

# HEADCORN MATTERS

## BASIC CONDITION STATEMENT FOR HEADCORN PARISH NEIGHBOURHOOD PLAN: 2022-2038



**ISSUED BY: HEADCORN PARISH COUNCIL IN  
ACCORDANCE WITH TOWN AND COUNTRY  
PLANNING ACT 1990 (AS AMENDED) PARAGRAPH  
8(2) OF SCHEDULE 4B**

Submission date: March 2024

# CONTENTS

<b>1.</b>	<b>Introduction</b>	<b>4</b>
1.i	The Legal Requirements	4
1.ii	The Basic Conditions	4
<b>2.</b>	<b>Prescribed Matters and Prescribed Conditions</b>	<b>6</b>
<b>3.</b>	<b>Regard to National Policies and advice</b>	<b>8</b>
3.i	National policies and the approach to plan making	9
3.i.a	National Planning Policy for Traveller Sites	10
3.i.b	National Planning Policy Guidance	12
3.ii	National policy and HNP1: Design and Design Guidance	12
3.iii	National policy and HNP2: Siting, Landscaping and protecting the natural and historic environment and setting	13
3.iv	National policy and HNP3: Connectivity and access	14
3.v	National policy and HNP4: Infrastructure provision	15
3.vi	National policy and HNP5: New dwellings	16
3.vii	National policy and HNP6: The economy	18
<b>4.</b>	<b>Contributes to the Achievement of Sustainable Development</b>	<b>20</b>
4.i	The Economic Objective	21
4.ii	The Social objective	24
4.iii	The Environmental Objective	25
<b>5.</b>	<b>General Conformity with the Strategic Policies Contained in the Development Plan</b>	<b>28</b>
5.i	General conformity and site allocations	29
5.i.a	Site allocations and the emerging Local Plan	30
5.ii	Maidstone Local Plan and HNP1: Design and Design Guidance	30
5.ii.a	Maidstone Emerging Local Plan and HNP1: Design and Design Guidance	31
5.iii	Maidstone Local Plan and HNP2: Siting, Landscaping and protecting the natural and historic environment and setting	31
5.iii.a	Maidstone Emerging Local Plan and HNP2: Siting, Landscaping and protecting the natural and historic environment and setting	34
5.iv	Maidstone Local Plan and HNP3: Connectivity and access	35
5.iv.a	Maidstone Emerging Local Plan and HNP3: Connectivity and access	35
5.v	Maidstone Local Plan and HNP4: Infrastructure provision	35
5.v.a	Maidstone Emerging Local Plan and HNP4: Infrastructure provision	37
5.vi	Maidstone Local Plan and HNP5: New dwellings	38
5.vi.a	Maidstone Emerging Local Plan and HNP5: New dwellings	39

5.vii	Maidstone Local Plan and HNP6: The economy	40
5.vii.a	Maidstone Emerging Local Plan and HNP6: The economy	40
<b>6.</b>	<b>Does Not Breach EU Obligations</b>	<b>42</b>
	<b>Appendix 1: Maidstone Borough Council – Record of Decision Approving Headcorn Parish as a Neighbourhood Plan Area</b>	<b>44</b>
	<b>Appendix 2: Maidstone Borough Council - Strategic Environmental Assessment and Habitats Regulations Assessment - Screening Assessment</b>	<b>46</b>
	<b>Appendix 3: References</b>	<b>62</b>

## **LIST OF HEADCORN NEIGHBOURHOOD PLAN MAPS**

HNP Policy Map 1: Designated Neighbourhood Area for Headcorn Parish	6
HNP Policy Map 3: Headcorn’s position relative to local urban centres	22

## **LIST OF FIGURES**

Figure 1: Maidstone Borough Council’s Local Plan approach to sequential flood risk assessment..	33
---	----

## **1. INTRODUCTION**

**1.1** This Basic Conditions Statement sets out how Headcorn Parish Council has met the legal requirements and basic conditions in producing a Neighbourhood Plan for Headcorn Parish.

### **1.i The Legal Requirements**

**1.2** The legal requirements underpinning Neighbourhood Plans are that:

- The Plan has been submitted by a qualifying body and consent has been obtained from all relevant parish or town councils for areas included in the plan, if the plan is a multi-parish plan;
- The Plan covers a designated neighbourhood area;
- The neighbourhood plan sets out policies in relation to the development and use of land in the whole or any part of a neighbourhood area that can be used in the determination of planning applications;
- The proposed neighbourhood plan states the period covered;
- The policies do not cover excluded development, such as county matters (mineral extraction and waste development) and Nationally Significant Infrastructure Projects; and
- The proposed neighbourhood plan does not cover more than one neighbourhood area, as there can only be one neighbourhood plan in force for each area.

### **1.ii The Basic Conditions**

**1.3** In addition to the legal requirements set out above, a draft Neighbourhood Plan can only be put to a referendum and be made, if the Neighbourhood Plan's policies are deliverable and meet certain basic conditions. These basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004. In particular, the Basic Conditions cover:

- a. 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).
- b. 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.
- c. 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.
- d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.

e. 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).

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

g. 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).

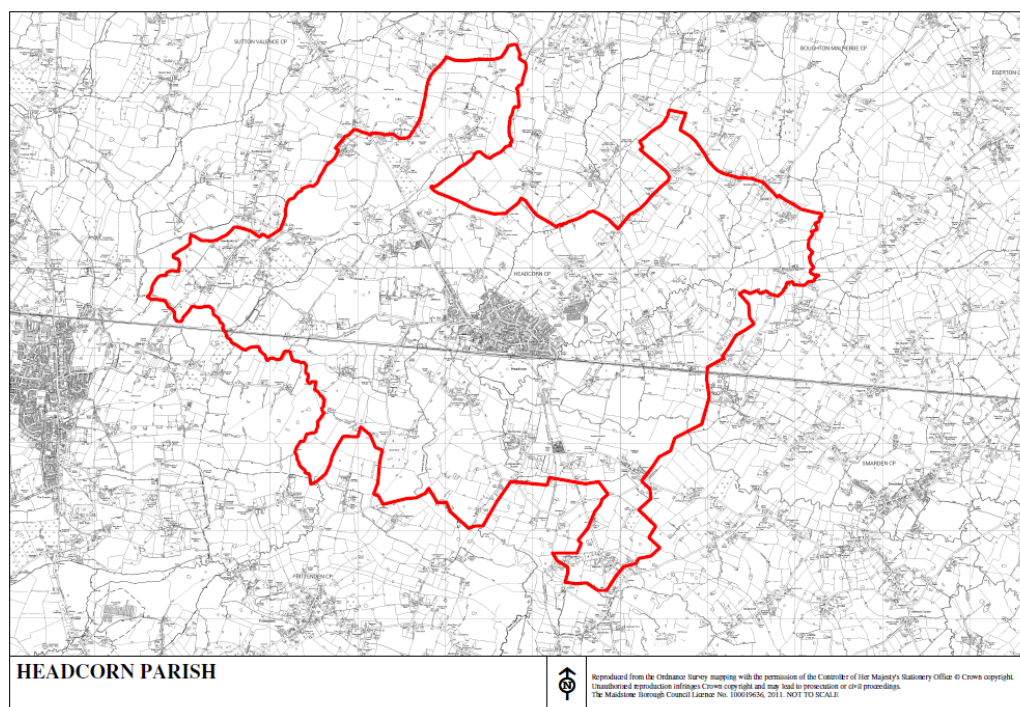
**1.4** Not all these Basic Conditions apply to a Neighbourhood Plan. In particular, conditions (b) and (c) only apply to Neighbourhood Development Orders, which grant planning permission for specific types of development in a particular area. These basic conditions do not therefore apply to Headcorn's Neighbourhood Plan.

**1.5** The remainder of this Basic Conditions statement sets out how Headcorn's draft Neighbourhood Plan meets the relevant Basic Conditions set out in law.

## 2. PRESCRIBED MATTERS AND PRESCRIBED CONDITIONS

2.1 For any Neighbourhood Plan to be adopted it must meet the prescribed conditions.

### HNP Policy Map 1: Designated Neighbourhood Area for Headcorn Parish



Source: Ordnance Survey

2.2 The draft Neighbourhood Plan issued by Headcorn Parish Council meets the necessary legal requirements. Specifically the Plan:

- is a Neighbourhood Development Plan and contains land use planning policies that can be used in the determination of planning applications.
- is being submitted by a qualifying body, namely Headcorn Parish Council. See Appendix 1 for the Maidstone Borough Council Record of Decision approving Headcorn Parish Council as a qualifying body.
- relates to the Parish of Headcorn and no other area, as shown in HNP Policy Map 1 (above), and the Parish of Headcorn has been designated a qualifying area. The Plan does not relate to more than one neighbourhood area and there are no other Neighbourhood development plans in place within the neighbourhood area. See Appendix 1 for the Maidstone Borough Council Record of Decision approving Headcorn Parish as a Neighbourhood Plan area.
- states the period for which it is to have effect. The plan period is 2022 – 2038. This period has been chosen to align the Neighbourhood Plan with the end period of the draft Maidstone Borough Local Plan being prepared by Maidstone Borough Council, which was submitted for examination in March 2022.

- does not contain policies that relate to excluded development. The Neighbourhood Plan does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.
- relates to planning matters and has been prepared in accordance with the Neighbourhood Planning Regulations 2012.
- has been informed by discussions with neighbouring Parish Councils regarding their aspirations and planning issues of cross-boundary importance. It is not considered that there is any benefit in extending the area for the referendum beyond the designated Neighbourhood Plan Area.

**2.3** In addition, Headcorn Parish Council considers that the policies in the draft Headcorn Neighbourhood Plan are all deliverable.

**2.4** There are no other prescribed matters.



### **3. REGARD TO NATIONAL POLICIES AND ADVICE**

**3.1** For any Neighbourhood Plan to be adopted it must have regard to national policies, including the National Planning Policy Framework (NPPF) itself.<sup>1</sup> To meet the test of “has regard to” national policies, a neighbourhood plan must not constrain the delivery of important national policy objectives. The NPPF is the main document setting out the government’s planning policies for England and how these are expected to be applied.<sup>2</sup>

**3.2** Different parts of the NPPF will be relevant to individual policies within a Neighbourhood Plan. However, the overarching requirements for a Neighbourhood Plan to “have regard to” national policies within the NPPF are that it should:

- support the delivery of strategic policies contained in local plans and spatial development strategies (NPPF Paragraph 13);
- positively support local development, shaping and directing development in their area that is outside these strategic policies (NPPF paragraph 13);
- should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies (NPPF paragraph 29);<sup>3</sup> and
- help to deliver the three objectives underpinning sustainable development (NPPF paragraphs 8 and 11).

**3.3** In the case of the NPPF published in December 2023, key policies include:

- the policies designed to achieve sustainable development set out in Section 2 of the NPPF, including the definition of sustainability set out in Paragraph 8, and the emphasis on the presumption in favour of sustainable development, including the implications of this for plan-making, as set out in Paragraph 11;
- The approach to plan-making set out in paragraph 13 and Section 3 of the NPPF, including the purpose and impact of Neighbourhood Plans as set out in Paragraphs 29-30, the potential need for a Strategic Environmental Assessment (SEA) set out in Footnote 17 to Paragraph 32, and the background to the basic conditions for a Neighbourhood Plan set out in Paragraph 37;
- The policy around gypsy and traveller sites set out in paragraph 4 and the National Planning Policy for Traveller Sites;
- The requirements around infrastructure and developer contributions, set out paragraph 34;
- The requirements around affordable homes (as defined in the NPPF, which involves homes at below market prices), including affordable homes to buy, set out in Paragraphs 6 and 64-66;<sup>4</sup>

---

<sup>1</sup> The most recent version of the NPPF, which is the version used when applying the test here, was published in December 2023.

<sup>2</sup> See National Planning Policy Guidance Paragraph: 069 Reference ID: 41-069-20140306.

<sup>3</sup> See National Planning Policy Guidance Paragraph: 070 Reference ID: 41-070-20190509.

<sup>4</sup> See Appendix 1 of Headcorn’s Neighbourhood Plan for the full definition of affordable homes as set out in the 2023 NPPF.



- The need for Local Planning Authorities to set out a housing requirement for designated Neighbourhood Areas, see Paragraphs 67-68;
- The importance of small and medium sites, including the implications for Neighbourhood Plans, as set out in Paragraphs 70-71;
- The policy on rural housing, including the need to avoid isolated homes, set out in Paragraphs 82-84;
- The policy on rural economic development set out in Paragraphs 88-89;
- The policy on retail and leisure development outside town centres set out in Paragraphs 94-95;
- The policies on promoting healthy and safe communities, including policies on promoting inclusivity and social interaction, and open spaces and recreation set out in Section 8;
- The policies on promoting sustainable transport set out in Section 9, including policies on parking standards in Paragraphs 111-112;
- The policy on supporting full fibre broadband connections in Paragraph 118;
- The policy on housing density set out in Paragraphs 128-130;
- The policies underpinning achieving well-designed places set out in Section 12, including the introduction of a national Design Code and National Model Design Code;
- The policies on meeting the challenge of climate change set out in Section 14, including policies on flood risk set out in Paragraphs 165-175;
- The policies on conserving and enhancing the natural environment set out in Section 15; and
- The policies on conserving and enhancing the historic environment set out in Section 16.

**3.4** In the case of Headcorn, the national policy covering planning policy for traveller sites is also relevant, given the high share of gypsy and traveller sites within Headcorn Parish. In addition, the advice set out in National Planning Policy Guidance, particularly in relation to Neighbourhood Plans, also applies.

**3.5** The sections below set out how the approach taken to developing Headcorn's Neighbourhood Plan meets the overarching need to "have regard to" national policies, as well as how individual policies within the Neighbourhood Plan also have regard to relevant national policy.

### **3.i National policies and the approach to plan making**

**3.6** Headcorn Parish Council has had regard to national policies in producing the Headcorn Neighbourhood Plan, including the relevant policies within the NPPF, national planning guidance and planning policy for travellers. How individual policies have had regard to national policy is set out below. However, it is also important that the overarching approach to the development of Headcorn's Neighbourhood Plan has met the requirement of having regard to national policies.

**3.7** Headcorn's Neighbourhood Plan had regard to the policies within the NPPF by:

- Ensuring that the Headcorn Neighbourhood Plan can meet the Basic Conditions (NPPF paragraph 37);
- Seeking to develop a shared vision for Headcorn to ensure that the Neighbourhood Plan will shape, direct and help deliver sustainable development, with 83% of respondents to the 2021 Residents' Survey fully supporting Headcorn Neighbourhood Plan's Vision and 96.4% of respondents to the Regulation 14 Consultation fully or partially supporting the Neighbourhood Plan as a whole (NPPF paragraph 29);
- Making a decision to exempt strategic allocations within an adopted Local Plan from certain key policy requirements in relation to issues such as the siting of development, to ensure that the Neighbourhood Plan will: not be in conflict with strategic allocation policies contained in the Maidstone Local Plan (including the emerging Local Plan, once adopted); support the spatial development strategies for Maidstone; not promote less development than set out in the strategic policies for the area; and that Headcorn will meet the housing requirement figure set out in the adopted Local Plan (NPPF Paragraphs 13, 29 and 67);
- Setting out clear policies covering design, siting and landscaping, connectivity and access, infrastructure, new dwellings and supporting the local economy to ensure Headcorn's Neighbourhood Plan will shape and direct any development within the Parish, particularly outside strategic allocation policies (NPPF paragraph 13);
- Ensuring that Headcorn's Neighbourhood Plan will help to deliver the three objectives underpinning sustainable development (NPPF paragraphs 8 and 11). See the discussion in Section 4 below; and
- Ensuring that Headcorn Neighbourhood Plan policies "serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)" (NPPF paragraph 16(f)).

