

# STAPLEHURST PARISH COUNCIL

## **Personal details:**

Name	Staplehurst Parish Council
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**Would you like to be contacted about the Maidstone Local Plan?** Answer: Yes

## **Question 1: Do you consider that the Local Plan is legally compliant?**

Answer: No

We draw attention to the analysis by the Kent Association of Local Councils which casts doubt on the calculation of housing need, and, in particular, of the requirement for gypsy and traveller accommodation, which provide the principal justification for the local plan.

## **Question 2: Do you consider the Local Plan is compliant with the Duty to Cooperate?**

Answer: No

NPPF 54 states: "In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs".

NPPF 178 states: "Public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the **strategic priorities** set out in paragraph 156". NPPF 156 states: "Local planning authorities should set out the **strategic priorities** for the area in the Local Plan. This should include strategic policies to deliver:

- the homes and jobs needed in the area;
- the provision of retail, leisure and other commercial development;
- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- the provision of health, security, community and cultural infrastructure and
- other local facilities; and
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

When submitting the Local Plan, MBC will have submitted a statement of compliance with the duty to cooperate, but that statement was not available for inspection during Regulation 19 Consultation.

Very substantial housing development is proposed in the Local Plan or is actually in progress in Staplehurst and Marden, both served by the A229, and in Langley and Headcorn, served by the A274, which joins the A229 at the congested Wheatsheaf junction. In addition, outside the MBC area, considerable housing development is envisaged in Cranbrook and Hawkhurst (in Tunbridge Wells Borough), which will place further pressure on the A229 corridor and also in Tenterden (served by the A274. SPC does not believe that the proposed implementation of public transport priority measures will be adequate to increase capacity of the A229/A274 corridor sufficiently, or that it is even physically possible at many points along the route. SPC considers that without very substantial improvement in transport infrastructure, in conjunction with Kent County Council, Tunbridge Wells Borough Council and Ashford Borough Council, it will not be possible for MBC to achieve both its objectives of locating a large amount of new housing in the south of the Borough and of maintaining the viability of the Maidstone urban area as an important destination for shopping and employment.

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## **Question 3: In your opinion, is the Local Plan positively prepared?**

Answer: No

SPC considers that the Local Plan is irrational in terms of spatial planning, in that much of the new housing is allocated to the southern side of the Maidstone urban area and to Rural Service Centres south of Maidstone, while most of the new employment opportunities are on the north side of the Borough, placing additional strain on a transport infrastructure which is admittedly incapable of meeting current demands.

Furthermore, we note that the NPPF expects the planning system to “be a creative exercise in finding ways to enhance and improve the places in which people live their lives”. We see no evidence that this Local Plan seeks to enhance and improve the places where most of the population of Maidstone Borough live at present.

The NPPF also expects planning to “be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area”.

NPPF 185 states that: “Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict. Local planning authorities should avoid duplicating planning processes for non-strategic policies where a neighbourhood plan is in preparation.” This Local Plan ignores the Neighbourhood Plans in various stages of development in several parts of the Borough – some of them further advanced than the Local Plan itself.

## **Question 4: In your opinion, is the Local Plan justified?**

Answer: No

Our understanding is that “justified” requires that the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

We do not believe that evidence of past population growth has been proportionately used; we note below our specific concerns.

We also believe that the strategy, even if supported, falls down when carried forward at the proposed speed and magnitude of outcome. The proposed expansion of our Borough is not sustainable and therefore the Local Plan cannot be justified.

## **Question 5: In your opinion, is the Local Plan effective?**

Answer: No

Our understanding is that “effective” requires the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

Our answer to Question 2 states our view that the Duty to Cooperate has not really been deployed in a meaningful way, primarily in terms of assessing cross-boundary impacts, particularly cumulative impacts on infrastructure.

We do not support the proposed number of new homes, but we are most concerned that, if it is delivered, the actual number of new homes in our Borough will be substantially greater, as MBC has made only reluctant and partial allowance for windfalls, despite very strong past windfall delivery. The consequential adverse impact on sustainability would be that much greater and therefore the plan would not be “effective” against sustainability requirements.

