



# **Maidstone Local Plan Examination**

## **Session 5A: Housing Supply**

### ***Supplementary Response***

*Prepared on behalf of*



**COUNTRYSIDE**  
Places People Love

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DHA/11752**

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# 1 Introduction

- 1.1.1 This additional evidence is submitted on behalf of Countryside Properties in respect of Matter 5A of the Maidstone Local Plan Examination (Housing Land Supply).
- 1.1.2 The Matter 5A Hearing Session was opened on 12 October 2016 and considered the overall supply position in the Borough. However, at that hearing the Inspector advised that participants would also be given an opportunity to comment on new evidence requested from the Council in relation to windfall supply calculations and the trajectory for housing delivery.
- 1.1.3 We note that Maidstone Borough Council has now submitted:
- (1) *A schedule of those windfall sites that were taken into account when assessing the past rate of windfall housing development.*
  - (2) *A new housing trajectory, which allows for the annual identification of the sources of housing supply.*
  - (3) *Written evidence to support the inclusion of sites in the housing trajectory and their phasing.*
- 1.1.4 We also understand that there is new evidence in respect of:
- (1) *1) MBC has proposed changes to the delivery of housing at Lenham (Policy H2(3); and*
  - (2) *2) The Ministry of Defence has announced the intended closure of the Invicta Barracks site [H2(2)] in 2027. This is one year later than anticipated in the Local Plan with potential implications for the amount of housing that could be delivered there.*
- 1.1.5 Please take this as confirmation that we wish to be present and participate in the additional session programmed for Wednesday 23 November 2016.
- 1.1.6 We also take this opportunity to summarise our comments regarding the additional evidence, albeit given the time constraints for reviewing this information the responses will be expanded upon in detail orally at the additional session.

## 2 Response to The Inspector's Questions

### 2.1 The windfall allowance

- 2.1.1 Within the context of his original questions, the Inspector asked whether the revised windfall allowance was justified.
- 2.1.2 As per our original position, we maintain that some windfall sites are likely to continue during the plan period, particularly on small sites and in rural locations. However, we can see no genuine evidence to rely upon them as a key component of the housing supply nor will they deliver 1,600 new homes.
- 2.1.3 We believe that the evidence now provided by MBC reiterates our position and shows a supply of previous windfall sites that came forward at a rate influenced by the absence of an up to date plan.
- 2.1.4 The introduction of a new plan that will protect key employment sites and allocates sufficient sustainable brownfield and Greenfield sites will inevitably exhaust the supply of brownfield land that comes forward and will slow the delivery of unplanned speculative (windfall) housing delivery. For these two reasons windfall delivery will not continue at the same rate if the plan is working as intended.
- 2.1.5 During the Examination session, concern was expressed regarding the risk of double counting if a windfall allowance was included in addition to the 990-unit Broad Location (town centre) allowance. This was because the broad location calculation is based upon town centre windfalls and sites permitted via prior notification approvals.
- 2.1.6 It was Maidstone's clear written and oral evidence that all town centre sites were excluded from the published windfall calculation to ensure against double counting – see the final paragraph of para 5.6.2 of the Council's Matter 5A statement. However, clearly this is not the case as the published list heavily relies on sites with planning permissions granted in the town centre. For this reason, there is clear double counting.
- 2.1.7 In light of the above, we revert to the NPPF, which is very clear that Local Planning Authorities may make an allowance for windfall sites only if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.
- 2.1.8 As such evidence is not robust and a cautious approach is needed, we consider there to be three options available to the Inspector:
- (1) *To progress with a windfall allowance and delete the 990 Broad Location figure from the Council's supply;*
  - (2) *To ask the Council to define the Town Centre Broad Location area and provide amended windfall figures (that exclude past town centre delivery) so that all parties may scrutinise this further; or*
  - (3) *To continue with the Broad Location and a vastly reduced windfall rate.*

2.1.9 In respect of option 3, the windfall delivery of sites in rural areas averages 22 dwellings per annum, which may be an appropriate rate to consider using. 22 dwellings per annum for the period 2019 to 2031 would see 264 windfall units included within the overall supply. .

