

planning  
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**Maidstone Borough Council Draft for Submission Local Plan  
consultation (Regulation 19)**

Bellway Homes  
DHA/16395



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# 1 Introduction

## 1.1 Purpose of this Document

- 1.1.1 This representation has been prepared by DHA Planning on behalf of Bellway Homes in relation to the Maidstone Borough Council's Draft for Submission Local Plan (Regulation 19) Public Consultation which runs until 12<sup>th</sup> December 2021.
- 1.1.2 The Borough Council has published the Regulation 19 draft for submission version of its Local Plan review. The Regulation 19 draft for submission document will be submitted to the Planning Inspectorate for Examination and is the version that the Council seek to adopt, subject to the examination and will replace the current Adopted Local Plan 2017.
- 1.1.3 This is the third round of consultation, the first consultation took place in July 2019 and was entitled 'Scoping, Themes and Issues' and the second consultation took place in January 2021 and was entitled Regulation 18b Preferred Options Draft Local Plan consultation.
- 1.1.4 This representation follows Bellway Homes previous responses and that to the Regulation 18b consultation. The purpose of the representation is to respond to the consultation documents and to address the spatial strategy, housing numbers and consider whether the emerging plan is sound, taking into account the evidence-based documents that have underpinned its preparation.

## 2 Maidstone Borough Council – Draft for Submission Local Plan (Regulation 19)

### 2.1 Consultation Background and Policy Framework

2.1.1 Maidstone Borough Council is required by virtue of Policy LPR1 of the Maidstone Local Plan (2017) to undertake an early review of their Local Plan which was adopted in October 2017. This policy requires for the review to be in place by 2021 (although the Council have since confirmed this to be likely in 2023 – at the point of adoption). The Council undertook a Regulation 18(b) consultation in November/December 2021 and have subsequently published their Regulation 19 Draft Local Plan for consultation. The policy required for the Council to consider the following issues as part of this early review:

- i. A review of housing needs;
- ii. The allocation of land at the Invicta Park Barracks broad location and at the Lenham broad location if the latter has not been achieved through a Lenham Neighbourhood Plan in the interim;
- iii. Identification of additional housing land to maintain supply towards the end of the plan period and, if required as a result, consideration of whether the spa
- iv. A review of employment land provision and how to accommodate any additional employment land needed as a result;
- v. Whether the case for a Leeds-Langley Relief Road is made, how it could be funded and whether additional development would be associated with the road;
- vi. Alternatives to such a relief road;
- vii. The need for further sustainable transport measures aimed at encouraging modal shift to reduce congestion and air pollution;
- viii. Reconsideration of the approach to the Syngenta and Baltic Wharf sites if these have not been resolved in the interim; and
- ix. Extension of the local plan period. The target adoption date for the review of the local plan is April 2021.

2.1.2 The Early Review of the Local Plan will be examined by an Inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is 'sound'. It is a statutory requirement that every development plan document must be submitted for independent examination to assess when it is "sound", as well as whether other statutory requirements have been satisfied (s.20(5) of the 2004 Act). By s.19 of the 2004 Act, in preparing a development plan document a local planning authority must have regard to several matters including national policies and advice contained in guidance issued by the Secretary of State. Such guidance currently exists in the form of the National Planning Policy Framework (NPPF) and is summarised below. This states that Plans must be:

- **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is

accommodated where it is practical to do so and is consistent with achieving sustainable development;

- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.

2.1.3 This submission will comment on each of the above, highlighting where we believe the areas of concern to be and where we believe that modifications are required.

2.1.4 In terms of legal compliance, the main requirements for the early stages of Local Plan consultation are in relation to:

- planning for community engagement;
- the sustainability appraisal (including consultation with the statutory environment consultation bodies);
- identifying significant cross boundary and inter-authority issues; and
- ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.

2.1.5 In addition, to the above, the NPPF states<sup>1</sup> that Plans should:

- a) be prepared with the objective of contributing to the achievement of sustainable development;
- b) be prepared positively, in a way that is aspirational but deliverable;
- c) be shaped by early, proportionate and effective engagement between planmakers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
- d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
- e) be accessible through the use of digital tools to assist public involvement and policy presentation; and
- f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

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<sup>1</sup> Paragraph 16, National Planning Policy Framework 2021

- 2.1.6 It is important to note that the NPPF<sup>2</sup> requires strategic policies to set out an overall strategy for the pattern, scale, and quality of development, and make sufficient provision for:
- a) housing (including affordable housing), employment, retail, leisure and other commercial development;
  - b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
  - c) community facilities (such as health, education and cultural infrastructure); and
  - d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.
- 2.1.7 It is clear from the above, that any local plan should set out a comprehensive and cohesive approach to future development.