Lack of this plan’s “sustainability” is accentuated for the 51% of residents living in parished areas, which are mainly rural or semi-rural in character.

## **Question 6: In your opinion, is the Local Plan consistent with national policy?**

Answer: No

MBC has consistently claimed that its plan is “robust” and conforms to NPPF. However, the detailed analysis by the Kent Association of Local Councils of the housing need figures and the requirement for gypsy and traveller accommodation which underpin the Local Plan cast considerable doubt on this.

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**Question 7: Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound.**

The evidence underpinning the OAHN in the Local Plan should be reassessed, making full allowance for the two factors raised in the response of the Kent Association of Local Councils, i.e. OAHN corrected for past over-supply and full-period windfalls at historic levels. That would have the effect of substantially reducing OAHN, thereby increasing the probability of achieving sustainability, and also delivering an earlier Five Years' Housing Supply to give effect to policies within the Local Plan that would benefit our Borough.

Once OAHN itself has been revised downwards, constraints should then be identified and applied to arrive at a more-sustainable target level of development. For our Borough, those constraints would relate mainly to infrastructure – in particular roads, surface water drainage, sewerage, water supply and community infrastructure.

Policy GT 1 (Gypsy and Traveller site allocations) requires to be reviewed, probably downwards in terms of the number of sites, after the flaw in the underpinning Salford University report is corrected and DCLG's August 2015 guideline is fully digested.

We also offer some detailed comments on specific policies in the Attachment.

**(Second) Question 7: If your representation is seeking a modification to the Local Plan, do you consider it necessary to speak at the Independent Examination?**

**Answer:** No.

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Draft Policy	Comment
<p>Policy SS1: Maidstone Borough Spatial Strategy</p>	<p>Staplehurst Parish Council remains unconvinced by the methodology used to generate the requirement for 18,560 new dwellings and 187 additional gypsy and traveller pitches between 2011 and 2031, and generally supports the detailed comments made in its response to the Local Plan by the Kent Association of Local Councils in this context.</p> <p>We also consider that the housing numbers proposed in the Local Plan do not take sufficient account of infrastructure constraints, either for specific sites or across the Borough as a whole, such as traffic generation, sewage disposal or water supply, which are detailed below.</p> <p>Staplehurst Parish Council also comments that the gypsy and traveller target is based on out of date information and does not appear to take into account the latest advice from the DCLG. It is also misleading since it ignores temporary permissions, most of which (in our experience) eventually become permanent, and if allowed for would mean that the target has already been met.</p>
<p>Policy SP5: Rural Service Centres</p>	<p>The expectation that Rural Service Centres will have “the services and facilities necessary to support a growing population” (Section 5.46) is negated by the fact that these services and facilities are nowhere specified. The Staplehurst Neighbourhood Plan (currently being examined by the Planning Inspector prior to Referendum) attempts to do so and we consider that it would be appropriate for the Local Plan to make specific reference to relevant proposals in the Staplehurst Neighbourhood Plan. Unless it is clear what services and facilities are necessary, there is no way that MBC can take positive action to implement this policy of the Local Plan.</p> <p>Staplehurst Parish Council is sceptical that sustainable drainage systems (SuDS) will be adequate to reduce surface water run-off (Section 5.47) in view of the fact that much of the area proposed for new housing development is underlain by almost impermeable Weald Clay.</p>
<p>Policy SP10: Staplehurst Rural Service Centre</p>	<p>In addition to comments on specific housing and employment areas below, SPC considers that the proposals for infrastructure improvements are insufficiently specific and need to consider the cumulative impact of all planned developments, not only in Staplehurst but elsewhere on the A229, including places such as Cranbrook and Hawkhurst in Tunbridge Wells Borough. The infrastructure improvements need to take place in line with the timescale of the proposed housing development.</p> <p>The infrastructure improvements must include improvements to surface water and foul drainage, which is already inadequate in many parts of Staplehurst, with regular flooding by both surface water and sewage<sup>i</sup>. Provision of effective surface water drainage for existing and proposed new developments will require an integrated management plan covering the whole of River Beult catchment area, if flooding risk downstream (e.g. at Yalding) is not to be made worse. We understand that there are potential capacity constraints at the Staplehurst sewage treatment works, both in terms of throughput and of discharge of phosphates<sup>ii</sup> and nitrates to the River Beult (which is a designated Site of Special Scientific Interest from Smarden to its confluence with the Medway).</p> <p>The statement by Southern Water in a letter of 26 August 2014 in relation to the Hen and Duckhurst Farm development (Policy H1(49), below) is of more general significance: “Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result.”</p> <p>We should also draw attention to water supply limitations in both Staplehurst and Marden. Maidstone Borough Council’s Water Cycle Study Outline</p>