### **3.i.a National Planning Policy for Traveller Sites**

**3.8** Headcorn Parish contains a high share of gypsy and traveller developments, with caravans or other mobile or temporary structures accounting for 3.0% of the housing stock in Headcorn Parish in 2021, compared to 1.2% in Maidstone Borough as a whole and 0.4% in England.<sup>5</sup> Therefore, for Headcorn's Neighbourhood Plan to be adopted it must also have regard to the national policies covering gypsy and traveller sites, which are set out in the policy document "Planning Policy for traveller sites".<sup>6</sup>

**3.9** The national planning policy for traveller sites sets out the planning objectives associated with traveller sites, as well as the approach that Local Plans should take. It does not specifically cover neighbourhood plans.

**3.10** In developing its approach to planning policy for gypsy and traveller sites, Headcorn Parish Council considered a variety of issues including: the considerable tension between the settled and traveller communities that has arisen in large part as a result of a

---

<sup>5</sup> 2021 Census data.

<sup>6</sup> Department for Communities and Local Government (2015) "Planning Policy for traveler sites", August 2015, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/457420/Final\\_planning\\_and\\_travellers\\_policy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/457420/Final_planning_and_travellers_policy.pdf).

significant amount of unauthorised development in the countryside, including highly concentrated developments in open countryside; evidence of landscape and environmental harm as a result of unauthorised development; and the failure to properly take into account flooding, including surface water flooding issues that have been exacerbated by the addition of hard standing associated with unauthorised development.

**3.11** Headcorn's Neighbourhood Plan does not look to allocate sites, either for the settled or gypsy and traveller community, and instead relies on strategic allocations within the Local Plan to meet any assessed need in Headcorn. Therefore the focus of its Neighbourhood Plan policies is to determine factors such as: design; siting and landscaping (including dealing with flooding); connectivity and access; infrastructure (particularly parking and water and sewerage provision); the location of new dwellings; and supporting business development. Headcorn Parish Council considers that these factors are equally relevant to the settled and gypsy and traveller communities.

**3.12** Headcorn Parish Council therefore decided to apply its Neighbourhood Plan policies to both communities. Headcorn Parish Council considers that this will achieve three goals:

- it will help create a sense of fairness, which will help reduce tensions between the two communities;
- it will avoid landscape and environmental harm, by applying policies consistently; and
- it will avoid unnecessary duplication, as the justification for the provisions in Headcorn's Neighbourhood Plan policies apply equally to both communities, meaning having a separate gypsy and traveller policy would simply duplicate the provisions for the settled community.

**3.13** In deciding on this approach, Headcorn Parish Council had regard for national policy by:

- ensuring that its Neighbourhood Plan would avoid unnecessary duplication (in line with NPPF paragraph 16(f));
- using the definition of gypsies and travellers set out in Annex 1 of Planning Policy for traveller sites;
- aiming to reduce the number of unauthorised developments, by setting clear expectations of the types of development that will be acceptable;
- seeking to reduce tensions between the settled and traveller communities;
- giving proper consideration to local environmental quality;
- avoiding placing undue pressure on local infrastructure;
- avoiding locating sites in areas at high risk of flooding;
- ensuring that the scale of development will not dominate the surrounding community;
- ensuring that any business development associated with mixed use sites will have regard to the safety and amenity of neighbouring residents;
- limiting the number of sites in open countryside;
- ensuring that sites will be well planned, with soft landscaping to enhance the environment; and

- ensuring sites will not be enclosed by hard landscaping or high walls and fencing.

### **3.i.b National Planning Policy Guidance**

**3.14** National Planning Policy Guidance is relevant for Neighbourhood Plans, because it supplements the relevant legislation, as well as the NPPF, by providing more detail on the legislative and policy requirements underpinning Neighbourhood Plans. Headcorn Parish Council has had regard for National Planning Policy Guidance in preparing its Neighbourhood Plan, including guidance on:

- Preparing and submitting a Neighbourhood Plan, including in relation to the preparation of this consultation statement;<sup>7</sup>
- The Community Infrastructure Levy, to check what Parish Councils are entitled to spend any CIL receipts on;<sup>8</sup>
- Design, to ensure Headcorn’s approach would be consistent;<sup>9</sup>
- Biodiversity Net Gain, to check the requirements;<sup>10</sup>
- Flood risk, including the sequential and exception tests, to ensure Headcorn’s approach would be consistent;<sup>11</sup>
- First Homes, to check the definition and purpose;<sup>12</sup> and
- Supporting the provision of affordable housing to buy, including through varying the types of affordable housing expected, to confirm that this is allowable under the guidance (Paragraph: 100 Reference ID: 41-100-20190509).

### **3.ii National policy and HNP1: Design and Design Guidance**

**3.15** The Design policy for Headcorn (HNP1) is supported by Design Guidance and sets the overall framework governing the look and feel of developments in Headcorn, and rules to ensure that new developments will be good neighbours. Therefore, for Policy HNP6 to meet the basic condition of having regard for national policies, it needs to be judged against the relevant sections of the NPPF, which are: Sections 12 and 16.

**3.16** As set out in the National Planning Policy Framework (NPPF), the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. Therefore, all plans should set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.

---

<sup>7</sup> <https://www.gov.uk/guidance/neighbourhood-planning--2>

<sup>8</sup> <https://www.gov.uk/guidance/community-infrastructure-levy#spending-the-levy>

<sup>9</sup> <https://www.gov.uk/guidance/design>

<sup>10</sup> <https://www.gov.uk/guidance/biodiversity-net-gain>

<sup>11</sup> <https://www.gov.uk/guidance/flood-risk-and-coastal-change>

<sup>12</sup> <https://www.gov.uk/guidance/first-homes>

**3.17** Headcorn's Neighbourhood Plan has regard for national policy by seeking to:

- create well-designed buildings, which will stand the test of time and be desirable both now and in the future;
- preserve and enhance Headcorn's distinctive heritage and character; and
- create development that is in keeping with Headcorn's position as a rural village; contributing to a high-quality built environment; providing sensitive landscaping; and reflecting its setting within the Parish.

**3.18** HNP1 and the associated Design Guidance have regard for national policy by: setting out clear design expectations to support the creation of high quality and beautiful buildings and places (131); being supported by input from the local community, through the extensive use of Residents Surveys and other forms of consultation (132); reflecting the local character and preferences (133 and 134); being sympathetic to local character and history and seeking to maintain Headcorn's strong sense of place (135 and Section 16); and seeking to ensure signage is in keeping with Headcorn's rural setting (141).

### **3.iii National policy and HNP2: Siting, Landscaping and protecting the natural and historic environment and setting**

**3.19** HNP2 is the policy on siting, landscaping and protecting the natural and historic environment and setting, which sets the rules to determine how developments sit within the landscape, as well as rules around flood risk. Therefore, for Policy HNP6 to meet the basic condition of having regard for national policies, it needs to be judged against the relevant sections of the NPPF, which are Sections 14, 15 and 16 and Paragraphs 84, 102-103, 123-124 and 135-136.

**3.20** HNP2 Part 1 seeks to ensure that development will respect the setting of any listed building, or other buildings that contribute to the character of the countryside and sensitively incorporates historic features within the site. This has regard for NPPF Section 16 and in particular that: policies should be sympathetic to local character and history (135(c)); historic assets, including those of local historic value, are irreplaceable and should be conserved in an appropriate manner (195); strategies need to take into account opportunities to draw on the contribution made by the historic environment to the character of a place (196); development in the setting of a heritage asset can lead to harm or loss of the asset and should be only allowed in exceptional circumstances for key assets (206); and the effect on non-designated heritage assets should also be considered (209).

**3.21** Policy HNP2 Part 3 starts from the presumption that open spaces, sports and recreational spaces should not be built on, and sets conditions for the circumstances in which development would be allowed, including replacement by equivalent or better provision. It also looks to enhance existing green spaces. This has regard for national policy, set out in NPPF paragraphs 102-103, by recognising the importance of high quality open spaces and seeking to ensure they are not built on, unless they would be replaced by equivalent or better provision.

**3.22** HNP2 Part 4 seeks to respect natural contours and sensitively incorporate natural features such as trees, hedges and ponds. HNP2 Part 5 looks to maintain and enhance wildlife corridors and stepping stones. HNP2 Part 7 seeks to ensure developments are sensitively landscaped making good use of trees (including fruit trees). HNP2 Part 8 seeks to ensure landscape buffers will help create and enhance wildlife corridors. These policies have regard to the need for plans to: safeguard and improve the environment (123); achieve net environmental gains through supporting habitat creation (124(a)); recognise the importance of trees and ensure that existing trees are retained where possible (136); seek to safeguard wildlife corridors and stepping stones (185(a)); and avoid the loss of veteran trees (186(c)).

**3.23** HNP2 Part 6 seeks to ensure that development will deliver a biodiversity net gain in line with national targets, and where it is not possible to achieve this onsite, sets the rules for offsite mitigation measures. This has regard to the need to: take into account biodiversity (158); provide net gains for biodiversity (180(d)); protect and enhance biodiversity (185); and ensure there is adequate mitigation where harm to biodiversity cannot be avoided (186).

**3.24** HNP2 Part 10 seeks to avoid harm to local rivers and streams. These include (and feed into) the River Beult, which is a Site of Special Scientific Interest (SSSI). This policy has regard to the need to: ensure that development should not normally be permitted where it will have an adverse effect on an SSSI (186(b)), as well as to promote the conservation, restoration and enhancement of priority habitats (185).

**3.25** HNP2 Parts 11-13 aim to ensure that: development does not take place in the areas at highest risk of flooding; the sequential and exception tests set out in the NPPF are followed; flooding and surface water run-off from sites will be dealt with in a way that will not increase the risk of flooding elsewhere; and drainage provision will be adequate and will include clearly identified responsibilities for maintenance. The approach set out in these parts of HNP2 has regard for national policy, including Paragraphs 165-175 and Annex 3. In particular, paragraph 165 of the NPPF states that "*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at the highest risk (whether existing or future)*" and HNP2 Part 11 achieves this.

**3.26** HNP2 Parts 14 and 15 aims to ensure that development in the countryside will reflect the established pattern of development and avoid more isolated parts of the Parish. This policy approach has regard to NPPF paragraph 84, which seeks to avoid the development of isolated homes in the countryside.

### **3.iv National policy and HNP3: Connectivity and access**

**3.27** Policy HNP3 covers connectivity and access and is designed to ensure that developments are safe and well-connected, and recognise particular constraints in Headcorn. Therefore, for Policy HNP6 to meet the basic condition of having regard to national policies, it needs to be judged against the relevant sections of the NPPF, which are Section 9, together with paragraphs 34 and 96.

**3.28** HNP3, particularly in Parts 1 and 9, looks to create safe and well connected developments that are easily accessed by foot or cycle. This has regard to NPPF paragraph 96, which aims to ensure street layouts allow for easy pedestrian and cycle connections, with clear and legible pedestrian and cycle routes and layouts that encourage walking and cycling. NPPF Section 9 (particularly paragraph 108(c)) has a similar focus, setting out that plan-making should consider opportunities to promote walking and cycling, meaning that HNP3 also has regard to this section of national policy.

**3.29** HNP3 also sets out policies to manage the layout of developments to ensure that the connectivity and access arrangements will be designed in a way to take account of opportunities to enhance road safety; will not cause or exacerbate traffic problems; will avoid creating harmful rat runs; and will avoid the appearance of ribbon development. These policy requirements will help ensure that the pattern of movement, streets and other transport considerations will contribute to the making of high quality places, in line with paragraph 108(d). These policies will also help support the consideration of the transport aspects of development proposals, and therefore have regard to NPPF paragraphs 114 and 116 in particular.

**3.30** HNP3 does not explicitly consider opportunities to promote the use of public transport. Nonetheless, the Headcorn Neighbourhood Plan has considered this issue from the earliest stages of plan-making, meaning it has had regard to national policy. Headcorn village does benefit from a train station, with links to London and other parts of Kent, as well as an irregular bus service between Maidstone and Tenterden. However, the size of the village (even after the proposed development within the adopted and emerging Local Plans) means that further expansion of the public transport network, for example to serve individual developments, is unlikely to be economically viable. Therefore, Headcorn's Neighbourhood Plan has not included a specific requirement for development to promote public transport links, as doing so would not be feasible and would be contrary to the need to ensure proposals do not undermine the deliverability of the plan (NPPF paragraph 34). Requiring the promotion of public transport links would therefore also be contrary to NPPF paragraph 115, which sets out that development should not be prevented or refused on highway grounds unless there would be an unacceptable impact on highway safety, or the cumulative impact would be severe. However, by ensuring that developments will be well connected to Headcorn High Street (HNP3 Part 1), Headcorn's Neighbourhood Plan will also support links to the public transport network, as the High Street has a both stop in both directions.

### **3.v National policy and HNP4: Infrastructure provision**

**3.31** Policy HNP4 on infrastructure provision sets the rules to ensure that specific types of infrastructure provision such as parking, broadband, water and sewerage, and promoting energy efficiency will meet the needs of local residents both now and in the future, as well as to set the priorities for infrastructure in Headcorn, reflecting local constraints. Therefore, for Policy HNP4 to meet the basic condition of having regard to national policies, it needs to be judged against the relevant sections of the NPPF, which are Paragraphs: 20, 34, 111-112, 118, 158, 160 and 180.



**3.32** Policy HNP4 Part A covers parking, including: the need to ensure developments are supported by adequate parking provision including minimum parking standards reflecting local car ownership levels, which has regard to NPPF paragraphs 111-112; as well as supporting greater adoption of electric vehicles (111(e)).

**3.33** HNP4 Part B covers broadband provision and has regard to NPPF paragraph 118 and the need to support the expansion of full fibre broadband connections from a range of providers that can be upgraded over time.

**3.34** HNP4 Part C covers water and sewerage management and has regard to NPPF paragraph 158 on the need to mitigate and adapt to climate change, specifically in relation to the water supply, as well as NPPF paragraph 180 on the need to prevent development from contributing to pollution.

**3.35** HNP4 Part D covers promoting energy efficiency and has regard to NPPF paragraph 160 on the need to provide a positive strategy for the use of renewable and low carbon energy.

