

Otham Parish Council Basic Conditions Statement - August 2020

Contents

Introduction

- Basic Conditions
- Regulatory requirements
- Neighbourhood area

Section 1: Having regard to National Planning Policy

- National Policy
- Assessment of the ONP aims against the revised NPPF objectives.
- Assessment of how each policy in the ONP conforms to the revised NPPF

Section 2: Achieving sustainable development

- Sustainable development
- Assessment of ONP objectives against sustainable development
- Contribution of ONP policies towards sustainable development

Section 3: General conformity with strategic local policy

- Maidstone Borough Local Plan
- Conformity with the Maidstone Borough Local Plan

Section 4: European Union obligations and human rights

- European Union obligations
- Conservation of Habitats and Species Regulations
- Human Rights

Introduction

Basic Conditions

This Basic Conditions Statement has been prepared to accompany the Otham Neighbourhood Plan (ONP)

Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 requires that the Otham Neighbourhood Plan must;

- (a) have appropriate regard to national policies and advice contained in the National Planning Policy Framework (NPPF)
- (b) contribute to the achievement of sustainable development
- (c) be in general conformity with the strategic policies contained in the local plan for the area
- (d) be compatible with EU obligations, including human rights requirements

Regulatory Requirements – Otham Neighbourhood Plan

The Otham Neighbourhood Plan 2020 – 2035 is a Neighbourhood Development Plan as defined in the Localism Act 2011. The plan deals with planning issues which specifically relate to the use and development of land.

The Otham Neighbourhood Plan 2020 – 2035 has been submitted by Otham Parish Council, which is a qualifying body as defined in the Localism Act 2011.

The Otham Neighbourhood Plan will have effect until 2035.

The Otham Neighbourhood Plan does not contain policies that relate to 'excluded development' as set out in Section 61K of the Town and Country Planning Act 1990.

Neighbourhood Area

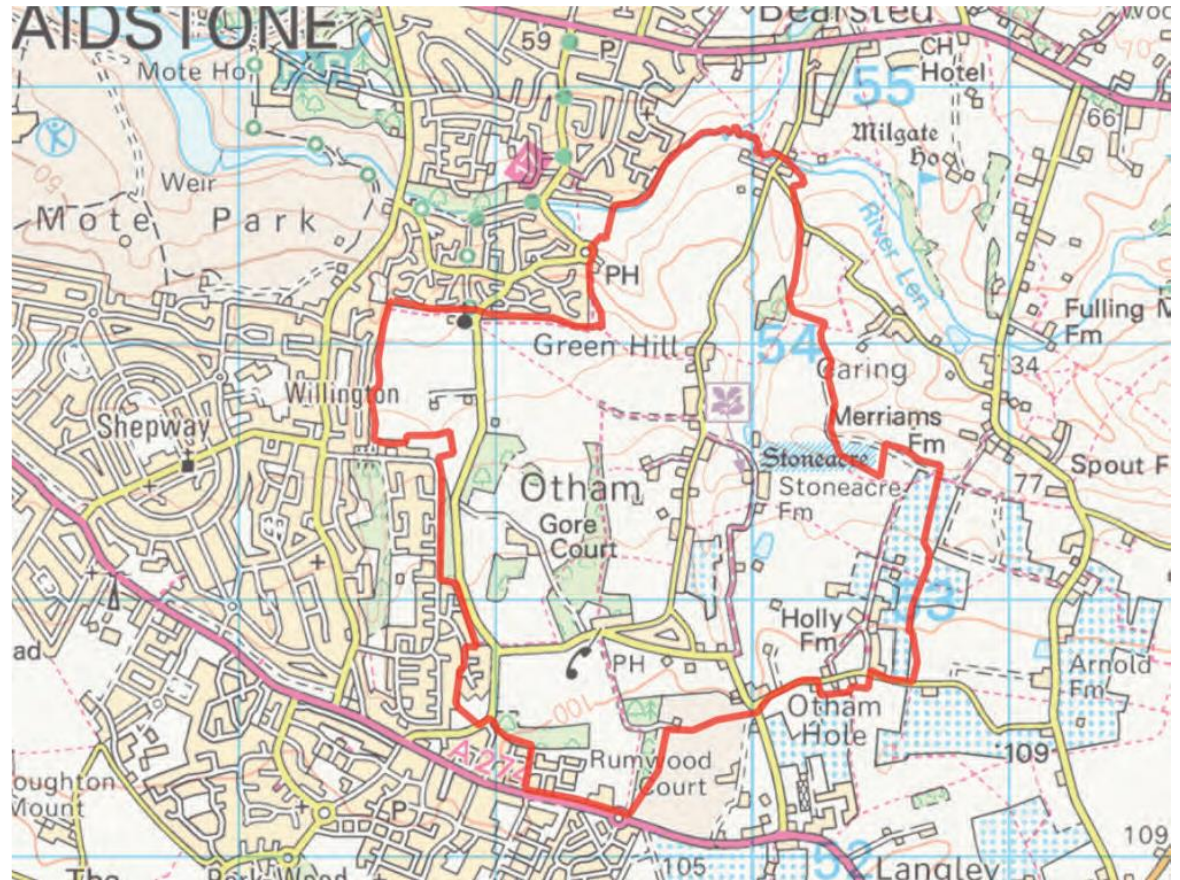
The Neighbourhood Plan covers the whole of the parish of Otham in Kent as shown here.

Maidstone Borough Council, as the local planning authority, approved the designation of the whole of the parish of Otham as a Neighbourhood Area on 1 August 2017, following the regulatory consultation period.

(See Appendix 1)

Otham Parish Council confirms that the Otham Neighbourhood Plan relates only to the parish of Otham and to no other Neighbourhood Area. The Otham Neighbourhood Plan is the only Neighbourhood Plan in the designated area and no other Neighbourhood Plan exists nor is in development for any part of the Neighbourhood Area.

