

MAIDSTONE BOROUGH LOCAL PLAN REVIEW

DRAFT PLAN FOR SUBMISSION (REGULATION 19)

OBJECTION TO SOUNDNESS ON BEHALF OF LENHAM PARISH COUNCIL

POLICY LPRSP5 (A) LEEDS LANGLEY CORRIDOR

REASONABLE ALTERNATIVE DEVELOPMENT LOCATION

LPC SIX

1. The Maidstone Borough Wide Local Plan (MBWLP) was adopted in December 2000. That plan included a proposal T18 (iii) to construct a Leeds Langley bypass. The alignment of the proposed bypass was shown on the proposals map running to the east of the villages of Leeds and Langley Heath.
2. Proposals for development to the south east of Maidstone were submitted in response to the call for sites as part of the preparation for the Maidstone Borough Local Plan (MBLP) which was ultimately adopted in 2017. The proposal was for up to 5000 homes based on garden community principles. The development proposals included a major funding contribution towards the Leeds Langley bypass.
3. The Report on the Examination of the Maidstone Borough Local Plan is dated 27th July 2017. Paragraphs 164-170 consider the Leeds Langley relief road (LLRR).
4. Paragraph 165 reports that it was expected that the road would be built following the adoption of MBWLP in 2000. Paragraph 165 also reports on the promotion of the road in association with the new settlement proposals to the south east of the town.
5. The proposed garden community and associated bypass proposals were not taken forward in 2017 for a number of reasons including funding issues.
6. The Inspector's Report concluded there should be an early review of the plan incorporating a review of the Leeds Langley relief road including funding, additional development and the possibility of providing sustainable public transport alternatives to the relief road. This matter is dealt with in policy LPR1 at page 314 of MBLP (2017).
7. The Sustainability Appraisal (SA) of the Maidstone Borough Local Plan Review (MBLPR 2021) does not include an evaluation of the development potential of the Leeds Langley corridor. This is because the various landowners involved could not coordinate and fund a comprehensive garden village proposal in response to the MBC call for sites exercise.

8. The evidence base supporting the Review includes a Report by Stantec entitled 'Leeds Langley Relief Road – Responding to LPR1'. This Report was produced in April 2021 and was published in September 2021. The Report concludes that land in the vicinity of Leeds village is broadly developable and could deliver a viable Leeds Langley relief road through developer funding mechanisms.
9. Lenham Parish Council (LPC) concludes as follows on this issue:
 - i. The evidence base supporting the MBLPR 2021 is incomplete because the work requested by the Inspector at MBLP in 2017 has not been completed and published for public consultation.
 - ii. The SA of the MBLPR 2021 is incomplete because it does not include analysis of the potential of the Leeds Langley corridor as a reasonable alternative development option.
 - iii. Even if the landowners could not produce a coordinated garden community proposal, there is no reason why the kind of work ultimately published in the Stantec Report in September 2021 could not have been developed into a reasonable alternative option and tested as such within the SA.
 - iv. A proper and complete analysis of development potential within the Leeds Langley corridor may well reveal that Leeds Langley performs better than Heathlands as a sustainable development option.
 - v. At some five miles distant Leeds and Langley Heath villages are significantly closer than Lenham Heath to facilities providing for employment, education, shopping and other activities within the Maidstone urban area. Compared to Heathlands, some ten miles distant, an allocation at Leeds Langley would reduce the number and length of journeys in accordance with the policies for promoting sustainable transport contained within paragraph 106 (a) of the National Planning Policy Framework (NPPF).
 - vi. Development within the Leeds Langley corridor offers the potential to provide a network of enhanced sustainable public transport links with the Maidstone urban area. Such a network would not only serve the new development but would also serve existing residents of South Maidstone thereby increasing the attractiveness of public transport.
 - vii. Increasing accessibility to Maidstone town centre would also have the beneficial effect of supporting essential town centre facilities making them more vibrant and viable.
 - viii. The potential for development within the Leeds Langley Corridor should be assessed both with and without a relief road. The potential should also be assessed as sustainable extensions to the villages of Langley Heath and Leeds and not solely as a new garden community.

