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BY POST AND E-MAIL

24690/A5/EW/AW/djg

18 November 2016

Dear Mr Mellor

MAIDSTONE BOROUGH LOCAL PLAN EXAMINATION
SUPPLEMENTARY HEARING SESSION 5A
SUBMISSION OF REPRESENTATIONS BY BARTON WILLMORE

I write in response to your letter dated 13 November 2016 and provide written comments on Maidstone Borough Council's (MBC) Housing Topic Paper 2016 Supplement [Ref: ED043 (A)] on behalf of Gleeson Developments Ltd (ID Ref: 19218) and Wates Developments Ltd (ID Ref: 19261).

A) MBC's Overall Housing Land Supply Position

As you know, I have recently raised concerns in respect of the Council's Update Housing Topic Paper 01 September 2016 [ED013]. Whilst the Council has recently reaffirmed the document is indicative only, I question the purpose of this Update Position (especially as it was not requested by you) and would welcome an indication from you if you intend to place any weight or reliance upon it for concluding on Housing Land Supply matters. If it is to be taken into consideration by you, I consider that it is only fair and appropriate that the background material to support the update position (as has been provided by MBC to BW on 16 November) is also properly examined without delay.

B) Comments on Additional Evidence

Notwithstanding the above, we have provided below our key comments on the additional evidence [ED043 (A)].

- i. Schedule 1: Source of Large Sites (5+ dwellings) Windfall Calculation (Housing Topic Paper May 2016, Table 8.4)

As identified in Schedule 3, the anticipated contribution of windfall sites equates to 1,600 dwellings in the Plan period, totalling 8% of the total housing land supply (19,325 units). If the Local Plan is working effectively, as it should, there should not be a reliance on such a high number of large windfall sites coming forward in the Plan period. Indeed, this figure has steadily increased as the Plan has emerged, as MBC has sought to replace actual proposed allocations that it has not taken forward with an ever-increasing windfall allowance.

On 28 January 2015, the Cabinet Report (**Appendix A**) demonstrates this 'windfall creep'. In respect of Housing Land Supply, Paragraph 1.3.66 confirms that '*the table includes a windfall allowance of 880 dwellings*' and that '*six years' worth of data has been analysed to evidence a robust rate for the windfall allowance*'. Paragraph 1.3.69 confirms that '*This results in a total windfall allowance of 880 dwellings for the last 10 years of the plan*'.

However, Schedule 2 of the Housing Topic Paper 2016 Supplement [ED043 (A)] now identifies that a total of 1,600 dwellings will come forward as windfall sites with 1,505 coming forward in the last 10 years of the Plan. This is an additional 625 windfall dwellings from the 'robust 880 dwellings' identified within the Cabinet Report (**Appendix A**). It is also worth noting that Appendix C details a number of additional sites sought to be included in the Local Plan by Officers and was referred to during Session R2 on 18 November 2016 in relation to Fant Farm.

Schedule 1 of the Housing Topic Paper 2016 Supplement [ED043 (A)] demonstrates that the previous delivery of large windfall housing sites (2008/09 to 2015/16) has occurred on brownfield land.

It is important to note that MBC placed a 'greenfield moratorium' on any greenfield housing allocations in Summer 2002 and relied on unallocated development sites coming forward on brownfield land identified in the Urban Capacity Study (2002). The Urban Capacity Study was updated by GVA Grimley in 2006 to '*undertake a new and comprehensive review of housing land availability within the Maidstone Urban Area and outlying villages for the 2006 – 2026 period, and to determine housing potential for land*'.

It was only in March 2013 that the 'greenfield moratorium' was released in recognition that MBC could no longer demonstrate it had a 5-year supply of land and required greenfield sites to be released.

It is therefore assumed that the sites set out in Schedule 1 are sites not listed in the Urban Capacity Studies of 2002 and 2006 and are therefore truly windfall sites. Schedule 2 does not confirm this and we request the Council confirm this is the case.

Furthermore, Schedule 1 provides evidence of some quite significant large scale brownfield sites coming forward which would normally have been identified as allocation sites (due to their size), if Maidstone had in fact progressed a Local Plan in a timely fashion after the previous Local Plan period ended in 2006 (over 10 years ago).

As a result of the greenfield moratorium, that between 2002 – 2013 only brownfield sites were coming forward in Maidstone Borough and that any sites coming forward in lieu of an adopted plan are identified as windfall (assuming these are excluded as not being previously identified in the UCS), it is considered that MBC is unlikely to maintain the levels of brownfield development that had previously occurred. This is on the basis that the past brownfield release has been artificially high due to the above factors and that as a result, the brownfield supply in Maidstone is now limited, and very likely to be only smaller sites.

Indeed, the UCS 2006 (extract in **Appendix B**) only identified a supply of brownfield land on non-allocated sites of 1,237 dwellings up to 2026. A number of these sites have since come forward into the committed supply, resulting in the availability of future brownfield/windfall development limited and not in the region of 1,600 dwellings as estimated by the Council.

ii. Schedule 2: Annualised Housing Trajectory (Housing Topic Paper May 2016, Table 8.10, 8.11 and 8.13)

Schedule 2 identifies a surplus of only 155 dwellings in the Council's 5-year housing trajectory. This is a very fragile position and leaves little room for non-delivery of sites, either as anticipated year on year or in total (as some sites MBC rely on do not have planning permission and yet anticipate to deliver in the 5-year period). By way of example only, and to demonstrate the fragility of the position:

- Land at New Line Learning Academy (H1(29)) is identified to deliver 130 dwellings in the 5-year period (p20 of 40 of Schedule 2). This site was refused planning permission by MBC, dismissed at Appeal in March 2016 and although the Appeal decision was successfully challenged, the redetermination is not decided. It is far from certain that it is a deliverable site.
- Land South of Sutton Road (H1(10)) (p 19 of 40 of Schedule 2) is yet to receive its Decision Notice (subject to a S106). KCC Highways maintain its objection to the scheme and at 800 units, will have a significant lead in time to first completions. MBC anticipate 200 dwellings being delivered in the 5-year period. Evidence has been submitted by the developer's agents (DHA) in their Hearing Statement submissions (various references) that this site should be reduced by 100 dwellings as it reflects a more accurate forecast of delivery.
- Furthermore, DHA also submitted evidence suggesting that extant sites that it acts for (as listed in Schedule 2) should be reduced by 205 dwellings.