The Otham Neighbourhood plan has been prepared by the community through the Otham Neighbourhood Plan Steering Group. The Otham Neighbourhood Plan Steering Group has prepared the plan to establish a vision for the future of the parish and to set out how that vision will be realised through planning and controlling land use and development change over this plan period.



1. Having regard to National Planning Policy

National Policy

The Otham Neighbourhood Plan must have regard to national policies and advice contained in guidance issued by the Secretary of State. National policies and guidance are contained within the revised National Planning Policy Framework (NPPF, July 2018) and the Planning Practice Guidance (PPG).

The NPPF has 13 key objectives, of which 7 are relevant to the Otham Neighbourhood Plan:

- Delivering a sufficient supply of homes
- Promoting healthy and safe communities
- Promoting sustainable transport
- Making effective use of land
- Achieving well designed places
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

This statement explains how the ONP contributes to meeting these objectives and also notes the specific national policies that the ONP is intended to support and supplement.

The Otham Neighbourhood Plan has 4 principal objectives. These are summarised in Table 1.1 alongside the NPPF goals that each objective seeks to address.

Table 1.1 Assessment of the ONP objectives against the revised NPPF objectives.

Otham NP objective	Relevant revised NPPF objective
3.1 To meet any future residential needs, any new small-scale additional housing along with alterations and/or extensions to existing dwellings must sit sympathetically with the historic and rural character of the parish of Otham.	<ul style="list-style-type: none"> • Delivering a sufficient supply of homes • Achieving well designed places • Conserving and enhancing the natural environment • Conserving and enhancing the historic environment • Achieving appropriate densities
3.2 That the natural environment with its agricultural fields, uncultivated wild open spaces, beautiful rural views and profusion of mature woodland and hedgerows be maintained.	<ul style="list-style-type: none"> • Conserving and enhancing the natural environment • Making effective use of land
3.3 That the local community will live healthy lifestyles, making full use of their community centre, village green, local green spaces and network of accessible public footpaths, bridleways and heritage walks.	<ul style="list-style-type: none"> • Promoting healthy and safe communities • Promoting sustainable transport • Conserving and enhancing the natural environment • Conserving and enhancing the historic environment
3.4 That the agricultural activities and community be supported such that the rural character of Otham can be assured and so that future generations of farmers can thrive here.	<ul style="list-style-type: none"> • Supporting a prosperous rural economy • Conserving and enhancing the natural environment • Making effective use of land

Table 1.2 sets out each policy of the ONP alongside the policies in the revised NPPF that it has had regard to and analyses how each Plan policy contributes to achieving the key objectives of the revised NPPF.

Table 1.2: Assessment of how each policy in the ONP conforms to the revised NPPF

ONP Policy	Revised NPPF reference	Commentary
HC1: Development will be supported provided it does not detract from the	102, 104, 185, 200,	The two Otham Heritage Trails, in providing leisure walks that draw specific attention to the large number of ancient listed buildings in the village and to the important views from the conservation area, are in line with the NPPF aim of setting out a positive

recreational and educational value of the designated Otham Heritage Trails.		strategy for the conservation and enjoyment of the historic environment, including heritage assets and its recognition of the wider social, cultural and environmental benefits that conservation of the historic environment can bring. The walks help to better reveal the significance of our heritage assets. The protection of these walks also complies with the NPPF's instruction to promote high quality walking routes.
HC2: Protection of views: Development proposals must consider identified short- and long-range views across the countryside and the village and, where appropriate, should seek to safeguard these views.	190,194, 200	The NPPF recognises the importance of the setting on the significance of heritage assets and states that development within that setting would require clear and convincing justification to avoid substantial harm. The designation of Otham's Conservation area is in a large part concerned with its views and setting and the NPPF states that any development must enhance the setting and significance of the conservation area. Safeguarding views to and from the conservation area and heritage assets complies with the instructions in the NPPF.
GS1: Development should be sympathetic and maintain a sense of openness with protection of views. Any possible development around or within these Green Spaces should respect the aims of our NP.	101, 143, 144, 145	NPPF paragraph 101 notes that any development within a Local Green Space should be consistent with those for Green Belts. Thus, any developments within and around them must be directed at maintaining or increasing their recreational value to the local communities that use them.
GS2: The following sites will be designated as Local Green Spaces: 1. The grassland between Woolley Road and Church Road and the adjoining Glebe field. 2. The allotments. 3. The Village Green. 4. Rumwood Cricket Club. 5. The land used by Bearsted Football Club.	99, 100	The green spaces identified for protection in policy GS2, identified as being of particular importance by the residents of Otham, conform with the NPPF requirements for Local Green Spaces; they are all in close proximity to the community they serve, are proven to be special to the local community, hold a particular local significance and are local in character rather than extensive tracts of land.
GS3: The trees that lie within the site of the Bearsted Football Club, which is a designated Local Green Space, will be maintained and preserved as a wildlife habitat and to protect the amenity of neighbouring residents.	8, 100, 170(a), 174(a)	The environment of the football pitches is enhanced by the trees bordering and protects the amenity and privacy of local residents. They also enhance the biodiversity of the area which is otherwise managed grass. This is in line with the environmental objective of sustainable development within the NPPF.