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	<p>Report 2010 states (page 4-30) “Mains serving Sutton Road, Marden and Staplehurst have limited capacity for future development. Additional housing in these areas would be relatively costly to supply although technically feasible.” As far as we are aware, no work has been carried out to address this issue.</p> <p>Current retail provision is inadequate to support the current population of Staplehurst, let alone the proposed additional housing. Although planning consent was given for a supermarket near Staplehurst railway station in March 2013, the applicant has at present no plans to begin construction (beyond minimal demolition work to prevent the planning consent lapsing). The Staplehurst Neighbourhood Plan calls for the protection and enhancement of the existing retail area in the centre of the village (Policy VH1), together with small-scale retail and commercial development to complement the supermarket development on the north side of the village (Policy GW1).</p> <p>(i) Specific proposals for improving the A229/Marden Road/Headcorn road junction and for improving conditions for walking and cycling are made in the Staplehurst Neighbourhood Plan (Access and Movement, Objectives 02, 03, 04, 05 and 06), which could usefully be referenced.</p> <p>(ii) SPC would support proposals for expanding Staplehurst (primary) school by 0.5 forms of entry, to 2 forms, and again wishes to emphasise that this needs to be achieved on the same timescale as the proposed housing development (see Policy C2 of the Staplehurst Neighbourhood Plan). However, Kent County Council, as the local education authority, is directing Section 106 contributions from housing developments in Staplehurst which cover the great majority of the new housing allocated in the Local Plan to expansion of Headcorn school, and appears to have no plans to expand Staplehurst school in the immediate future.</p> <p>(iii) SPC would wish to be consulted on the purpose of any new public open space and how it is to be managed and maintained in the future at an early stage in any planning applications.</p>
<p>Policy SP17: The Countryside</p>	<p>SPC welcomes the inclusion of the Low Weald as a landscape of local value. However, we consider that the Low Weald landscape area as shown south-east of Staplehurst should be extended to link with the designated area around Headcorn, and that area west of the A229 corridor should be designated, as this is of similar value to that east of the A229 and is prominent in long-distance views from the higher ground north and east of Goudhurst and forms part of the setting of the High Weald AONB.</p>
<p>Policy H1 (49): Hen and Duckhurst Farm, Marden Road, Staplehurst</p>	<p>Detailed requirements for this site are given in policy H4 of the Staplehurst Neighbourhood Plan.</p> <p>Design and Layout – SPC would regard screening of the electricity substation (2) as a matter for the developer. The western boundary of the site should define a long-term boundary to Staplehurst (see policy E1 of the Staplehurst Neighbourhood Plan).</p> <p>Access – We understand that there are land ownership issues which might make secondary and/or emergency access from Lodge Road (4) difficult to achieve at the moment, but the site layout should be such as to facilitate implementing this when possible in the future. Pedestrian and cycle linkages (6) should be provided with the existing Lime Trees development as this is likely to provide a more convenient route to the station for many residents of the new development.</p> <p>Highways and Transportation – Traffic calming in Marden Road is not supported by SPC.</p>
<p>Policy H1 (50) Fishers Farm, Fishers Road, Staplehurst</p>	<p>Detailed requirements for this site are given in policy H5 of the Staplehurst Neighbourhood Plan. SPC regards it as vital that this site should be planned as a single entity, with a master plan for the site as a whole. There should be a single access point from Headcorn Road. At present, this site is being progressed as two entirely separate planning applications from different</p>

