

KENT ASSOCIATION OF LOCAL COUNCILS

Maidstone Area Committee - Chairman Geraldine Brown
 Lees Cottage, Lees Road, Yalding, Maidstone, Kent ME18 6HB
 Telephone: 01622 814222 email: chairman@yaldingparishcouncil.gov.uk

To: Mr William Cornall
 Director of Regeneration and Place
 Maidstone Borough Council

6 October 2019

Dear William

RE: REVIEW OF LOCAL PLAN

Representatives of the Coordinating Team are looking forward to our meeting at 10.00am on Wednesday 9 October meeting at your offices.

1. MBC's stated vision is to provide "a vibrant, prosperous, urban and rural community at the heart of Kent where everyone can realise their potential". That is a worthwhile vision, which is challenged by the stressed infrastructure inherited from previous aggressive development.
2. The thrust of the Local Plan Review in the Regulation 18 consultation is all about facilitating growth. It needs to give equal priority to critical strategic problems experienced by Maidstone's residents, particularly those of inadequate transport infrastructure, congestion and serious air pollution. These exceptional issue should be used to manage the scale and trajectory of growth, if MBC is not seriously to damage the sustainability, environment and economic attraction of our Borough. To stress: the Scoping Themes & Issues document is all about facilitating "growth" and, in essence, is silent about facilitating infrastructure catch-up with what has gone before; sustainability is being challenged.
3. "Housing numbers" is the foundation stone of this Review; a bigger number generates bigger employment needs, places greater pressure on infrastructure, further challenges air quality and complicates our contribution to addressing climate change by having to absorb greater population.
4. We have previously assured you that, for housing numbers, we do respect the fact that MBC has to adhere to the Government's mandated methodology for calculating "need". However, we are convinced there is a way to "manage" the situation.
5. The need for such management is illustrated by the fact that our current Local Plan Trajectory (Attachment 2), if adhered to, would fairly soon move into a period of failure to maintain a Five Years' Housing Supply and would also fail the relatively new Housing Delivery Test.
6. The current Local Plan Review process must be more agile and innovative in terms of assessing need, deriving a (lower) target and then profiling a trajectory so that the above potential failures are overcome and not repeated.
7. Key considerations for this review are therefore to:
 - a. collaborate with other South Eastern Authorities to challenge the Government's housing need assessment methodology, with its inherent bias towards generating even further development in already-stressed areas; its inaccuracies through ignoring commuting workers' wages when assessing affordability; and its failure to acknowledge lower population projections emanating from ONS;
 - b. challenge assessed need, employing all legitimate mechanisms and arguments;
 - c. assess all feasible constraints with a view to deriving a much lower, more-digestible housing target, with traffic congestion and air quality being key considerations;
 - d. rather than constant per annum target, profile that target over future years to:
 - i. reflect the lead-time and ramp-up period of any major site initiatives, without giving in to the temptation to compensate by introducing further, smaller sites during that period;
 - ii. avoid the above potential trajectory failures;
 - iii. generate "breathing space" to allow infrastructure, particularly roads, to catch-up with past aggressive housebuilding; and
 - iv. create future flexibility to adjust to any reduction in ONS projected population growth and/or Government reconsideration of the 300,000 p.a. political target for new homes or its rebalancing across the regions as the Review is developed; and
 - e. somehow, derive a planning approvals structure that:

