



# LENHAM

## NEIGHBOURHOOD PLAN

QUALITY GROWTH  
QUALITY LIFE

**BASIC CONDITIONS STATEMENT**

February 2016



# **BASIC CONDITIONS STATEMENT**

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# EXECUTIVE SUMMARY

- S1. This statement refers to the regulation 14 Submission Lenham Neighbourhood Plan, produced by the Parish Council. An experienced, multi-disciplinary consultancy team was assembled to assist the Parish Council in taking forward the plan-making process, with the assistance of the Neighbourhood Plan Steering Group, and the local residents whose opinions were gathered and tested in a series of public consultation events and workshops. The study area is the whole of the Parish.
- S2. In order to be considered suitable to be taken forward to referendum, Neighbourhood Plans must satisfy a series of basic conditions. These are set out by Central Government. In summary, these are a series of tests to ensure the Plan has regard to;
- a) National Planning Policy
  - b) Listed Buildings
  - c) Conservation Areas
  - d) Sustainable Development
  - e) The Local Plan
  - f) EU Obligations
  - g) Prescribed Conditions and Prescribed Matters
- S3. The subsequent sections of this statement demonstrate how and why the Regulation 14 Submission Draft Neighbourhood Plan is acceptable regards these considerations.

# BASIC CONDITIONS STATEMENT

## 1 Condition a: National Planning Policy

**“having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).”**

1.1 This Draft Neighbourhood Plan is the culmination of almost 4 years of work by the Parish Council, Neighbourhood Plan Steering Group, local people, and consultancy team, commencing in 2012. The Plan also is the culmination of many public consultation events and workshops and numerous meetings with the Local Planning Authority (Maidstone Borough Council). The Plan is therefore in accordance with national guidance regards the due process of neighbourhood plans.

1.2 Furthermore, the Plan is in accordance with specific national planning policies as set out in the NPPF. The glossary of the National Planning Policy Framework (NPPF), which is the highest level of planning in England, provides the following definition of Neighbourhood Plans;

“A plan prepared by a Parish Council or Neighbourhood Forum for a particular neighbourhood area.”

1.3 The NPPF goes on to offer further guidance of the nature and remit of Neighbourhood Plans. They are mentioned in the very first paragraph of the introduction;

“It (the NPPF) provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.”

1.4 At paragraph 2, the NPPF notes;

“The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans”

1.5 There is a set process of Neighbourhood Plan adoption that must be followed, as set out below;

i) Firstly Propose a Boundary/Boundaries.

ii) Send the Proposed Boundary/Boundaries to the Local Planning Authority (LPA) which in this case is Maidstone Borough Council (MBC). The LPA can be reasonably expected to Endorse the Proposed Boundaries.

iii) Write a Letter to the Public (perhaps every household in the Parish) showing the area(s) and explaining what sort of proposals may be brought forward for those areas.

iv) Draft Options and Public Meeting(s) and Workshop(s).

v) Final Proposals.

vi) Formal 6-week consultation carried out by the Parish Council.

vii) Proposals checked by LPA (MBC) for compliance with the Local Plan.

viii) Formal consultation carried out by the LPA.

ix) Sent to an Examiner (similar to a Planning Inspector) to check for soundness.

x) Goes to Local Referendum. Needs min. 50% support.

xi) Becomes Adopted as soon as the Referendum is passed.

xii) Goes to the LPA (MBC) to be incorporated in the Local Plan. Becomes an integral part of the Local Plan and carries as much weight as other parts of the Local Plan.

1.6 This process has been followed, and the Plan currently is at stage vi) as set out above.

1.7 The time-line of the Neighbourhood Plan is set out in detail in the Consultation Statement.

1.8 At paragraph 15, the NPPF notes the importance of sustainable development and the presumption in favour of sustainable development. This means the proposals must be sustainable in their layout and proximity to services and in their detailed design and construction, such as under the Code for Sustainable Homes. The “presumption in favour” indicates that if developments are sustainable then they should go ahead: i.e. the wording is strongly pro-development provided it is the right kind of development. This places an obligation on communities to welcome development: it is no longer acceptable to simply resist development.

1.9 At paragraph 16, the NPPF sets out the following;

“The application of the presumption (in favour of sustainable development) will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:

- develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;

- plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan; and

- identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with their neighbourhood plan to proceed.

