adjacent to the south west corner of the site does not adversely affect the amenities of future residents.</p>	Not relevant	This is relevant for the Reserved Matters.
<p><b>Criterion 10</b> Site design and layout shall be informed by a local historic impact assessment.</p>	Refer to heritage SOCG	Refer to Heritage SOCG
<p><b>Criterion 11</b> A phase 1 habitat survey will be required, which may as a result require on and/or-off site mitigation for the existing habitat of local fauna/ flora.</p>	Accords	The required technical evidence on ecology was submitted with the planning application

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SA310 Criteria	Proposal Accords or not?	Comments
<p><b>Criterion 12</b> Existing tree/hedgerow margins should be retained/enhanced in order to provide the opportunity for biodiversity habitat creation/enhancement. Public access to such areas would normally be limited.</p>	Accords	The Appeal Scheme seeks to retain existing trees and hedgerows
<p><b>Criterion 13</b> Development will be subject to a site-wide strategy to incorporate an appropriate level of biodiversity net gain in accordance with national and local policy.</p>	Accords	The Appeal Scheme, albeit in outline, provides 90.18% net gain in area habitats and 20% net gain in hedgerows as set out in the Biodiversity Net Gain Assessment and calculation tool.
<p><b>Criterion 14</b> The proposed landscaping scheme shall respect and protect TPO trees within the site or adjacent to boundaries.</p>	Accords	The Appeal Scheme seeks to respect and protect the TPOs as confirmed in the Arboricultural Impact Assessment . It is noted that 2 ash trees were no longer in situ prior to the promotion and allocation of the Appeal Site.
<p><b>Criterion 15</b> The existing hedgerow fronting Moat Road shall be retained and enhanced and the impacts of any access junction minimised and mitigated.</p>	Accords but Some uncommon ground	The illustrative masterplan demonstrates how the hedgerow can be retain and confirmed in the Arboricultural Impact Assessment . There is disagreement whether the impacts of the access junction in opening up views into the development can be mitigated
<p><b>Criterion 16</b> Vehicular access routes within the development shall feature tree planting.</p>	Disagreement between the Parties	MBC considers that whilst this would be detailed in Reserved Matters, as a principle, it is not acceptably achievable with the quantum of development proposed.
<p><b>Criterion 17</b> Vehicular access shall be via Moat Road, with junctions and sight lines designed to appropriate capacity and safety standards</p>	Accords	<p>Access is proposed from the Moat Road. The technical details of this are confirmed within the following drawings:</p> <ul style="list-style-type: none"> <li>• Proposed Highway and Footway Scheme</li> <li>• Site Access Vehicle Tracking</li> <li>• Visibility Splays</li> <li>• Visibility Splays (with Highway Boundary Overlay)</li> </ul>
<p><b>Criterion 18</b></p>	Matter of Dispute	Refer to Transport SoCG

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SA310 Criteria	Proposal Accords or not?	Comments
Development will be subject to the provision of acceptable and safe off-site pedestrian and cycle connectivity along Moat Road to the A274. Any new footways shall be designed to ensure that there are no adverse or ecological impacts and maintain the rural character of Moat Road.		
<p><b>Criterion 19</b> Development shall respect and enhance the setting of any Public Rights of Way within or adjacent to the site.</p>	Accord	The Appeal Scheme demonstrates how the PRoWs within the site and adjacent to the site will be respected. Further details will come forward through reserved matters applications.
<p><b>Criterion 20</b> Appropriate safe pedestrian access onto Maidstone Road will be required via the northern boundary of the site.</p>	Matter of dispute	Refer to Transport SoCG
<p><b>Criterion 21</b> Development must ensure appropriate access for emergency vehicles.</p>	Disagreement between the Parties	The secondary access track provides an access for emergency vehicles in events where the access from Moat Road is not available. However during flood events, this track will <b>also</b> become the principal access for vehicles, pedestrians and cyclists and MBC consider this is unacceptable for those in combination
<p><b>Criterion 22</b> The site should be designed to ensure that it has a positive impact on the River Beult catchment, and does not worsen local flood risks on Moat Road</p>	Accords	There are no objections to the Appeal Scheme from the Environment Agency or the LLFA
<p><b>Criterion 23</b> The only vehicular access to the site is through Flood Zone 3. Any development will be dependent upon acceptable flood safety measures being agreed with the EA</p>	Accords	There are no objections to the Appeal Scheme from the Environment Agency or the LLFA. The EA refer to the finished floor levels of the development and the inclusion of a secondary access road out onto the A274 and are restricted to assessing “safety” only in terms of residents avoiding dangerous floodwaters.
<p><b>Criterion 24</b></p>	Accords	It is agreed that the Emergency access/Secondary access does not form part of the Open Space because it is owned by a third party and is a right of way only, not under the control of the appellant.