- i. facilitates management of build-trajectory, rather than allowing another front-loaded, spike trajectory to inflate population growth that would then provide a launching-point for even higher ONS population projections for our Borough when it comes to the next review;
 - ii. allows approval of planning applications to require a phased approach to build-out, with subsequent phases being conditional on meeting performance objectives set for the prior phase; that might recover from developers some of the power over whether our Borough meets Five Years' Housing Supply requirements and the Housing Delivery Test.
8. It is in the interests of our Borough's current residents to have that in-built future flexibility, as:
 - a. if ONS projections and / or the Government's political target increase, the second review of our current Local Plan (perhaps commencing in 2024) would have to respond to the presumed increase in assessed housing need; whereas,
 - b. without such flexibility, scope may be limited to follow downwards any decreased ONS projections or Government target (if only for the South East).
9. The answer is to argue "exceptional circumstances" and to produce a stepped, rather than flat, "development trajectory" that would afford time and opportunity to adjust downwards, if future ONS statistics and Government revised target support such adjustment. We should note that 2018, 2020 and perhaps 2022 ONS updates will become available during the preparation and examination process for this Review. (An illustrative stepped trajectory is given in Attachment 3 – note the gap opened up to allow the situation to evolve, and be adjusted to, before committing some development).
10. At our meeting we would therefore welcome a discussion on:
 - a. while recognising confidentiality after they are made available to Parish Councils on October 4th, the outline results of the Call For Sites and their implications;
 - b. the Brownfield Register and what contribution those sites have made to the Call for Sites;
 - c. housing windfall contributions over the last five years and proposed forward projections towards the adopted target;
 - d. feedback on the twelve proposals (see Attachment 1) that we put forward to be applied to managing perceived housing need and shaping the development trajectory, with a view to facilitating infrastructure catch-up and improvements in air quality;
 - e. the exceptional circumstances presented by the current deficit on transport infrastructure and impact on air quality and how MBC will collaborate with other Authorities and KCC to arrive at a cohesive transport infrastructure plan to overcome that deficit for the benefit of residents - and before further major developments;
 - f. other perceived constraints that may be applied to our Borough's assessed need;
 - g. implications for MBC's thinking should the Inspector's examination of the Sevenoaks Local Plan support their stance that circumstances dictate they cannot meet their assessed need – and by some margin – and without assuming that, via Duty to Cooperate, it would merely be bad news for MBC; and
 - h. any evidence of, and participation in, push-back against Government methodology.
11. Should there be time, we would then welcome hearing more about:
 - a. progress with Duty to Cooperate, including proposals for public access to relevant records;
 - b. the methodology for assessing employment needs and, in particular, analysis of the wider economic area and commuting flows, including to London; and
 - c. progress with the assessment of Gypsy & Traveller needs.

We look forward to our meeting.

Yours sincerely

Geraldine Brown

Copy: MBC / Mark Egerton, Strategic Planning Manager
Coordinating Team:

Kent Association of Local Councils Maidstone Area Members
Maidstone Joint Parishes Group, John Horne, Chairman
Campaign to Protect Rural England Maidstone Branch, Gareth Thomas, Chairman
Bearsted & Thurnham Society, Secretary, Mary Richards

Review of Local Plan – Housing Numbers & Trajectory

1. Current Government requirements are that a Local Plan must be reviewed at least every five years. That implies that, as successive ONS population statistics are issued, subsequent plan reviews must adjust to the revised trend. (That does assume that the Government's current 300,000 p.a. edict will in due course cease to be a political football, with housing need being adjusted, either way, as population trends evolve).
2. The current Local Plan includes 17,660 new dwellings over the period 2011-2031, at a constant annual requirement of 880 (the green horizontal line in the attached graph).
3. The Government's current drive for 300,000 homes p.a. is accompanied by the definition of an Adjustment Factor (based on house prices and local earnings) to be applied to the per annum average of household growth over a 10 years forward period. Revised statistics are issued each year.
 - a. That Adjustment Factor is volatile, as evidenced by the increase from 1.384 to 1.450 between the 2017 statistics and the 2018. Ignoring the cap (as below), that equates to a requirement for an extra 58 dwellings p.a., which over, say, 15 years is an extra 870 dwellings!
 - b. Government caps the Adjustment Factor at 1.4 at, say, 1236 homes/year for our Borough and that capped figure would operate from five years after the currently adopted Local Plan, arguably from 2023-24.
 - c. Household growth statistics are revised every second year, although the Government has stated that the 2014 statistics should continue to be used to calculate need, with 2016 statistics set aside as they do not give the 300,000 answer that it wants!
 - d. This indicates every reason to be judicious with the timing of the decision on which statistical set to use as a base for the calculation of need and, further, argues for flexibility during the review process, and, indeed, within the final document, to take advantage of any favourable movements in statistics.

Proposal 1: statistical base for the Review should be carefully chosen, building in flexibility to amend the statistical set as the Review proceeds and, ideally, to adjust the defined housing need and trajectory as the Review then rolls out over subsequent years.

4. The housing needs figure for the plan period was interpreted as an identical per annum figure throughout the plan period, even back to 2011-12, which clearly put us in breach of historic required delivery even before we knew what the required delivery was!
5. That challenges common sense and has been recognised in mandated Government methodology to the extent that an updated needs-figure does not apply until 5 years after adoption of the Local Plan.
6. That is, Government recognises the relevance of "steps" within a trajectory for house-building.

