

A supplementary statement from Save Our Heath Lands (SOHL) in response to the additional council evidence presented to the Maidstone Local Plan Review Examination

20 October 2022

Introduction

- 1.1. SOHL remains disappointed with the way in which Maidstone Borough Council (MBC) has chosen to introduce further evidence to the Examination at such a late stage. SOHL maintains that the work on Heathlands garden settlement was not at a sufficiently advanced stage when the Plan was submitted for Examination. The time since has been a frantic attempt by MBC to backfill the evidence base for Heathlands.
- 1.2. It is also disappointing that documents have only now been published despite them having been prepared much earlier. The evidence base for Heathlands could have been published in a more timely manner given greater transparency to the project. SOHL has repeatedly requested sight of documents over the last three years and has each time been refused. This includes the Duty to Cooperate minutes of meetings for which we were advised at the time by MBC that no records were kept of such meetings. It is surprising to see such a library of meeting minutes now in the public domain.
- 1.3. SOHL welcomes the Inspector's decision to postpone the Stage 1 Hearings in order to give participants sufficient time to review the additional evidence submitted.
- 1.4. The following statement is in addition to SOHL's Hearing Statements submitted in August and should be read in conjunction.

Heathlands Railway Station – Position Statement (ED45)

- 2.1. SOHL continues to be perplexed as to why the promoters have commissioned a further position paper on the potential new Heathlands railway station but have not advanced the required next stages of work through a Strategic Outline Business Case. Network Rail were clear in their June 2021 correspondence (LPR 1.95) in which they stated "we strongly recommend the creation of a Strategic Outline Business Case (SOBC)...to confirm the best option for the area and form the basis for an investment decision". We do not understand why this advice has not been more expediently acted upon. The development of an SOBC can take over 12 months and this could have been completed over the last 15 months.
- 2.2. The position paper makes no mention of any ongoing discussions with Network Rail nor the Train Operating Company. It should therefore be assumed that little further constructive dialogue has been had since the correspondence of June 2021. This causes significant concern and risk to the viability, deliverability and acceptability of a potential new Heathlands rail station or any of the proposed alternatives. It is SOHL's view therefore that this can not be relied upon as sufficient evidence to support the proposed main modification to include a new railway station in Heathlands.
- 2.3. SOHL finds the indicative programme (Figure 9, ED45) for delivering a new Heathlands rail station wildly optimistic. Rail infrastructure delivery is well known to be glacially slow and there is no evidence presented that provides any comfort that it would be different for this

project. The position paper has intentionally built in undeliverable and unrealistic timescales to fit the preferred housing delivery phasing.

Minerals (ED43 & ED44)

- 3.1. SOHL has significant concern with the proposed strategy for bringing forward development alongside the extraction and restoration at Chapel Farm. It is our view that overly optimistic timescales are being presented in the evidence documents to artificially demonstrate that post-extraction land will be available to meet the proposed housing delivery phasing for Heathlands.
- 3.2. Furthermore, it is considered grossly unreasonable for the local community to have to endure accelerated and aggressive mineral extraction in the local area at the same time as significant construction work for the Heathlands development. Main modifications were made to the Kent Minerals Sites Plan (KMSP) before adoption in 2020 requiring Chapel Farm to be worked sequentially to the existing Burleigh Farm minerals site in Charing to ensure no detrimental effect on highway safety and amenity given HGV traffic for both sites would be using the same highway routes (i.e. the A20). The number of lorry movements for both mineral extraction and Heathlands development would be unacceptable for the same reasons of detrimental effect on highway safety and amenity.
- 3.3. The KMSP proposes a site access to Chapel Farm along the same alignment of that being proposed for the Heathlands access eastern access road. There is a clear and significant conflict of traffic movements along that alignment of HGV traffic for mineral extraction and restoration, HGV construction traffic for Heathlands, and residential movements for new home owners in Phase 2 and 3 from 2033. The existing railway crossing bridge as part of this alignment is also identified as needing to be replaced which would adversely affect the traffic movements.
- 3.4. SOHL believes that the proposed strategy for minerals extraction and housing development needs reviewing and de-risking.

Viability and deliverability

- 4.1. The updated Heathlands Development Project Delivery Plan (ED46) states that “additional infrastructure and s.106 items and revised development programme timings have been identified through more detailed technical survey work...” since the Carter Jonas’ viability work of 2021. SOHL is surprised that the additional evidence presented by MBC has not included updated work on the viability assessment. It is an imperative that this updated work is made public without further delay. Government guidance is clear that viability assessments should be publicly available.
- 4.2. Our response to Matter 3 in August 2022 sets out to your Q3.25 our significant concerns to the approach to viability. We have elaborated on this in appendix A to that document which has been re-appended to this statement (appendix 1) for convenience. Our concerns have not been allayed any further by the additional evidence presented.
- 4.3. The updated delivery strategy continues to propose a wildly optimistic and unrealistic indicative milestones programme. SOHL has raised concern with these dates and milestones throughout the limited community engagement the promoters undertook. The fact that a large proportion of the required land has not been secured by Options means that alternative land assembly strategies will need to be considered. The very likely possibility of Compulsory Purchase to secure the land within the development redline will have a material

impact on the indicative programme. It is our view therefore that the initial milestone of securing outline planning permission by 2025 and exercising land options is too ambitious and ultimately undeliverable.

- 4.4. The Project Delivery Plan makes no mention of how the promoters will manage those principal landowners that are not willing to enter into Options agreements. It is important that the promoter explicitly sets out what land it has secured through Options in the red line and which it has not. SOHL is aware of at least one principal landowner whose land is required for phases 1 and 2 (including the land required for the whole district centre) that has not entered into Options and has been clear to the promoter that they have no current intention of doing so. An alternative land assembly strategy needs to be presented along with the impact this will undoubtedly have to the delivery programme.

Engagement Strategy & Stewardship

- 5.1. SOHL takes real exception to the Community Engagement report (ED49) presented as additional evidence by the promoter. The report is silent on the incredibly poor execution of the public engagement events earlier in 2022. The report does not mention the failure by the communications company to advertise the March 2022 events to the local community which led to very poor attendance. The May 2022 series of events was a repeat of the same event from March. It should be noted that SOHL had to step in and advertise the promoter's event to the affected community in the absence of suitable event promotion. The failures in this public consultation exercise are set out within the correspondence between SOHL and MBC at the time and which was appended to our Matter 3 response in August.
- 5.2. The "Maidstone Borough Council Engagement" presented in the report sets out an intentionally misleading series of engagement with the local community. The Residents Public Meeting of 24 January 2020 for example was a community event set up by SOHL which saw MBC officials attend under duress. For the avoidance of doubt, MBC has made absolutely no effort to engage with the local community on Heathlands pre-2022 and has treated the local population with utter contempt. SOHL presents the factual account of limited engagement in our Community Engagement Report – appendix F to our Regulation 19 response and re-appended to this statement (appendix 2) for convenience.