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SA310 Criteria	Proposal Accords or not?	Comments
<p>Provision of new open space on site shall be provided in accordance with policies LPRSP13 and LPRINF1</p>		<p>It is agreed that the adopted highway verge does not form part of the Open Space because it is inaccessible and not under the control of the appellant.</p> <p>The parties agree that, other than outdoor sports, sufficient open space can be provided subject to the Inspector imposing an agreed condition.</p> <p>It is noted that the detail of open space provision is a Reserved Matter.</p>
<p><b>Criterion 25</b> Provision shall include no less than 1.9 hectares of semi/natural open space the principal focus of which shall be to contribute to biodiversity net gain. The location and layout of such areas shall be designed to avoid conflict with accessible residential amenity spaces.</p>	<p>Accords</p>	<p>The parties agree that sufficient BNG can be provided. The parties agree that sufficient semi-natural greenspace can be provided, on the provision that the required attenuation ponds, will be designed to hold water all year round.</p> <p>It is agreed that the detail and specification for the SUDs features is a matter for condition and Reserved Matters.</p>
<p><b>Criterion 26</b> No less than 0.8 hectares of open green amenity space shall be provided, incorporating appropriate children's play space to meet the needs of the development.</p>	<p>Accords</p>	<p>The parties agree that sufficient open green amenity space can be provide as demonstrated in a revised open space performance plan that will be agreed before exchange of proofs</p>
<p><b>Criterion 27</b> Where it is not feasible, due to site characteristics, to provide an appropriate open space typology in accordance with policy LPRSP13 and LPRINF1, the scheme shall make appropriate financial contributions towards off-site provision/public realm improvements within the village.</p>	<p>Accords</p>	<p>Due to site characteristics there is a justification for an off-site financial contribution to be made for Sports Provision. This will be included as a S106 obligation.</p>

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SA310 Criteria	Proposal Accords or not?	Comments
<p><b>Criterion 28</b></p> <p>The applicant is to demonstrate that adequate connections to the nearest points of the network are achievable and that adequate capacity exists/can be created for all utilities.</p>	<p>Not relevant to outline proposal</p>	<p>No issues are raised on the Appeal Scheme with regards to utilities and connections. Further details can be secured via a suitably worded condition if required.</p>
<p><b>Criterion 29</b></p> <p>Where there may be limited capacity in the utility network, the occupation of the development will be phased to align with the delivery of infrastructure.</p>	<p>Not relevant to outline proposal</p>	<p>No issues are raised on the Appeal Scheme with regards to utilities and connections. Further details can be secured via a suitably worded condition if required.</p>

## Open Space

- 4.11 The Parties agree that subject to appropriate conditions, the S106 and matters for consideration at the Reserved Matter stage, that the Appeal Scheme provides for sufficient open space.
- 4.12 The Parties agree that sufficient community open space can be provided in the form of a community garden – which can be secured by condition, the detail of which is a Reserved Matter.
- 4.13 The parties agree that that, other than outdoor sports, sufficient on site open space as will be indicated by a revised Open Space Performance Plan (to be agreed by the parties before exchange of proofs) can be provided subject to the Inspector imposing the following agreed condition:

*Details of Reserved Matters submitted in regard of condition [number] shall show open space totalling 3.26ha which shall not include the Emergency access/Secondary access nor adopted highway verge on Moat Road.*

*The details shall show the following quantum of publicly accessible open space, which shall not include any parts of the eastern buffer between rear garden fences.*

*- no less than 0.8ha of Amenity Green Space incorporating appropriate children’s play space to meet the needs of the development.*

*- 0.25ha of Community Gardens*

*-no less than 1.9ha of natural and semi natural open space*

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*Any surface water attenuation basins within the area proposed for natural and semi natural open space must be designed to hold water all year round.*

*Reason; To accord with LPRSA310 and LPRINF1.-*

4.14 Thus, complies with policy SA310 parts 24-27 as indicated in the table above

4.15 Reason for Refusal 3 is therefore not to be contested by MBC on the basis of the above condition.

### Affordable Housing

4.16 40% affordable housing will be provided in accordance with Policy LPRSP10(B) with a tenure Mix to accord with local housing need. This will be secured by s106 legal agreement.