**3.36** HNP4 Part E covers the priorities for infrastructure spending in Headcorn and how demands will be prioritised where there are competing demands for developer contributions. HNP4 Part E has regard to NPPF paragraph 34 on the need for plans to set out the contributions to infrastructure required in a way that will not undermine the deliverability of the plan. Although strictly speaking NPPF paragraph 20(b) only applies to strategic policies (and Neighbourhood Plan policies are deemed to be non-strategic), the approach taken in HNP4 Part E is compatible with the requirement in 20(b) for plans to make sufficient provision for infrastructure.

### **3.vi National policy and HNP5: New dwellings**

**3.37** Policy HNP5 on new dwellings covers both housing and gypsy and traveller pitches. This policy addresses issues such as where different types of development can be located, and what the mix of provision should be in larger developments. Therefore, for Policy HNP5 to meet the basic condition of having regard to national policies, it needs to be judged against the relevant sections of the NPPF, which are Paragraphs: 63, 64-66, 67, 70-71, 82-84, 96, 102, 128-130, and 135.

**3.38** The NPPF sets out the housing need requirements for neighbourhood areas and how these should be provided as part of the strategic policies for a local plan (67) and that these figures should not need retesting as part of a neighbourhood plan examination. The Maidstone Borough Local Plan sets out the housing requirement for Headcorn within its policy on Headcorn as a Rural Service Centre (SP7 in the 2017 adopted Local Plan). This housing requirement will be entirely delivered through the strategic allocations within the Local Plan. Headcorn's Neighbourhood Plan has regard to national policy, including the requirement not to deliver less development than set out in the adopted Local Plan, by ensuring strategic allocations are excluded from relevant parts of HNP5 that otherwise aim to manage the size and location of developments.

**3.39** HNP5 Part I.2 covers the density of residential developments and has regard to NPPF paragraphs 128-130 and 135. Specifically, the policy has been set: taking into account the desirability of maintaining Headcorn's prevailing character and setting (128(d)); based on an area-based character assessment of Headcorn village (129); in a way that allows for a significant uplift (roughly doubling) in the existing density within the village (129(a)); using a density range (129(b)); based on a consideration that significant uplifts in average density may be inappropriate if it would be wholly out of character with the existing area (130), which applies to urban areas, but should also be relevant to rural villages such as Headcorn; and in a way that ensures that it does not prevent or discourage appropriate innovation or change (135) by allowing higher densities if it can be demonstrated that this will not undermine the landscape quality.

**3.40** HNP5 Part I.3 seeks to ensure that development will primarily be located within the village boundary, or immediately abutting the boundary. The relevant NPPF policies on rural housing developments, including housing in villages such as Headcorn, are NPPF paragraphs 82-84. HNP5 Part I.3 has regard for the NPPF policy, by seeking to ensure that housing in Headcorn Parish will be located where it will enhance the vitality of the village and allow it to grow and thrive (83). HNP5 Part I.3.i explicitly refers to the exceptions for developments of more isolated homes in the countryside set out in paragraph 84, meaning it has regard to that policy. HNP5 Part I.3.ii also explicitly excludes developments allowed under permitted development rules, which are set as part of national policy.

**3.41** HNP5 Part I.3.iii also allows for community self-build projects in the countryside of Headcorn Parish. This has regard to paragraph 82, which seeks to support proposals for community-led development, as well as support for self-build as set out in paragraph 63. It also has regard to NPPF paragraph 70(b) which sets out that plans should seek opportunities to support small sites to come forward for community-led development for housing and self-build and custom-build housing.

**3.42** HNP5 Part II.3 looks to ensure that major developments (of ten or more dwellings) provide communal open and recreational spaces within developments. This has regard to NPPF paragraph 102, which sets out that access to high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

**3.43** HNP5 Part II.6, as well as Parts II.2, II.4 and II.5, seek to create mixed developments that will cater for the needs of different groups. The approach taken has regard to NPPF paragraph 96(a) which seeks to promote social interaction and opportunities for meetings between people who might not otherwise come into contact with each other. It also has regard to NPPF paragraph 63 on establishing the housing of different groups.

**3.44** HNP5 Part II.5 on affordable housing has regard to NPPF paragraphs 64-66. Specifically it: sets out the type of affordable housing required (64); ensures that the affordable housing policy only applies to major developments (65); is based on evidence on the types of affordable homes that will meet the needs of Headcorn's community to ensure it won't exceed the level of demand (66); and ensures that at least 10% of the total number

of homes will be available for affordable home ownership (66), as it sets a target that 20% of all homes (50% of the Maidstone Local Plan's affordable homes target) will be affordable homes to buy. It also uses the broad definition of affordable homes to buy set out in NPPF Annex 2.

**3.45** HNP5 Part III seeks to promote small scale development, setting a maximum of 25 dwellings in developments outside strategic allocations. Although Headcorn Neighbourhood Plan does not seek to allocate sites, the approach taken has regard to national policy set out in NPPF paragraphs 70-71, which recognises the important contribution that small and medium sized sites can make, including supporting the development of windfall sites (70(d)).

### **3.vii National policy and HNP6: The economy**

**3.46** Policy HNP6 on the economy covers the rules governing all business development, as well as specific rules designed to support the success of Headcorn High Street, and rules governing any future development of the Headcorn aerodrome and commercial energy generation. Therefore, for Policy HNP6 to meet the basic condition of having regard to national policies, it needs to be judged against the relevant sections of the NPPF, which are Paragraphs: 88-89, 94-95, 110(f) and 160.

**3.47** Headcorn Neighbourhood Plan policy HNP6 Parts 1-5 has regard to NPPF paragraphs 88-89 on supporting a prosperous rural economy. Policy HNP6 applies to all business development, in line with NPPF paragraph 88(a) which looks to ensure the expansion of all types of business. Policy HNP6 Part 1 focuses on the conversion of existing building (NPPF paragraph 88(a)). Policy HNP6 Part 5 ensures that proposals will comply with other policies within Headcorn's Neighbourhood Plan, including Headcorn's Design policy (HNP1), which will help ensure the requirement in NPPF paragraph 88(a) for new buildings to be beautiful. The application of Headcorn's Policy on connectivity and access (HNP3) to business development through HNP6 Part 5 should ensure that (as per NPPF paragraph 89) business development: will not have an unacceptable impact on local roads; will create safe, well connected developments that can be easily accessed by foot and cycle; is sensitive to its surroundings; and will take advantage of opportunities to enhance road safety.

**3.48** Headcorn Neighbourhood Plan Policy HNP6 Part A, covering Headcorn High Street, has regard to national policy (NPPF paragraphs 88(d), 94(b), and 95) by seeking to retain and develop local shops by: ensuring the vitality and viability of the High Street is not undermined by potential development; and that the ground floor of existing commercial and retail buildings within the Conservation Area (which encompasses Headcorn High Street) will not be allowed to switch to residential use to help maintain Headcorn High Street as the commercial centre of the village.

**3.49** Headcorn Neighbourhood Plan Policy HNP6 Part B, covering Headcorn Aerodrome, has regard to the aims national policy (NPPF paragraphs 88(c) and 110(f)) by seeking to ensure that the Headcorn Aerodrome expands in a way that will support tourism and be in keeping with its rural setting.

**3.50** Headcorn Neighbourhood Plan Policy HNP6 Part C, covering commercial energy generation, has regard to the aims national policy (NPPF paragraph 160(a)) by seeking to ensure that commercial energy generation in Headcorn appropriately addresses landscape and visual impacts.

## 4. CONTRIBUTES TO THE ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT

**4.1** As set out in Section 6, Headcorn Parish Council has been advised by Maidstone Borough Council that a formal Strategic Environmental Assessment and a formal Habitats Regulation Assessment Screening were not needed in the case of Headcorn's Neighbourhood Plan.<sup>13</sup>

**4.2** However, for any Neighbourhood Plan to be adopted it must contribute to the achievement of sustainable development. The definition of sustainability relevant to Neighbourhood Plans is set out in paragraph 8 of the NPPF, namely that:

*"Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

*a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."*

**4.3** The NPPF also sets out in paragraph 11 that there should be a presumption in favour of sustainable development, which for plan-making means that:

*"all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects"<sup>14</sup>*

**4.4** The basic condition on sustainable development reflects the planning principle that all plan-making should help to achieve sustainable development. Therefore to meet the

---

<sup>13</sup> This advice is based on the emerging policies in Headcorn's Neighbourhood Plan, and on Maidstone Borough Council's discussions with the statutory consultees.

<sup>14</sup> Only part (a) of NPPF paragraph 11 applies to plan-making for Neighbourhood Plans, as policies within Neighbourhood Plans are not considered to be "strategic" in planning policy terms.

condition, a qualifying body needs to demonstrate how its plan will contribute to improvements in environmental, economic and social conditions and how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). Sufficient and proportionate evidence should be presented on how the draft neighbourhood plan guides development to sustainable solutions.<sup>15</sup>

**4.5** There is no legal requirement for a neighbourhood plan to have a sustainability appraisal. However, considerations of sustainability have informed every stage of the development of Headcorn's Neighbourhood Plan. Early work on the Plan was informed by analysis conducted on the sustainability of housing development in Headcorn.<sup>16</sup> This analysis considered the potential challenges posed by Headcorn's location, because of the negative impacts of distance, cost and time on sustainability. The Plan development was also informed by a sustainability appraisal of possible development sites in Headcorn.<sup>17</sup> To ensure that Headcorn's Neighbourhood Plan will contribute to sustainable development, Headcorn Parish Council has used the understanding gained from this analysis, together with the evidence gathered from residents and businesses operating in the Parish; evidence supporting Maidstone's Local Plan, including its Sustainability Appraisal; and evidence from national sources.

**4.6** Taken together, Headcorn Parish Council considers that Headcorn's Neighbourhood Plan: contributes to the achievement of sustainable development; is consistent with the economic, social and environmental objectives; and is based on an approach to plan-making that is aligned with the requirements set out in paragraph 11(a) of the NPPF. How Headcorn's Neighbourhood Plan meets these objectives is set out below.

#### **4.i The Economic Objective**

**4.7** The economic objective sets out that plans should help to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity, and by identifying and coordinating the provision of infrastructure.

**4.8** Headcorn's approach to achieving the economic objective has been informed by its position relative to large employment and population centres. The village of Headcorn is over 10km from all the major population centres in Kent, see HNP Policy Map 3. Therefore, in geographic terms, Headcorn is relatively far from all the major employment centres - almost 50% of workers in England travel at most 5km to work and almost 70% travel at

---

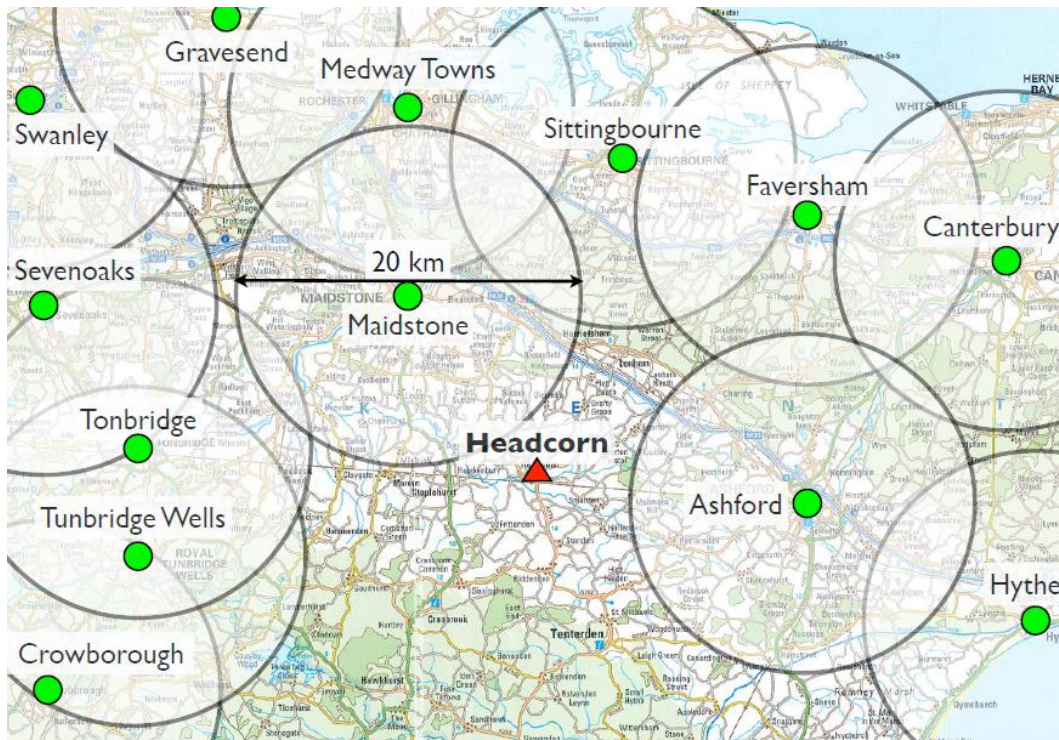
<sup>15</sup> See National Planning Policy Guidance Paragraph: 072 Reference ID: 41-072-20190509.

<sup>16</sup> See Driver (2014) "Analysing the sustainability of housing development in Headcorn: How much development would be sustainable?", Analytically Driven Ltd, [http://www.analytically-driven.com/uploads/2/7/8/1/27818525/sustainability\\_of\\_housing\\_development\\_in\\_headcorn\\_-\\_background\\_report\\_to\\_support\\_the\\_neighbourhood\\_plan\\_-\\_final\\_draft\\_-\\_december\\_2014.pdf](http://www.analytically-driven.com/uploads/2/7/8/1/27818525/sustainability_of_housing_development_in_headcorn_-_background_report_to_support_the_neighbourhood_plan_-_final_draft_-_december_2014.pdf).

<sup>17</sup> Therivel, R. (2015) "Sustainability appraisal of possible strategic development sites in Headcorn", Levett-Therivel, Headcorn Parish Council, (<http://www.headcornpc.kentparishes.gov.uk>).

most 10km to work, but Headcorn is 15.9km from Maidstone, the nearest population and employment centre.<sup>18</sup>

## HNP Policy Map 2: Headcorn's position relative to local urban centres



**Note:** Each of the employment and population centres surrounding Headcorn (defined as having a population of at least 10,000) is marked with a green dot and the surrounding rings mark the 10km radius that would be within a normal commuting range for the majority of workers. As it can be seen, Headcorn is relatively far away from all the key surrounding employment centres. Headcorn is a 15.9km drive from the closest employment centre, Maidstone. Calculations based on the 2021 Census results for all workers in England travelling to a fixed workplace show roughly 44% of commuters lived within 5km of their workplace and around 65% lived within 10km of their workplace. For Maidstone Borough as a whole, 27.3% and 58.9% of workers travelling to work lived within 5km and 10km of their workplace respectively. In the case of Headcorn Parish only 16.5% of workers travelling to work in 2021 lived within 5km of their workplace, and only 31.5% of workers lived within 10km of their workplace.