<p>GS4 No physical boundary should be erected between the two fields that make up the grassland between Woolley Road and Church Road to maintain the freedom of movement and a natural corridor across the open space for walkers, horse riders and wildlife and to protect the character of the area. The two fields will be preserved as informal grass meadow for the amenity of local people, for the preservation of wildlife and to protect the character of the area.</p> <p>The veteran English Oak tree in the centre of The Glebe must continue to be protected and sapling trees in the Glebe field must remain undisturbed to ensure the slow growth of new woodland as an asset for local people for generations to come and as a haven for wildlife.</p>	<p>91, 92, 97, 98, 99, 100, 170, 175</p>	<p>The Glebe field and the adjoining field on its southern border are under separate ownership and yet there is no physical boundary between them so pedestrians and wildlife use them as one space. Both have been meadows for hundreds of years and are used both for leisure and as a safe pedestrian route between Downswood and Maidstone. This policy, in line with the NPPF, aims to retain this space as a place which promotes social interaction, provides safe pedestrian connections between neighbourhoods and supports healthy lifestyles. This is a valued space, used daily by dog walkers and commuters, and this policy will guard against the loss of this valued facility for dog owners and the informal rights of way that allow residents of Downswood to walk to work in the Parkwood and Senacre areas of Maidstone. In addition, this policy, in line with the NPPF, will not only protect the veteran trees in this biodiverse site, which also borders an area of ancient woodland, but in allowing new trees to grow safely, secures biodiversity improvements and carbon storage.</p>
<p>GS5 Ancient woodlands, veteran trees and trees of significant amenity value will be protected from development. A zone of 15m surrounding each area of ancient woodland will be retained as open space and must remain undeveloped. No damaging activity will be undertaken in this zone other than farming. The historic parkland of Gore Court should receive the same consideration as other forms of ancient woodland.</p>	<p>175</p>	<p>The NPPF acknowledges that ancient woodlands are irreplaceable habitats and this policy seeks to protect these important, biodiverse habitats and the historic parkland of Gore Court from any damage or deterioration from adjacent development.</p>
<p>GS6: Proposals from land owners to set aside land for new, native woodland to</p>	<p>170</p>	<p>The NPPF encourages planning policies that recognise the economic benefits of woodland.</p>

generate carbon revenue will be supported.		
AC1 Housing development will be supported if it does not result in coalescence of Otham with urban Maidstone or other villages. Within the parcels of land identified as having high or moderate anti-coalescence value, (shown on map 6.1) development which results in a significant adverse impact on maintaining its anti-coalescence function will not be supported.	17, 114	The NPPF states in paragraph 17 that planning should take account of the different roles and character of different areas. Anti-coalescence helps to maintain the separate identity of settlements. Local Planning Authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection and management of networks of biodiversity and green infrastructure. The NPPF defines green infrastructure as a network of multi-functional green space, urban and rural, delivering a wide range of environmental and quality of life benefits for local communities. Anti-coalescence is an important policy which supports a network of biodiversity and green infrastructure.
ST1: In association with the Borough and County Councils, the Parish Council will look to develop a parish-wide cycle and footway strategy, providing safer routes and junctions and improved connectivity to local facilities.	102(c), 104 (d), 110(a), 91	The village of Otham has very limited or no local employment, no schooling or medical facilities and no retail facilities beyond The White Horse Inn. Hence to access any of these, residents need to travel to other locations. The NPPF requires promotion of sustainable travel and this policy is designed to conform with it via a focus on pedestrians and cyclists. This will also help to promote inclusivity in line with Paragraph 91.
ST2: Public rights of way across the Parish and linking with the surrounding countryside will be retained. Improvements to the quality and maintenance of the routes will be sought where they provide commuting routes or access to local schools, retail and medical facilities or bus stops.	102(c), 104 (d), 110(a and c), 91	As above.
ST3: All development should include proposals which enhance the attractiveness of walking and cycling.	102(c),104(d),110(a)	ST1 and ST2 are generic policies with the onus on the Borough, County and Parish Councils for their implementation. Policy ST3 ensures the onus is also placed on developers to include proposals within their development plans in line with the NPPF requirements that: “opportunities to promote walking, cycling and public transport use are identified and pursued;” to “provide for high quality walking and cycling networks” and to “give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas;”

<p>ST4: The public footpath KM94 will be maintained to a high standard suitable for wheelchair and pushchair users. A new gate will be provided to replace the current stile to allow wheelchair access to and from the southerly end of KM94.</p>	<p>110(b and c)</p>	<p>As noted against ST1, Otham village and surrounding developments are short of facilities. Therefore, it is important (from a sustainable travel perspective) that access to facilities is improved for all. Footpath KM87 which connects Church Road/ Gore Court Road/ White Horse Lane with Senacre and facilities is tarmacked and therefore reasonably accessible. However, KM94 which connects the village to Sutton Road is not suitable for pushchairs or wheelchairs and is therefore highlighted for improvement. This is consistent with the NPPF requirements to: “address the needs of people with disabilities and reduced mobility in relation to all modes of transport;” and “to give priority first to pedestrian and cycle movements,”</p>
<p>ST5: Subject to other considerations within the plan, development adjacent to public footpaths should not affect their amenity as a leisure facility, harm the views of the North Downs or have an adverse impact on the Heritage Walks identified on map GS2 and in Appendix 3</p>	<p>185, 190, 96</p>	<p>Otham’s vision of providing a green oasis and to be part of a Green Corridor is predicated on the quality of its footpaths, their environment and their direct association with the heritage of the area. It is from the footpaths that much of the Heritage value of Otham can be appreciated and this policy is consistent with the NPPF requirement that: “Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.” This Policy also reflects the requirement that: “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.” Hence there is a need to ensure these features are maintained.</p>
<p>BE1: Development will be supported subject to the following criteria:</p> <ul style="list-style-type: none"> • It does not displace an active use such as agricultural industry, the storage of agricultural machinery, employment, including agricultural employment, leisure or community facilities. • Development is located on sites that encourage easy access to facilities through walking, cycling and public transport to promote health and wellbeing. Within larger developments, the design promotes walking within the site to discourage 	<p>83, 91(c), 92(e), 102, 104(d), 110, 127(c), 170(b), 174(b)</p>	<p>There are concerns that the trend for allocating large housing developments in Otham could displace or harm the agricultural economy in the village by, for example, replacing agricultural storage buildings and arable land with houses. In line with the NPPF, this policy seeks to support the retention and growth of agricultural businesses in Otham.</p> <p>In addition, the promotion of walking within the village, between the distinct areas of housing in the village and to local services is a central theme of our plan, in line with the NPPF, to promote health and well being and to reduce the reliance on vehicles which currently cause so much harm to village life.</p> <p>The preservation of the local landscape and history of our rural village is also covered by this policy which again adheres to the NPPF which seeks to ensure that ‘developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.’</p>