There are many other examples of sites of this nature, but based on these 3 points alone, 435 dwellings are unlikely to come forward as anticipated by MBC and demonstrates that MBC does not have a 5-yr supply of land and emphasises the fragility of their Housing Land Supply position. This of course does not take into account that it is our view that MBC is subject to a 20% NPPF buffer.

Schedule 2 identifies that the Broad Locations are anticipated to deliver in the last 5 years of the plan period (2026 – 2031). These are to be at significantly higher rates than any other sites in the Plan. Notwithstanding that Lenham is now proposed to come forward earlier in the plan period, the Invicta Park Barracks site is only to be released in 2027, a year later than anticipated. The required delivery of this site and the broad locations in general is wholly unrealistic and cannot in anyway be relied upon.

The trajectory as set in Schedule 2 is not robust and relies too heavily on windfall sites, broad locations and non-deliverable sites.

iii. Invicta Park Barracks

On 07 November 2016, the Ministry of Defence announced the release of further 56 sites for disposal by 2040. This includes Invicta Park Barracks, with an estimated disposal date of 2027. However, unlike other MoD sites identified, there was no identification of the actual relocation of the Regiment to relocate to as this was still to be determined. There remains therefore doubt that the Regiments can be actually accommodated elsewhere at present.

As MBC has acknowledged, the MoD's announcement conflicts with the estimated phasing of the Broad Location in the Local Plan from 2026. MBC advised at Hearing Session 7 (the first Session following the MoD's announcement) that it is undertaking discussions with the MoD on anticipated phasing, before providing a response to the Local Plan Examination. This is therefore awaited.

On the assumption that the delivery of Invicta Park Barracks commences in 2027 (which is unlikely as houses will not be being completed the day after the Regiments leaves the Barracks), and therefore based on a 4-year delivery period to the end of the Plan, the Site would be required to deliver 325 dwellings per annum. This is a considerably high and unrealistic annual delivery figure, and assumes that delivery would commence in 2027, i.e. the first year that the MoD anticipate its release. Any delay to this, would require an even higher rate of delivery. Realistically a lead in time of 4-5 years will be required.

In addition, Helen Grant, MP for Maidstone and the Weald has expressed her objection to the Barracks being identified for release, which has been widely reported in the local press (e.g. Kent Messenger 07 November 2016). Mrs Grant has been quoted as saying she was '*certainly not persuaded it was a sound proposal*' and has promised to write to the SoS for Defence and ask why Invicta Barracks was not in fact a receiver site for other displaced Regiments and will be exploring what potential alternatives are available. This clearly adds to the uncertainty to the release of the Barracks site in its

entirety or in the timescales envisaged and demonstrates why the Local Plan would be unsound to maintain its inclusion in the plan.

On this basis, and as stated at the Hearing Session 5A, we do not consider that it is appropriate to rely on this broad location (as well as others) to deliver any dwellings in the plan period and based on the current lack of immediate Housing Land Supply, alternative, deliverable sites should be identified.

iv. Lenham Broad Location

The total housing trajectory figure (3,790 dwellings) from Broad Locations includes a provision of 1,500 units from Lenham Broad Location. This figure is out-of-date in the context of MBC's Hearing Statement to Session 7, which states the residual Broad Location requirement is approximately 1,350 dwellings.

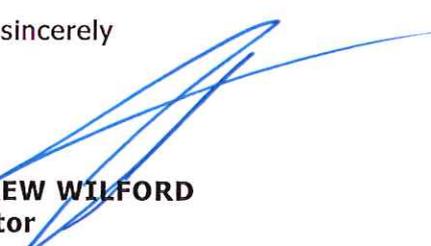
In addition, it is noted that following discussions at Hearing Session 7, which highlighted significant conflicts between MBC and the desires of Lenham Parish Council and Neighbourhood Plan Group, representatives have been invited to provide written responses to MBC's proposed changes to Policy H2(3) by 22 November 2016. There remains a significant level of uncertainty surrounding the Broad Location allocation and therefore the deliverability assumptions in the trajectory cannot robustly relied upon at this time.

In the context of the above, there remains a need for additional sites to be identified. This is both in the context of MBC's inability to demonstrate a 5-year supply of housing sites in the short term and also the uncertainty of the overall trajectory for the Plan period.

v. Schedule 3A & 3B: Contact with Landowners, Agents and Developers on Extant Permission Sites, Sites Awaiting S106 and Local Plan Allocated Sites (Housing Topic Paper May 2016, Table 8.10 and 8.11)

The level of information provided in Schedule 3A and 3B is not as expected. The table simply provides a short summary of comments made by a Developer/Landowner/Agent in relation to each site. As noted in our Hearing Statement to Session 5A, whilst such discussions form part of MBC's justification for its trajectory, the actual correspondence has not been submitted to the Local Plan Examination and therefore cannot be cross referenced for accuracy.

Yours sincerely



ANDREW WILFORD
Director

enc. Appendix A: Cabinet Report – 28 January 2016
Appendix B: Extract of UCS 2006

APPENDIX A

Cabinet Report – 28 January 2016

MAIDSTONE BOROUGH COUNCIL

CABINET

WEDNESDAY 28TH JANUARY 2015

REPORT OF HEAD OF PLANNING AND DEVELOPMENT

Report prepared by Sarah Anderton

1. MAIDSTONE BOROUGH LOCAL PLAN - NEW AND AMENDED SITE ALLOCATIONS

1.1 Issue for Consideration

1.1.1 To agree proposed amendments to the sites identified for housing (Policy H1) in the Regulation 18 Maidstone Borough Local Plan following the public consultation on the draft Plan held between March and May 2014.