**4.9** Headcorn's location means that commuting times, distances and costs are all significantly above the national average. For example, Headcorn is at least a 30-minute drive from the nearest population centre of at least 10,000 people, which is significantly higher than average commuting times in England.<sup>19</sup> Headcorn does benefit from a direct rail link to London. However, there is no direct rail link from Headcorn to Maidstone, which is the closest population centre, with only an irregular bus service between Maidstone and Tenterden that stops in Headcorn. Compared to average commuting times in England of 24.5 minutes, travel times from Headcorn by public transport to any of the main employment centres are mostly significantly above average.<sup>20</sup> For example, journeys to

<sup>18</sup> The 2021 Census recorded that in total for England 43.7% of workers with a fixed workplace travel at most 5km to work, with 65.4% travelling at most 10km. Therefore, compared to the experiences of the vast majority of workers, 15.9km (the distance between Maidstone and Headcorn) would not be considered close to work.

<sup>19</sup> England does not have a definition of 'remote', but Headcorn would qualify as remote under the definition of remote used by the Scottish government and both the travel times and distances between Headcorn and major population centres are significantly above average commuting times and distances. See the discussion of the implications of this for sustainability in Driver (2014).

<sup>20</sup> Manning and Petrongolo (2017), based on Labour Force Survey data for 1993-2007.



London by train from Headcorn take between 55 minutes to reach London Bridge Station and roughly an hour and ten minutes to reach Charing Cross station. It also takes around 40 minutes to reach the centre of Maidstone by bus from Headcorn. This may explain why the 2021 Census showed that a higher proportion of commuters in Headcorn drove a car or van to work (77.5%) compared to Maidstone as a whole (72.7%), or indeed England (65.0%) and the South East (68.9%).

**4.10** The emphasis in Headcorn's Neighbourhood Plan is therefore on maximising local opportunities and supporting the needs of local people and businesses, including ensuring that growth and infrastructure provision will be aligned. Despite, or possibly because of, its relative distance from local centres, Headcorn benefits from a range of good services, including: a popular primary school; a doctor's surgery; three dentists; a Village Hall; a library; a variety of shops, restaurants, pubs and cafes; and several churches. Headcorn High Street is at the heart of this activity and is an important part of village life.

**4.11** The policies in Headcorn's Neighbourhood Plan support the economic objective by:

- Seeking to manage flood risk, to reduce the risk of investments being destroyed (**HNP2**).
- Ensuring that connectivity and access for new developments is effective (**HNP3**), by:
  - avoiding creating or exacerbating traffic problems that might discourage potential customers; and
  - ensuring that opportunities are maximised to enhance links to Headcorn High Street at the heart of the village.
- Ensuring that development is supported by adequate infrastructure, and that existing infrastructure will not be undermined (**HNP4**) by:
  - Ensuring that parking facilities that support the High Street and key services such as the railway station or Doctor's surgery will not be lost;
  - Ensuring that new developments will be supported by high-performance broadband, which will help support home working; and
  - Ensuring that any infrastructure provided in Headcorn will reflect Headcorn specific needs and will therefore deliver locally.
- Ensuring that business development in Headcorn will be supported by clear rules that support the success of Headcorn's economy as a whole (**HNP6**) and that:
  - The role of Headcorn's High Street is promoted to ensure its continued success, so that:
    - its vitality and viability will not be undermined; and
    - the ground floor of properties in retail or business use classes within the Conservation Area (which encompasses Headcorn High Street) will be retained for business use (**HNP6.A**).
  - The role of the Headcorn Aerodrome as a key site for tourist and aviation use is recognised, but ensuring that future development at the site balances the needs of the Aerodrome with the needs of residents and other businesses (**HNP6.B**); and

- The siting and landscaping of potential commercial energy generation in Headcorn will be achieved in a way that does not undermine the viability of other businesses, such as those relying on tourism (**HNP6.C**).

**4.12** Headcorn Parish Council considers that its Neighbourhood Plan meets the economic objective, and is an appropriate approach for a rural economy, balancing the needs of different groups and ensuring effective infrastructure provision.

#### **4.ii The Social objective**

**4.13** The social objective sets out that plans should support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

**4.14** The same considerations that informed Headcorn Parish Council's approach to the economic objective also informed its approach to the social objective. In other words, Headcorn's relative distance from economic and population centres needs to be factored into policy proposals, in order to ensure they will be sustainable. The emphasis in Headcorn's Neighbourhood Plan is therefore on maximising local opportunities and supporting the needs of local residents and businesses, including the needs and preferences identified through surveys of residents and businesses. This includes preferences for a gradual, more sustainable expansion of the village, to meet the needs of residents and emerging households more effectively and to maintain Headcorn's sense of community by ensuring new residents will be more easily absorbed into village life. This evidence has also informed the approach to infrastructure provision, to ensure that any expansion of the village will be supported by effective infrastructure.

**4.15** The policies in Headcorn's Neighbourhood Plan support the social objective by:

- Ensuring that buildings are well designed, help support Headcorn's sense of place and preserve its cultural identity, are supported by high quality exterior spaces and ensure that new developments will be good neighbours to existing residents by safeguarding privacy and daylight and managing potential sources of pollution (**HNP1 and Design Guidance**).
- Ensuring the needs of existing and future residents are supported by effective policies on siting and landscaping (**HNP2**) so that:
  - Distinctive views enjoyed by residents are preserved;
  - Public green spaces and recreational spaces are retained and enhanced;
  - Flood risk is managed effectively, in order to avoid creating risks for existing and future residents; and
  - Development is concentrated in and around the village to help reinforce the village community and avoid creating isolated dwellings.
- Ensuring that connectivity and access policies manage traffic problems effectively and create safe, well connected developments (**HNP3**).

- Ensuring that infrastructure provision will support the needs of residents (**HNP4**) by:
  - prioritising options where Headcorn’s existing infrastructure provision needs improvement, or where capacity issues mean new development could cause issues;
  - recognising that Headcorn’s rural location means that parking provision needs to be adequate, as residents will need cars to access key services and employment options;
  - ensuring that broadband provision is adequate, to support home working;
  - addressing capacity issues with water and sewerage provision; and
  - ensuring that new buildings will be energy efficient.
- Ensuring that new dwellings will meet the needs of current and future residents (**HNP5**) by:
  - Creating effective and attractive garden spaces;
  - Ensuring new developments will be visually appealing;
  - Ensuring that new developments support the community by providing communal open and recreational spaces, and that where these cannot be provided onsite, alternative land within the Parish will be provided;
  - Ensuring developments include housing designed to meet the needs of the elderly and those with disabilities and that developments will be designed to cater for a mix of age groups and abilities to foster healthy communities;
  - Ensuring that affordable housing provision prioritises a higher share of affordable housing to buy than would be provided under the Local Plan, in order to:
    - better meet the needs of emerging households in Headcorn; and
    - account for the difficulties that new residents of affordable rented housing in Headcorn have, if they have no links to the community, as distance, time and cost make it hard for them to access the services they need, their support networks of friends and family, or any job opportunities, potentially creating deprivation; and
  - Ensuring that (outside strategic allocations within the Local Plan) housing developments are small scale (a maximum of 25 houses), as small scale developments are easier to absorb into village life and help support the village feel that is seen as a significant benefit by local residents.
- Ensuring the policy on economic development supports the important role of Headcorn High Street in village life (**HNP6**).

**4.16** Headcorn Parish Council considers that its Neighbourhood Plan meets the social objective, and is an appropriate approach for a rural village community, balancing the needs of different groups and ensuring effective infrastructure provision.

#### **4.iii The Environmental Objective**

**4.17** The environmental objective sets out that plans should protect and enhance our natural, built and historic environment; including making effective use of land, improving

biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

**4.18** Factors such as the impact of distance on sustainability form a key part of the strategy underpinning Heacorn's Neighbourhood Plan with respect to the economic and social objectives. In the case of the environmental objective, the approach has been informed by strong preferences amongst residents to protect and enhance Headcorn's natural and historic environment, in keeping with both its history and its rural setting. Headcorn Parish also includes part of the River Beult Site of Special Scientific Interest (SSSI) and this has also informed the approach taken. Headcorn's Neighbourhood Plan seeks to meet the environmental objective by:

- Promoting well designed buildings that are sympathetic to the setting of heritage assets and that trees and hedgerows are retained (**HNP1 and Design Guidance**).
- Ensuring there are effective policies governing the siting and landscaping of development (**HNP2**), so that:
  - Heritage assets are protected;
  - The natural contours of sites are respected and natural features such as trees, hedgerows and ponds are sensitively incorporated;
  - Wildlife corridors and stepping stones are maintained and enhanced;
  - Biodiversity net gain is achieved, focusing on native flora and fauna. The policy sets out that delivery should be within the Parish, in recognition of the fact that local residents will benefit most through that, helping to offset the costs of development incurred by existing residents (such as increased congestion and capacity issues for key services);
  - Development will not damage local streams and rivers;
  - There will be an effective approach to dealing with flooding and surface water run-off, to help manage the risks for new and existing developments; and
  - Isolated developments in the countryside are avoided, to help preserve Headcorn's rural character and minimise factors such as light pollution that might impact wildlife.
- Promoting access from developments to Headcorn High Street by foot and cycle (**HNP3**).
- Ensuring there is adequate infrastructure provision (**HNP4**) so that:
  - New developments will help support the adoption of electric vehicles through the provision of adequate charging facilities;
  - Broadband provision will support homeworking;
  - Water and sewerage management will be effective:
    - supporting initiatives such as rainwater harvesting; and
    - ensuring that the sewerage system, including the Headcorn Waste Water Treatment Works can cope with demand, to avoid creating damage to local rivers, including the River Beult SSSI;
  - New developments will contribute to energy generation and support energy efficiency; and

- Priorities for infrastructure provision include open spaces, including open spaces supporting local wildlife.
- Ensuring that housing developments within Headcorn village will support higher housing densities (up to roughly double the existing housing density of the built up area of the village), but will do so in a way that still supports Headcorn's sense of place as a rural village (**HNP5**).
- Ensuring that economic development within Headcorn Parish does not result in unacceptable levels of light, noise, air, ground or water pollution (**HNP6**).

**4.19** Headcorn Parish Council considers that its Neighbourhood Plan meets the environmental objective, and is an appropriate approach for a rural village community, balancing the needs of local residents and businesses and the need to protect and enhance the local natural, built and historic environment.

## **5. GENERAL CONFORMITY WITH THE STRATEGIC POLICIES CONTAINED IN THE DEVELOPMENT PLAN**

**5.1** For any Neighbourhood Plan to be adopted its policies must be in general conformity with the strategic policies contained in the development plan for the local area. The test of general conformity is to assess:

- whether the neighbourhood plan policy supports and upholds the general principle that the strategic policy is concerned with;
- the degree, if any, of conflict between the draft neighbourhood plan policy and the strategic policy;
- whether the draft neighbourhood plan policy proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach.<sup>21</sup>

**5.2** In the case of Headcorn, the need to be in general conformity with the strategic policies contained in the development plan for Headcorn means the strategic policies set out in the Maidstone Borough Local Plan that was adopted in 2017. The strategic policies that in the adopted Local Plan that apply to Headcorn are:

- SS1: Maidstone Borough spatial strategy;
- SP5: Rural Service Centres;
- SP7: Headcorn Rural Service Centre;
- SP17: Countryside;
- SP18: Historic Environment;
- SP19: Housing Mix;
- SP20: Affordable Housing;
- SP21: Economic Development;
- SP22: Retention of employment sites;
- SP23: Sustainable transport;
- H1: Housing site allocations;
- OS1: Open space allocations;
- GT1: Gypsy and Traveller site allocations;
- EMP1: Employment site allocations;
- ID1: Infrastructure delivery; and
- The relevant strategic site allocations that are located in Headcorn Parish, namely H1(35), H1(36), H1(37), H1(38), H1(39), H1(40), GT1(5), GT1(6), OS1(10), OS(11) and EMP1(1).

**5.3** It is not a requirement for Headcorn's Neighbourhood Plan to be in general conformity with the strategic policies in Maidstone's Emerging Local Plan. However, given that this Plan is at an advanced stage, this section also sets out how Headcorn's Neighbourhood Plan

---

<sup>21</sup> See National Planning Policy Guidance Paragraph: 074 Reference ID: 41-074-20140306.

compares to the Regulation 19 Draft Maidstone Local Plan. This assessment can only be seen as a preliminary assessment, as the Inspector has not yet issued his report and may require changes, including changes reflecting his most recent Consultation on three exam documents, including the Infrastructure Delivery Plan, which closed on February 14<sup>th</sup> 2024. However, many of the policy proposals under the emerging Local Plan are similar to the adopted 2017 Local Plan, meaning it is likely that the same considerations apply.

**5.4** There is not yet a definitive list of strategic policies associated with the emerging Maidstone Local Plan. However, the Main Modifications consultation in 2023 contained a proposed list under MM109, and the relevant policies for Headcorn were:

- LPRSS1 Maidstone Borough spatial strategy
- LPRSP6 Rural service centres
- LPRSP6(C) Headcorn
- LPRSP9 Development in the countryside
- LPRSP10 Housing delivery
- LPRSP10(A) Housing mix
- LPRSP10(B) Affordable housing
- LPRSP11 Economic development
- LPRSP11(A) Safeguarding existing employment sites and premises
- LPRSP11(B) Creating new employment opportunities
- LPRSP11(C) Town, District and Local centres
- LPRSP12 Sustainable transport
- LPRSP13 Infrastructure delivery
- LPRSP14(A) Natural environment
- LPRSP14(B) The historic environment
- LPRSP14(C) Climate change
- LPRSP15 Principles of good design
- Site Allocations All site allocation policies are strategic policies

**5.5** The sections below set out how Headcorn's Neighbourhood Plan is in general conformity with these policies.

### **5.i General conformity and site allocations**

**5.6** The majority of the policies that apply to Headcorn in the 2017 adopted Local Plan are generic policies that apply to the whole of Maidstone Borough. The exceptions are the relevant site allocations (including open space allocations) and the policy covering Headcorn as a rural service centre (SP7). SP7 sets out the strategic allocations for Headcorn, as well as the amount of housing (423 dwellings) that Headcorn is expected to accommodate over the 2011-2031 period. Headcorn's allocated share of Maidstone Borough's calculated housing need will be entirely met by the strategic housing allocations for Headcorn.

**5.7** All the strategic housing allocations in the adopted Local Plan have been given planning permission and the majority have already been completed. Combined with windfall developments that have been consented within Headcorn, planning permission has been



granted for over 500 dwellings. Therefore it is not possible for Headcorn's Neighbourhood Plan to promote less development than set out in the strategic policies for the area. This means the Headcorn Neighbourhood Plan is automatically in general conformity with the site allocations in the adopted 2017 Local Plan.

