

**MAIDSTONE BOROUGH LOCAL PLAN EXAMINATION  
WRITTEN SUBMISSION BY CPRE KENT &  
MAIDSTONE DISTRICT COMMITTEE OF CPRE KENT**

**SESSION 5A - HOUSING SUPPLY**

**Qn5.3 Is the proposed 990 dwelling yield for H2(1) (Town Centre) adequately justified?**

Yes.

The provision of residential units within and on the immediate edge of the town centre can help support the town centre economy in both the evening and at weekends. Policy DM 9 '*Residential premises above shops and businesses*' supports 'living above the shop' projects in all suitable locations in the town centre. Such conversion would increase dwelling numbers in the town centre.

The strategy should encourage residential development in and adjacent to the town centre, including change of use to residential from other non-residential uses in fringe areas of the town centre, such as retail.

**Qn5.4 What should happen were the MoD not to make Invicta Park Barracks surplus to requirements?**

The Barracks are identified for up to 1,300 dwellings post 2026. The Defence Infrastructure Organisation's letter at Appendix E of the Housing Topic Paper 2016 [SUB 005] suggests that a decision should be made in the near future and well before 2026 when the plan considers the site to be available for redevelopment.

This is not the only uncertainty. The decision to leave the European Union and the Government's desire to reduce net International migration to under 100,000 by 2020 could, if successful, result in a lower population estimate than that provided in the 2012-based Subnational Population Projection. This in turn could result in a reduced housing need.

Should the Ministry of Defence decide not to make the site surplus to requirements this should be a trigger to review housing need. Up to then there is no need to identify additional sites on the off-chance that the site may not be made available.

**Qn5.4 Is it realistic to expect the H2(3) Lenham Broad allocation for 1,500 dwellings to be delivered within a 5 year period?**

The policy identifies Lenham as a broad location for up to 1,500 dwellings towards the end of the local plan period (post 2026) and only if the council's housing land supply position requires this broad location.

The decision to leave the European Union and the Government's desire to reduce net International migration to under 100,000 by 2020, if successful, could result in a lower population estimate than that provided in the 2012-based Subnational Population Projection. This in turn could result in a reduced housing need.

The policy approach requires an average annual build-rate of 300 dwellings at Lenham. A number of the sites within the broad location are large sites, for example off Old Ham Lane (400) and Tanyard Farm (350-400). These may take longer to come forward and could result in the 1,500 not being delivered in the plan period. Delivery will also depend on the timely provision of community infrastructure along with additional wastewater treatment capacity and sewerage infrastructure along with agreement of who will pay and the timing of any payment.

The provision of 1500 homes will double the size of the village in a very short period of time putting great pressure on social cohesion between existing and new residents.

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It is noted that Lenham PC Regulation 19 Representation at Section 5 Sustainability: Use of Previously Developed Land suggests that previously developed land at Marley could deliver some 467 dwellings (paragraph 5.6), and at paragraph 5.3 states: ‘... *The south-west third of the site is on short leases to others, which expire shortly (understood to be in 3 years). The south-eastern third of the site is unused, being partly put to occasional storage and surface car parking, to the extent that Aliaxis already had considered pursuing a change of use for this area to residential.*’

It is therefore possible that this site could be available before 2026 and could reduce the need for the release of green field sites at Lenham.

**Qn5.6 Is the Council’s revised windfall allowance justified?**

We consider that the submitted Housing Topic Paper [SUB 005] in paragraphs 3.18-3.22 and Appendix A, Tables 8.4 -8.6 set out sufficiently robust evidence. The assumptions used by the Council are cautious and therefore could result in greater windfall than assumed.

**Qn5.9 Is there a need for reserve allocations in case anticipated supply is not forthcoming and if so: a) How much reserve supply would be needed? b) Should such sites be allocated now or in a review of the Local Plan?**

The decision to leave the European Union, the form that this will take, the ability to reduce International migration to under 100,000, - a strong desire expressed by Government, [less that the +165,000 assumed in the 2012-based National Population Projections (NPP) and +185,000 in the 2014-based NPP] may well result in a lower dwelling demand. It would be appropriate to consider an early review of housing numbers rather than increase numbers at this stage.

**Qn5.10 Is the Council’s 5 years supply calculation accepted or disputed and, if so, why?**

The recent letter from the Secretary of State under the Town and Country Planning Act 1990 - Section 78 Appeals by LS Eaton Park Investments Ltd on land west of Great Dunmow, Essex - Application reference: UTT/13/1043/OP dated 25 August 2016 has helpful guidance on this issue<sup>1</sup> [See Appendix A].