<p>reliance on vehicle use for short journeys.</p> <ul style="list-style-type: none"> • It does not result in significant harm to the surrounding landscape or the setting of heritage assets most especially any listed building or the Conservation Area and its setting. • Any existing hedgerows are retained and strengthened. Damaged or removed hedgerows are replaced with plants of such a size and species and in such positions to mitigate the loss or damage. Existing roadside hedges are reinforced with appropriate species. Openings and boundary treatments reflect local landscape character. 		
<p>BE2: Design proposals should:</p> <ul style="list-style-type: none"> • Where practical, include the use of locally sourced materials to reflect the area's character. • Provide good quality internal and external environments for their users, promoting health and well-being. This includes the building itself through high construction standards, ventilation and appropriate measures to prevent overheating. • Demonstrate careful planning of aspect and orientation to allow for 	<p>8(c), 91(a), 91(c), 122, 124, 127, 131, 148, 150(b), 151, 153(b), 192(c)</p>	<p>Paragraph 124 of the NPPF states that <i>'The creation of high-quality 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.'</i> This policy seeks to put health and well-being, sustainability and climate change at the heart of our plan, and in doing so, raise the standard of design in Otham.</p>

<p>solar gain for heating, natural lighting and shading.</p> <ul style="list-style-type: none"> • Ensure that buildings relate positively to the private, shared and public spaces around them, contributing to social interaction and inclusion. • Embrace new technologies so that new buildings have a long lifespan. This could include low carbon heating and energy efficiency measures, high construction standards, smart technologies and modern methods of construction. 		
<p>BE3: Development proposals should:</p> <ul style="list-style-type: none"> • Demonstrate, where practical, that buildings are designed to minimise the amount of energy they need and the amount of waste they produce, including the management of grey water and measures to reuse heat and water. • Where practical and viable, incorporate the following sustainable measures in new buildings: <ul style="list-style-type: none"> ○ Easy recycling facilities within the home and on the development ○ Smart control systems that can be controlled remotely and promote energy efficiency ○ Water efficient devices built in as standard ○ Water storage in gardens ○ Grey water recycling 	<p>8(c), 105(e), 110(e), 127(a), 131, 150, 151, 153(b), 170</p>	<p>Sustainability is at the core of the NPPF and we believe that it should be at the core of building design in Otham. This policy is designed to ensure that developers help to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change. It is recognised in the NPPF that the use of renewable energy, however small, will help to alleviate climate change and must be encouraged.</p>

<ul style="list-style-type: none"> ○ Space for composting and allotments in communities ○ EV charging points ○ Solar PV ○ Low carbon heating systems <ul style="list-style-type: none"> ● Provide ecosystem services. This includes: <ul style="list-style-type: none"> ○ SUDS ○ Air quality ○ Carbon sequestration ○ Biodiversity improvement networks and corridors. ○ Green planting 		
<p>BE4: Lighting associated with new housing developments, recreation and leisure or road safety and traffic calming, if demonstrated to be essential, should:</p> <ul style="list-style-type: none"> ○ Minimise light pollution ○ Minimise energy usage ○ Limit harm to local residents ○ Protect biodiversity ○ Minimise the visual impact on the rural character of the area ○ Minimise the visual impact on historic buildings <p>Non-essential street lighting will not be permitted.</p>	180 (c)	<p>Otham Village is a “dark” environment which allows the local wildlife to live unaffected by the adverse effects of streetlighting. Any new development should take this into account and minimise light pollution. The desire to maintain dark lanes in our village is supported by 59% of residents. (2015)</p>
<p>CL1 Proposal to build a new Village Hall.</p>	91(a), 92(a)	<p>The NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come in contact with each other. A larger village hall would provide more opportunities for social interaction than our current hall allows.</p>

2. Achieving sustainable development

Sustainable development

The central theme of the NPPF is the presumption in favour of sustainable development. In this context, sustainable development is broadly defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

The NPPF proposes three dimensions to sustainable development: economic, social and environmental. It requires the planning system, and thus the ONP, where appropriate:

- To contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type 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.
- 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 a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being
- To contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

This section shows how the Otham Neighbourhood Plan delivers sustainable development.

Table 2.1 summarises how the objectives in the ONP contribute towards sustainable development, as defined in the revised NPPF.

Table 2.1: Assessment of ONP objectives against sustainable development

NPPF definition	ONP objectives	Commentary
Deliver economic sustainability: 'Contribute to building a strong, responsive economy'	(3.4) That the agricultural activities and community be supported such that the rural character of Otham can be assured and so that future generations of farmers can thrive here.	Otham is an agricultural community and so the ONP seeks to ensure this is sustainable through the availability of good quality land and a sustainable transport infrastructure allowing agricultural vehicles and machinery to move freely around the village.
Deliver social sustainability: 'Supporting strong, vibrant and	(3.3) That the local community will live healthy lifestyles, making full use	The ONP defines a number of Green Spaces within the NPPF definition. These comprise a mix of sporting (Football and Cricket Fields.),

healthy communities' and 'support its health, social and cultural well-being'	of their community centre, village green, local green spaces and network of accessible public footpaths, bridleways and heritage walks.	community (Village Green, Allotments.) and general exercise/ riding and dog-walking, (Grassland between Woolley Road and Church Road.) providing different opportunities to create community and promote health and well-being. Furthermore, the plan recognises that the proximity to urban Maidstone extends these facilities and opportunities to a far wider group than just those living within the plan area. The chapter on promoting active and sustainable travel includes policies towards developing and maintaining the network of paths and cycle-ways to ensure connectivity with adjacent communities. Finally, Chapter 9 examines the possibility of providing an improved village hall towards creating more social interaction.
Deliver environmental sustainability: 'Contributing to protecting and enhancing our natural, built and historic environment'	(3.2) That the natural environment with its agricultural fields, uncultivated wild open spaces, beautiful rural views and profusion of mature woodland and hedgerows be maintained.	The ONP includes a number of policies directed at delivering environmental sustainability. Fundamental to this is the maintenance of the historic conservation area through anti coalescence and the protection of views. Policies have been included to ensure the protection of ancient trees and woodland and the Heritage Walks encourage others to explore and understand the historic and natural heritage.