### **5.i.a Site allocations and the emerging Local Plan**

**5.8** There is no requirement for a Neighbourhood Plan to be in general conformity with an emerging Local Plan. However, in order to future proof Headcorn's Neighbourhood Plan and avoid any conflicts, where relevant the Neighbourhood Plan sets out a clear distinction between the rules that apply to any allocated sites within an adopted Local Plan and windfall development. In particular:

- Policy HNP2 Parts 14 and 15 on the rules governing the siting of developments within the countryside do not apply to strategic allocations. Headcorn Parish Council considers there are good planning reasons for observing the established development patterns in the countryside (of small clusters of buildings with significant gaps in between), as well as avoiding development in isolated locations. However, such development would not be prevented, if a strategic allocation were to come forward in a future Local Plan that did not meet these rules.
- Policy HNP5 Part I.3 sets out the rules governing the only types of developments of dwellings in the countryside that would be permitted, but again strategic allocations are explicitly exempted from these rules.
- Policy HNP5 Part III explicitly exempts strategic allocations from the maximum number of dwellings of 25 that will apply to windfall development.
- Policy HNP5 Part IV explicitly exempts strategic allocations from the requirement that no major developments (of 10 or more dwellings) will be allowed on sites that are not within, or immediately adjacent to the most up-to-date village boundary in the adopted Local Plan.

**5.9** In addition, on the advice of Maidstone Borough Council, Headcorn Parish Council deliberately chose not to allocate sites within its Neighbourhood Plan, in order to avoid potential conflicts with the existing and emerging Local Plans. Therefore the Headcorn Neighbourhood Plan would be in general conformity with the site allocations in the emerging Local Plan, if that were a requirement, as (once adopted) these allocations would not be blocked by Neighbourhood Plan policies. This also means that Headcorn's Neighbourhood Plan is in general conformity with emerging Local Plan policy LPRSP6(C), covering Headcorn as a Rural Service Centre.

### **5.ii Maidstone Local Plan and HNP1: Design and Design Guidance**

**5.10** The adopted Maidstone Local Plan does not have any overarching strategic policies covering design. All its design policies including DM1, DM2 and DM4 are development management policies that are classed as non-strategic policies. There is therefore no requirement to be in general conformity with these policies.

**5.11** However, Maidstone Local Plan strategic policy SP18 covers the Historic Environment and is therefore relevant to HNP1 Part B. SP18 seeks to protect and enhance heritage assets and to sensitively manage and design developments which impact heritage assets and their settings. Headcorn Parish Council considers that HNP1 Part B is in general conformity with SP18, as HNP1 Part B requires development to be *“sympathetic to the setting of any heritage asset, and adheres to Conservation Area guidance where appropriate”*.

**5.12** Therefore, Headcorn Parish Council considers that the Headcorn Neighbourhood Plan Design Policy (HNP1) and Design Guidance are in general conformity with the strategic policies in Maidstone’s adopted Local Plan.

### **5.ii.a Maidstone Emerging Local Plan and HNP1: Design and Design Guidance**

**5.13** Unlike the adopted Local Plan, there is a strategic policy in the emerging Maidstone Local Plan covering the principles of good design (LPRSP15). In addition, strategic policy LPRSP14(B) covers the historic environment.

**5.14** The strategic design policy in the emerging Maidstone Local Plan (LPRSP15) looks to promote high quality design and covers general principles that are reflected in Headcorn Neighbourhood Plan Policies HNP1 on Design and the accompanying Design Guidance, as well as HNP2 on siting and landscaping and HNP3 on connectivity and access. Headcorn’s policy (HNP1) is distinct, because it is specifically designed to meet Headcorn’s needs. Therefore, for example, HNP1 explicitly refers to the typical height of properties in Headcorn (of no more than two and a half storeys), rather than the more open ended approach taken by LPRSP15 that needs to cover both rural villages and Maidstone’s town centre. However, the general principles in LPRSP15 are reflected in Headcorn’s Neighbourhood Plan, ensuring Headcorn’s Neighbourhood Plan is in general conformity with the emerging Local Plan.

**5.15** The emerging Maidstone Local Plan strategic policy LPRSP14(B) covers the Historic Environment and is therefore relevant to HNP1 Part B. LPRSP14(B) seeks to protect and enhance heritage assets and to sensitively manage and design developments which impact heritage assets and their settings. Headcorn Parish Council considers that HNP1 part B would be in general conformity with LPRSP14(B), as HNP1 Part B requires development to be *“sympathetic to the setting of any heritage asset, and adheres to Conservation Area guidance where appropriate”*.

**5.16** Therefore, Headcorn Parish Council considers that the Headcorn Neighbourhood Plan Design Policy (HNP1) and Design Guidance would be in general conformity with the strategic policies in Maidstone’s emerging Local Plan, if required.

### **5.iii Maidstone Local Plan and HNP2: Siting, Landscaping and protecting the natural and historic environment and setting**

**5.17** HNP2 is the policy on siting, landscaping and protecting the natural and historic environment and setting, which sets the rules to determine how developments sit within the landscape. The relevant strategic policies in the adopted Maidstone Local Plan are

therefore SS1 on the spatial strategy, SP17 on development in the countryside and SP18 on the historic environment, H1 on housing site allocations and relevant open spaces allocations.

**5.18** The relevant part of Policy SS1 is Part 10, which looks to conserve and enhance features such as the green and blue network of open spaces, rivers and water courses, as well as landscapes of local value (which includes the Low Weald landscape of local value covering most of Headcorn Parish). HNP2 is in general conformity with this policy because:

- It looks to protect distinctive views, which will help protect the Low Weald landscape of local value (HNP2 Part 2);
- Looks to retain and enhance public green spaces (HNP2 Part 3);
- Seeks to preserve and enhance the natural environment (HNP2 Part 4);
- Seeks to maintain and enhance wildlife corridors and stepping stones (HNP2 Part 5); and
- Seeks to ensure development will not cause damage to local streams and rivers (HNP2 Part 10).

**5.19** SP17 on development in the countryside looks to prevent harm to the character and appearance of the countryside (Part 1), retain the separation of individual settlements (Part 7) and conserve and enhance the Low Weald landscape of local value (Part 6). HNP2 is in general conformity with this policy, because it looks to:

- respect natural contours and sensitively incorporate natural features (HNP2 Part 4);
- ensure development is sensitively landscaped in a way that will protect and enhance Headcorn's rural landscape (HNP2 Part 7);
- reflect the established development patterns in the surrounding countryside and avoid development in isolated areas (HNP2 Parts 14 and 15); and
- protect distinctive views, which will help protect the Low Weald landscape of local value (HNP2 Part 2).

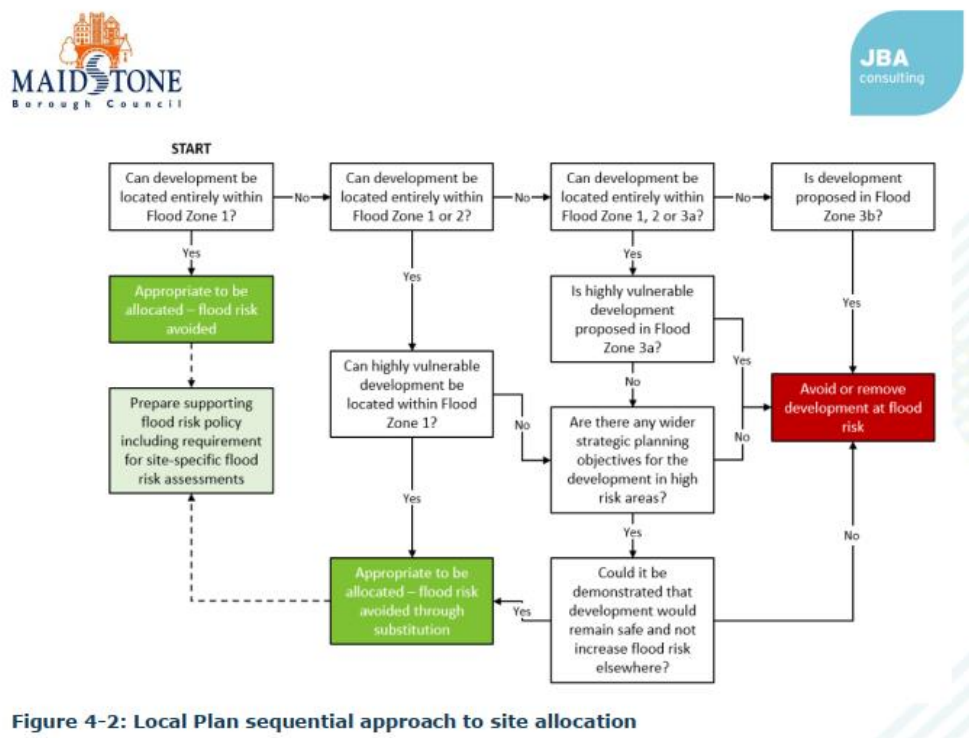
**5.20** SP18 covers the Historic Environment and is therefore relevant to HNP2 Part 1. SP18 seeks to protect and enhance heritage assets and to sensitively manage and design developments which impact heritage assets and their settings. HNP2 Part 1 is in general conformity with this policy, because it looks to respect the setting of listed buildings and protect and sensitively incorporate historic features.

**5.21** Local Plan Policy H1 covers housing site allocations within the Local Plan (rather than windfall developments) and looks to ensure appropriate surface water and robust flood mitigation measures for these sites and the incorporation of sustainable drainage. All the relevant site allocations in the adopted Local Plan in Headcorn have already been given consent and the majority have already been built out. Therefore HNP2 can have no impact on how these strategic allocations are implemented and must therefore be in general conformity.

**5.22** More generally, HNP2 Parts 12 and 13 seek to ensure that flooding and surface water run-off from sites is dealt with in a way that will not increase the risk of flooding elsewhere and that there is adequate drainage provision, with clearly identified responsibilities. These are clearly aligned to the general principles set out in Local Plan Policy H1.

**5.23** HNP2 Part 11 looks to ensure that development does not take place within Flood Zone 3b and that it avoids Flood Zones 2 and 3a unless it can be shown that development meets the requirements set out in the sequential and exemption tests set out in the NPPF. These proposals are in line with Maidstone Borough Council’s own Strategic Flood Risk Assessment (SFRA) underpinning the emerging Maidstone Borough Local Plan (see Figure 1), as well as the NPPF. Headcorn Parish Council therefore considers that HNP2 remains appropriate.

**Figure 1: Maidstone Borough Council’s Local Plan approach to sequential flood risk assessment.**



**Figure 4-2: Local Plan sequential approach to site allocation**

**Source:** Maidstone Borough Council Level 1 SFRA update and Level 2 SFRA.

**5.24** In relation to the open spaces allocations OS10 and OS11, HNP2 Part 3 seeks to retain and enhance all public green spaces and recreational spaces in Headcorn, including spaces within existing developments. This would include open space allocations, meaning Policy HNP2 is in general conformity with this policy.

**5.25** For the reasons given, Headcorn Parish Council considers that Policy HNP2 is in general conformity with the adopted Local Plan.

### ***5.iii.a Maidstone Emerging Local Plan and HNP2: Siting, Landscaping and protecting the natural and historic environment and setting***

**5.26** There is no requirement to be in general conformity with an emerging Local Plan. However, the relevant strategic policies in the emerging Maidstone Local Plan that cover similar policy issues to HNP2 are: LPRSS1 (Part 14), LPRSP9, LPRSP14(A), LPRSP14(B) and LPRSP15.

**5.27** The relevant part of LPRSS1 is Part 14 and this is identical to adopted Local Plan Policy SS1 Part 10. This means Headcorn Neighbourhood Plan Policy is in general conformity with Policy LPRSS1.

**5.28** LPRSP9 covers development in the countryside and is identical to adopted Local Plan Policy SP17. This means Headcorn Neighbourhood Plan Policy is in general conformity with Policy SP17.

**5.29** HNP2 is in general conformity with LPRSP14(A), which is a new strategic policy and covers the natural environment. LPRSP14(A) looks to:

- deliver biodiversity net gain for residential development. HNP2 Part 6 is in general conformity with this, as it looks for all development to deliver on-site biodiversity net gain in line with local and national targets and sets out mitigation measures where on-site biodiversity net gain cannot be achieved;
- protect landscape character, including trees, hedgerows, and features of biological or geological interest. HNP2 is in general conformity with this. In particular, HNP2 Part 4 seeks to sensitively incorporate natural features and respect natural contours, and HNP2 Part 7 seeks to protect trees and hedgerows and sets out mitigation measures if their removal cannot be avoided;
- avoid damage to internationally, nationally or locally designated sites of importance. HNP2 Part 10 seeks to ensure that development will not cause damage to local streams and rivers. This will help protect the River Beult SSSI;
- enhance, extend and connect habitats. HNP2 Part 4 (incorporating natural features to provide habitats for wildlife), Part 5 (maintain and enhance wildlife corridors and stepping stones), Part 7 (sensitive landscaping) and Part 9 (landscape buffers to create and enhance wildlife corridors) would all be in general conformity with this.

**5.30** LPRSP14(B) on the Historic Environment is different to policy SP18 in the adopted Local Plan. Nonetheless, HNP2 Parts 1 and 2 covering the historic environment and the Headcorn Conservation Area would all be in general conformity with LPRSP14(B) and particularly Part 3 of that policy, which calls for the incorporation of positive heritage policies within Neighbourhood Plans.

**5.31** The new strategic policy on design within the emerging Local Plan (LPRSP15) is also relevant to HNP2. Relevant parts of LPRSP15 are: Part 2 (respond to and enhance local, natural and historic character); Part 4 (respect the topography and sensitively incorporate natural features); and Part 9 (protect and enhance on-site biodiversity and geodiversity

features). HNP2 has provisions that would help support these general principles, meaning it would be in general conformity with LPRSP15.

#### **5.iv Maidstone Local Plan and HNP3: Connectivity and access**

**5.32** There are no relevant overarching strategic policies in the adopted Maidstone Local Plan covering connectivity and access. SP7 seeks some highways improvements connected to specific housing allocations, and HNP3 would be in general conformity with these.

##### ***5.iv.a Maidstone Emerging Local Plan and HNP3: Connectivity and access***

**5.33** There are three new strategic policies in the emerging Maidstone Local Plan that cover issues that are relevant to HNP3. These policies are: LPRSP12 (sustainable transport), LPRSP14(C) (Climate change) and LPRSP15 (Design). HNP3 would be in general conformity with these policies.

**5.34** LPRSP12 (sustainable transport) seeks to:

- Improve walking and cycling options. HNP2 Part 1 looks to promote and enhance links to Headcorn High Street and the countryside that can be easily accessed by foot and cycle.
- Improve highway network capacity and function at key locations and junctions. HNP2 Part 8 looks to avoid exacerbating key pinch points for traffic flows, in part to support economic development. While the focus of HNP2 is different, both policies recognise the general principle that it is important to ensure traffic flow policies are effective.

**5.35** LPRSP14(C) (Climate change) seeks to prioritise active travel by ensuring good provision and connectivity of walking and cycling routes. HNP2 Part 1 looks to promote and enhance links to Headcorn High Street and the countryside that can be easily accessed by foot and cycle.