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	<p>developers, each with its own access.</p>
<p>Policy H1 (51): North of Henhurst Farm, Staplehurst</p>	<p>This site was not allocated for housing development in earlier versions of the Maidstone Local Plan, and SPC considers that its addition is not acceptable. SPC objects to the proposed single access from Marden Road via Oliver Road through the Taylor Wimpey development south of Oliver Road now under construction - which was designed and laid out without provision for a substantial volume of through traffic. The site identified in the Local Plan has no other possible connection with a public highway. We consider that the effect on traffic in Pope Drive, Bathurst Road and Offens Drive would be highly detrimental and that highway improvements would be required at the junction of the A229 and Offens Drive, in addition to the junction of the A229 and Marden Road. The new housing would be visible for a long way from the south, and would adversely affect the quality of the landscape. The Staplehurst Neighbourhood Plan rejected substantial development on the south side of the built-up area for this reason. SPC has serious doubts as to the capacity of the existing drainage system to cope with further development, particularly in regard to sewerage, in the light of the current inadequacy of the existing sewerage network in the Marden Road area and the lack of additional capacity at the Staplehurst sewage treatment works.</p> <p>Should this site be considered in spite of SPC's objections, we recommend that the areas proposed for conservation, allotments and open space should be transferred to a public body for public use in perpetuity and (together with the environmental areas provision of which was a condition of planning permission for the current development south of Oliver Road) should form a clear south-eastern boundary to the expansion of the settlement of Staplehurst. The arrangements proposed for the current Oliver Road development might be a suitable model for such a transfer. In view of the visibility of this site we endorse criterion 6, calling for a high standard of design and the use of vernacular materials. We emphasise the importance of criterion 12 (flood risk and drainage) and would wish to see an additional reference to sewerage.</p>
<p>Policies GT1(13) and GT1(14): Site Allocations for Gypsy and Traveller Accommodation</p>	<p>In general, SPC is unconvinced by the methodology adopted by Maidstone Borough Council to estimate the need for such sites, and considers that application of the Government's current criteria would lead to a considerable reduction in demand. In terms of the two sites in George Street, Staplehurst, proposed for expansion in GT1(13) and GT1(14), SPC considers that given the conditions proposed the development may possibly be acceptable, although it is noted that there are surface water flooding issues in the vicinity, that road access is by narrow lanes, and that pedestrian access to village facilities would be by a narrow lane with no lighting or footway and then by a foot crossing over the busy Tonbridge-Ashford railway (this was one of the reasons quoted by the Planning Inspector in supporting the refusal of planning permission for a development of affordable housing north of George Street). Given the allocation of Gypsy and Traveller sites in the emerging Local Plan, SPC would expect further expansion of Gypsy and Traveller sites elsewhere in Staplehurst - particularly in the Frittenden Road, Maplehurst Lane and Park Wood Road area - to be strongly resisted.</p>
<p>Policy EMP1(5): Additional employment site at Woodcut Farm, Ashford Road, Bearsted</p>	<p>In addition to objections on environmental and landscape grounds, SPC considers that the location of further employment, particularly of the type proposed in this policy, at Junction 8 is not sustainable. The site is admittedly poorly served by public transport and most employees are likely to reach it by private transport. In view of the fact that considerable new housing is already allocated to the rural service centres of Marden, Staplehurst and Headcorn, SPC considers that this proposal would put still further pressure on the A229 corridor and on the road network in the inner area of Maidstone town. If this site is to be considered at all, it should be contingent on the completion of the Leeds-Langley bypass, and on a westward extension of this (as new or upgraded road) to link with the A229 in</p>