## **2.2 Maidstone Borough Council's Local Development Scheme**

- 2.2.1 The Borough Council has a duty to review its local plan every five years and following the adoption of the Plan in 2017, the Council drafted a Local Development Scheme (LDS) which outlined the delivery timetable of the Local Plan Review (LPR). Initially, the LDS was adopted by the Council in July 2012, which covered the period from January 2018 to December 2022.
- 2.2.2 Since then, there have been two further iterations of the LDS. The LDS 2018 - 2022 timetable states that a Regulation 18 – scoping/options consultation would take place between July and August 2019. The consultation milestone was met and extended, running from 19th July to 30th September 2019. The timetable then outlined that consultation on the preferred approaches would take place in February to March 2020. This preferred options consultation did not take place in accordance with the LDS.
- 2.2.3 The Council completed a Call for Sites exercise between 28th February and 24th May 2019. Due to the number of responses to the Call for Sites and the need for a thorough appraisal of each submission, but also the number of responses to the first stage of consultation and the time required to process and analyse those representations, the LDS was updated setting out that the issues and options (regulation 18b) consultation would be pushed back. The LDS 2020-2022 (July 2020 edition) was adopted by the Council in July 2020.
- 2.2.4 Since the LDS 2020-2022 (July 2020 edition) came into effect, the MHCLG (now the Department for Levelling Up, Housing and Communities) has published two key consultations on changes to the planning system in England. The consultation proposes transitional arrangements which, if met, could allow for the retention of a lower housing target. Since the publication of this guidance, there has been further changes to the standard methodology, that would see less housing directed

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<sup>2</sup> Paragraph 20, National Planning Policy Framework 2021

towards areas such as Maidstone, with more directed to the larger conurbations within the UK.

2.2.5 On this basis, the Council has the following targets within their LDS:

| Regulation | Stage of LPR                                       | Target          |
|------------|--|-----------------|
| <b>18b</b> | Preferred Approaches Consultation (Regulation 18b) | Dec-20          |
| <b>19</b>  | Consultation                                       | Jun-21          |
| <b>22</b>  | Submission   | Dec-21          |
| <b>24</b>  | Examination  | May - June 2022 |
|            | Main Modification Consultation                     | Aug-22          |
| <b>26</b>  | Adoption   | Oct-22          |

2.2.6 The Council are now undertaking the Regulation 19 Draft Local Plan Consultation, for which this submission is made.

#### ***Summary of Current Position***

2.2.7 The Council are currently seeking views on their Regulation 19 Draft Local Plan and are seeking view on its legal compliance and whether it meets the test of soundness.

2.2.8 The approach that the Council has taken has led to a plan that has been rushed, reflected in the quality of the analysis, strategy, and the more detailed policies within it. We do not consider that the plan addresses the concerns of the previous Inspector, who required a specific analysis of a number of criteria that are absent from this draft plan and evidence base. Furthermore, there has been a lack of public debate, or scrutiny of the Plan and debates with regards to the Plan have been held with Members only.