**5.36** LPRSP15 Part 11 (Design) seeks to accommodate safely the vehicle and pedestrian movement generated by the proposal on the local highway network and through the site access. HNP3 would be in general conformity with this guiding principle, as it seeks to: create safe and well connected developments (Part 1); enhance road safety (Part 2); avoid exacerbating key pinch points (Part 8); and avoid creating or exacerbating traffic problems, such as blocking lines of sight (Part 9).

#### **5.v Maidstone Local Plan and HNP4: Infrastructure provision**

**5.37** Policy HNP4 on infrastructure provision sets the rules to ensure that specific types of infrastructure provision such as parking, broadband, water and sewerage, and promoting energy efficiency will meet the needs of local residents both now and in the future, as well as to set the priorities for infrastructure in Headcorn, reflecting local constraints. The relevant strategic policies in the adopted Maidstone Local Plan are: SP7 (Headcorn Rural Service Centre), SP21 (Economic development), SP23 (Sustainable transport) and ID1 (infrastructure delivery).

**5.38** HNP4 Part A looks to ensure there will be adequate parking provision, that the adoption of electric vehicles will be supported and that the loss of key parking facilities serving the village will be avoided. There is no direct overlap between HNP4 Part A and the strategic policies in the adopted Local Plan. However, SP23 Part 2.iv. seeks to manage parking provision in a way that is fair, proportionate and supports demand management. Headcorn Parish Council considers that HNP4 Part A is in general conformity with this policy. In particular, Headcorn Parish Council considers HNP4 Part A is proportionate given the evidence of significant concerns about inadequate parking provision in the village, and it will also help support positive economic outcomes for Headcorn High Street, by helping support demand.

**5.39** HNP4 Part B covers broadband provision in Headcorn. There is no direct overlap between HNP4 Part B and the strategic policies in the adopted Local Plan. However, SP21 looks to support improvements in information and communications technology. HNP4 Part B is in general conformity with this policy.

**5.40** HNP4 Part C covers water and sewerage management. There is no direct overlap between HNP4 Part C and the strategic policies in the adopted Local Plan. However, SP7 looks to support additional capacity in the sewer network and wastewater treatment works if necessary. HNP4 Part C is in general conformity with this policy.

**5.41** HNP4 Part D covers promoting energy efficiency. There is no overlap between HNP4 Part D and the strategic policies in the adopted Local Plan.

**5.42** HNP4 Part E covers the infrastructure priorities for Headcorn and particularly the priorities for Headcorn Parish Council's share of any CIL revenues. This reorders to priorities set out in ID1, which is a strategic policy in the adopted Local Plan to reflect the needs of Headcorn more effectively, given the evidence of the strengths and weaknesses of existing infrastructure in Headcorn from the 2021 Residents' Survey. Headcorn Parish Council notes that the definition of sustainable development set out in paragraph 8 of the NPPF includes the need to identify and coordinate the provision of infrastructure. Headcorn Parish Council is therefore required to do this in order to meet the basic condition of contributing to the achievement of sustainable development and having regard to national policy. Prioritising the list of infrastructure priorities in a way that matches Headcorn's specific needs is therefore both appropriate and necessary. Headcorn Parish Council notes that policy ID1 Part 4 of the Maidstone Local Plan explicitly states that:

*"This list serves as a guide to the council's prioritisation process, although it is recognised that each site and development proposal will bring with it its own issues **that could mean an alternate prioritisation is used**".*

**5.43** Headcorn Parish Council has taken advantage of this flexibility to reorder the list in recognition of the fact that sites in Headcorn will need to address the specific infrastructure constraints Headcorn faces. This will help ensure that the infrastructure provided will provide value for money. In addition, in relation to CIL payments, policy HNP4 Part E explicitly only applies this prioritisation to "*Headcorn Parish Council's Community Infrastructure (CIL) revenues*", rather than all CIL revenues arising from sites in Headcorn.



Therefore Headcorn Parish Council considers that its chosen policy approach is both the most appropriate one, given Headcorn's needs, and is necessary to ensure Headcorn's Neighbourhood Plan meets the Basic Conditions and is in general conformity with Policy ID1.

### **5.v.a Maidstone Emerging Local Plan and HNP4: Infrastructure provision**

**5.44** The relevant strategic policies in the emerging Maidstone Local Plan are: LPRSP6(C) (Headcorn), LPRSP11 (Economic Development), LPRSP12 (sustainable transport), LPRSP13 (infrastructure delivery) and LPRSP14(C) (Climate change).

**5.45** HNP4 Part A looks to ensure there will be adequate parking provision, that the adoption of electric vehicles will be supported and that the loss of key parking facilities serving the village will be avoided. There is no direct overlap between HNP4 Part A and the strategic policies in the emerging Local Plan. However, LPRSP12 Part 3.d. seeks to manage parking provision in a way that is fair, proportionate and supports demand management. Headcorn Parish Council considers that HNP4 Part A would be in general conformity with this policy. In addition, LPRSP12 Part 3.m. seeks to support the provision and improvements to the electric vehicle charging infrastructure. HNP4 Part A would be in general conformity with this policy.

**5.46** HNP4 Part B covers broadband provision in Headcorn. There is no direct overlap between HNP4 Part B and the strategic policies in the emerging Local Plan. However, LPRSP11 looks to support improvements in digital technology and communications. HNP4 Part B would be in general conformity with this policy.

**5.47** HNP4 Part C covers water and sewerage management. There is no direct overlap between HNP4 Part C and the strategic policies in the emerging Local Plan. However, LPRSP6(C) looks to support additional capacity in the sewer network and wastewater treatment works if necessary. HNP4 Part C would be in general conformity with this policy. LPRSP14(C) also requires high levels of water efficiency, and HNP4 Part C's requirement to employ best practice options for promoting efficient use of water would be in general conformity with this.

**5.48** HNP4 Part D covers promoting energy efficiency. LPRSP14(C) looks to support features such as renewable energy infrastructure, meaning HNP4 Part D would be in general conformity with LPRSP14(C).

**5.49** HNP4 Part E covers the infrastructure priorities for Headcorn and particularly the priorities for Headcorn Parish Council's share of any CIL revenues. This sets out a different prioritisation to the priorities set out in LPRSP13, which is a strategic policy in the emerging Local Plan. As with policy ID1 in the adopted Local Plan, LPRSP13 envisages some flexibility in the prioritisation process, namely:

*"This list serves as a guide to the council's prioritisation process, although it is recognised that each site and development proposal will bring with it its own issues **that could mean an alternate prioritisation is used**".*

**5.50** Headcorn Parish Council has taken advantage of this flexibility to reorder the list in recognition of the fact that sites in Headcorn will need to address the specific infrastructure constraints Headcorn faces. This will help ensure that the infrastructure provided will provide value for money. In addition, in relation to CIL payments, policy HNP4 Part E explicitly only applies this prioritisation to “*Headcorn Parish Council’s Community Infrastructure (CIL) revenues*”, rather than all CIL revenues arising from sites in Headcorn. Therefore Headcorn Parish Council considers that its chosen policy approach is both the most appropriate one, given Headcorn’s needs, and is necessary to ensure Headcorn’s Neighbourhood Plan meets the Basic Conditions and that it would be in general conformity with Policy LPRSP13.

## **5.vi Maidstone Local Plan and HNP5: New dwellings**

**5.51** Policy HNP5 on new dwellings covers both housing and gypsy and traveller pitches. This policy addresses issues such as where different types of development can be located, what the mix of provision should be in larger developments. The relevant strategic policies in the adopted Maidstone Local Plan that cover new dwellings are: SP7 on Headcorn Rural Service Centre and the associated strategic allocations (both for housing and gypsy and traveller allocations); SP17 development in the countryside; SP19 Housing mix; and Affordable Housing: SP20 Part 3, Policy H1 criteria (iv).

**5.52** Headcorn’s Neighbourhood Plan does not allocate any sites for either housing or gypsy and traveller pitches. Where the Neighbourhood Plan sets policies governing the location of potential development (such as HNP5 Parts I.3, III and IV), it explicitly uses the phrasing such as “outside the strategic allocations set out in the adopted Local Plan” to ensure there will be no conflict with strategic allocations within an adopted Local Plan. Therefore Headcorn’s Neighbourhood Plan is in general conformity with SP7 and the associated strategic allocations for housing and gypsy and traveller allocations.

**5.53** Maidstone Borough’s adopted Local Plan Policy SP17 allows for some development in the countryside, providing it does not harm the character of the area and will ensure the separation of individual settlements is retained. It also seeks to conserve and enhance the distinctive landscape character of the Low Weald landscape of local value, which includes most of Headcorn Parish. Headcorn Neighbourhood Plan aims to ensure that distinctive landscape character of Headcorn Parish is preserved and enhanced through the policy on siting and landscaping (HNP2), which seeks ensure that any development follows the established development pattern of small clusters of dwellings with significant gaps in between, as well as avoiding more isolated parts of the parish. Policy HNP5 Parts I.3 and IV reinforce this policy, by setting rules on the types of development that will (and won’t) be allowed in the countryside. In developing these policies, Headcorn Parish Council sought to manage large developments in the countryside, as it considers these would be detrimental to the character of the area. Given the focus of policy HNP5 Parts I.3 and IV is on ensuring that development does not occur that would be detrimental to the character of the area, Headcorn Parish Council considers that HNP5 is in general conformity with SP17.

**5.54** In relation to SP19 on housing mix, Headcorn’s Neighbourhood Plan policy HNP5 is in general conformity with this policy, because it seeks to ensure there will be a mix of

dwellings in all major developments (of 10 or more houses). In particular, HNP5 Part II.6 looks to create mixed developments in line with SP19 Part 1. Headcorn's Neighbourhood Plan also seeks to ensure the delivered housing mix will "reflect the needs of those living in Maidstone Borough" (SP19 Part 1), by ensuring that developments will include properties designed to meet the needs of emerging households in Headcorn. HNP5 Part II.4 also looks to ensure that developments incorporate a proportion of housing for the elderly and disabled, which is in line with policy SP19 Part 5. In order to support self-build plots, HNP5 Part I.3 includes community self-build projects of up to 9 dwellings as schemes that would be allowed in the countryside of Headcorn Parish.

**5.55** In relation to Affordable Housing, the total number of affordable housing units achieved under Headcorn's Neighbourhood Plan remains the same as the number of units under Maidstone Local Plan Policy SP20. The proposed affordable housing mix in Policy HNP5.II.5 differs from the mix in Policy SP20 Part 3, by seeking to deliver a higher share of affordable housing to buy.<sup>22</sup> However, Headcorn Parish Council considers that Policy HNP5.II.5 is both appropriate (given the evidence) and is still in general conformity with Policy SP20, which refers to both "indicative targets for tenure" and the need to take "account of the evidence available at that time", which should include the Headcorn specific evidence gathered to inform Headcorn's Neighbourhood Plan. The same considerations apply to Maidstone Local Plan Policy H1 criteria (iv), as this simply refers to policy SP20.

#### ***5.vi.a Maidstone Emerging Local Plan and HNP5: New dwellings***

**5.56** The relevant strategic policies in the emerging Maidstone Local Plan are: LPRSP6(C) on Headcorn and the associated strategic allocations; LPRSP9 on development in the countryside; LPRSP10(A) on housing mix; and LPRSP10(B) on affordable housing. The relevant parts of these policies remain largely unchanged from the adopted Local Plan, therefore Headcorn Parish Council considers that Policy HNP5 would be in general conformity with the emerging Local Plan.

**5.57** The policy on affordable housing in the emerging Local Plan has been subject to some drafting changes relative to the adopted Local Plan policy, but Headcorn Parish Council still considers that HNP5 would be in general conformity with the relevant policy, LPRSP10(B). Under Headcorn's Neighbourhood Plan the number of affordable housing units remains the same as under Maidstone's emerging Local Plan. The proposed affordable housing mix in Policy HNP5.II.5 does differ from the mix in LPRSP10(B) Part 3, as it seeks to achieve a higher share of affordable housing to buy, in line with the needs of emerging households in Headcorn. However, Headcorn Parish Council considers that Policy HNP5.II.5 is both appropriate (given the evidence) and is still in still in general conformity with Policy LPRSP10(B), which refers to both "indicative targets for tenure" and the need to take "account of the evidence available at that time", which should include the Headcorn specific evidence gathered to inform Headcorn's Neighbourhood Plan.

---

<sup>22</sup> Note that National Planning Practice Guidance envisages that Neighbourhood Plans will be able to support the provision of affordable housing to buy, including by varying the types of affordable housing expected, see Paragraph: 100 Reference ID: 41-100-20190509.

**5.58** The emerging Local Plan does seek to change the focus of affordable housing to buy compared to the adopted Local Plan, as it only looks to provide First Homes, while the adopted Local Plan focuses on shared ownership and intermediate rented houses. Headcorn's Neighbourhood Plan would accommodate all these types of affordable housing as the policy covers: "*First Homes, starter homes, discounted market sales housing, shared equity, or a similar scheme that aims to promote home ownership*". This broader definition is more aligned to the definition of affordable housing to buy set out in the NPPF, but would be in general conformity with both the adopted and emerging Local Plans in terms of the types of affordable housing to buy that will be delivered.

#### **5.vii Maidstone Local Plan and HNP6: The economy**

**5.59** Policy HNP6 on the economy covers the rules governing all business development, as well as specific rules designed to support the success of Headcorn High Street, and rules governing any future development of the Headcorn aerodrome and commercial energy generation. The relevant strategic policies covering the economy in the adopted Maidstone Local Plan are: SP5, SP7, SP21 and SP22, together with employment allocation EMP1(1).

**5.60** Headcorn's Neighbourhood Plan policy HNP6 Part A seeks to promote the role of Headcorn High Street. This is in general conformity with Local Plan policies SP5 and SP7, which seek to resist the loss of local shops, as well as SP21 Part iii, which seeks to enhance the vitality and viability of retail centres.

**5.61** Headcorn's Neighbourhood Plan does not seek to allocate additional employment sites, nor would it support the conversion of identified Economic Development Areas within the adopted Local Plan to residential use. HNP6 is therefore in general conformity with the relevant adopted Local Plan policies.

#### **5.vii.a Maidstone Emerging Local Plan and HNP6: The economy**

**5.62** The relevant strategic policies in the emerging Local Plan are: LPRSP6 and LPRSP6(C); LPRSP11; LPRSP11(A); LPRSP11(B); and LPRSP11(C).

**5.63** Headcorn's Neighbourhood Plan policy HNP6 Part A seeks to promote the role of Headcorn High Street. This would be in general conformity with Local Plan policies LPRSP6 and LPRSP6(C), which seek to resist the loss of local shops, as well as LPRSP11 Part 3, which seeks to enhance the vitality and viability of retail centres and new policy LPRSP11(C), which seeks to maintain and enhance existing retail function, including Headcorn High Street.

**5.64** LPRSP11(A) and LPRSP11(B) would permit development that would be of a type and scale that would not harm the character of the area or the amenity of occupiers of nearby properties. Headcorn Parish Council considers that HNP6 Parts 1-5 and particularly Parts 2-4 would be in general conformity with these policies.