Proposal 2: recognise that the needs-figure within the Review will be a step-function from the initial years of the Local Plan, with a step (in the appropriate direction) five years after adoption of the Local Plan.
7. The attached graph depicts an aggressive, front-loaded build trajectory in the Local Plan.
8. As can be seen, that trajectory has the unfortunate result that, while we currently have a Five Years' Housing Supply, we cease having such in 2023.
9. That trajectory will have since been updated and, with the intention to adopt the Review in 2022, this threat *should* be removed; however, the source of this risk should be understood and addressed.
10. That implies that we need to use all available powers and tactics to manage permissions granted to planning applications. Can we not define a legal mechanism to manage the timetable for granting permissions, with planning conditions on build-rate and penalties for over- or under-building?
11. Are we truly helpless and totally in the hands of developers in terms of when to build and rate of build?

12. Are we factoring in probable windfalls, rather than granting “known sites” fully to fill-out a trajectory?
13. Are we really being creative in our thinking?

Proposal 3: aim for a flat trajectory and a combination of planning mechanism and planning conditions to provide flexibility to slow or accelerate build and assure Five Years’ Housing Supply throughout the Review period (or at least until a further Review will inevitably take effect).

14. A front-loaded trajectory has the unfortunate effect that population growth is unnecessarily accelerated, which means that the next ONS population statistics will give rise to an even higher assessed future need; that is, generate a “spike” similar to that experienced in our Borough towards the start of the current Local Plan period and which gave rise to a higher assessed need on which it was then based.

Proposal 4: take on board the fact that a front-loaded trajectory will also give rise to an accelerated population growth, when compared with a flat trajectory, and that, in turn, will give rise to a higher assessment of needs.

15. When the needs-figure has been assessed, a target figure requires to be distilled by consideration and application of any constraints.
16. We understand that twenty one potential constraints were apparently assessed during preparation of the Local Plan, but none was found to “bite”.
17. That challenges credibility if there was the wish to make some of them bite.
18. Should expansion of the AONB to the east of Maidstone be sought, southwards to the Greensand Ridge?
19. Should the possibility of establishing (far) more Green Belt in our Borough be examined, particularly around any new elements of relief road contemplated for our Borough? That would demonstrate determination to protect the countryside with as much vigour as enabling development and would be particularly effective in the event of housing growth being concentrated in a new community, where one initiative could be seen as a direct counterbalance to the other. (We note that Tonbridge & Malling have included an additional area of Green Belt in its recently submitted Local Plan).

Proposal 5: adopt a can-do attitude towards examining all potential constraints, including AONB and Green Belt expansion, with a view to identification of those for which there is reasonable evidence that they have, or could have, effect.

20. In the early phases of developing the Local Plan there was a refusal to countenance windfalls.
21. After pressure, windfalls were included, even if only at a conservative 1650 over the plan period (or just over 9% of the target).

Proposal 6: ensure that windfalls are given their full weight within the Review and for the maximum period of years permitted by PPG.

22. Planning Practice Guidance Paragraph 003, Reference ID: 2a-003-20190220 states:

Is the use of the standard method for strategic policy making purposes mandatory?

No, if it is felt that circumstances warrant an alternative approach but authorities can expect this to be scrutinised more closely at examination. There is an expectation that the standard method will be used and that any other method will be used only in exceptional circumstances.

23. While there is risk in going off-piste, has our Borough not got exceptional circumstances derived from the historic and current spikes brought about by un-managed trajectories?
24. Surely at least the current spike, through front-loaded Local Plan trajectory, could be used as an argument to make an adjustment below the needs figure generated by the Government’s standard methodology.

Proposal 7: consider taking a degree of risk by adopting a non-standard method for assessing needs that smooths-out the trajectory errors in the Local Plan.

25. Planning Practice Guidance Paragraph 004, Reference ID: 2a-004-20190220 states, at Step 1 (our highlighting):

Step 1 - Setting the baseline

Set the baseline using national household growth projections (2014-based household projections in England, table 406 unitary authorities and districts in England) for the area of the local authority. Using these projections, calculate the projected average annual household growth over a 10 year period (this should be 10 consecutive years, with the current year being used as the starting point from which to calculate growth over that period).

26. The 2018 projections will be issued towards the end of 2020, in time for this Review.
27. While Government currently mandates that 2014 projections remain the base for applying their standard methodology, that may or may not remain the case throughout the period of Review preparation.

Proposal 8: remain agile to the possibility of basing needs on a lower set of ONS household growth projections.

28. Planning Practice Guidance Paragraph 004, Reference ID: 2a-004-20190220 states, at Step 2:

Step 2 - An adjustment to take account of affordability

Then adjust the average annual projected household growth figure (as calculated in step 1) based on the affordability of the area.