## 3 Duty to Co-Operate

### 3.1 Legal and NPPF Requirements

- 3.1.1 Section 33A of the Planning and Compulsory Purchase Act 2004 sets out a statutory 'Duty to Cooperate' (DtC) to all bodies as prescribed by Regulation 4 of the Town and Country Planning (Local Planning) England Regulations 2012 (the Regulations).
- 3.1.2 The duty requires Maidstone Borough Council to cooperate with other persons to 'maximise the effectiveness' with which named activities are undertaken. Those activities include the preparation of development plan documents (such as this local plan review) and activities that support that activity 'so far as relating to a strategic matter'.
- 3.1.3 A strategic matter is defined by S33A(4) in summary as:
- a) 'sustainable development or use of land that has or would have a significant impact on at least two planning areas' (a planning area in this case is the area of a borough or district council); and
  - b) 'sustainable development or use of land in a two tier area' (as this is) 'if the development or use (i) is a county matter, or (ii) has or would have a significant impact on a county matter'. County matters broadly relate to minerals and waste and associated developments as defined by Paragraph 1 of schedule 1 to the Town and Country Planning Act 1990 (as amended).
- 3.1.4 Section 33A (7) requires Maidstone Borough Council (MBC) (and persons subject to the DtC) to have regard to any guidance issued by the Secretary of State about how the duty is to be complied with. In that regard Paragraph ID 9-004-29140306 of the Government's Planning Practice Guidance (PPG) confirms amongst other things that the DtC is not a duty to agree (albeit that local planning authorities should make every effort to secure the necessary cooperation on strategic cross border matters before they submit local plans for examination).
- 3.1.5 The National Planning Policy Framework (NPPF) establishes that effective and on-going joint working is an integral part of the plan making process that will, amongst other things, determine whether development needs that cannot be met wholly within a plan can be met elsewhere. The NPPF goes on to state at paragraph 27 that in order to demonstrate effective and on-going joint working strategic policy making authorities should: *"... prepare and maintain one or more statements of common ground documenting the cross-boundary matters being addressed"*.

### 3.2 Assessment of Maidstone Borough Council's discharging the Duty to Co-operate

- 3.2.1 At the previous Examination, the Inspector considered the strategic matters to be:
- Cross border housing needs and supply
  - Cross border provision for economic development and employment
  - Cross border provision of strategic infrastructure, especially transport

- Cross border strategic gaps in development
  - Minerals planning issues
- 3.2.2 It is our view that the matters relating to the DtC are similar with this plan, and as such should be considered once more.
- 3.2.3 Maidstone forms part of the Thames Gateway Kent Partnership (TGKP), this includes the North Kent area local planning authorities of Maidstone, Medway, Gravesham, Dartford and Swale. Notwithstanding this, Maidstone also bounds onto Tonbridge & Malling BC and Tumbridge Wells BC.
- 3.2.4 The Council have set out their current position with regard to the DtC as part of their evidence base. However, at present these are principally unilateral statements and as such do not establish what is and is not common ground between the parties. They have not been prepared jointly with a neighbouring authority, with particular concern with discussions with both Medway and Ashford. It is important that the Council publishes SoCGs with all relevant areas to ensure that its activities with regard to the duty to co-operate can be effectively scrutinised. As such, it remains unclear how the Council have sought to adequately address the Duty to Cooperate.
- 3.2.5 In particular we would expect a clear commentary in the SoCGs with TGKP and neighbouring authorities on how the Council has considered its role in meeting the unmet needs with Kent and London.
- 3.2.6 We raise the following additional issues relating to the DtC:

***Medway Borough Council***

- 3.2.7 The Council have set out within their draft Statement of Common Ground (which Medway have not agreed to at this stage) that both Maidstone and Medway Councils' have committed to consider cross boundary matters arising from their respective plans. However, there is no indication as to the meetings that have taken place, or the mechanisms that would be utilised to address these cross-boundary issues.
- 3.2.8 Maidstone Borough Council and Medway Council, however, agree that the proximity of the proposed Garden Community at Lidsing to the Medway boundary would result in the proposed development impacting on Medway.
- 3.2.9 It is acknowledged by both Maidstone and Medway that assessing the transport impacts of any proposals will be key to their sustainability, deliverability, and viability, so there will be a need to work jointly with MBC, Medway, KCC and National Highways should proposals come forward. This includes the requirement to provide and share a technical evidence base of strategic transport assessments of the impacts of proposed local plan growth. MBC has requested that discussions with MC will also include Medway's emerging infrastructure contribution requirements should the LPR progress with the garden community strategy, and that this could include engagement at member level. However, at this stage, the modelling work is incomplete and does not include all of the 2,000 dwellings proposed. Again, it remains unclear as to how this matter will be addressed.

- 3.2.10 In summary, there is a lack of clarity as to how Maidstone BC have co-operated with Medway in a strategic manner to ensure that the proposed allocation at Lidsing addresses cross border housing supply, infrastructure, or the loss of open space important to the residents of Medway.