**5.65** Headcorn's Neighbourhood Plan does not impose the same requirement for economic development to be readily accessible by public transport, foot or cycle set out in the emerging Local Plan. This is because, outside of developments along the A274, the

provision of public transport would not be economically viable, and foot and cycle accessibility would not necessarily be achievable on the rural lanes within Headcorn Parish. Headcorn Parish Council therefore considers that imposing a requirement of this type would undermine the viability of many businesses (and potential businesses) within the Parish. However, Policy HNP3 on connectivity and access does seek to ensure that development will be safe and well connected. Headcorn Parish Council therefore considers that the Neighbourhood Plan would be in general conformity with the emerging Local Plan.

## 6. DOES NOT BREACH EU OBLIGATIONS

**6.1** For any Neighbourhood Plan to be adopted it must ensure it does not breach, and is otherwise compatible with, EU obligations. National Planning Policy Guidance sets out that the EU Directives that may be of particular relevance to neighbourhood planning are:<sup>23</sup>

- Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive).
- Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive).
- Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively). These aim to protect and improve Europe's most important habitats and species.
- Other European directives, such as the Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) or the Water Framework Directive (2000/60/EC) may apply to the particular circumstances of a draft neighbourhood plan or Order.

**6.2** In the case of Headcorn's Neighbourhood Plan, Headcorn Parish Council considers that four Directives are potentially relevant: the Strategic Environmental Assessment Directive; the Habitats and Wild Birds Directives; and the Water Framework Directive.

**6.3** Headcorn Parish Council was advised by Maidstone Borough Council on 10<sup>th</sup> May 2023 that a formal Strategic Environmental Assessment was not needed in the case of Headcorn's Neighbourhood Plan, see Appendix 2.<sup>24</sup>

**6.4** Headcorn Parish Council was advised by Maidstone Borough Council on 10<sup>th</sup> May 2023 that a formal Habitats Regulation Assessment Screening was not needed in the case of Headcorn's Neighbourhood Plan, see Appendix 2.<sup>25</sup>

**6.5** A screening assessment of whether Headcorn's Neighbourhood Plan needs to undertake a formal assessment with respect to the Water Framework Directive has not been undertaken. However, Headcorn Parish Council considers that the policies within the Headcorn Neighbourhood Plan are compatible with the aims of this Directive, namely to achieve good ecological, chemical and quantitative status in all bodies of surface water and groundwater by 2027. Headcorn Parish Council and the Headcorn Neighbourhood Plan do not set regulations in relation to these matters. However, Headcorn Neighbourhood Plan Policy HNP2 Parts 10-13 covers: a specific requirement "not to cause damage to local

---

<sup>23</sup> See National Planning Policy Guidance Paragraph: 078 Reference ID: 41-078-20140306.

<sup>24</sup> This advice is based on the emerging policies in Headcorn's Neighbourhood Plan, and on Maidstone Borough Council's discussions with the statutory consultees.

<sup>25</sup> This advice is based on the emerging policies in Headcorn's Neighbourhood Plan, and on Maidstone Borough Council's discussions with the statutory consultees.

streams and rivers"; flooding; dealing with surface water run-off; and drainage. Similarly, Headcorn Neighbourhood Plan Policy HNP4 Part C covers Water and sewerage management, including the need for adequate capacity and that sewerage outflow and waste water from developments will be fully in accordance with the Headcorn Waste Water Treatment Works' environmental permit. Headcorn Parish Council therefore considers that Headcorn's Neighbourhood Plan supports the goals of the Water Framework Directive.

**6.6** Therefore, Headcorn Parish Council considers that Headcorn's Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations.

# APPENDIX 1: MAIDSTONE BOROUGH COUNCIL – RECORD OF DECISION APPROVING HEADCORN PARISH AS A NEIGHBOURHOOD PLAN AREA

## MAIDSTONE BOROUGH COUNCIL

### RECORD OF DECISION OF THE HEAD OF PLANNING

Decision Made: 8 April 2013

#### Neighbourhood Plan Area Application

##### **Issue for Decision**

To consider

Headcorn parish as a Neighbourhood Plan Area.

##### **Decision Made**

The neighbourhood area submitted by Headcorn Parish Council to Maidstone Borough Council on 3rd December 2012 is **approved**.

##### **Reasons for Decision**

#### Consultation

Consultation commenced on Monday 4th February 2013 and ended at 5pm on Tuesday 19th March 2013. The consultation was advertised as follows:

1. Note distributed to all households in the parish at start of consultation period
2. Neighbourhood Plan Area application (including a map) posted on Maidstone Borough Council's website and on Headcorn Parish Council's website
3. Poster advertising the consultation on notice boards in the parish
4. Ward members and adjoining ward members were made aware of the consultation via email

#### Representations Received During Consultation

Four representations were received in support of the application. No objections were received.

#### Considerations

1. Does the proposed plan area follow existing, established administrative or planning boundaries?

YES – the proposed plan area follows the existing parish boundary

2. Does it exclude areas which in planning terms it would be more appropriate to include (for example where planning designation or development location straddles a parish boundary)

NO



3. Does it overlap with another approved neighbourhood area (this is not permitted)

NO

#### Conclusion

Headcorn Parish Council will be preparing the neighbourhood plan and are considered a relevant body<sup>(1)</sup> under the Localism Act 2011.

The identification of Headcorn in Maidstone Borough Council's Core Strategy as a Rural Service Centre places specific emphasis on the growth of the village as a place to live and work. The village must therefore accommodate additional housing and the necessary associated infrastructure in the near future. Headcorn Parish Council is progressing with the preparation of a neighbourhood plan and believes a robust and well considered neighbourhood plan offers the best opportunity to accommodate growth in a successful way.

Headcorn has a well defined and established boundary as a parish, which includes the village centre, the hamlet of Hawkenbury, outlying farms and other properties. It is intended that the whole of the parish will be the designated area for the neighbourhood plan. Working to the same boundary for both the parish and the neighbourhood plan will avoid potential confusion for those that live, work and visit the parish.

No objections were received during consultation and the proposed plan area (see map below)<sup>(2)</sup> meets the criteria set out above. The plan area is considered acceptable in planning terms and the parish council has followed due process in line with the Neighbourhood Planning (General) Regulations, Part 2, S. 5(1).

#### **Alternatives considered and why rejected**

The decision to approve the neighbourhood plan area has been made for the reasons stated above. The alternative is to reject the application but the council is satisfied that due process has been followed and no representations were made during the consultation to suggest the geographic area of the parish should not form the Neighbourhood Plan Area.

## **Background Papers**

None



Signature: \_\_\_\_\_

Rob Jarman, Head of Planning

<sup>(1)</sup>For the definition of "relevant body" see section 61G (2) of the 1990 Act (inserted by paragraph 2 of Schedule 9 to the Localism Act 2011 (c.20).

<sup>(2)</sup> The Map referred to is HNP Policy Map 1, which is also included in Section 2 of this Basic Condition Statement.

**APPENDIX 2: MAIDSTONE BOROUGH COUNCIL - STRATEGIC ENVIRONMENTAL ASSESSMENT AND HABITATS REGULATIONS ASSESSMENT - SCREENING ASSESSMENT**

---

**Regulation 14  
Headcorn Neighbourhood Plan  
Pre-Submission Version**

**April 2023**

**Strategic Environmental Assessment  
and Habitats Regulations Assessment -  
Screening Assessment Report**

**Prepared by Maidstone Borough Council**

## **1 Introduction**

The need for environmental assessment of plans is set out in the EU Directive 2001/42/EC – known as the SEA Directive. Under this Directive, Neighbourhood Plans may require an SEA – but this will depend on the content of each Neighbourhood Plan.

In some circumstances, where a neighbourhood plan could have significant environmental effects, it may fall within the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 and so require a strategic environmental assessment.

One of the basic conditions that will be tested by the independent examiner of a Neighbourhood Plan is whether the making of the plan is compatible with European Union obligations (including under the Strategic Environmental Assessment Directive).

Whether a neighbourhood plan requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed in the draft neighbourhood plan. A strategic environmental assessment may be required, for example, where:

- the neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan

The main determining factor as to whether an SEA is required on a Neighbourhood Plan is if it is likely to have a significant effect on the environment. Those Neighbourhood Plans containing land allocations for development, whose impacts have not been tested in the local authority's plan, may require an SEA. Neighbourhood Plans which do not contain such allocations (or simply reflect allocations already identified as part of a local authority plan) are less likely to require an SEA.

Maidstone Borough Council is legally required to determine whether the Headcorn Neighbourhood Plan will require an SEA. However, if it is concluded that an SEA is required, those preparing the plan are responsible for its production and it must form part of the material that is consulted on once the formal consultation stage is reached.

## **2 Legislative Background**

The basis for Strategic Environmental Assessments and Sustainability Appraisal is the European Directive 2001/42/EC which has subsequently been transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. The Government has produced National Planning Practice Guidance in relation to strategic environmental assessments and sustainability appraisals to provide clarity on the need for them in relation to plan development.

Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 (as amended) makes provision in relation to the Habitats Directive. The Directive requires that any plan or project likely to have a significant effect on a European site must be subject to an Appropriate Assessment. To achieve this, paragraph 1 of Schedule 2 prescribes a basic condition that the making of a neighbourhood plan is not likely to have a significant effect on a European site. Paragraphs 2 to 5 of the Schedule amend the Conservation of Habitats and Species Regulations 2010 so as to apply its provisions to neighbourhood development orders and neighbourhood plans. In particular, paragraph 4 inserts new regulation 78A which provides that a neighbourhood development order may not grant planning permission for development which is likely to have a significant effect on a European site. These changes have been reflected in the Conservation of Habitats and Species Regulations 2017.

This report focuses on screening for SEA and the criteria for establishing whether a full assessment is needed.

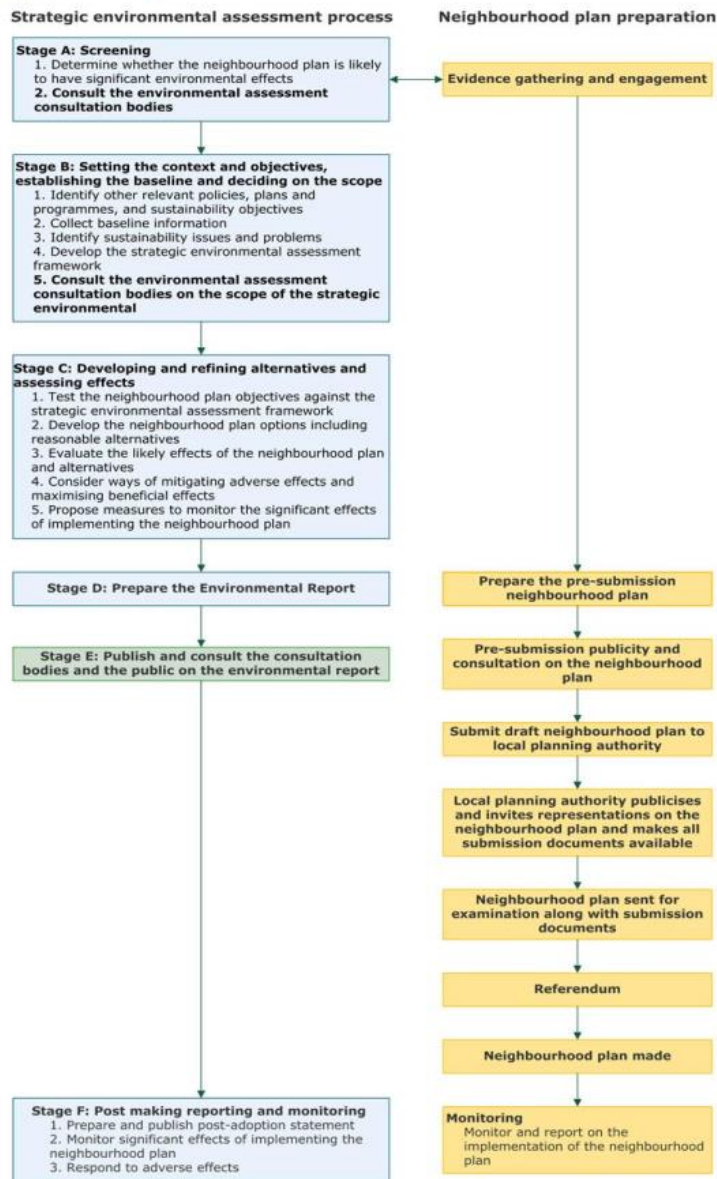
### **3 Screening Process**

Headcorn Parish Council requested an SEA screening opinion of its Pre-Submission Consultation Draft Neighbourhood Plan on 30<sup>th</sup> January 2023. It is Maidstone Borough Council's responsibility to assess whether the policies and proposals in the Neighbourhood Plan are likely to have 'significant environmental effects'.

The National Planning Practice Guidance in relation to strategic environmental assessments sets out the approach to producing an SEA Figure 1 (below). This guidance recommends that an assessment be undertaken in the early stages of plan making and this screening is undertaken at the draft Neighbourhood Plan stage.

The first stage is the screening process (Stage A in Figure 1 below) to determine whether the neighbourhood plan is likely to have significant environmental effects. The screening process includes a 5 week consultation with the statutory consultees. If the screening process concludes that the Headcorn Neighbourhood Plan requires an environmental report, the Parish Council is responsible for preparing the scoping report (Stage B) and must consult the statutory consultees. Stages B and C would need to include consideration of reasonable alternatives, to inform the selection and refinement of the preferred options. The preparation of the Environmental Report (Stage D) would need to identify, describe and evaluate the likely significant effects on the environment of implementing the policies in the neighbourhood plan and of the reasonable alternatives taking into account the objectives and geographical scope of the plan.