1.10 The NPPF attaches great importance to good design. Paragraphs 56 to 60 set out the following;

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”

- 1.11 The NPPF sets out further important principles in subsequent chapters. Chief amongst these are;

That planning 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. (para. 17)

The importance of strengthening the rural economy. (para. 28)

The importance of local people identifying local green spaces that are important to them. (para. 76)

Giving local people genuine power in terms of setting policies that will help determine planning applications and furthermore effectively in granting their own planning approvals by creating Neighbourhood Development Orders. (para. 183)

- 1.12 The NPPF also notes;

“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.” (Para 73)

“Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them.” (Para 76)

“Local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being.” (Para 171)

- 1.13 The social aspect of the proposal also is significant and should not be lost in planning consideration of the Plan. The NPPF notes the following;

*“A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.”* (Paragraph 7).

*“recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”* (Para 17)

*“Promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.”* (Para 28)

*“The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.”*



*“local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions”*

*“opportunities for meetings between members of the community who might not otherwise come into contact with each other” (all the above at Para 69)*

*“To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

*plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*

*guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;*

*ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*

*ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.” (all the above at Para 70)*

- 1.14 One of the main goals of the Draft Neighbourhood Plan is to seek to deliver housing to enable growth generally and on behalf of the requirements of the Borough as a whole, while protecting the high quality countryside setting of the Parish including the setting of the North Downs AONB. These landscape assets would be protected not only for residents of the Parish but for the population as a whole.
- 1.15 The other aspects of the Draft Neighbourhood Plan seek to address the other issues identified above, including the protection of heritage assets and the setting of those assets, areas of open space considered important to local people, and the social and cultural aspects.
- 1.16 The above NPPF policies strongly and unequivocally note the need for balanced decision-making and the need to retain existing community facilities. In other words, the need for housing should not prevail over these other considerations.
- 1.17 It also is relevant to note that the Draft Neighbourhood Plan is in accordance with the latest Government emerging policies and planning direction as regards intended revisions to the NPPF in the bulletin released on 10<sup>th</sup> December 2015. The five key likely changes are identified by Government as being;
  - Broadening the definition of affordable housing
  - Increasing the density of development around commuter hubs
  - Supporting sustainable new settlements and helping development on brownfield land and small sites

- Helping the delivery of housing allocated in plans
- Promoting and aiding the delivery of starter homes.

1.18 All five of these points are directly relevant to the content of the Lenham Neighbourhood Plan, which therefore is seen to be in compliance with latest Government policy direction.

1.19 The Draft Neighbourhood Plan is in accordance with the above guidance, as supported by the public, and in liaison with the local authority.

## 2 Condition b: Listed Buildings

**“having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.”**

- 2.1 The subject matter under consideration is a Draft Neighbourhood Plan rather than a Development Order. This aspect therefore is not relevant in this case.
- 2.2 Notwithstanding the above, it is noteworthy that the Plan would not adversely affect the setting of a listed building, and actively seeks to protect the setting of listed buildings and other heritage assets.

### 3 Conservation Areas

**“having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.”**

3.1 Similarly, the subject matter under consideration is a Draft Neighbourhood Plan rather than a Development Order. This aspect therefore is not relevant in this case.

3.2 Again, notwithstanding the above, it is noteworthy that the Plan would not adversely affect the setting of a conservation area. The main proposals contained within the Plan are located to the south of and adjoining the settlement of Lenham village, and on brownfield sites, which are at considerable distance from, and beyond the viewshed of, the heritage assets of the older established heart of the settlement. The Neighbourhood Plan actively seeks to protect heritage assets from development proposals put forward by others.

## 4 Sustainability

**“the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.”**

4.1 The plan is in accordance with the above, in being sustainable.

4.2 The village of Lenham has been identified by the Local Authority as a Rural Service Centre suitable as being the focus of further housing development. There are a number of considerations to be taken into account in this case;

- i) While in a rural location, the site of the key proposals contained within the Plan are well served by a sizeable settlement, namely Lenham village, with its facilities including shops, schools, and mainline railway station.
- ii) While outside the existing settlement boundary, the proposed greenfield development under the Plan adjoins the settlement boundary, being immediately to the south and west of Lenham village and adjacent to the railway station. This is an important planning consideration. Part of the site to the south also was the subject of an upheld appeal.
- iii) As identified at Chapter One, one of the main goals of the Plan is to seek to deliver housing while protecting the high quality countryside setting of the Parish including the setting of the North Downs AONB. These landscape assets would be protected not only for residents of the Parish but for the population as a whole, therefore addressing the needs of future generations.
- iv) The Plan also addresses socio-cultural aspects including the protection of heritage assets and the setting of those assets, and areas of open space considered important to local people, again addressing the needs of future generations.
- v) The housing component is significant but is less than that put forward by the Local Authority and is proportionate to the existing settlement of Lenham. It would not give rise to any undue burden on local facilities nor highways, and could act to ensure the ongoing viability of those facilities.
- vi) It is intended that the dwellings forming a part of the Plan would be of sustainable design and construction. Social aspects such as affordable housing and self-build housing also are addressed in and encouraged by the Plan.
- vii) Given the above considerations, discussions have indicated the LPA is able to support the Plan.