The Planning Inspector’s (David Nicholson RIBA IHBC) Report to the Secretary of State for Communities and Local Government dated 18 May 2015 with regard to the Buffer wrote: ‘15.15 *The purpose of the buffer in the NPPF is to boost housing supply and to ensure choice and competition in the market place. The PPG explains that this is a matter of judgement but one which is likely to be more robust if a longer term view is taken. Nonetheless, to go back before 2006 would seem excessive and unrepresentative. Given that the recession has affected much of this period, some shortfall is to be expected and is less likely in future.*

The Secretary of State’s letter at paragraph 24 regarding the buffer states: ‘Having carefully considered the Inspector’s analysis of the appropriate buffer at IR 15.15-15.18, and the representations received following the closure of the inquiry, the Secretary of State agrees with the LP Inspector’s conclusions in his statement dated 19 December 2014 that housing delivery performance over the past 13 years has not fallen

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<sup>1</sup> [http://publicaccess.uttlesford.gov.uk/online-applications/files/76E26712F8F90B0BD366D2A79CDD71C3/pdf/UTT\\_13\\_1043\\_OP-APPEAL\\_-\\_DECISION\\_NOTICE-2440000.pdf](http://publicaccess.uttlesford.gov.uk/online-applications/files/76E26712F8F90B0BD366D2A79CDD71C3/pdf/UTT_13_1043_OP-APPEAL_-_DECISION_NOTICE-2440000.pdf)

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significantly below appropriate targets for the years and, therefore, the buffer does not need to be increased beyond the 'standard' 5%.'

The following table shows that over the period housing completions were 416 (6%) below the requirement. Given the limited shortfall and the fact that that the recession covered much of this period CPRE Kent considers that a 5% buffer is reasonable.

	2006/ 07	2007/ 08	2008/ 09	2009/ 10	2010/ 11	2011/ 12	2012/ 13	2013/ 14	2014/ 15	2015/ 16	Tot al
South East Plan requirement	554	554	554	554	554	554	554	928	928	928	666 2
Dwelling Completions	714	992	441	581	649	873	630	423	422	521	624 6
Difference	160	438	-113	27	95	319	76	-505	-506	-407	-41 6

Sources: South East Plan Policy H1, and Kent County Council Strategic Business Development & Intelligence Report Dwelling completions in Kent Local Authorities 2015/2016

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**Appendix A Copy Extracts from Secretary of States Direction and Report to the Secretary of State for Communities and Local Government by David Nicholson RIBA IHBC**

*Extract from Secretary of States Direction*

Buffer 24. Having carefully considered the Inspector's analysis of the appropriate buffer at IR 15.15-15.18, and the representations received following the closure of the inquiry, the Secretary of State agrees with the LP Inspector's conclusions in his statement dated 19 December 2014 that housing delivery performance over the past 13 years has not fallen significantly below appropriate targets for the years and, therefore, the buffer does not need to be increased beyond the 'standard' 5%. He has noted the representation stating that a 20% buffer is appropriate. While noting the representations that the adopted LP targets are the correct target figures to adopt, he considers that the appropriate benchmark is the annual figure contained in the Regional Spatial Strategy (RSS) (2008), as before that there were global figures. He considers that while there has been some underdelivery in recent years, delivery has not fallen significantly below appropriate targets for the years in question. He notes that cumulatively targets have been missed only in the last two years. He notes that 554 dwellings have been delivered, and considers that a shortfall of 36 dwellings does not demonstrate underdelivery to the extent that a 20% buffer is necessary, in particular considering the peaks and troughs of the housing market cycle. As he does not find consistent underdelivery, the Secretary of State concludes that a 5% buffer is appropriate.

**Report APP/C1570/A/14/2213025 and APP/C1570/A/14/2219018**

*Extract from Report to the Secretary of State for Communities and Local Government by David Nicholson RIBA IHBC:*

BUFFER 15.15 The purpose of the buffer in the NPPF is to boost housing supply and to ensure choice and competition in the market place. The PPG explains that this is a matter of judgement but one which is likely to be more robust if a longer term view is taken. Nonetheless, to go back before 2006 would seem excessive and unrepresentative. Using the targets at the time, 430 dpa for 2006-2011 and 523 dpa from 2011-2014, housing delivery exceeded the Council's targets in the years starting 2007, 2008, 2009 and 2012 but fell short in 2006, 2010, 2011 and 2013. In other words, it met the target half the time, oscillating above and below. This is not a flawless record but nor is it consistently below par, or one which fell short for several years in a row. Given that the recession has affected much of this period, some shortfall is to be expected and is less likely in future. The Council also identified delays at specific large sites and explained that it now prefers a larger number of smaller sites, reducing the risk in future. [3.19 6.20 7.26 8.12 9.3 10.10] 15.16 The appellants argued that recognising a greater housing need means that the delivery for each previous year should be measured against this higher figure, resulting in only 4 years when the housing numbers were delivered out of the last 13 years. There is little logic in such a retrospective approach. While not binding precedents, three other Inspectors reached similar conclusions in Decisions for nearby sites. [7.28 8.10] 15.17 The Droitwich appeal Decision applied the buffer to the entire 5-year requirement, including the historic shortfall, rather than adding the buffer to the housing need figure and then

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add the shortfall. While there is no policy or guidance on this matter, the logic has to be that the buffer should be added after adding together the 5 year requirement and the backlog, otherwise the buffer would be diminished by the backlog. [8.12] 15.18 For these reasons a balanced conclusion is that the Council does not have a persistent record of under delivery and that a 5% buffer is appropriate. This was also the judgement of the LP Inspector.