

From: Debbie Snook
Sent: 02 September 2013 12:31
To: Debbie Snook
Subject: FW: URGENT Update for Meeting 2nd Sept
Attachments: aaCLM-BOUGHTON MONCHELSEA PARISH COUNCIL (2) (2).pdf

Importance: High

From: Stephen Munford [mailto:steve@munfords.fsnet.co.uk]
Sent: 01 September 2013 09:00
To: Steve Munford (Cllr); Councillors (MBC)
Subject: URGENT Update for Meeting 2nd Sept
Importance: High

Dear Members

Boughton Monchelsea Parish Council has referred to Christopher Lockhart-Mummery Q.C. the Note from the Chief Executive, which commented on his original Opinion, relating to housing land supply. A further Opinion has been obtained and this is attached. You will see that Mr. Lockhart-Mummery is still of the view that there have been misdirections from officers. Indeed, he has said *"the Note strongly confirms my previous advice to the effect that officers have seriously misunderstood policy in NPPF, and—subject to a Council meeting on 2nd September 2013—are leading Members to misdirect themselves in this important respect."*

Clearly, the ascertaining of the figure for the 5 year housing land supply in the context of windfall sites is quite a complex matter.

The Note from the Chief Executive states that we have exercised our discretion over the issue of windfall sites. However, the Report to Cabinet on 13th March 2013, contains no reference to the up to date policy in NPPF, (paragraph 48), which states that we can make an allowance for windfall sites in the all important 5 year housing land supply.

Neither does the Report make reference to Maidstone's excellent track record on windfall sites continuing to come forward and providing a reliable source of supply. Such data is published and is readily available. The fact is that windfall site completions in **Maidstone have averaged 332 dwellings per annum over the last 5 years** for which data is available. The Map Depot Site, Marden Committee Report (MA/13/0115) contains at pages 44 to 45 (para 5.3.15) the Council's 5-year housing land supply position at 1 April 2013. This states that the shortfall in the 5 year supply is **370 dwellings**.

On the basis of the approach taken by Leading Counsel, this means that **we only need to find a further 74 dwellings per annum from the windfall allowance allowed for in NPPF** (paragraph 48) in order to have a five year land supply, so that there is no need to release a number of large greenfield sites in advance of their examination by democratically elected Members, in the proper Local Plan Review process.

We must decide on Monday to have an open and publicly accountable investigation - to be conducted quickly and fairly to resolve the issue once and for all. Unless we take control of this situation by having the investigation, I fear this will become an ongoing problem which could even serve to undermine the rapid progress which the Borough Council should be making on the preparation of the new Local Plan at this time.

Bearing in mind comments in the press (see Friday's KM pages 13 AND 30) it is imperative that

we continue with the investigation proposed in our notice of motion. This is too complicated and too important an issue to be "brushed under the carpet" in any ad-hoc summary session on Monday night.

A leading expert in planning legislation (Mr. Lockhart-Mummery is preeminent in his field) has advised us that there is a serious misunderstanding of policy.

I request that you support the motion on Monday evening and resist the temptation to decide the substantive issue then, without a proper investigation. Let us not fear an investigation; this is a complex area of planning, which needs to be understood once and for all.

Kind Regards

Cllr Steve Munford

Boughton Monchelsea and Chart Sutton Ward