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OBJECTION TO SOUNDNESS ON BEHALF OF LENHAM PARISH COUNCIL

POLICY LPRSP5 (A)

DEVELOPMENT IN THE LEEDS LANGLEY CORRIDOR

APPENDIX LPC LLC

1. The Maidstone Borough Wide Local Plan was adopted in December 2000. That plan included a proposal, T18 (iii), to construct a Leeds Langley bypass. The alignment of the proposed bypass was shown on the proposals map running to the east of the villages of Leeds and Langley Heath.
2. Golding Homes, the major Registered Provider of Affordable Housing (Housing Association) in Maidstone began promoting a new settlement for South East Maidstone in 2007. A new settlement in this location was initially supported by the Borough Council in the work on the 2017 Maidstone Borough Local Plan (MBLP).
3. The proposals were submitted in response to the MBC call for sites as part of the preparation for the MBLP which was ultimately adopted in 2017. The proposal was for up to 5000 homes based on garden community principles. The development proposals included a major funding contribution toward the Leeds Langley bypass. For all practical purposes the Leeds Langley bypass proposal is identical to the Leeds Langley relief road proposal.
4. The Report on the Examination of the MBLP is dated 27th July 2017. Paragraphs 164-170 consider the Leeds Langley Relief Road (LLRR).
5. Paragraph 165 reports that it had been expected that the road would be built following the adoption of the Local Plan in 2000. Paragraph 165 also reports on the promotion of the road in association with a new settlement proposal to the South East of the town. Paragraph 166 reports that the road would qualify as an item of major infrastructure in terms of NPPF policy (see paragraph 22 in the current NPPF). The proposed road and the development associated with it were abandoned for reasons which included funding (paragraph 165).
6. Matter 16 in the report into the examination of the 2017 MBLP includes consideration of implementation, monitoring and review. The issue of review is dealt with at paragraphs 357 onwards.
7. At paragraph 357 the inspector concluded that local plans may be found sound conditional upon a review in whole or in part within five years of the date of adoption.
8. At paragraph 360 the inspector notes that a review of the plan would also be needed in association with any decision by Kent County Council to go ahead with the Leeds Langley Relief Road. At paragraph 363 the inspector proposed a new policy to

include a target date for adoption of the review of the local plan and a list of candidate matters that may need to be addressed.

9. The full text of the Inspector's Report reads as follows:

“357. During the examination, consideration has been given to when the Local Plan should be first reviewed and whether the timing of such a review should be adjusted to address particular issues that have arisen. The national PPG on Local Plans provides amongst other things at paragraph ID12-008-20140306 that: ‘Most Local Plans are likely to require updating in whole or in part at least every five years. Reviews should be proportionate to the issues in hand. Local Plans may be found sound conditional upon a review in whole or in part within 5 years of the date of adoption.’

358. In this case there are some issues which do need to be resolved before the plan is first adopted. However there are other issues, especially in relation to housing delivery at the end of the Local Plan period, which are less urgent because they do not impact on strategy in the first 5 years of the Local Plan. To delay the adoption of the Local Plan to resolve all of these matters would have other disbenefits including prolonged uncertainty about the 5 year housing supply position later in the plan period.

359. The submitted Local Plan indicated at paragraph 17.126 that a first review of the Local Plan ‘will commence in 2022’. A change had been proposed by the Borough Council (PC/59) to amend this to ‘will commence by 2022.’ However there is no commitment to how quickly such a review would progress and no timetable for the necessary work. Moreover that would be too late to address the need to identify specific development site allocations in the Broad Locations (including any need to address a failure of the Lenham Neighbourhood Plan to make such allocations).

360. A review would also be needed in association with any decision by Kent County Council to go ahead with the Leeds-Langley Relief Road. Additional allocations will also be needed for the latter part of the plan period to supplement supply from the Broad Locations in order to provide necessary choice and to offset a reduced rate of delivery from those sites whilst maintaining an adequate supply of housing.