1.1.2 To agree site allocation policies for proposed new additional housing sites and the proposed deletion of a housing site at Boughton Monchelsea to be the subject of public consultation (Regulation 18) in Spring 2015.

1.1.3 The report also provides an update on the recent and planned Local Plan work streams.

1.2 Recommendation of Head of Planning & Development

1.2.1 That Cabinet;

- a. Approve the amendments to Policy H1 set out in Appendix B for incorporation into the Regulation 19 version of the Maidstone Borough Local Plan
- b. Approve the new housing site allocation policies as set out in Appendix D for Regulation 18 consultation in February 2015.
- c. Approve the deletion of site H1(48) Heath Road, Boughton Monchelsea as set out in Appendix D for Regulation 18 consultation in February 2015

1.3 Reasons for Recommendation

Introduction

- 1.3.1 The draft Maidstone Borough Local Plan was approved by Cabinet for its first full stage of public consultation (Regulation 18) in February 2014. The public consultation took place between 21 March and 7 May 2014.
- 1.3.2 The draft Local Plan comprises spatial policies which set out the overall strategy for development in different parts of the borough, site allocation policies which identify specific sites and locations for development and development management policies which are topic based policies which have a particular role in the determination of planning applications.
- 1.3.3 Approximately 1,700 individual submissions were made to the draft Local Plan by the public, agencies, local authorities, developers, landowners and their agents and other stakeholders during the consultation period. Additionally, six petitions were presented that contained a total of 10,700 signatures, bringing the total number of respondents to the local plan consultation to 12,400. All these representations are available to view on the Council's website.
- 1.3.4 The representations and proposed responses are being brought forward for Members' consideration in batches over the coming months. It is recommended that one or more 'informal' Regulation 18 consultation stages be undertaken on new and certain amended parts of the Plan, for example proposed new housing site allocations, before the further full draft of the Local Plan is prepared for Regulation 19 public consultation.
- 1.3.5 The immediate timetable for considering the issues raised by the representations and for additional public consultation on select aspects of the Local Plan is set out below:

Local plan section	Member consideration	Decision being sought
Representations on/amendments to Development management policies	Planning Transport & Development Overview & Scrutiny Committee 16 th December and Cabinet 14 th January 2015	Agreement to policy amendments ready for incorporation in the next full draft of the Local Plan (Regulation 19)
Representations on/amendments to Housing sites (policy H1)	Planning Transport & Development Overview & Scrutiny Committee 20 th January and Cabinet 28 th January 2015	Agreement to policy amendments ready for incorporation in the next full draft of the Local Plan (Regulation 19)
Proposed additional/omitted housing sites	Planning Transport & Development Overview & Scrutiny Committee 20 th	Approval of additional/deleted housing site allocations for focused Reg

	January and Cabinet 28 th January 2015	18 consultation starting in February 2015
Representations on/amendments to employment and mixed use sites (Policies EMP1 and RMX1)	Planning Transport & Development Overview & Scrutiny Committee (date tbc) and Cabinet 11 th February 2015	Approval of additional/ deleted allocations for focused Reg 18 consultation starting in February 2015

- 1.3.6 The content of this report was considered by Planning, Transport & Development Overview & Scrutiny Committee on 20th January. The recommendations of the Committee will be made available to Cabinet members at the meeting.
- 1.3.7 The representations made regarding the proposed housing sites included in Policy H1 of the draft Local Plan are considered in more depth below. The housing sites and broad locations that were identified in the draft Local Plan provide for some 10,000 new homes. Coupled with the houses that had already been built between 1st April 2011 and 2013 and those with planning permission, at the time the draft local Plan was prepared there was an identified shortfall of some 2,500 dwellings against the objectively assessed need figure of 19,600 (2011-31) in place at the time¹. The NPPF² directs that Local Plans should meet their full, objectively assessed need for homes.
- 1.3.8 Further, at the time of the deadline of the original Call for Sites exercise (31st March 2013), the agreed 'working' housing target was some 14,800 dwellings (2011-31). This is appreciably below the 19,600 objectively assessed need figure and it could be argued that more sites would have been submitted for assessment if the higher objectively assessed need figure had been known at this point. To mitigate the risk of future challenge to the Local Plan, it was important that a further Call for Sites exercise was undertaken in full knowledge of the 19,600 new homes figure.
- 1.3.9 The submission deadline for this further Call for Sites was 4th April 2014. The outcomes of the assessments of the submitted sites are explained further below.
- 1.3.10 As further inputs to the assessment of sites, additional evidential studies have been undertaken on agricultural land quality and landscape quality. The Agricultural Land Classification Study is needed to give a definitive view on the agricultural land quality of individual sites proposed for development. The purpose of the Landscape Capacity Study is to determine the broad comparative sensitivity of

¹ See PT&D O&S Committee 21st January 2014 Report on the 'Maidstone Borough Local Plan Draft Spatial Strategy' (paragraph 1.3.25)

² Paragraph 47

landscape character areas within the borough and to assess individual sites' landscape constraints.

1.3.11 Updates on these two studies were presented to 16th December 2014 meeting of the Planning, Transport & Development Overview & Scrutiny Committee. Both emerging studies have been used by officers in making the site recommendations set out in this report to help direct development to the least sensitive locations

1.3.12 Members will also be aware that in September 2014 a revised objectively assessed housing need figure of 18,600 homes (2011-31) was agreed by Cabinet. This updated figure stemmed from the publication of new sub-national population projections by the ONS in May 2014. Cabinet also agreed the Strategic Housing Market Assessment reports³ themselves which were undertaken jointly with Ashford and Tonbridge & Malling Borough Councils and implicitly the methodology used to derive the objectively assessed need figure.

Representations and proposed amendments to Policy H1

1.3.13 Policy H1 of the draft Local Plan identifies 50 sites for housing development. The draft Local Plan document sets out the specific development criteria and includes a site plan for each of the allocated sites.