***Kent County Council***

- 3.2.11 Kent County Council raised a number of issues at the Regulation 18b stage, although did not object to the Plan. These consisted of comments relating to the highways infrastructure, and the ability to mitigate the impact of the proposals and the Council raise questions with regards to the provision of a new motorway junction for the Heathlands development.
- 3.2.12 The County Council also raise concerns with regard to the deliverability of the new railway station within the site. This is a matter that has not been addressed within the latest iteration of the Plan.
- 3.2.13 KCC also raise concerns with the impact along the A20 corridor, which we believe has not been properly assessed. The Council's modelling has not looked at the site in its entirety, but rather just for the Plan period, which fails to acknowledge the full impact of the proposal.
- 3.2.14 The County Council also state that the level of development would necessitate a new secondary school within the site. The Policy, as drafted does not secure such a provision. Again, this matter needs to be fully addressed.

***National Highways***

- 3.2.15 National Highways, as part of their submission to the Regulation 18b consultation raised concerns with regards to the proposed strategy, and its impact upon the strategic highway network.
- 3.2.16 Again, the Council have failed to respond to these comments, with little information available in terms of the overall impact or indeed the mitigation required thereafter.

## 4 Housing Need

### 4.1 Housing Supply

4.1.1 The Maidstone Local Plan was adopted in October 2017 with allocations for housing and employment provision up until 2031. This sought to meet the full objectively assessment need for housing within the borough, with the Inspector satisfied that suitable provision was being made.

4.1.2 However, at adoption, the Local Plan Inspector identified that there would need to be an early review of the Plan, in accordance with paragraph ID12-008-20140306 of the national PPG. This states that: *'Most Local Plans are likely to require updating in whole or in part at least every five years. Reviews should be proportionate to the issues in hand. Local Plans may be found sound conditional upon a review in whole or in part within 5 years of the date of adoption.'*

4.1.3 The Inspector identified that additional allocations will be required for the latter part of the plan period to supplement supply from the Broad Locations, in order to provide necessary choice and to offset a reduced rate of delivery from these sites, whilst maintaining an adequate supply of housing.

4.1.4 Any proposed new development must therefore ensure that delivery is not just for the early stages of the new Plan (i.e. shortly after adoption) but rather delivering consistently throughout the Plan period.

4.1.5 The Local Plan identifies a need for 17,355 new dwellings over the Plan period which is based upon a figure of 1,157 new dwellings per annum. The Plan also identifies that there is the existing housing provision, within the current (adopted) Local Plan for the following:

|                                      |        |
|--------------------------------------|--------|
| • Extant Supply                      | 7,870  |
| • Windfall development (2022 – 2037) | 2,738  |
| • Invicta Barracks (2022 – 2037)     | 800    |
| • Total                              | 12,291 |

4.1.6 At Invicta Barracks, the Council anticipate that 500 units will come forward up until 2031, with the remainder (800 units) in the later plan period (which explains the reduced number above). Furthermore, the Council have updated the 'capacity' of the town centre sites that were within the 'Town Centre Broad Location' within the 2017 local plan by 883 units.

4.1.7 Commentary on a number of the sites (including the Barracks) is provided later within this section of the report. As assessment is also provided on some of the assumptions that the Council have made in terms of their own calculations.

4.1.8 The Council have identified that with the existing supply, there would be a need to allocate a total of 5,064 new dwellings. This is based upon the following calculation:

| Supply                             |        | Need         |
|------------------------------------|--------|--------------|
| Extant Supply                      | 7,870  |              |
| Windfall Allowance                 | 2,738  |              |
| Invicta Barracks                   | 800    |              |
| Town Centre Opportunity Sites      | 883    |              |
| Total                              | 12,291 |              |
| Housing Need                       |        | 17,355       |
| <b>Additional Housing Required</b> |        | <b>5,064</b> |

- 4.1.9 The Council's extant supply has been based upon a figure for April 2022.
- 4.1.10 The following section addresses our concerns with regard to the housing supply as set out within the Plan.

#### ***Windfall Rates***

- 4.1.11 The Council are seeking to propose a windfall allowance of 2,738 units over the plan period (2022 – 2037) which equates to 182 per annum, however, the Council have also included a modelled quantum of 603 units (windfall) for the year 2021/2022.
- 4.1.12 Whilst assessing past delivery rates on windfall sites, we accept that 182 dwellings per annum is achievable (whilst at the higher end) we see little justification for this inclusion of this number for the next year. This would significantly surpass any windfall figure achieved by the Council in the recent past.