Table 2.2 sets out the purpose of each policy in the ONP and its intended outcome regarding the achievement of sustainable development.

Table 2.2: Contribution of ONP policies towards sustainable development

Policy	Purpose of policy	Desired outcome of policy
HC1	To protect the Otham Heritage trails alongside new development.	The natural environment is protected and enhanced and the health of residents and visitors is improved by the regular use of the Heritage Trails.
HC2	To safeguard the views across the village, countryside and conservation area.	The natural and historic environment of the conservation area is protected and enhanced.
GS1	To ensure that any development within or around a Local Green Space maintains or enhances its value to the community	Otham remains a rural, open village which enjoys unspoilt views, enjoyed by residents and visitors.
GS2	To identify Local Green Spaces and to ensure their preservation	Local Green Spaces, much loved by residents, are protected for the community for generations to come.
GS3	To preserve and protect woodland associated with a Local Green Space	The trees that line the football field continue to protect and enhance the natural environment.

GS4	To preserve the Glebe field and the connected field to its south as meadow and protect the trees and saplings within them.	The Glebe remains a meadow acting as a haven for wildlife, supporting biodiversity both in the meadow and in the adjacent ancient woodland and continues to function as a vital area for recreation for the large neighbouring urban population. The growing saplings as well as the veteran trees enhance the meadow, improve biodiversity further and provide increased carbon storage.
GS5	To protect ancient woodland, veteran trees and historic parkland.	The natural environment in Otham is protected and enhanced. Biodiversity is maintained and carbon storage helps to mitigate climate change.
GS6	Proposals from land owners to set aside land for new, native woodland to generate carbon revenue will be supported.	Land owners are able to generate tax free income from the government's Woodland Carbon code by planting native woodland, supporting economic sustainability whilst enhancing the natural environment and mitigating climate change.
AC1	To prevent the coalescence of Otham with Maidstone or other villages	The separate identity of Otham is preserved as is the green infrastructure and the natural environment.
ST1	To develop an integrated strategy for footpaths and cycleways within the Parish.	Residents and those visiting or passing through Otham are able to do so safely on foot or bicycle and able to link with other footpaths or cycleways outside of the plan area
ST2	To maintain the existing network of rights of way across the Parish and to improve those where they provide commuting routes or access to services.	Private car usage is reduced thereby minimising pollution and helping to combat climate change. Instead, residents walk to access other parts of the village and local services.
ST3	To ensure that developers are obliged to consider pedestrians and cyclists in their development plans.	Private car usage is reduced thereby minimising pollution and helping to combat climate change.
ST4	To specify improvement to one particular footpath which gives the Parish access to retail and other services on Sutton Road.	A high-quality footpath is used by local people to access Sutton Road and from there the supermarket, hairdresser, coffee shop, restaurant and school in Langley Park instead of using cars.
ST5	To ensure that the amenity value of many of the footpaths is recognised and not harmed by proximate development.	Several of the footpaths within the parish form part of Heritage Walks which are well used by both visitors and locals.
BE1	To ensure that agriculture in Otham remains sustainable, walking is facilitated and encouraged by design, hedgerows are retained and strengthened and that Otham's landscape and the setting of its historic buildings and the Conservation Area are preserved.	Any further development in Otham is designed for pedestrians rather than cars and sits comfortably in the rural setting. New residents walk safely throughout the development and to meet residents in other corners of the village. Farming remains viable in the village through the retention of agricultural buildings and farmland and biodiversity is supported through a network of healthy hedgerows. The rural landscape of Otham and the setting of its listed buildings is preserved for future generations

BE2	To ensure high quality design and construction that promotes health and well-being and building longevity.	New buildings in Otham have a long lifespan, are well ventilated and sustainably heated. New residents have strong relationships with their neighbours as a result of good design.
BE3	To ensure sustainability	New homes are sustainable and residents are actively engaged in recycling waste and water, use EV vehicles and strive to be as energy efficient as possible.
BE4	To ensure lighting does not impact on the natural environment	Otham remains a “dark” village which adds to its character and reduces impact on local wildlife. Any new development will use minimal, essential lighting, minimising pollution and protecting biodiversity.
CL1	To build a new Village Hall	A new Village Hall promotes social interaction, including opportunities for meetings between people who might not otherwise come in contact with each other, improving social well-being.

3. General conformity with strategic local policy

The submission version of a neighbourhood plan must be in general conformity with the strategic policies contained in the development plan for the area of the relevant authority. The development plan currently in force for the Otham neighbourhood area is the Maidstone Borough Local Plan, adopted 25th October 2017

A total of 6 strategic policies have been identified as relevant to the Otham Neighbourhood Plan.

Strategic Policies

- Policy SS1 Maidstone Borough Spatial Strategy
- Policy SP17 Countryside
- Policy SP18 Historic Environment
- Policy SP19 Housing Mix
- Policy SP23 Sustainable Transport
- Policy H1 Housing Site allocations

Table 3.1 details the ONP policies alongside a consideration of how they are in general conformity with the strategic policies in the Maidstone Borough Council Local plan.

Where a policy is not identified in Table 3.1, it is considered that the ONP does not contain any policies that directly relate to it.