1.3.14 In addition to the issues raised in respect of individual sites, a significant number of objections to Policy H1 raised wider, overarching issues relating to the Local Plan's overall approach to the number and location of new homes. Such issues relate to the overall strategy of the Local Plan and the overall distribution of development (Policy SS1 and Policies SP1 – SP5). The issues were presented and summarised for the Planning, Transport & Development Overview & Scrutiny Committee at its meeting on 19th August 2014. These strategic points will be considered and addressed as part of the preparation of the next full draft of the Local Plan (Regulation 19 stage). It is nonetheless appropriate to highlight specific key issues which are of particular significance to the allocation of housing sites.

1.3.15 It is the case that residents in particular feel that **the overall number of houses** allocated in Policy H1 is too high and would result in the loss of greenfield land, including productive agricultural land, which would have an adverse effect on the borough's and individual settlements' character. In contrast, others noted that there were insufficient allocations to meet the objectively assessed need figure and that more sites should be identified.

³ Strategic Housing Market Assessment (January 2014) and Strategic Housing Market Assessment Addendum (August 2014)

1.3.16 In response, Cabinet agreed that there is an objectively assessed need for some 18,600 new homes⁴. A rigorous approach has been taken to identifying the most suitable housing sites through the comprehensive assessment in the Strategic Housing Land Availability Assessment, drawing on evidence and the expert inputs from statutory agencies. Further, the site allocation policies identify specific mitigation measures to address the impacts of development where possible. The sustainability appraisal (SA) provides a valuable cross check for the site selection process when relevant sustainability factors are weighed together.

1.3.17 There has been strongly expressed concern about the **impacts of development on local infrastructure** linked to the overall scale of development proposed in a given location. This concern is widespread and is explicitly raised in objections for every settlement where development has been proposed and by other communities which will be impacted by development. Concerns relate to transport infrastructure, including public transport, schools and pre-schools, health facilities, water supply, sewerage capacity, refuse collections and the adequacy of local shops. Respondents are concerned that infrastructure and facilities were insufficient to cope with current demand and that they would fail under the pressure of the proposed additional development. There is also the view that infrastructure improvements should be implemented before development takes place.

1.3.18 In respect of transport infrastructure specifically, it was expressed that traffic congestion, noise, road safety including for pedestrians, cyclists and horse riders, and air quality would worsen without new road schemes. This concern was raised both for settlements where development is proposed and by communities who were concerned about the highway impacts of development elsewhere on their local roads. The sufficiency of existing transport evidence was questioned as was how the cumulative impacts of development inside and outside the borough would be assessed. The value of any future revised Integrated Transport Strategy which does not have the support of Kent County Council as highways authority was questioned. There are general and specific concerns that there would be an increase in rat running on unsuitable routes.

1.3.19 In response, there has been concerted and on-going dialogue with infrastructure providers as the Local Plan has progressed as part of the development of the Infrastructure Delivery Plan. Infrastructure providers have been provided with information on the development proposals set out in the draft Local Plan (Regulation 18) and potential

⁴ 10th September 2014

additional sites and have been asked to advise on the implications for infrastructure provision. This is inevitably an iterative process; decisions need to be made on sites before the infrastructure providers can give a firm response on the implications.

1.3.20 Kent County Council (KCC) uses its Infrastructure Investment Finance Model (IIFM) to determine the implications of development for the services it is responsible for, with the exception of transport. KCC has been asked to run the model to include the additional sites recommended for allocation in the section below. At the time of writing, the full outputs of the model are still awaited from KCC. An update will be provided at the meeting. There has been, however, no indication to date that education, adult education, libraries and social services requirements are a 'show-stopper' to the scale and distribution of development included, or proposed to be included, in the draft Local Plan.

1.3.21 NHS property reports that all GP surgeries in Maidstone town have capacity although some would benefit from an upgrade in their facilities. In Coxheath there are proposals to relocate the surgery to the Clockhouse Farm site. There is a already planned extension to the surgery at Marden whilst Harrietsham surgery would require extension based on the number of new homes proposed in the draft Local Plan (Regulation 18). Staplehurst, Headcorn and Lenham are reported to have sufficient capacity for the planned growth. The NHS's response on the proposals for the Larger Villages is awaited.

1.3.22 Southern Water (waste water) has advised that it does not consider that any development proposals will result in a situation where development cannot be accommodated. With regard to the proposed housing sites in Policy H1 Southern Water's response to the Local Plan Regulation 18 consultation states (emphasis added) "The assessment indicates that capacity is insufficient in the immediate vicinity of some of the sites. *This is not a fundamental constraint to development.* However, new or improved infrastructure would need to be provided in parallel with the development". This would be partially funded by the developer of a given site and partially by Southern Water in expectation of the future income it would gain from households moving into the new homes. Southern Water's response to the proposed additional sites should be available for Members at the meeting.

1.3.23 Notwithstanding this position, local experience is that there are current failings in the management of waste water. This issue is particularly acute in a number of locations including Marden, Headcorn and Staplehurst where sewerage overflows are reported in times of heavy or prolonged rainfall. The Council is actively working with Southern Water and KCC amongst others to address these concerns, recognising that responsibilities rest with private landowners as well as public

agencies. In its response to the Local Plan the Environment Agency also advises of the need to take a strategic approach to surface water drainage infrastructure associated with new development at Headcorn, Marden and Langley (although no new development is being proposed at the edge of the latter), recommending that this can achieve a more efficient overall system.

1.3.24 Southern Water's response to the draft Local Plan (Regulation 18) also requested that additional criteria be added to the housing site allocation policies in Policy H1 to ensure connection to the sewerage network at the nearest point of capacity and to ensure that existing sewerage infrastructure is protected and not built over (including reference to easements for future maintenance). Whilst supported, both of these issues are detailed development design, delivery and implementation issues which would be dealt with at the planning application stage and it is not necessary to include additional, specific reference in the site allocation policies.

1.3.25 South East water (clean water) responded to the draft Local Plan confirming that the scale of growth proposed in the Local Plan can be serviced: "we can confirm that our published planned programme will be fully able to satisfy the growth demands within the zones, assuming the required new resources are in place and demand management resources are encouraged."