Figure 1 – SEA Process

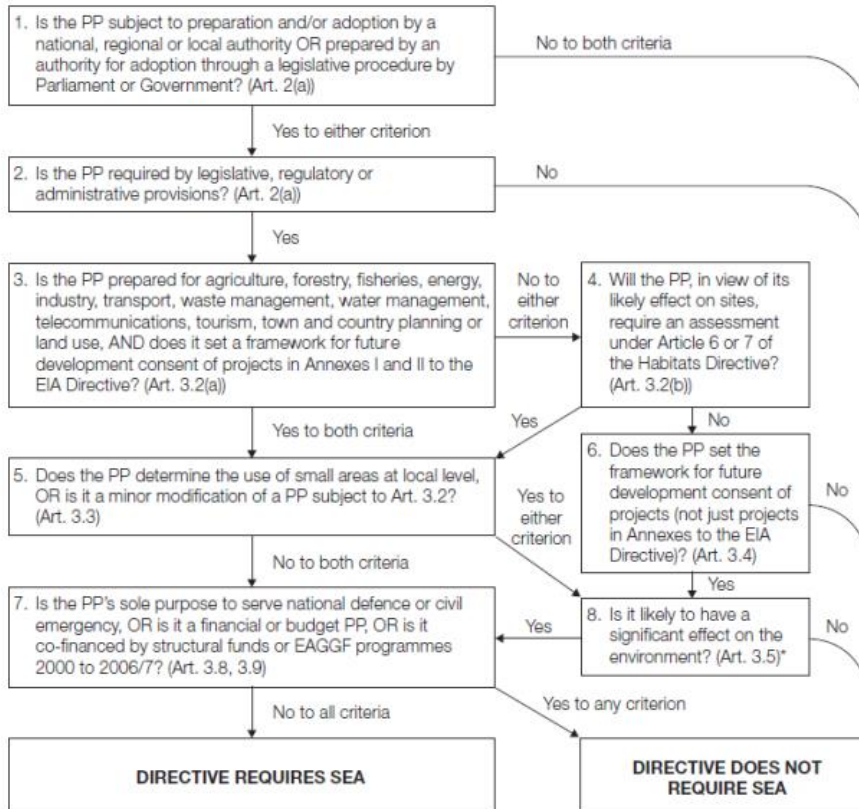


## 4 Screening Assessment

The government guidance 'A practical guide to the Strategic Environmental Assessment Directive' sets out the following approach to be taken in determining whether an SEA is required:

Figure 2 – Application of the SEA Directive to plans and programmes

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



\*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

The screening opinion assessment set out below is undertaken in two parts: the first part assesses whether the plan requires an SEA (following the process stipulated in the flow chart); and the second part of the assessment will consider

whether the Neighbourhood Plan is likely to have a significant effect on the environment, using criteria drawn from Schedule 1 of the EU SEA Directive and the UK Environmental Assessment of Plans and Programmes Regulations 2004.



#### 4.1 Assessment 1: Establishing the Need for SEA

Stage	Yes/ No	Reason
1. Is the Neighbourhood Plan (NP) subject to preparation and/or adoption by a national, regional or local authority, OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Yes	The preparation and adoption of the NP is allowed under the Town and Country Planning Act 1990 (as amended by the Localism Act 2011). The NP is prepared by Headcorn Parish Council (as the 'relevant body') and subject to the outcome of Examination and referendum will be 'made' by Maidstone Borough Council as the local authority. The preparation of NPs is subject to the following regulations: The Neighbourhood Planning (General) Regulations 2012 (as amended) and The Neighbourhood Planning (referendums) Regulations 2012 (as amended). <i>GO TO STAGE 2</i>
2. Is the NP required by legislative, regulatory or administrative provisions? (Art. 2(a))	No	Whilst the NP is not a requirement and is optional under the provisions of the Town and Country Planning Act (as amended), it will, if 'made', form part of the Development Plan for the Borough and the NPPF states that it is highly desirable that local planning authorities should have an up-to-date plan in place. The NPPF also states that neighbourhoods should develop plans that support the delivery of strategic policies contained in Local Plans. <i>GO TO STAGE 3</i>
3. Is the NP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art. 3.2(a))	Yes	The NP is being prepared for town and country planning and land use. The NP will therefore provide a framework for future development consent of development projects, the most relevant of which are set out in Annex II of the EIA Directive including Infrastructure projects 10(b) Urban-development projects).  <i>GO TO STAGE 5</i>

5. Does the NP determine the use of small areas at local level OR is it a minor modification of a plan or programme subject to Art. 3.2? (Art. 3.3)	Yes	The NP may be used to help determine the use of land on small sites at a local level.  <i>GO TO STAGE 8</i>
8. Is it likely to have a significant effect on the environment? (Art 3.5)	No	See Assessment 2: Likely significant effects on the environment. Summary:  <i>DIRECTIVE DOES NOT REQUIRE SEA</i>

#### 4.2 Assessment 2: Likely Significant Effects on the Environment

SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004	Maidstone Borough Council Assessment	Likely significant environmental effect?
<b>Characteristics of the Neighbourhood Plan, having regard to:</b>		
The degree to which the Plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	The NP would, if made, form part of the statutory Development Plan and as such does contribute to the framework for future development consent of projects. The NP sits within the wider framework of the NPPF and the Maidstone Borough Local Plan. Headcorn is located in the southeast of Maidstone borough and is a rural parish that covers 2,125 hectares. The area is home to 2.18% of Maidstone Borough's total population. The adopted Local Plan 2017 and its emerging Local Plan Review identifies Headcorn as a Rural Service Centre in Policy SP7 and Policy LPRSP6(c) in the emerging Local Plan Review. These policies direct a modest amount of development towards Headcorn including residential dwellings and employment floorspace. The NP does not propose any new site allocations.	No
The degree to which the Plan influences other plans and programmes including those in a hierarchy.	The NP must take into account the National Planning Policy Framework and the plan should be in general conformity with the strategic policies of the Maidstone Borough Local Plan (or Local Plan Review subject to its adoption). Whilst significant to the Parish, the NP is unlikely to significantly influence other plans and programmes but may	No

	have a limited degree of influence over the formation of future strategic policies.	
The relevance of the Plan for the integration of environmental considerations in particular with a view to promoting sustainable development.	The NP must meet the basic condition to contribute to sustainable development. Sustainability is a key focus in the NP and policies promote enhancing existing wildlife corridors, planting native trees, and using appropriate landscape buffers between new and existing developments.	No
Environmental problems relevant to the Plan.	The NP looks to limit the environmental impact from development through protection of ancient woodlands, River Beult SSSI and local wildlife habitats.	No
The relevance of the Plan for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The NP is not directly relevant to the implementation of European legislation, although it will need to take the impact of the Water Framework Directive into account.	No
<b>Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>		
The probability, duration, frequency and reversibility of the effects.	The NP includes policies which look to ensure development is sustainable. The NP does not allocate any sites for development and therefore any likely effects are expected to be localised.	No
The cumulative nature of the effects of the Plan.	The NP does not allocate sites for housing or other forms of development and due to the limited geographic scope of the NP, the cumulative effects are likely to be minimal.	No
The trans-boundary nature of the effects of the Plan.	The NP is focused on Headcorn Parish only and would unlikely have limited trans-boundary effects given its limited geographical scope and not proposing any new sites for new development.	No

The risks to human health or the environment (e.g. due to accidents).	There are not expected to be any significant risks to human health.	No
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) by the Plan.	The NP covers Headcorn located in the south east of the borough. The geographic area and population of the plan areas are relatively small in relation to the wider borough with 2.18% of the total borough population residing in this location. Therefore, the effects of the plan will be relatively localised.	No
The value and vulnerability of the area likely to be affected by the Plan due to: (i) Special natural characteristics or cultural heritage; (ii) Exceeded environmental quality standards or limit values; or (iii) Intensive land use	(i) Special natural characteristics or cultural heritage such as listed buildings and the conservation areas, will not be significantly adversely affected by the NP; (ii) The NP is not expected to exceed environmental quality standards or limit values; (iii) The NP is localised with limited likely effects on intensive land use.	No
The effects of the Plan on areas or landscapes which have recognised national, community or international protection status.	Although just over a quarter of the borough is within the Kent Downs Area of Outstanding Natural Beauty located to the north of Maidstone town, the NP area is set some distance away in the south east of the borough. The NP supports national policies for the protection of the Low Weald Landscape of Local Value. The NP also seeks to protect local landscapes such as wildlife corridors, ancient and species rich hedgerows. The plan is unlikely to adversely impact on the River Beult SSSI. Overall, the NP is not likely to have a significant impact on national or community protection status.	No
Assessment 2 Conclusion	The Headcorn NP is not likely to have a significant effect on the environment.	

## **5 Habitats Regulations Assessment Screening**

The Habitats Regulations Assessment (HRA) screening tests whether the Headcorn Neighbourhood Plan Pre-Submission Version, in view of its likely effect on sites of European importance, will require an assessment for future development under Article 6 or 7 of the Habitats Directive (Article 3.2(b)).

Maidstone Borough contains two sites of European importance: North Downs Woodlands to the northwest of the borough is a Special Area of Conservation (SAC) and Queendown Warren SAC which lies on the northern border of Maidstone Borough.

New development that is delivered within the Borough over the next two decades is likely to place additional pressure on these areas, particularly through increased recreational pressure on the North Downs Woodland SAC. However, in this respect the Habitats Regulations Assessment Screening Report (2016) for the Regulation 19 Local Plan, February 2016 tested the impact of 18,560 new dwellings primarily concentrated in the Maidstone Urban Area but with limited development in the Headcorn area.

The Screening Report examined closely the impacts of consequential recreational pressure and air quality on the North Downs Woodlands SAC and recreational pressure on Queendown Warren SAC and the Medway Estuary and Marshes SPA and Ramsar site. The report concludes that policies within Maidstone Borough's Local Plan - Publication (Regulation 19) February 2016 can be screened out from further consideration both, alone and in-combination with other projects or plans.

In terms of recreational pressure, the NP supports the continued use of land for recreational use.

Finally, Headcorn is located south east of Maidstone urban area and the limited additional population supported by the Neighbourhood Plan is therefore less likely to place recreational pressure on the two sites of European importance to the north west of the town.

On balance, the Headcorn Neighbourhood Plan is not likely to cause a significant effect on a European site will not require an assessment for future development under Article 6 or 7 of the Habitats Directive (Art. 3.2(b)).

### Local Plan Review

As the Local Plan Review is at an advanced stage the Council has thought it prudent to also test the Headcorn Neighbourhood Plan against the latest version of the Habitats Regulation Assessment for that document. The LPR HRA states policy LPRSP6(c) – Headcorn may result in types of development or activities that could affect European sites. Development in Headcorn contributes to increased traffic to A249 and A229 which results in changes in water abstraction and discharge. With regards to recreational pressure the LPR HRA concludes that Policy LPRSP6(c) Headcorn is unlikely to contribute to recreation pressure.

On balance, the Headcorn Neighbourhood Plan is not likely to cause a significant effect on a European site will not require an assessment for future development under Article 6 or 7 of the Habitats Directive (Art. 3.2(b)).

## **6 Next Steps**

The three statutory consultation bodies (Historic England, Environment Agency and Natural England) were consulted for the statutory 5-week period (27<sup>th</sup> February to 3<sup>rd</sup> April 2023) to determine whether they agree with the conclusion of the draft screening opinion, in establishing whether the Regulation 14 Headcorn Neighbourhood Plan Pre-Submission Consultation Draft requires an SEA and whether it may have a 'significant environmental effect'.

### **Summary of Consultation Responses**

Representations were received from all of the statutory consultees and responses are summarised below.

#### **Historic England**

"On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England concurs with the Council that the preparation of a Strategic Environmental Assessment is not required."

#### **Environment Agency**

Provision of Neighbourhood Plan advice note which explains the key issues to be considered when preparing and reviewing the plan. No specific representations were made with respect to the findings of the draft Screening Assessment.

#### **Natural England**

"It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan."

#### **Habitats Regulation Assessment (HRA) Screening**

Natural England agrees with the report's conclusions that the Headcorn Neighbourhood Plan would not be likely to result in a significant effect on any European Site, either alone or in combination and therefore no further assessment work would be required.



## **7 Final Screening Assessment**

As a result of the Screening Assessment, it is considered that the Headcorn Neighbourhood Plan Pre-submission Version is not likely to have a significant effect on the environment.

In addition, it is considered that the Headcorn Neighbourhood Plan Pre-submission version is not likely to cause a significant effect on a European site and will not therefore require an assessment for future development under Article 6 or 7 of the Habitats Directive (Art. 3.2(b)).

## APPENDIX 3: REFERENCES

- Burgess, S, Briggs, A, McConnell, B and Slater, H (2006) "School choice in England: background facts", Centre for Market and Public Organisation, Working Paper No 06/159.
- Department for Communities and Local Government (2015) "Planning Policy for traveler sites", August 2015, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/457420/Final\\_planning\\_and\\_travellers\\_policy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/457420/Final_planning_and_travellers_policy.pdf).
- Driver, R (2014) "Analysing the sustainability of housing development in Headcorn: How much development would be sustainable?", Analytically Driven Ltd, [http://www.analytically-driven.com/uploads/2/7/8/1/27818525/sustainability\\_of\\_housing\\_development\\_in\\_headcorn\\_-\\_background\\_report\\_to\\_support\\_the\\_neighbourhood\\_plan\\_-\\_final\\_draft\\_-\\_december\\_2014.pdf](http://www.analytically-driven.com/uploads/2/7/8/1/27818525/sustainability_of_housing_development_in_headcorn_-_background_report_to_support_the_neighbourhood_plan_-_final_draft_-_december_2014.pdf).
- Halcrow Group Limited (2010) "Water Cycle Study", Maidstone Borough Council.
- JBA Consulting (2020) "Maidstone Borough Council Level 1 SFRA update and Level 2 SFRA: Final report", [https://localplan.maidstone.gov.uk/\\_data/assets/pdf\\_file/0004/372586/7-SFRA-Level-1-update-and-Level-2.pdf](https://localplan.maidstone.gov.uk/_data/assets/pdf_file/0004/372586/7-SFRA-Level-1-update-and-Level-2.pdf).
- Maidstone Borough Council (2021) "Headcorn Conservation Area: Conservation Area Appraisal and Management Plan", Draft October 2021.
- Maidstone Borough Council (2017) "Maidstone Borough Local Plan: Adopted 25 October 2017", [https://maidstone.gov.uk/\\_data/assets/pdf\\_file/0005/171149/Local-Plan-v2-November-2017.pdf](https://maidstone.gov.uk/_data/assets/pdf_file/0005/171149/Local-Plan-v2-November-2017.pdf).
- Maidstone Borough Council (2013) "Consultation draft: Maidstone Borough Council Green and Blue Infrastructure Strategy", [http://www.maidstone.gov.uk/\\_data/assets/pdf\\_file/0013/42421/Draft-Green-and-Blue-Infrastructure-Strategy-December-2013.pdf](http://www.maidstone.gov.uk/_data/assets/pdf_file/0013/42421/Draft-Green-and-Blue-Infrastructure-Strategy-December-2013.pdf)
- Manning, Alan, and Barbara Petrongolo. 2017. "How Local Are Labor Markets? Evidence from a Spatial Job Search Model." *American Economic Review*, 107 (10): 2877-2907.
- Ministry of Housing Communities & Local Government (2021) "National Planning Policy Framework", July 2021, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf).
- Therivel, R. (2015) "Sustainability appraisal of possible strategic development sites in Headcorn", Levett-Therivel, Headcorn Parish Council, (<http://www.headcornpc.kentparishes.gov.uk>).
- Sanderson (Consulting Engineers) Ltd (2015) "Headcorn foul drainage assessment", Sanderson Associates (Consulting Engineers) Ltd.

**Copyright:** © Headcorn Parish Council, 2024

**For more information contact:**

Headcorn Parish Council,  
Parish Office,  
Headcorn Village Hall,  
Church Lane,  
Headcorn,  
TN27 9NR  
Phone:01622 892496  
Email: [clerk@headcornpc.org.uk](mailto:clerk@headcornpc.org.uk)  
<https://headcornpc.org/>