Table 3.1 Conformity with the Maidstone Borough Local Plan

Summary of the relevant MBC strategic or development management policy	Otham Neighbourhood Plan objectives and policies	Explanation of conformity
<p>Policy SS1: Maidstone Borough Spatial Strategy The spatial strategy determines the housing and economic development targets for the plan period and describes the council’s approach to the distribution of development. The approach includes allocation small scale employment for rural areas; protection of rural character; conservation and enhancement of green and blue networks; and support for infrastructure schemes.</p>	<p>Obj 3.1 To meet any future residential needs small scale additional buildings to sit with the rural and historical character of Otham welcomed Obj. 3.4 Agricultural activities and community be supported Obj 3.2 Natural environment be maintained Protect and enhance natural and historic environment</p> <p>Policy GS1 Protection of views Policy GS2 Green space designation Policy GS3 Tree preservation Policy GS4 Preservation of grassland Policy GS5 Ancient woodland conservation Policy GS6 New native woodland Policy BE1 Development principles Policy BE2 High quality design policy BE3 Encouraging sustainable development Police BE4 Lighting</p>	<p>Through its key objectives and landscape protection policies, the Otham Neighbourhood Plan aims to maintain and protect the rural character of the parish in line with Policy SS1. This is achieved through protection of key views (HC2), sensitive design in the Otham area (HC1), demonstration of specific design principles (LP3), enhancement of the natural environment (LP4), designation of local green spaces (LP5) and a design quality which references the local rural context (DQ1).</p>
<p>Policy SP17: Countryside This policy includes the protection of the local rural character; landscapes of local value including the Len Valley and preventing coalescence of individual settlements ensuring the separation of individual settlements.</p>	<p>Obj. 3.1: To meet any future residential needs, any new small-scale additional housing along with alterations and/or extensions to existing dwellings, to sit sympathetically with the historic and rural character of Otham. Obj. 3.2 Maintenance of agricultural fields, rural views, mature woodland and hedgerows</p>	<p>Through its key objectives, the Otham Neighbourhood Plan aims to maintain the rural character of the parish and support sympathetic development. These may be achieved by developmental support [HC1], Protection of views and biodiversity [HC2 and GS1] Green space allocation and support [GS2], Tree conservation [GS3], Preservation of natural corridors for walking, horse riding and wildlife and preventing coalescence with surrounding settlements [AC1]</p>

	<p>Obj 3.3 Promotion of healthy lifestyle using village hall, village green, local green spaces and a network of public footpaths, bridleways and heritage walk</p> <p>Obj. 3.4 Support of agriculture to assure rural character of Otham reassuring future generations of farmers.</p> <p>Policy HC1 Heritage walks Policy HC2 Protection of views Policy GS1 Protection of views Policy GS2 Local Green Spaces Policy GS3 Tree conservation Policy GS4 Preservation of open grassland Policy GS5 Woodland and park conservation Policy GS6 New native woodland Policy AC1 Anti-coalescence Policy ST5 Protection of views and walks</p>	
<p>Policy SP18: Historic Environment This policy promotes the protection and enhancement of heritage assets through the design of new development; neighbourhood plan policies on locally important heritage; and by considering heritage as a key aspect of site master plans.</p>	<p>Obj. 3.1: Development to sit sympathetically with the historic and rural character of Otham.</p> <p>Obj 3.3 Promotion of heritage walks</p> <p>Policy HC1 Heritage walks Policy HC2 Protection of conservation area views Policy BE1 Development principles</p>	<p>The Otham Neighbourhood Plan aims to protect and enhance the historic environment (Obj. 3.1 and 3.3) This will be achieved by protecting existing fine historic buildings (appendix4), the SSSI (appendix 5) with conservation area (appendix1) including the preservation of views into and out of the conservation area (HC2), and the creation of 2 heritage walks (HC1 and appendices 2 and 3) with increased connection across the parish. The preservation of views puts our historic assets in their proper context (Obj 3.3)</p>
<p>Policy SP19: Housing Mix This policy seeks to deliver sustainable, mixed communities in new and existing housing developments by providing a range of housing sizes, types, and tenures.</p>	<p>Obj. 3.1: Development to sit sympathetically with the historic and rural character of Otham.</p> <p>Policy ST3 Promoting walking and cycling Policy BE1 Development principles Policy BE2 High quality housing design Policy BE3 Sustainable development</p>	<p>Objective 3.1 and policies ST3, BE2 and BE3 of the Otham Neighbourhood Plan seek to ensure that all new development contributes to the creation of safe, sustainable, and mixed communities in our rural, natural and historic context.</p>

<p>Policy SP23: Sustainable Transport This policy aims to improve accessibility across the borough by enhancing public transport; improving walking and cycling opportunities; and amending the highway network.</p>	<p>Obj. 3.3 Promoting sustainable transport Policy ST1 Cycle and footpath strategy Policy ST2 Public Rights of Way Policy ST3 Promoting walking and cycling Policy ST4 Upgrade of footpath KM94 Policy ST5 Preservation of footpaths and heritage walks</p>	<p>Policies ST1,2,3,4 and 5 of the Otham Neighbourhood plan support the sympathetic development of improved connectivity within the parish to promote walking and cycling opportunities.</p>
<p>Policy H1: Housing Site Allocations This policy sets out the strategy to deliver 8,409 homes across the borough, including flood mitigation; provision of public open space; a transport assessment; and community infrastructure requirements. Four of MBC Local Plan housing site allocations, H1(6), H1(7), H1(8) and H1(9) fall within the Otham Neighbourhood Plan area.</p>	<p>Policy AC1 Anti-coalescence Policy GS1 Protection of views Policy GS2 Green space designation Policy GS3 Tree preservation Policy GS4 Preservation of grassland Policy GS5 Ancient woodland conservation Policy CL1 Replacement Village Hall</p>	<p>Four of MBC Local Plan housing site allocations, H1(6), H1(7), H1(8) and H1(9) fall within the Otham Neighbourhood Plan area and the ONP assumes that all of these developments will be approved and completed during the period of the plan. The Otham Neighbourhood Plan sets out how any other future development would be supported if it were to sit sympathetically and respectfully within Otham’s rural and historic setting. Local green space allocations and anti-coalescence policies must be taken into consideration (AC1 and GS 1,2,3,4, and 5) as well as village hall provision (CL1)</p>

4. European obligations and human rights

European Union obligations

Otham Parish Council requested a formal Strategic Environmental Assessment (SEA) screening in January 2020. MBC produced a Screening Report in February 2020 which considered that the policies in the Regulation 14 version of the ONP would not result in any significant effects on the environment. Therefore an SEA was not considered to be required. It was consulted on with the statutory bodies (Environment Agency, Natural England and Historic England). A response was received from all three bodies, with Historic England and Natural England agreeing with the view that an SEA was not needed.