#### ***Town Centre Sites***

- 4.1.13 The Council's draft SHLAA (2020) increased the projected level of housing provision within the town centre sites by 883 units from that previously indicated within the adopted Local Plan (2017). This was based on the 'published planning guidance' that has identified specific Town Centre Opportunity Sites.
- 4.1.14 Since the publication of this guidance, the Council has reconsidered the ability of town centre sites to deliver significant housing growth, with Policy LPRSP1 of the draft Plan identifying the level of growth proposed within the Town Centre. This Policy seeks to demonstrate where the Council are now seeking to deliver over 3,000 units within the urban area.
- 4.1.15 We raise the following concerns with this strategy:
- Detailed below is a critique of the individual sites that make up the Opportunity Sites. The Town Centre Opportunity Sites will not yield the level of development proposed.

Table 5 - Windfall Delivery 2008 - 2020

- There is the significant potential for an element of double counting of the Town Centre Opportunity sites and the windfall allowance.

- There would be a significant shortfall of affordable housing within the Town Centre – the most sustainable location for growth.

4.1.16 We set out our concerns to the soundness of the individual components of the Town Centre Opportunity Sites below, and set out why the Plan should therefore be modified to address these areas of concern.

4.1.17 The table (below) sets out the sites allocated within the adopted Local Plan, as well as those proposed within the emerging Local Plan (two of which have secured planning permission in advance of its adoption). This table differs slightly from that within the Local Plan (at page 44 – as we believe there to be an error in the Council’s calculations (with 54 units unaccounted for within their table).

| Category         | Reference | Site Address  | New Homes   |
|------------------|-----------|---|-------------|
| LP17 Allocation  | H1(18)    | Dunning Hall, Week Street   | 14          |
| LP17 Allocation  | RMX1(3)   | King Street Car Park  | 0           |
| Opportunity Site | LPRSA151  | Mote Road (Permission 20/505707)  | 172         |
| Opportunity Site | LPRSA147  | Gala Bingo & Granada House  | 40          |
| Opportunity Site | LPRSA145  | Len House (Permission 20/501029)  | 159         |
| Opportunity Site | LPRSA148  | Maidstone Riverside   | 650         |
| Opportunity Site | LPRSA149  | Maidstone West  | 201         |
| LPR Allocation   | LPRSA146  | Maidstone East/Royal Mail Sorting Office  | 500         |
| LPR Allocation   | LPRSA144  | High Steet/Medway Street  | 50          |
| Broad Location   |           | The Mall  | 400         |
| Broad Location   |           | Office Conversion   | 119         |
| Broad Location   |           | Sites TBC reflecting Town Centre Strategy, but could include: Sessions House; Broadway; Sites on Week St, Mill Street Car Park and others | 700         |
| <b>Total</b>     |           |   | <b>3005</b> |

***Maidstone Riverside (St Peters Street East/St Peters Street West)***

4.1.18 This site, including the St Peters Wharf and Wickes building has also been promoted for housing within the Plan. The existing retail units within the site are all fully occupied, with Asda Living, The Range, Hobby Craft, Wickes, and TK Maxx being long-term tenants. In addition to the uncertainty of viability, there is also

the question as to whether Maidstone Borough Council has considered the loss of retail floorspace and the employment that it brings.

