

**INDEPENDENT EXAMINATION OF THE HEADCORN PARISH**

**NEIGHBOURHOOD DEVELOPMENT PLAN 2022-2038**

EXAMINER: DEREK STEBBING BA (Hons) DipEP MRTPI

Stefan Christodoulou  
Clerk  
Headcorn Parish Council

Erik Nilsen  
Principal Planning Officer  
Spatial Planning and Economic Development  
Maidstone Borough Council

Examination Ref: 01/DAS/HNP

19 September 2024

Dear Mr Christodoulou and Mr Nilsen

Following the submission of the Headcorn Parish Neighbourhood Development Plan (the Plan) for examination, I would like to clarify several initial procedural matters. I also have a number of questions for Headcorn Parish Council (the Parish Council/Qualifying Body) and Maidstone Borough Council (the Borough Council), to which I would like to receive a written response(s) by **Friday 18 October 2024** if possible.

1. Examination Documentation

I can confirm that I am satisfied that I have received the draft Plan and accompanying documentation, including the Basic Conditions Statement; the Consultation Statement; the Strategic Environmental Assessment (SEA) Screening Report; the Habitats Regulations Assessment (HRA) Screening Report; and the Regulation 16 representations, to enable me to undertake the examination.

2. Site Visit

I will aim to carry out a site visit to the neighbourhood plan area during the *week beginning 7 October 2024*. The site visit will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

#### 4. Further Clarification

From my initial assessment of the Plan and supporting documents, I have identified a number of matters where I require some additional information from the Borough Council and the Parish Council.

I have six questions seeking further clarification, which I have set out in the Annex to this letter. I would be grateful if you can seek to provide a written response(s) by **Friday 18 October 2024**.

#### 5. Examination Timetable

As you will be aware, the intention is to examine the Plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within around 6 weeks of submission of the draft Plan. However, as I have raised a number of relatively detailed questions (with requested actions), I must provide you with sufficient opportunity to reply. Consequentially, the examination timetable will be extended. Please be assured that I will aim to mitigate any delay as far as is practicable. The IPE office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter is placed on the Parish Council and Borough Council websites.

Thank you in advance for your assistance.

Yours sincerely

*Derek Stebbing*

Examiner

## ANNEX

From my initial reading of the Headcorn Parish Neighbourhood Development Plan 2022-2038 (Submission Version dated May 2024), the supporting evidence and the representations that have been made to the Plan, I have the following six questions for the Qualifying Body and the Borough Council. I have requested the submission of responses **by Friday 18 October 2024**, although an earlier response would be much appreciated. All of the points set out below flow from the requirement to satisfy the Basic Conditions.

### **Question 1: Re. Policy Drafting (Pages 29 to 129)**

As drafted, 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.

The Policies should therefore 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, can the **Qualifying Body** please provide me with a note setting out the necessary amendments to each Policy, which I may then consider as a consolidated single modification to recommend to the draft Plan.

Please note that, in some cases, the Policies will require several proposed amendments.

### **Question 2: Re. Policy HNP2 – Siting, landscaping and protecting the natural and historic environment and setting (Pages 84-86)**

As drafted, I am concerned at the length of this Policy.

Furthermore, 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.

At present, I consider 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 also consider that the Policy would benefit from being restructured to set out its 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.

Can the **Qualifying Body** please consider this matter and provide me with a note setting out the draft text of a revised Policy, which addresses the matters that should be addressed as part of the relevant development proposals to which the Policy will be applicable, which I may consider as a proposed recommended modification to the draft Plan?

### **Question 3: Re. Policy HNP3 – Connectivity and Access (Page 91)**

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 is intended to encompass.

I am also concerned that this Policy fails to provide sufficiently positive support for access to local public transport services, and initiatives to enhance such services.

Can the **Qualifying Body** please provide me with a note setting out suggested amendments to the draft text of this Policy that addresses the points that I have raised above, which I may consider as a proposed modification to recommend to the draft Plan?

### **Question 4: Re. Policy HNP4 – Infrastructure provision (Pages 101-104)**

I have a number of queries regarding the content of this Policy, as follows:

- Part B – can 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 consider 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 – can the Qualifying Body please explain how sub-clause 4 will be measurable in planning terms in the assessment of development proposals?
- Part D - can the Qualifying Body please explain how sub-clause 2 will be measurable in planning terms in the assessment of development proposals?
- Part E – I recognise that this part of the Policy has been drafted to reflect the results of the 2021 Residents’ Survey, and is 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 do 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 invite the Qualifying Body’s views on this matter, which I will consider as part of my overall assessment of the Policy and its supporting justification.

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

### **Question 5: Re. Policy HNP5 – New Dwellings (Pages 119-121)**

I am also concerned at the length of this draft Policy and, from my initial assessment, I consider that it 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 might be under a

series of appropriate sub-headings, such as “Density”, “Housing Mix”, “Affordable Housing”, “Open Space Provision”, etc.

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, such as to Policy HNP1 for Design policy considerations, for the benefit of future users of the Plan.

Can the **Qualifying Body** please consider the points that I have 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, for the benefit of future users of the Plan?

#### **Question 6: Re. Maidstone Borough Local Plan Review 2021-2038**

It is clear that the draft Plan has 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 note the Basic Conditions Statement, which has 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 consider 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 have highlighted in the preceding paragraph. I also consider 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 invite the **Qualifying Body** in conjunction and 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.

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