361. The Local Plan should therefore include a policy commitment to a review with a target adoption date by April 2021. That review process would accordingly need to start much earlier. The plan could then be rolled forward to extend the Plan period.

362. A plan review within 5 years of its submission for examination in 2016 would accord with proposals in the recent government Housing White Paper to require plan review at least every 5 years. 363. Main modification MM60 accordingly makes provision for a new Policy LPR1 which includes a target adoption date for the review of the Local Plan in April 2021. It sets out a list of candidate matters that may need to be addressed. This is not an exclusive list and it could be added to, particularly to address issues raised in annual monitoring.”

10. It is possible that the prospect of an early review was a consideration in deciding whether or not to find the plan sound at that time.

11. The MBLP was ultimately adopted in October 2017. Policy LPR 1 deals with the review of the local plan. Policy LPR 1 (v) states that matters for the first review include whether the case for a Leeds Langley Relief Road is made, how it could be funded and whether additional development would be associated with the road. Policy LPR (vi) deals with alternatives to such a relief road. Policy LPR (vii) deals with the need for further sustainable transport measures aimed at encouraging modal shift to reduce congestion and air pollution. The target date for the adoption of the review of the local plan is given as April 2021. The full text of policy LPR1 and the supporting paragraphs read as follows:

“9.11 It is important to ensure that an up-to-date planning policy framework is maintained to help meet identified need and coordinate well planned development and supporting infrastructure.

9.12 The council is confident that the local plan can deliver the substantial growth required to meet objectively assessed need over the plan period. Existing planning consents and development interest and activity clearly demonstrate that substantial development will be delivered in the earlier parts of the plan period. Allocations in the local plan offer a degree of certainty to developers and a dispersed approach to site allocations allows a range of landowners and developers the opportunity to contribute to development in the borough. When considering proposals, the Borough Council takes a positive approach to sustainable development which reflects the NPPF. The local plan seeks a number of benefits from development but retains a flexible approach where it can be demonstrated that viability would hamper delivery.

9.13 To ensure the plan continues to be up to date, a first review of the local plan will be adopted by the target date of April 2021. This review process will enable key pieces of evidence to be updated and any consequent changes to aspects of the plan to be made as a result. Matters which this first review may need to consider include an updated assessment of housing needs and the need to make specific housing site allocations, including at the Lenham and Invicta Barracks broad locations. An updated understanding of employment land needs may also be merited, in particular the need for new office floorspace, and additional land allocations could be required as a result. Transport measures may also need to form part of the review including the case for the Leeds-Langley Relief Road and alternatives to it, as well as other sustainable transport measures. The review may also be the opportunity to reconsider progress with the Syngenta and Baltic Wharf sites. It is likely to be prudent to extend the plan period as part of the review process.

Policy LPR1 Review of the Local Plan Policy

The council will undertake a first review of the local plan. The matters which the first review may need to address include:

- i. A review of housing needs;***
- ii. The allocation of land at the Invicta Park Barracks broad location and at the Lenham broad location if the latter has not been achieved through a Lenham Neighbourhood Plan in the interim;***
- iii. Identification of additional housing land to maintain supply towards the end of the plan period and, if required as a result, consideration of whether the spatial strategy needs to be amended to accommodate such development.***
- iv. A review of employment land provision and how to accommodate any additional employment land needed as a result;***
- v. Whether the case for a Leeds-Langley Relief Road is made, how it could be funded and whether additional development would be associated with the road;***
- vi. Alternatives to such a relief road;***
- vii. The need for further sustainable transport measures aimed at encouraging modal shift to reduce congestion and air pollution;***
- viii. Reconsideration of the approach to the Syngenta and Baltic Wharf sites if these have not been resolved in the interim; and ix. Extension of the local plan period.***

The target adoption date for the review of the local plan is April 2021. ”