- 4.1.19 It should also be noted that a recently granted planning permission (Ref 21/500866/FULL) has enabled a supermarket operator to operate from part of the Wickes Store in St Peters Street. This makes it less likely (we believe) that this site will come forward as planned for residential use over the Plan period.
- 4.1.20 This site falls within the Maidstone Town Centre Boundary (Local Plan 2017) and it is stated that these retail units play an important role in the variety of offers available to shoppers in the town. The 'Town Centre Vision' seeks to retain the town's role as a primary destination for retail use.
- 4.1.21 The Council's EDS (2020) states that the retail warehouse sector in Maidstone 'is reasonably well represented'. It then refers to specific sites - London Road Retail Park comprises Dreams, Dunelm, Home Bargains, Argos, Jolleys, and Iceland Food Warehouse. St Peters Wharf Retail Park comprises: Asda Living, Hobbycraft, TK Maxx/Home Sense and The Range. Nearby, there is a Wickes Extra. In addition, there is a B&Q on Barker Road. The report then goes on to state that '*comparison goods retail provision is strong within the Borough, but provision is primarily concentrated in the Maidstone urban area. The Borough has a reasonably high level of expenditure retention for all product categories, reflecting Maidstone's role as the main shopping destination. Maidstone town centre has a good mix of discount, mid-market and higher order comparison goods shopping and the out of centre retail stores also provide a range of comparison goods shopping.*'
- 4.1.22 Policy SS1 of the draft Local Plan indicates that there is a requirement for 1,116sqm of comparison retail floor space, between 2022 and 2037, with an additional requirement for 5,726sqm of convenience retail floorspace. This is however based upon an increase in turnover to floorspace densities, and a reliance on vacant properties to meet this need. The updated EDS indicates that there is now no need for any additional comparison floorspace within the urban area of Maidstone. However, the loss of this site from retail to residential would see a residual loss of 13,379sqm of retail floorspace which is not addressed either within the Plan or the evidence base that supports it.
- 4.1.23 With this in mind, we consider the failure to re-provide this retail element to fail to meet the requirements of paragraph 11 in terms of meeting the objectively assessed needs of 'other uses'.
- 4.1.24 In terms of the deliverability of the site for housing, as there is no developer interest, and as there is an existing, vibrant retail provision on site, we do not believe that this element of the site should be included within the Council's housing numbers - reducing the overall numbers by 450 (we acknowledge that the 'Powerhub' building is in advanced discussions with the Council for approximately 200 residential units and commercial uses and have retained these within the Council's figures accordingly).

### ***Maidstone West***

- 4.1.25 This site has been included within the Plan for 201 units. The redevelopment of this site would lead to the loss of significant retail and employment (B&Q) which would be within a short walk from the main town centre. This would see the loss

of 2,602sqm of comparison floor space, which is not sought to be re-provided elsewhere.

- 4.1.26 As with the Maidstone Riverside – there is no developer interest in the site, there is an existing viable retail provision. There is therefore no certainty that the site would come forward and it should not be included within the Council’s overall housing numbers, reducing the number by 201 units.

### ***Maidstone East***

- 4.1.27 The Council have included 500 dwellings (together with 5,000 sqm of commercial and 2,000 sqm of retail) within the draft Plan. Maidstone East would have significant commercial and retail use (likely to be at ground and lower floor levels) and if it were to achieve 500 residential dwellings on site would be at a density in excess of 300 dwellings per hectare. This would represent a building of significant bulk that would likely have a detrimental impact upon the listed building (Sessions House) directly opposite.
- 4.1.28 There is no evidence available that demonstrates that a development of this scale would be acceptable in terms of the nearby heritage asset or townscape. There is also little indication as to how this level of growth will thereafter see the delivery of necessary infrastructure – such as primary school provision.
- 4.1.29 Again, there is no developer promoting this site, and the Council’s policy would not seek any affordable housing on this site. We would therefore suggest that the Council should re-consider the level of housing and retail delivery from this site, with a reduced yield for both.

### ***The Mall***

- 4.1.30 The Mall has been identified as a broad location for 400 residential units through the plan period. However, the Plan does not identify any loss of retail provision from the Mall through the Plan, and as such, it is not clear as to how these units would be delivered. There is no undeveloped land around the Mall that could come forward without the loss of existing built form, and as such we believe there to be an inconsistency in the approach of the Council with regards to this site.
- 4.1.31 Within the Plan the Council state<sup>3</sup> that the Mall is the *‘town centre’s main indoor shopping centre and is currently reasonably well occupied as one of the key anchor locations in the town centre. The building is, however, becoming dated with its layout and internal environment is less suited to modern retailers’ requirements compared with both Fremlin Walk and competing centres further afield such as Tunbridge Wells, Canterbury, Ashford and Bluewater. Without positive and significant intervention there is a considerable risk that the commercial attractiveness of the centre will decline over the plan period to the detriment of the town centre as a whole.’*
- 4.1.32 Whilst there is a discussion over a wholesale redevelopment of the site, which would replicate the existing retail provision, given the constraints of the site, and its overall size, we do not believe this to be possible.

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<sup>3</sup> Paragraph 6.21, Page 38, Maidstone Borough Council Regulation 19 Local Plan

### ***Summary of Town Centre Sites***

- 4.1.33 Given the above, we believe that the Council has not demonstrated that the level of anticipated growth from Town Centre Opportunities is deliverable. Furthermore, there is strong evidence to suggest that the overall housing numbers derived from these Town Centre Opportunity sites should be significantly reduced from that suggested within the Plan.
- 4.1.34 It is on this basis that we do not consider policy LPRSP1 of the draft Local Plan to be sound, and object on this basis.