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	<p>the Linton/Coxheath area. In general, SPC considers that insufficient consideration has been given to the establishment of high quality employment (as distinct from warehousing and distribution) along the corridor of the Tonbridge-Ashford railway line.</p>
Section 18 general comment	<p>While the draft includes development management policies for the town centre (DM31-DM33) and for the countryside (DM34-DM45), specific development management policies for Rural Service Centres or Larger Villages are lacking, and SPC considers that this indicates a lack of vision for Rural Service Centres in the Local Plan.</p>
Policy DM13: Affordable Housing	<p>SPC has serious concerns about the proposed 40% of affordable housing proposed for rural areas, given the lack of new employment opportunities and the cost and inconvenience of travel to employment or to services in central Maidstone. This situation will be exacerbated by the spatial policies of this Local Plan which allocate much of the new affordable housing to Rural Service Centres in the south of the Borough and most new employment to the north. SPC carried out a Housing Survey in 2010 which identified a modest local demand for affordable housing and it would support some key worker and shared ownership housing as providing an opportunity for children of local families to remain in the area. However, the proposed 70% of affordable housing for rent is considered excessive.</p>
Policy DM21: Retention of Employment Sites	<p>SPC generally supports this policy, but would wish to see an expressed preference for uses other than B8 for Station Road/Lodge Road/Honeycrest Industrial Park, Staplehurst, in view of the lack of capacity of the local transport infrastructure and the need for increased local employment opportunities to match the 710 new dwellings proposed for Staplehurst. The Staplehurst Neighbourhood Plan (Policy H6 page 56-58) suggests that a mixed use commercial and residential development would be appropriate for part of the proposed expansion of the Lodge Road employment area, particularly in the light of reports from the landowners of declining demand for the traditional type of unit.</p>
Policy DM23: Community Facilities	<p>SPC notes with concern that while this policy states that “residential development which would generate a need for new community facilities or for which spare capacity in such facilities does not exist, will not be permitted unless the provision of new, extended or improved facilities (or a contribution towards such provision) is secured by planning conditions or through legal agreements unless the specific facilities are identified for delivery through the Community Infrastructure Levy” no such provision has resulted from the planning applications for more than 600 dwellings already submitted in Staplehurst, in spite of SPC drawing the attention of MBC to the need for investment in the Staplehurst Village Centre and in spite of policy C6 of the Staplehurst Neighbourhood Plan. As indicated in the comment on policy ID1 below, SPC has no faith in the ability of the Community Infrastructure Levy to provide the much-needed improvements in community facilities.</p>
Policy DM24: Sustainable Transport	<p>The preamble to this policy mentions (17.127) “capacity improvements at the junction of A229, Headcorn Road, Station Road and Marden Road at Staplehurst” (Cuckold’s Corner). As mentioned elsewhere, SPC believes that these capacity improvements are required urgently, and on a timescale in parallel with the construction of new housing developments in Marden Road and Headcorn Road. At the same time, this location with the Martyrs’ Memorial (Grade II listed) and many fine, mature trees (with TPOs) forms an important part of the villagescape, and any scheme needs to be sensitive to this. Capacity improvements for vehicles should not be at the expense of pedestrians and cyclists; some of the existing footways in the area are dangerously narrow, creating problems for wheelchair users (such as residents of the nearby Cheshire Home) and parents with pushchairs. One possibility would be the scheme suggested in broad outline in the Staplehurst Neighbourhood Plan (objective 06).</p> <p>As mentioned above, the Local Plan is unspecific with regard to encouraging</p>