The most recent median workplace-based affordability ratios, published by the Office for National Statistics at a local authority level, should be used.

29. The metadata for those ONS statistics state (our highlighting):

The earnings data are from the Annual Survey of Hours and Earnings which provides a snapshot of earnings at April in each year. Earnings relate to gross full-time individual earnings on a place of work basis.

30. That means that the assessment of relative affordability across the country uses our local house prices (which are pushed upwards by those commuting-out to work), but the earnings derived from local work i.e. excludes the presumably higher wages received by those commuters.
31. That then feeds into the Government's Adjustment Factor as a higher adjustment for our Borough when compared with what the situation would be if a like-for-like comparison were made i.e. house prices and the wages of those actually living in them, wherever they work.
32. It is estimated that at least 5% of the Borough's workers commute-out to work in London and, as their season tickets must cost circa £5K of after-tax income, say, £7.5K before tax, and, to justify that expense and commuting time, their average wages must be circa £50K p..a., there would be an adjustment of 3% or more to the Affordability Ratio, which would give rise to at least 5% reduction in the Adjustment Factor.
33. For this review, that could amount to circa 400 reduction in the assessed need – not an insignificant reduction.

Proposal 9: develop an argument that there should be an adjustment for commuters, particularly those commuting to London.

34. In their recent Local Plan, Guildford successfully argued that their population statistical trend should be adjusted downwards because of their student population.
35. If the Review contemplates the army garrison and / or prison population being migrated away to free-up those sites for development, it would appear reasonable to make such an adjustment for the migration-away of 1,000 – 1,500 persons.

Proposal 10: find and utilise any other possible adjustments to the baseline population figures that are projected forward by ONS.

36. Planning Practice Guidance Paragraph 034 Reference ID 3-034-20180913 states (our highlighting):

When is a stepped trajectory appropriate?

A stepped requirement may be appropriate where there is to be a significant change in the level of housing requirement between emerging and previous policies and/or where strategic sites will have a phased delivery or are likely to be delivered later in the plan period. Strategic policy-makers will need to set out evidence to support using stepped requirement figures, and not seek to unnecessarily delay meeting identified development needs. In reviewing and revising policies, strategic policy-makers should ensure there is not continued delay in meeting identified development needs.

37. Our Borough would appear to have every reason to plan for a stepped trajectory, given that Invicta Barracks (at 1,300 dwellings) is already in the Local Plan and that this Review is seeking one or more New Garden Communities (defined by the Government as between 1,500 and 10,000 homes!).
38. Given their scoping and planning lead-times, there should be little argument against assuming they each give rise to separate trajectory steps.
39. However, the issue of ongoing maintenance of Five Years' Housing Supply cannot be ignored, while recognising that this Review will be overtaken by its successor in circa five years.

Proposal 11: explore all major sites for the possibility of defining a step in the trajectory.

40. ONS population forecasts are re-visited every two years and have proven to be very fluid.
41. If at all possible, it would be prudent to build check-points into the Review that would permit adjustment more frequently than every five years, on the expectation that population trends will flatten further than the reduction shown between 2014 and 2016 statistics.
42. Such flexibility would be enabled by adopting multiple steps within the trajectory, rather than a flat-line, to indicate the life-cycle of major developments.
43. That would enable downward adjustment, should ONS statistical forecasts show reducing population trends and hence housing needs.
44. Any factoring upwards would be caught by current methodology, with housing need adjusted upwards in subsequent years and further sites required to be incorporated over-and-above those in the then-current edition of the Local Plan.
45. Our Borough should explore all legitimate mechanisms to control actual development so that we do not end up with a front-loaded trajectory, which would, again, create a spike and accelerated, projected population growth, as well as threatening Five Years' Housing Supply early in the Review period.
46. Our Borough may come under pressure from other Authorities to accept some of their unmet housing needs.
47. MBC has already strongly re-buffed an initial "hint" from Sevenoaks, but, under Duty to Cooperate, that is unlikely to be the end of the matter, with other Authorities following suit.
48. To the extent that any of those approaches from other Authorities are not successfully resisted, the Proposals would become even more relevant to avoid yet further housing numbers in our already rapidly expanding Borough, with further adverse impact on other aspects of the Review, primarily Infrastructure and Employment.

Proposal 12: recognise that flexibility is key within the structure of the Review document, particularly so that we are not locked into an excessive assessment of needs, should reality deliver lower ONS projections.

Source: MBC Local Plan – adopted October 2017