1.3.26 KCC Highways: Visum strategic transport modelling for Maidstone is underway. The model covers the urban area, extending to M20 J5-J8 and to B2163 to the south. The model has been updated to a base date of 2014 and so reflects current traffic conditions. The model is being used to test a number of forecast options to determine how the highway network will perform at 2031 when, in addition to background growth, the developments proposed in the draft Local Plan, including the additional housing sites proposed in this report, will have been implemented.

1.3.27 The first scenario is a 'do minimum' option which considers the system to be largely unaltered except for two interventions:

- Capacity enhancements to the Bridges Gyratory in the town centres; and
- Enhancements to the Thameslink rail network through Maidstone.

1.3.28 Furthermore, 2 "do something" scenarios are being tested. The first, adds a series of highways packages to the "do minimum", which include various junction upgrades and the implementation of the Leeds-Langley relief road.

- 1.3.29 The second “do something” scenario applies a package of public transport and sustainable transport measures to the “do minimum” test. This run is being established presently, and will be completed by late January by Kent County Council and their consultants Amey.
- 1.3.30 Depending upon the outcomes of this run, there may then be a desire to undertake “hybrid” tests – whereby a mix of previous runs are tested in their totality. Such decisions will be undertaken in due course, with the results to follow. The completion of the work would enable a more informed decision on the most effective and deliverable transport solution to support the growth proposed in the Local Plan.
- 1.3.31 In the meantime, it is important to note that KCC Highways has not objected to the housing sites included in the draft Local Plan (Regulation 18) or the additional housing sites proposed in this report. Further, junction-specific VISIM transport modelling is being undertaken for Staplehurst and Coxheath.
- 1.3.32 Highways Agency: In its response to the draft Local Plan the Highways Agency did not make any detailed comments on the sites proposed but did report a general concern that a robust transport evidence base is not yet in place to test the quantum of development, nor to sufficiently assess the timing or location of any impacts or the form and funding of any necessary mitigation. This known issue and is being addressed through the progression of the transport modelling work.
- 1.3.33 Environment Agency: The Environment Agency has not objected to the specific housing proposals in the draft Local Plan other than to make a detailed comment in respect of H1(32) land at Howland Road, Marden. A recommended amendment as a result of the EA’s comment is included in Appendix B.
- 1.3.34 Open space: work is progressing on the audit of the quality, quantity and accessibility of the different types of existing public open space in the borough. This work will inform the setting of open space standards and it is proposed that public consultation on draft open space standards could be undertaken after May. Thereafter the standards, and any site or settlement specific implications arising from them, will be incorporated into the Regulation 19 version of the Local Plan.
- 1.3.35 Overall, there is no firm evidence from the statutory providers that the scale of development proposed in the Plan cannot be accommodated.
- 1.3.36 Representations have made specific reference to **neighbourhood plans** and how proposals in the draft Local Plan do not match emerging proposals in neighbourhood plans.

1.3.37 In response, it is noted that neighbourhood plans in the borough are at varying stages of preparation. Whilst some communities are making good progress, no plans have yet been adopted or submitted for examination.

1.3.38 As stated, in some cases the selection of sites and/or their capacity in emerging neighbourhood plans do not match those in the emerging Local Plan. Neighbourhood plans do not have to include the same sites as the Local Plan and vice versa.

1.3.39 Crucial to the success of the emerging Local Plan will be the robustness of the evidence base and, more particularly, how this extensive evidence has been used to determine the plan's strategy and detailed policies. This is the same for neighbourhood plans which must have regard to national policy (NPPF), being based on evidence, and deliver sustainable development. Local communities should make use of the Local Plan's evidence base as well as their own evidence to substantiate the content of their neighbourhood plans and thereby to give the plans the best chance of succeeding at examination. The Local Plan evidence includes the objectively assessed need figure which the council must work assiduously to meet, taking a borough-wide perspective of the most sustainable locations and sites for growth. This is resulting in some settlements being proposed for more housing than the neighbourhood plan groups consider appropriate.

1.3.40 This being the case it is likely that some neighbourhood plans and the Local Plan may continue not to align in all respects. Ultimately, differences which remain will be tested at the plans' respective examinations.

Site-specific issues

1.3.41 Policy H1 allocates 50 sites for housing development. Objections were received to each of these sites. Appendix A of this report contains a summary schedule of the site-specific issues raised and responses to them including proposed amendments to the policy. For ease, the proposed amendments have also been extracted into a single document in Appendix B.

1.3.42 Some respondents considered that the proposed **site capacities had been overestimated** and that many of the allocated sites would not achieve the yield that had been proposed. It was felt by some that the application of standard densities disregards local context.

1.3.43 In response, the policy for each housing site includes information on the number of houses each site can accommodate. This capacity judgment has been based on an assessment of the site by officers; it does not represent an absolute minimum or maximum, rather an

informed indication of the scale of development which is likely to be acceptable. Clearly the actual number of homes a site delivers is dependent on the type and mix of units and is only confirmed when a detailed scheme is consented and implemented. Since the draft Local Plan was published, a number of the proposed allocations have gained planning permission or been approved subject to a section 106 agreement. Generally, although not exclusively, this has been for lower numbers of homes than signaled in the draft Plan. It is important that these variances are tracked as a continuing trend for lower housing numbers on these sites could create an upward pressure for additional sites to be needed. Officers will continue to monitor the position.

- 1.3.44 Officers have taken the opportunity to review all the sites listed in Policy H1 to determine whether a revision to the indicative site capacity is merited. Revisions are proposed for 21 sites which are also set out in Appendix B.
- 1.3.45A review of the 50 sites has also highlighted 8 instances where an amendment to the site allocation plan is needed. The list of sites, reasons for the proposed change and the amended site plans are included in Appendix B. One instance to highlight is site H1(10) South of Sutton Road, Langley where extent and overall capacity of the site has been reduced to reflect the more sensitive landscape at the eastern edge of the site. It is now proposed that the site yield would be 850 dwellings. Additionally the policy wording is proposed to be amended to clarify that a lower density form of development on the eastern section of the site would be appropriate and the development criteria further amended to better reflect the site's context.
- 1.3.46 Subject to Members' consideration, it is recommended that the specific amendments to the housing site allocations in Policy H1 listed in Appendix B be agreed for incorporation into the Regulation 19 version of the Local Plan in due course.
- 1.3.47 Land at Heath Road, Boughton Monchelsea (H1(48)) was identified in the draft Local Plan as a site for some 25 dwellings. Subsequently it has been confirmed that access to the site is not within the control of the promoter of the site. On this basis the site is no longer deliverable and it is recommended that it be deleted as an allocation in the Plan. This change is considered sufficiently significant to include it as part of the Regulation 18 consultation on the proposed new housing sites and is accordingly included in Appendix D for approval.