4.3 Given all the above, and in liaison with the LPA, the Plan is therefore considered sound regards its sustainability.

## 5 The Local Plan

**“the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).”**

- 5.1 The LPA is currently in the process of plan-making and there are therefore two Local Plans to consider;
  - i) The Maidstone Borough Council Local Plan 2000
  - ii) The Emerging Local Plan
- 5.2 The existing Local Plan evidently is very old although some of its policies are saved and remain in effect.
- 5.3 The Emerging Local Plan is taking longer to prepare than Maidstone Borough Council initially had intended. It appears on course to be adopted sometime in 2017, likely being after the subject Neighbourhood Plan has been to referendum and become adopted.
- 5.4 The key matter to be addressed relating to Local Plan compliance is quantum of housing growth and the location of that growth. The Local Plan of 2000 did not identify the Parish as being a suitable location for significant growth. In marked contrast, the Emerging Local Plan intends that the Parish is suited for significant housing growth, being a further 1,500 dwellings. The subject Neighbourhood Plan has identified sites suitable for the development of in the order of 1,100 dwellings. However, discussions have indicated that Maidstone Borough Council can accept and support this number of dwellings and can support the Neighbourhood Plan.
- 5.5 The second aspect is the location of housing development. Maidstone Council had been inclined to accept significant development of greenfield land to the east and west of Lenham village forming the immediate setting of the North Downs AONB, as evidenced by the submissions under the SHLAA Call For Sites process and the Council’s response to those submissions to date. In contrast, the Neighbourhood Plan seeks to locate the vast majority of housing development on identified brownfield sites and on a small area of greenfield land which adjoins the south and west of Lenham village and which appears to have public support. Important landscape appraisal work was commissioned by Maidstone Borough Council and produced on their behalf by Jacobs Consultants. This included the Landscape Assessments of 2012 and 2013 and the Landscape Capacity Study of 2015. This work highlighted the high quality landscape of the Parish and its sensitivity to change. It is concluded that the Neighbourhood Plan has a higher degree of compliance with this important landscape work than were the intentions of Maidstone Borough Council to date.
- 5.6 There appear to be no other notable aspects of contention regards the Local Plan, whether the 2000 Local Plan or the Emerging Local Plan. Those Local Plans include many policies in support of the proposal, including protecting

heritage assets and local open areas and countryside considered important to local people.

- 5.7 It is therefore concluded that the Draft Neighbourhood Plan can be considered sound regards its compliance with the Local Plan.

## 6 EU Obligations

**“the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.”**

- 6.1 This seeks to provide a high level of protection of the environment by integrating environmental considerations, environmental impact assessments, consideration of habitat and wild birds, and the considerations of matters including waste disposal/recycling and water management into the process of preparing plans and programmes. It may in some cases be of relevance to neighbourhood plans.
- 6.2 One of the main goals of the Draft Neighbourhood Plan is to seek to protect the high quality countryside setting of the Parish including the setting of the North Downs AONB, with the vast majority of the growth proposals being located on brownfield land. This accords with the criteria under the EU Obligations as noted above, and contrasts strongly with the intentions of Maidstone Borough Council to date in which the vast majority of development would be located on greenfield land.
- 6.3 It is evident the proposals of the Draft Neighbourhood Plan have a higher degree of compliance with the EU Obligations than have the intentions of Maidstone Borough Council to date.
- 6.4 It is concluded that the Draft Neighbourhood Plan is compliant with EU obligations.



## 7 Prescribed Conditions and Prescribed Matters

**“prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).”**

7.1 There are two aspects to this clause, namely that;

*“the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects).”*

and

*“having regard to all material considerations, it is appropriate that the Neighbourhood Development Order is made, where the development described in an order proposal is EIA development.”*

7.2 The proposals within the Draft Neighbourhood Plan are not in the vicinity of any European Site and will not impact on any European Site as so defined. The proposals have placed significant weight on the need to protect the sources and watercourses of the Stour and Len rivers, which are two of Kent’s most significant rivers. The Parish is inland and not near any coastal site so evidently will not have any impact on any offshore marine site.

7.3 The second clause relates to Neighbourhood Development Orders, which is not relevant in this case.

7.4 The Draft Neighbourhood Plan is therefore compliant in this regard.

## 8 Conclusion

- 8.1 The Draft Neighbourhood Plan is seen to be compliant with the Basic Conditions.
- 8.2 It is therefore concluded that the Draft Neighbourhood Plan is sound and suitable for taking forward toward referendum.

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