12. Policy LPRSP5(A) in MBLPR 2021 deals with the development potential of the Leeds- Langley corridor. The work identified as necessary in policy LPR (1) (v) of the MBLP 2017 has not been completed.
13. As a result, policy LPRSP5A (1) does not identify firm allocations but contains a safeguarding area for potential future development. Policy LPRSP5A (2) is essentially an enabling policy which may or may not allow the identification of appropriate development sites.
14. Had the work been completed within the program as requested by the last inspector this local plan review would be able to be informed about the potential of the Leeds Langley corridor. The SA of the MBLPR 2021 stopped short of including the Leeds Langley corridor as a Garden Community development option because the work has not been done to firm-up the project.
15. This raises the question as to whether MBLPR 2021 has considered all the alternative development options possible in the SA as required by legislation.

16. As the work has not been done, it is not possible to assess the cumulative impact of any future Leeds Langley development and any future bypass together with Lenham Neighbourhood Plan (1000 dwellings) and Heathlands (5000 dwellings) on the capacity of the A20/M20 at Junction 8.
17. It could be argued that MBLPR 2021 is premature in advance of the completion of the work on Leeds Langley and the cumulative impact that would have on the entire A20 corridor including M20 Junction 8.
18. It is not possible to assess whether the plan has arrived at an appropriate pattern of development for the borough because the work has not assessed all of the potential development options.
19. The evidence base supporting MBLPR 2021 includes a Report by Stantec entitled Leeds Langley Relief Road – Responding to LPR1. The inside cover of this Report indicates it was produced in April 2021. The Report was published in September 2021.
20. LPC considers the Stantec Report to be the kind of work the 2017 Inspector's Report envisaged would have been completed to inform Maidstone Borough Local Plan Review which should have been adopted by 2021.
21. The question has to be asked why has this work was not commissioned earlier when it was evidently needed upon receipt of the Inspector's Report in 2017.
22. The Stantec Report identifies two areas which could both facilitate about 100 ha of development land broadly to the south and to the north of Leeds village. These areas are shown on Figure 3.1 within the Report. Paragraph 4.12 concludes that the bypass scheme provides good value for money and meets long-standing objectives to reduce congestion on the B2163.
23. Paragraph 4.1.6 of the Stantec Report indicates that 200 ha of broadly developable land is the scale of development likely to be able to deliver this route. Paragraph 3.4.6 refers to around 4000 units (3,995) to support a relief road.
24. LPC concludes that the MBLPR 2021 is unsound because it has not properly considered the development proposals required by the previous Inspector and now contained within the Stantec Report. This work should have been undertaken and published at an earlier stage in the plan making process. The September 2021 Sustainability Appraisal (SA) report considers the Leeds Langley Corridor at paragraphs 7.171, 7.176 and Table 7.6. Paragraph 7.171 says the sustainability scores are set out in Table 7.6. Paragraph 7.176 concludes that the effects of the policy are judged to be uncertain in relation to sustainability appraisal objectives and no scores are therefore given. Table 7.6 provides a series of question marks.
25. LPC also concludes that the MBLPR 2021 is not legally compliant because the SA has not properly considered the Stantec work as a development option. The work on this option was not published until such time as the Regulation 19 revision of the Local Plan Review and the supporting SA had been published.

26. The land identified as broadly developable in the Stantec Report is much closer to M20 Junction 8 and to employment and services in the Maidstone urban area. This land offers the prospect of being served by an efficient bus service over much shorter distances and journey times than that proposed at Heathlands.
27. LPC considers that at least 1,400 homes could be delivered with the Leeds Langley area of search within the plan period to 2037 in substitution for Heathlands.
28. LPC considers that a Leeds Langley option could comply with the statutory duty to mitigate climate change and minimise the need to travel as required by the NPPF and policy LPRSP14 (c), whereas Heathlands could not. As a consequence, LPC believes there should be a radical re-think of the development proposals contained within the MBLPR 2021 and as a result the unacceptable and unsustainable Heathlands garden settlement proposal should be deleted from the plan in its entirety.