Additional Housing sites

- 1.3.48 162 potential housing site submissions were received in response to the latest Call for Sites. Of these, some 42 were resubmissions of

sites which had previously been considered in the Strategic Housing and Economic Development Land Availability Assessment (2013).

1.3.49 Sites submitted by landowners as representations to the Local Plan have also been assessed where these had not already been submitted through the Call for Sites exercise. These are included in the above numbers.

1.3.50 Each site was assessed using the same proforma format as was followed for the 2013 assessments to help ensure a consistency of approach. The completed proforma will be available on the Council's website as part of the public consultation. The Environment Agency, KCC Highways, KCC Ecology and KCC Archaeology were all consulted on the submitted sites. The views of parish councils and local residents' groups were also gathered during the 26 dedicated Local Plan meetings held between September and November. There have also been a number of separate, but related, meetings with neighbourhood plan groups.

1.3.51 The submitted sites have all been subject to Sustainability Appraisal (SA). This has been undertaken in the same way and by the same expert consultants as have undertaken previous stages of SA to ensure a consistent and rigorous approach. The outcome of the SA has been used by officers to inform and test the selection of new sites being put forward for allocation. A summary of the outcomes of the SA is attached as Appendix C and the SA will be published on the Council's website at the same time as the Regulation 18 consultation on the proposed additional sites .

1.3.52 Additionally Wrens Cross was put forward as a suitable site for development by a local respondent but not by the landowner Kent County Council. KCC has now confirmed that the site is being put forward as a proposed development site. Members are referred to the list of sites proposed to be allocated and the draft site allocation policies at Appendix D.

1.3.53 Further, a number of respondents propose that Detling Aerodrome and/or Detling Showground should be allocated for development in the Local Plan. Kent County Council's submission to the draft Local Plan supports a mixed use development of 1000 dwellings at Detling, citing this as part of its alternative development strategy whereby increased development (some 1000 units) would be directed to the rural parts of the borough at unspecified locations plus Leeds/Kingswood (750 dwellings) and land east of Church Road Otham (450 units).

1.3.54 The suggested sites at Detling are located within the Kent Downs Area of Outstanding Natural Beauty (AONB). Such areas are afforded a very high level of protection in National Policy and development at the level

suggested in the representations would not be acceptable in principle, particularly in the face of there being alternative, suitable sites in less constrained locations.

1.3.55 In addition, the location of both sites is relatively unsustainable as they are poorly related to the services that future residents would require and are not served by good public transport links, such that future occupiers would be reliant on the use of the private car for their day-to-day needs.

1.3.56 The outcome of the sites' assessment is that 24 additional sites are recommended for allocation for housing in the Local Plan. The allocation of these sites could provide some 1,143 dwellings. These sites are:

H1 (51) Bridge Industrial Centre Wharf Road Tovil	15 dwellings
H1 (52) The Dunning Hall off Fremlin Walk Maidstone	14 dwellings
H1 (53) 18-21 Foster Street Maidstone	5 dwellings
H1 (54) Slencrest House Tonbridge Road Maidstone	10 dwellings
H1 (55) The Russell Hotel Boxley Road Maidstone	14 dwellings
H1 (56) 180-188 Union Street Maidstone	30 dwellings
H1 (57) Land at Former Astor of Hever Community School Maidstone	60 dwellings
H1 (58) Tovil Working Men's Club Tovil Hill Maidstone	20 dwellings
H1 (59) Bearsted Station Goods Yard Bearsted	20 dwellings
H1 (60) Fant Farm Maidstone	225 dwellings
H1 (61) Land at Cross Keys Roundwell Bearsted	50 dwellings
H1 (62) Land at Boughton Lane Loose/Boughton Monchelsea	75 dwellings
H1 (63) Boughton Mount Boughton Lane Boughton Monchelsea	25 dwellings
H1 (64) Bell Farm North West Street Harrietsham	80 dwellings
H1 (65) Land at Lenham Road Headcorn	50 dwellings
H1 (66) Land south of The Parsonage Goudhurst Road Marden	50 dwellings
H1 (67) Land south of Marden Road Staplehurst	100 dwellings
H1 (68) Land to the north of Henhurst Farm Staplehurst	60 dwellings
H1 (69) Land at Lodge Road Staplehurst	60 dwellings
H1 (70) Land at Church Street/Heath Road Boughton Monchelsea	40 dwellings
H1 (71) Lyewood Farm Green Lane Boughton Monchelsea	25 dwellings
H1 (72) Land adj. The Windmill PH Eyhorne Street Hollingbourne	15 dwellings
H1 (73) Brandy's Bay South Lane Sutton Valence	40 dwellings
H1 (74) Wren's Cross Upper Stone Street Maidstone	60 dwellings

1.3.57 Proposed allocation policies with specific development criteria and site plans for these sites are included in Appendix D. 10 additional sites are being proposed in the Maidstone urban area which would deliver some 248 additional dwellings. This includes Wrens Cross, mentioned

above, where development would see this prominent, dilapidated site regenerated. Elsewhere, Fant Farm is proposed for allocation for 225 new houses. The Agricultural Land Classification Study has now confirmed that the area of land proposed for housing is predominantly grade 3a and this development would also secure a 38ha country park. Land at Cross Keys, Roundwell, Bearsted is also proposed for inclusion; flooding concerns have now been addressed to the satisfaction of the Environment Agency as part of the current planning application.