Conservation of Habitats and Species Regulations

MBC, as part of its Screening Report in respect of a SEA, undertook a Habitats Regulations Assessment (HRA) screening, to test whether the Otham Neighbourhood Plan, in view of its likely effect on sites of European Importance, would require an assessment for future development under Article 6 or 7 of the Habitats Directive (Article 3.2(b)). MBC concluded that the Regulation 14 ONP was not likely to have significant impacts on European protected species or sites so will not require an assessment for future development under Article 6 or 7 of the Habitats Directive (Art. 3.2(b)).

Human Rights

The Otham Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.

The overall purpose of the ONP is to improve the quality of life for people living, working and visiting the parish from an environmental, social and economic point of view. The aims and policies in the ONP have been formulated in response to local people's views and in the light of evidence gathered in order to meet the needs expressed and address the issues identified. In order to confirm that the ONP does not have any unintended consequences for particular groups, the aims and policies in the ONP have been systematically scrutinised to ensure that they do not disadvantage any potentially vulnerable groups. The Equality Act 2010 places a duty on all public authorities to have regard to the need to eliminate discrimination, to advance equality of opportunity and to foster good relations between persons who have a 'protected characteristic' and those who do not. 'Protected characteristics' are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. This section assesses the Submission Draft of the Otham Neighbourhood Plan to ensure that Otham Parish Council is satisfying its statutory duties in this regard.

An assessment has been made on whether the policies in the ONP have a positive, negative or neutral impact on each of the protected characteristics.

Table 4.1 Impact of ONP aims and policies on persons with protected characteristics.

ONP policy	Purpose	Outcome for persons with protected characteristics
HC1	To protect the amenity of the two Otham Heritage Trails.	Preserves and enhances the amenity and environmental value of the landscape and historic environment. The heritage walks benefit dog walkers, the elderly, families with children, local people and visitors and the shorter route is designed for people with more limited mobility. Broadly positive impact for persons with certain protected characteristics.
HC2	Protection of views, especially from and towards the Otham Conservation Area.	Preserves and enhances the value, significance and utility of the natural and historic environment. Neutral impact on persons with protected characteristics.
GS1	Ensures that development is sympathetic to and protects openness, views and Green Spaces	The preservation of a sense of openness, protection of views and Green Spaces. This will have no negative impact on persons with protected characteristics.
GS2	Designation of Local Green Spaces	Designation of Green Spaces will preserve valued open spaces, allotments and sports facilities which will have a positive impact on all those with protected characteristics.
GS3	Maintenance and preservation of the trees within the site of Bearsted Football Club.	This will have a neutral or positive impact on any neighbouring residents with protected characteristics.
GS4	No physical barriers between the two fields that make up the grassland between Woolley Road and Church Road. Protection of the Veteran Oak and saplings in the Glebe.	Lack of physical barriers between the fields will have a positive impact for persons with protected characteristics. Protection of trees will have no negative impact on persons with protected characteristics.
GS5	Protection from development of Ancient Woodlands, veteran trees and trees of significant value in Otham and the historic parkland of Gore Court.	This will have a neutral impact on persons with protected characteristics
GS6	Proposals from land owners to set aside land for new, native woodland	The creation of new woodland will benefit all through the enhancement of the natural environment, so will have a broadly positive impact on persons with protected characteristics.

	to generate carbon revenue will be supported.	
AC1	Housing development will be supported if it does not result in coalescence of the village of Otham with urban Maidstone and other villages.	Preserving the sense of identity of the community will have a broadly positive impact on persons with protected characteristics.
ST1	The development of a parish-wide cycle and a footpath strategy providing safer routes and junctions. Providing improved connectivity to local facilities.	The development of safer cycle and footpaths with improved connectivity will have a positive impact on persons with protected characteristics, particularly those with disabilities and families with young children.
ST2	Maintaining and improving public rights of way. Maintenance of routes where they provide commuting routes to local schools, retail and medical facilities or to bus stops.	Maintenance and improvements of public rights of way, in particular, those which provide commuting routes to local schools, retail and medical facilities, will have a positive impact on persons with protected characteristics, particularly families with school aged children, the elderly and those with physical disabilities.
ST3	All developments should include proposals which enhance the attractiveness of walking and cycling.	Enhancing the attractiveness of walking and cycling should have a positive impact on persons with protected characteristics
ST4	Maintenance to a high standard of footpath KM94 for wheelchair and pushchair users. A new gate will allow wheelchair access to KM94.	Maintenance of KM94 to a high standard for wheelchair and pushchair use will have a positive impact on persons with physical disabilities, wheel chair users and families with young children.
ST5	Development adjacent to public footpaths will not affect their amenity as a leisure facility, harm the views of the North Downs or have an adverse impact on Heritage Walks.	Preservation of the public footpaths as an amenity for leisure and avoidance of harm to the views of the North Downs will have a broadly positive impact on persons with protected characteristics
BE1	To ensure that agriculture in Otham remains sustainable, walking is facilitated and encouraged by	The promotion of walking through design will have a positive impact on the disabled and elderly.

	design, hedgerows are retained and strengthened and that Otham's landscape and the setting of its historic buildings and the Conservation Area are preserved.	
BE2	To ensure high quality design and construction that promotes health and well-being and building longevity.	Smart technologies can have a positive impact for those with physical disabilities. Good quality internal and external design will have a positive impact on all persons with protected characteristics.
BE3	To ensure sustainability	Encouraging sustainable development will have a positive impact on persons with protected characteristics, such as warmer homes for the elderly or infirm which are cheaper to heat through solar gain.
BE4	To ensure lighting does not impact on the natural environment	Lighting will have a broadly neutral impact on persons with protected characteristics.
CL1	Proposal to build a new Village Hall	A new Village Hall would promote social interaction, including opportunities for meeting between people who might not otherwise come in contact with each other. This will have the potential for positive impact on persons with protected characteristics.