2.1.10 Alternatively, within our Matter 5A statement, we offered a more generous and pragmatic option whereby 50 units per annum be included within the supply for the last ten years of the plan period to allow sufficient time for the Council to gather up to date robust evidence without relying on windfall delivery to fuel the five year housing supply position. We maintain that this is a credible strategy for the Council and Inspector to pursue.

## **2.2 Phasing**

2.2.1 Within our submitted Matter 5A statement and subsequent supply critique, we outline our concern regarding the phasing of certain sites. For this reason, it is not repeated here.

2.2.2 Any further comments will be provided orally once we have had sufficient time for proper scrutiny and comparison of the information.

## **2.3 Evidence of Delivery**

2.3.1 The summary of landowner contact also reiterates our concerns regarding the credibility of the housing assumptions.

2.3.2 There are a number of contradictions within the evidence. For example, there are many entries where the owners have stated 'no plans to develop the site at present', yet housing has been programmed for delivery immediately or long after the planning permissions would have expired. Likewise, within our Matter 5A statement we highlighted that the Child Adolescent Services, Garland House residential consent had been superseded by a consent for a Free School (which has now been implemented). Even though this advice was clear passed back to the Council (as stated within its commentary), 14 units are still included within the supply.

2.3.3 As further examples:

(1) *The commentary for 65 College Road, Maidstone (pg 28) states that the development of flats will not proceed due to commercial interest, yet the units are still included within the supply for the plan period.*

(2) *For 11 Queen Anne Road, Maidstone (Pg 28) the Council notes an inability to contact the site owner and wider viability concerns, yet again factor completions for 2017.*

2.3.4 With further time to scrutinise and prepare a response, more specific discrepancies could be provided to assist the Examination. However, we feel that the evidence in its own right is sufficient to show that the research carried out is not sufficient evidence on which to base a robust housing trajectory.

## **2.4 Lenham**

- 2.4.1 Our detailed case on Lenham will be submitted via separate cover pursuant to Matter 7, but in summary, the graveness of the current housing supply position necessitates the need to identify housing within Lenham within the immediate five-year period.

## **2.5 Invicta Park Barracks**

- 2.5.1 Given the announcement that the Invicta Barracks site will be closed in 2027, there remains a distinct lack of certainty regarding the long-term delivery of any housing within the plan period.
- 2.5.2 Certainly, it will take some time to decommission, remediate and clear the site and to provide the necessary Infrastructure. Even if an optimistic view were taken that deliveries would start by 2028, this is only likely to yield 300 units during the plan period (based on 100 units per annum being delivered).
- 2.5.3 Given the nature of this announcement, we see no other option than for the Council to either delete the site in its entirety (or reallocate as an area of opportunity) or to reduce the delivery rates by circa 1,000 units. We favour complete deletion as a source of housing supply given the matter can be revisited as part of the proposed 2022 review.

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## 3 Conclusions and Suggested Modifications

### 3.1 Summary

- 3.1.1 The NPPF is clear that Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. Furthermore, the plan must put in place the mechanism to deliver a rolling five year supply of housing land.
- 3.1.2 Whilst the Council has provided further raw data, this just reiterates that the current position is not robust.
- 3.1.3 Having regard to the vastly reduced potential of Invicta Barracks during this plan period, the high windfall allowance (that patently includes double counting) and the unreliable and basic evidence on which the housing trajectory is based, we can only conclude that the level of doubt and uncertainty is still too high to ensure that the plan can deliver the housing that is needed or to respond if sites were not to come forward as planned.
- 3.1.4 To be justified the plan should be the most appropriate strategy, when considered against the reasonable alternatives and based on a proportionate evidence base. On the basis that there are other genuinely sustainable sites that are deliverable now, a sound strategy would be to allocate these for development rather than rely on sites where the future is unclear.
- 3.1.5 The Council's planning strategy is currently not underpinned by robust evidence and therefore is unsound. Accordingly, main modifications are necessary owing to the housing land supply deficiency and due to the inadequate identification of housing to meet the plan target as a whole. These modifications should take the form of new allocations.