1.3.58 The representations made to the employment site allocations (Policy EMP1) are being considered by Cabinet on 11th February. Ahead of this consideration, Members should be aware that the proposed allocation of H1(69) Land at Lodge Road, Staplehurst for housing would result in a net loss in the overall supply of B class employment land.

1.3.59 The allocation of these 24 housing sites would maintain the dispersed development strategy that has been followed in the Local Plan to date whereby development is focused in and at the edge of the most sustainable settlements in the borough. This approach enables the best use to be made of existing infrastructure. It is also considered to be an inherently deliverable development strategy; of the 8,126 dwellings provided for on sites currently allocated in Policy H1 of the draft Local Plan, more than 4,050 are already the subject of planning applications and/or permissions.

1.3.60 Members should be aware that Golding Homes re-submitted the previously proposed urban extension to Maidstone (based on garden city design principles) for some 4,500 dwellings to the latest Call for Sites. This proposal was rejected following assessment at the previous Call for Sites for the following reasons;

'The development of this large site for 4,500 new dwellings and associated development would fundamentally change the character of the rural hamlets to the south east of Maidstone. This change in character would result in considerable harm to the countryside and would spread the town of Maidstone considerably into the countryside. Furthermore, given the fact that the site is not immediately adjacent to the urban boundary it would result in an awkward gap of rural sporadic development between significant areas of development that would emphasise the harm to the character and pattern of the area.

There are significant issues to be overcome in relation to highways, noise and air quality if development were to take place on this site. Some of the land is of high value, and there are likely to be significant ecological impacts. Throughout the site there are pockets of ancient woodland as well as a number of listed buildings and areas with archaeological potential which may be unacceptably impacted by any development.

The multiple land ownerships may ultimately affect deliverability of the site despite the assertions of the proposer.

There is concern raised by Kent Highways with regard to the level of investment required for the infrastructure in relation to both the development of the site and the strategic link road between the A274 Sutton Road and the A20 Ashford Road being prohibitive to the achievability of development. There have been no submissions that give a clear demonstration that the strategic road link is achievable to counter these concerns. The conclusions lead to questions in relation to the achievability of the development.

Furthermore, the site does not accord with the agreed spatial distribution.'

1.3.61 It is not considered that there have been any significant or material changes since the previous assessment and that the previous decision to reject the site is justified.

1.3.62 Subject to Cabinet's consideration, it is recommended that the housing site allocation policies in Appendix D be approved for Regulation 18 consultation.

Housing land position

1.3.63 The potential housing supply that the Local Plan could deliver is tabulated in Appendix E. The elements of supply comprises dwellings completed since 1st April 2011, those with planning permission (or a resolution to grant consent), sites allocated and broad locations identified in the Local Plan plus a windfall allowance for the last 10 years of the Plan.

1.3.64 These figures represent a 'snap shot' as applications are received and determined on a virtually daily basis so the position is constantly evolving. The table's prime purpose is to show in overall terms the scale of housing that the Local Plan can deliver and how this compares with the objectively assessed need.

1.3.65 The 24 proposed additional housing sites recommended in this report could deliver some 1,143 new dwellings. With the approval of these sites for Regulation 18 consultation, the overall shortfall against the objectively assessed need for 18,600 homes would be some 421 dwellings equating to 2.3% of the objective figure.

1.3.66 The table includes a windfall allowance of 880 dwellings. National Planning Practice Guidance (paragraph 24) allows local planning authorities to make a windfall allowance for years 6-15 of the Plan measured from the date of adoption which for the Maidstone Borough

Local Plan would equate to the last ten years of the plan period from 2021-31, assuming the Plan is adopted in 2016. Six years' worth of data has been analysed to evidence a robust rate for the windfall allowance. In this analysis, sites have been excluded which would not meet the NPPF definition of a windfall, such as previously identified sites, green field sites and garden sites, to see what the supply of genuine windfalls has been over the past six years. This analysis has revealed that a range of different types of site have come forward as windfalls such as redevelopment from institutions, retail and business sites as well as residential intensification and that no one particular category has been dominant.

1.3.67 Officers have reviewed the approach of other authorities to windfall calculations including that of Shepway District Council whose approach was supported by the Inspector at their Core Strategy Examination.

1.3.68 Small sites (<5 dwellings) have represented a consistent source of supply in the past delivering some 35 dwellings/annum. Sites of this size are not being allocated in the Local Plan and there can be some considerable confidence that they can be relied upon to come forward at a similar rate in the future. Large sites (5+ dwellings) have made a significant contribution to housing land supply over recent years equating to 105 dwellings per annum. It would be unreasonable to make no allowance for a future supply from such sites but this must be tempered by the fact that the supply of such sites will be finite. The majority of large windfall sites have come forward in urban area where concerted efforts have been made to identify and allocate appropriate brownfield sites in the Local Plan. It is not credible that future supply will match past supply for large sites. Further, a significant source of 'windfall' supply from office conversions have already been accounted for in the town centre 'broad location' (600 dwellings). On this basis, a discount of 50% is recommended on previous rates for large sites.

1.3.69 The small sites rate (35 dwellings/ annum) plus 50% of the large sites rate (50% x 106 = 53 dwellings/annum) equates to a windfall allowance rate of 88 dwellings/ annum. This results in a total windfall allowance of 880 dwellings for the last 10 years of the plan.

Next Steps

1.3.70 A consolidated consultation document will be prepared which will include the agreed new and housing site policies (Appendix D) and proposed deletion (Appendix D) and, as appropriate, the outcomes of Members decision making in early February on employment and mixed use sites.

1.3.71 These policies will be consulted on (Regulation 18 consultation) for a period of 4 weeks from late February. This timing reflects the more limited scope of the proposals compared with the previous consultation on the full draft of the Plan and avoids a clash with the local elections in May. All the consultees on the Local Plan database will be notified of the consultation and invited to make representations. Publicity and promotional material will be particularly directed to the locations and parishes impacted by the proposed changes, and local newspapers will include public notices setting out the details of the consultation and how to comment.