### PROW

4.17 It has been agreed that footpath KH590 needs to be partially diverted across the main spine road. Details of the diversion will be submitted with the detailed application / Reserved Matters (in addition to any required diversion application).

4.18 It is agreed that the scheme was amended to accommodate the route of the PROW and this is an acceptable diversion route in principle.

### Archaeology

4.19 It is agreed that any remains which may still exist underground of the Royal Observer Corps (ROC) Monitoring Post can be preserved in situ through an appropriately worded condition for a ROC Archaeological Conservation and Management Strategy. All other archaeological matters including the targeted conservation and interpretation of Moat Farm can be addressed through conditions in line with the representations of Kent County Council's Heritage officer.

### Drainage and Flood Risk

4.20 The Proposed Development is acceptable in principle to KCC as Local lead Flood Authority and the Environment Agency in terms of the drainage strategy and in terms of flood risk to the dwellings.

### Ecology

4.21 It is agreed that the Appeal Proposal is acceptable in regard to ecology and KCC Ecology has raised no objection, subject to conditions.

### Education

4.22 It is agreed the financial contributions towards local primary, secondary, and SEND education requested by the Education Authority are necessary to mitigate the impact of the development and they will be secured under a S106 agreement with Kent County Council.

### Benefits

4.23 The following scale has been adopted by the Parties:

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- No weight
- Limited weight
- Moderate weight
- Significant weight
- Substantial weight

4.24 Table 4.1 sets out the agreed position on the level of weight awarded to the benefits of the Appeal Scheme.

*Table 4.1: Weight awarded to the benefits of the Appeal Scheme*

<b>Benefit</b>	<b>Appellant Weight</b>	<b>MBC Weight</b>
Provision of housing as part of the Council's Local Development Plan for meeting their identified housing need	Substantial	Moderate
Provision of affordable housing	Substantial	Significant
Replacement building incorporating existing fabric of the Granary to be used as a shelter within open space	Substantial	Limited
Provision of public open space including children's play area, community garden and contribution towards sports	Moderate	Limited
Protection of important landscaping features include TPO, mature trees and hedgerows;	Significant	Limited
Ecological enhancements including the delivery 90.18% net gain in area habitats and 20% net gain in hedgerows with regards to BNG	Moderate	Moderate
Contributions to education, children's services , adult social care and libraries	Moderate	Limited
Contribution towards improvements to the Public Right of Way network in terms of stile replacement, clearance, new signage.	Moderate	Limited
Recording and preservation of Royal Observer Corps Station	Moderate	Moderate
Archaeological recording of The Moat Farm complex	Moderate	Limited



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## 5.0 Matters in Dispute

5.1 The following matters are not agreed between the parties.

Matter	Appellant’s Position	Council’s Position
Level of detail required outline planning	The Appellant has applied for outline planning permission with all matters reserved other than access. It is considered that sufficient information has been provided to allow the Council to determine the outline matters and to demonstrate the requirements of Policy LPRSA310 have been met.	The proposed development conflicts with the Allocation and should not be permitted. The appellant appears to have viewed the quantum of development specified in the Allocation as a minimum and not accepted that a figure lower than 110 dwellings might be the only scheme that can satisfactorily accord with all the conditions of the allocation and the other policies in the Development Plan.
That the LPR is Landscape Blind	The Appellant asserts that the LPR could not have been sound if it had not considered the likely significant effects on the environment include landscape, notwithstanding the evidence base that supported the LPR. All other elements of landscape dispute will be dealt with in the topic specific SoCG.	During the plan-making process the Council did not undertake landscape sensitivity testing nor detailed capacity testing by reference to landscape and visual effects. There is no record of the allocation being informed by advice from qualified landscape officers or external landscape consultants with the necessary expertise: there was no site specific consideration of capacity based on landscape sensitivities. Instead, the detailed assessment of the quantum of development was left for the Development Management stage within the parameters set by the Allocation.

5.2 The Parties note that the majority of the matters in dispute relate to landscape, heritage and transport matters, and hence are addressed in the separate SoCGs.


5.3 There might well be a dispute in the Planning interpretation and weighting on these matters, which would still form Planning evidence between the Parties, in respect of the conclusions on the overall Planning Balance.

# Statement of Common Ground – General / Planning Matters

Land at Moat Road, Headcorn, Maidstone

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## 7.0 Agreement

Sign on behalf of the Appellants  Charles Collins	Sign on behalf of Local Planning Authority  Marion Geary
Date: 21.01.2025	Date: 21.01.25
Position: Director	Position: Principal Planning Officer