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	<p>walking and cycling by improved facilities, and objectives 02, 03, 04 and 05 of the Neighbourhood Plan are relevant and should be referenced.</p> <p><b>Bus Services:</b> The proposals for improved radial bus services (17.137) focus entirely on traffic to and from Maidstone town centre and the railway stations in central Maidstone. The Arriva No 5 route which runs from Maidstone via Staplehurst to Cranbrook, Hawkhurst and Sandhurst does not provide a convenient interchange between bus and rail services in central Maidstone. We consider that the Local Plan should call for better integration between bus and rail services at Staplehurst. This could be done by adjustment of timetables (for example as suggested recently by the Hawkhurst Accessibility Group), better signage and the installation of real-time departure indicators. This would achieve better facilities for residents all along the A229 south of Maidstone.</p> <p><b>Rail Services:</b> As far as rail services are concerned (17.141-17.144), the preamble gives insufficient weight to the stations on the Tonbridge-Ashford main line. According to the latest usage figures<sup>iii</sup>, the three stations on this line, Headcorn, Staplehurst and Marden, are used by very nearly as many passengers as the five stations on the Maidstone East line (1,980,720 a year as against 1,984,356). SPC considers that this should be regarded as an opportunity rather than a threat and that passengers from South Maidstone and Coxheath should be encouraged to use Staplehurst station rather than stations in central Maidstone, provided this can be done without an undue adverse effect on traffic congestion in Staplehurst. A more frequent bus service between Staplehurst and Maidstone in and either side of peak periods could not only encourage passengers from Staplehurst to central Maidstone by bus rather than car, but could also have passengers in the opposite direction from Maidstone to change to rail services at Staplehurst. The Staplehurst Neighbourhood Plan includes a policy (GW1) for improvements at the railway station to provide a better environment for passengers and a more attractive gateway to Staplehurst.</p>
<p>Policy DM27: Parking Standards</p>	<p>This policy is insufficiently specific and SPC would expect to see actual numbers in the promised parking standards supplementary planning document which should form part of the Local Plan. SPC considers that permission should not be given for new residential accommodation in Rural Services Centres (including conversions from other uses) unless off-street parking is allocated for them, and has noted with concern that MBC has granted permission for such developments with no allocated parking provision. While it is true that public transport may be adequate for travel to employment or education in certain cases, public transport operates along only a limited number of corridors and cannot be expected to meet all demands for other travel, for example to leisure and shopping destinations. Thus, even though residents may not use a car for their regular travel Monday-Friday, they are still likely to own a car for other purposes, and this needs to be parked somewhere.</p>
<p>Policy DM34: Design Principles in the Countryside</p>	<p>This policy does not make specific reference to the Low Weald Landscape of Local Character.</p>
<p>Policy ID1: Infrastructure Delivery</p>	<p>SPC notes that many of the infrastructure improvements called for by the Local Plan are expected to be funded through the Community Infrastructure Levy. Given that at least 90% of the housing development in Staplehurst identified in the Local Plan is already the subject of planning applications and that no CIL contributions will be forthcoming, SPC considers this expectation to be unrealistic. It calls upon MBC to identify alternative funding sources for the many infrastructure improvements which are absolutely necessary to enable the housing developments listed in the Local Plan to be achieved.</p>

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<sup>i</sup> A Marden Road resident stated in September 2014 in a comment on the Hen and Duckhurst Farm development (Policy H1(49)), “Along the Marden Road and I believe elsewhere in the village there are properties getting sewage in their gardens. I have been within an inch of flooding my bungalow with sewage.”

<sup>ii</sup> Southern Water’s Final Business Plan 2009, Section B.4(B) Quality Enhancements – Sewerage Service, notes that (page 13) the Environment Agency “has concluded that enhanced phosphorus removal to 1mg/l should be provided at Headcorn, High Halden and Staplehurst, all of which discharge to the river Beult. These three works, amongst others, had phosphorus stripping to 2mg/l installed during AMP3”. This requirement is derived from the European Water Framework Directive.

<sup>iii</sup> Usage of Rail Stations in Maidstone Borough

Figures from Network Rail report

Station	Entrances + Exits 2014-2015
Bearsted	396,840
Beltring	13,502
East Farleigh	29,312
Harrietsham	74,412
Headcorn	612,206
Hollingbourne	46,554
Lenham	108,194
Maidstone B’cks	270,645
Maidstone East	1,358,356
Maidstone West	843,268
Marden	480,498
Staplehurst	888,016
Yalding	21,604