1.3.72 It is the intention that a further Regulation 18 consultation be undertaken on proposed additional Gypsy sites, open space standards and, if necessary, the affordable housing policy after May.

1.3.73 Thereafter, a full revised version of the Local Plan will be prepared. This revised plan will incorporate the changes to the development management and site allocation policies which will have been agreed by Members and will also take account of the representations made to the strategy and spatial policies in the draft Local Plan (Policies SS1, SP1-5). It is expected that some restructuring of the Plan is likely to be proposed at this stage to draw out key strategic issues in a readily accessible form to guide prospective developers and agencies in making and responding to planning applications. Members will note that some of this restructuring is signposted in the responses to the specific representations to the Policy H1 sites in Appendix A. This restructuring of the Plan will also enable the infrastructure requirements for each settlement to be more clearly expressed in the Plan.

1.3.74 The full revised version of the Plan will be published for Regulation 19 public consultation. Thereafter, assuming no fundamental issues come to light during the consultation, the Plan will be submitted to the Planning Inspectorate for Examination.

1.1 Alternative Action and why not Recommended

1.1.1 A feasible option would be to identify no additional housing sites and to progress the Local Plan on the basis of the sites allocated in the draft Local Plan alone. This would put the plan at risk of being found unsound at Examination as national planning guidance in the NPPF directs that Local Plan should aim to meet the objectively assessed need for new homes.

1.2 Impact on Corporate Objectives

1.2.1 For Maidstone to be a decent place to live: the Local Plan as a whole, and the proposed housing allocations in particular, will help to deliver the new homes that are needed in a timely manner and in the most sustainable locations.

1.3 Risk Management

1.3.1 The council still has a local planning policy framework that comprises adopted development plan documents and supplementary planning documents, endorsed guidance, and saved policies from the Maidstone Borough Wide Local Plan 2000. These policies are still relevant and carry weight in the decision making processes provided there is no conflict with the National Planning Policy Framework (NPPF). However, the council has a duty to maintain an up-to-date policy framework, and current policies are increasingly becoming outdated or are in conflict with the NPPF. It is important to maintain the momentum for the preparation of the Maidstone Borough Local Plan and to reach a consensus that the local plan is fit for public consultation.

1.3.2 The retention of legal and professional services to guide the local plan through its preparation stages, and the production of up-to-date robust technical evidence will ensure the Maidstone Borough Local Plan is found sound at examination.

1.4 Other Implications

1.4.1

1.	Financial	X
2.	Staffing	
3.	Legal	X
4.	Equality Impact Needs Assessment	
5.	Environmental/Sustainable Development	X
6.	Community Safety	
7.	Human Rights Act	
8.	Procurement	
9.	Asset Management	

1.4.2 Financial: this report highlights for the first time the pragmatism of undertaking a further Regulation 18 consultation after May on proposed Gypsy and Traveller sites, open space standards and, potentially the affordable housing policy. The costs of this stage of public consultation will need to be incorporated in the next review of the Local Plan budget. The financial implications of the Local Plan not being found to be sound at examination would be substantial involving the review and repeat all of the work undertaken to date.

1.4.3 Legal: responses to consultations need to be accurate so as to minimise the risk of legal challenge to the plan making process.

1.4.4 Environmental/sustainable development: A key message of the NPPF is the presumption in favour of sustainable development.

1.5 Relevant Documents

1.5.1 Maidstone Borough Local Plan - Regulation 18

1.6 Appendices

APPENDIX A Policy H1: schedule of responses to the representations

APPENDIX B Schedule of detailed changes to Policy H1 (including density changes and changes to site plans) for approval for incorporation in the Reg 19 version of the Plan

APPENDIX C Sustainability Appraisal summary table

APPENDIX D Proposed new site allocation policies, and proposed deletion of H1(48) Heath Road, Boughton Monchelsea, for approval for Regulation 18 consultation

APPENDIX E Housing land position

1.7 Background Documents nil

IS THIS A KEY DECISION REPORT?

THIS BOX MUST BE COMPLETED

Yes

No

If yes, this is a Key Decision because:Plans & strategies

Wards/Parishes affected:All.....

.....

APPENDIX B

Extract of UCS 2006

Maidstone Urban Capacity Study 2006

Maidstone Borough Council

August 2006

reference: P:\PLANNING\621\Instruction\Clients\Maidstone Borough Council\GVAG
Reports\Maidstone UCS Report.doc

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1 Introduction

- 1.1 GVA Grimley LLP was instructed Maidstone Borough Council (MBC) in October 2005 to undertake an Urban Capacity Study (UCS) for the Maidstone Borough area. Llewelyn Davies issued a previous UCS prepared for the Borough in April 2002. The purpose of this study is to review the 2002 report and to undertake a new and comprehensive review of housing land availability within the Maidstone Urban Area and outlying villages for the 2006-2026 period, and to determine the housing potential of that land.
- 1.2 Section 2 of this report sets out the policy background against which this study was undertaken. This includes a review of the national, regional and local planning policy and guidance that has informed the methodology and approach to the surveys and analysis of potential.
- 1.3 Section 3 provides a full methodology of how the study has been undertaken. This includes an explanation of the discounting process and how housing potential has been arrived at.
- 1.4 In order to understand fully whether sites will come forward for redevelopment, it is necessary to appreciate the market viability of new development in the Maidstone area. Property market analysis is included in Section 4.
- 1.5 In order to understand the density potential of Maidstone Borough, a series of design studies of representative sites has also been carried out.
- 1.6 From these steps the housing potential within the current defined development boundary within the Borough has been determined.
- 1.7 A set of conclusions and recommendations based on these findings have also been made for consideration by the Council as it completes its LDF Core Strategy process.
- 1.8 It is important to note that no inference should be derived from a development control perspective on individual sites that are identified or considered by the Urban Capacity Study. Inclusion or exclusion of sites at any point in the study should not be taken as evidence of support of or opposition to any development control decision. Overall spatial decisions relating to the pattern of growth in the Borough will be made by the Core Strategy. Site specific recommendations will be made by the Proposals Map development plan document. Neither of these will pre-empt development control.