Appendix 1: MBC's approval of the Otham Neighbourhood Area

**MAIDSTONE BOROUGH COUNCIL
RECORD OF DECISION OF THE HEAD OF PLANNING AND DEVELOPMENT
Decision made: 01 August 2017**

Otham Neighbourhood Area Application

Issue for Decision

To consider the designation of Otham parish as a neighbourhood area for the purpose of preparing a neighbourhood plan.

Decision Made

The neighbourhood area application submitted by Otham Parish Council to Maidstone Borough Council on 9 May 2017 is **approved**.

Reasons for Decision

Consultation

Consultation commenced on Friday 16 June 2017 and ended at 5pm on Friday 28 July 2017. The consultation was advertised as follows:

1. A parish newsletter was distributed to all households in the parish at the start of the consultation period, and the details were displayed on parish boards;
2. The neighbourhood area application (including a map) was posted on Maidstone Borough Council's website;
3. A public notice was placed in the Kent Messenger on Thursday 15 June 2017;
4. The Kent Messenger published an article on Thursday 22 June 2017; and
5. An email notification was forwarded to Councillors and Parish Councillors for Otham and adjacent wards/parishes.

Representations Received During Consultation

No representations were received during consultation on the application.

Considerations

1. Is Otham Parish Council a 'relevant body' as defined in section 61G(2) of the Town and Country Planning Act 1990 (inserted by paragraph 2 of Schedule 9 to the Localism Act 2011)?

YES – Otham Parish Council is defined as a relevant body and is authorised to act in relation to the designation of a neighbourhood area.

2. Does the proposed neighbourhood area follow existing, established administrative or planning boundaries?

YES – the proposed plan area follows the existing parish boundary (plan attached).

3. Does the proposed neighbourhood area exclude areas which would be more appropriate to include?

NO – the proposed plan area follows the existing parish boundary (plan attached).

4. Does the proposed neighbourhood area overlap with another approved neighbourhood area (this is not permitted)?

NO.

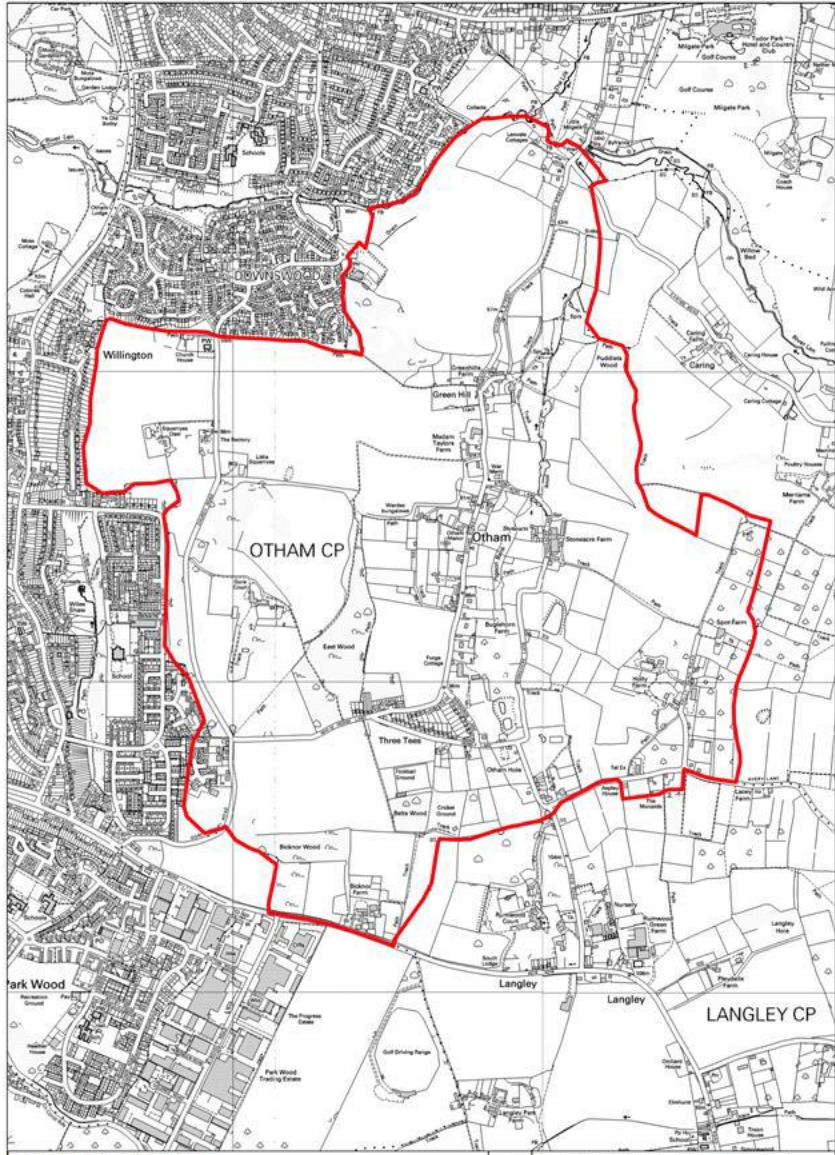
Alternatives considered and why rejected

The decision to approve the Otham neighbourhood 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 in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended). The Otham neighbourhood area application meets the criteria for the designation of a neighbourhood area, and no objections were received during consultation on the application.

Background Papers None

Signature: *R. L. Jarman*

Rob Jarman, Head of Planning and Development



OTHAM PARISH



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council Licence No. 100019636, 2011. NOT TO SCALE