### ***Heathlands***

- 4.1.35 **Policy SP4A** seeks to allocate the Heathlands development for a total of 5,000 new dwellings, as well as a minimum of 14ha of employment land to the east of the Borough. This is a Council-led promotion, which has been promoted by the Council's strategic development arm. We are concerned about a number of element of this proposal which are summarised below.
- 4.1.36 Heathlands Garden Community is being promoted by Maidstone Borough Council and the Home England are formally now a development partner.
- 4.1.37 To be deliverable, a site has to be available and achievable. Despite the Council acting as promoter, it has no land under its ownership and control. Whilst discussions have taken place between the Council and landowners, they have recently confirmed that no Option agreement have been signed to date. This raises significant questions relating to the deliverability of the site in its entirety.
- 4.1.38 The Stantec Report (2020) concluded that based on the information presented Heathlands is 'only just viable' (6.5.5) and raised concerns regarding the lack of contingency (6.6.3) and that a small increase in costs would render the scheme unviable (6.6.3). No assessment of the supressing impact on revenues of building houses in proximity to both a live minerals site and a waste-water treatment works was factored into the Council's evidence regarding the viability of Lenham Heath Garden Community. This, together with other factors such as the underestimation of the costs of infrastructure and land acquisition, raises serious concerns as to whether the findings of the Stantec Report (2020) regarding Heathlands being viability are correct. We consider that it has not been demonstrated that Heathlands is viable. We are concerned that MBC have included Heathlands GC within the Regulation 19 Local Plan without first seeking to address this fundamental issue with the evidence and in assessing the site, have assumed without evidence that these issues can and will be resolved in a satisfactory manner.

### ***Rail Station***

- 4.1.39 Policy LPRSP4(A) requires for a business case for a new rail station to be explored on the Maidstone/Ashford rail line, with suitable alternative connectivity to the existing station at Lenham if the case is not made.
- 4.1.40 The Council's evidence (Stantec 2020) state that a new rail station is required to be provided early to reduce car borne journeys. Given the need for the train station, the policy should clear set out a timescale / trigger for its delivery based

upon evidence, including when its needed. This also needs to be informed by an assessment of the ability and timescales for delivering a new station, having regard to an assessment of, inter alia, feasibility, funding, views of key stakeholders including Network Rail and the rail operating company, demand forecasts etc. To date, this work has not taken place, and the vagueness of the policy undermines the sustainability credentials of the site.

- 4.1.41 The Council's evidence in the Stantec Report (2020)(4.4.9) makes it clear that '*a rail station, delivered from the first phase of development would be critical to the delivery of a sustainable development that meets the required guidance*'. Should no railway station be provided or not provided in a timely manner, Heathlands would be unduly reliant upon private car journeys. This would put Heathlands fundamentally at odds with the aims of a Garden Community and alter the outcomes of the SA. Whilst the SA (2020) already concluded that Heathlands is the poorest performing of the three Garden Communities against the SA criteria, this would further widen this gap.

### ***Transport Connections***

- 4.1.42 Policy LPRSP4(A) criterion 6(e) states 'potential connection to a new M20 junction as a result of cumulative development between M20 Junctions 8 & 9.'
- 4.1.43 It is unclear from this policy as to what criteria 6(e) is seeking from the Heathlands development, and at what stage this would be delivered (if at all). At present, the masterplan shows no motorway junction being delivered and there is no trigger point as to when this would be necessary. There is no evidence to demonstrate that the motorway junction is required, although it is noted that the Council have only modelled the initial 1,500 new dwellings rather than the whole 5,000 units.
- 4.1.44 Highways England have consistently stated that in line with their policies they would not be supportive of a new motorway junction unless a scheme of more than 10,000 new dwellings were to be forthcoming. Maidstone are not proposing this quantum of development in this broad location to justify a new junction and the associated timing and funding of delivery.
- 4.1.45 The Council have undertaken high-level strategic modelling only, with no detailed junction capacity assessments and no modelling provided by the site promoter. Neither have modelled the full network, which was a request by Kent County Council at Regulation 18b consultation. As set out above, the Council have only modelled 1,400 of the proposed 5,000 units, and this modelling also included internalisations and reductions which are based upon the assumption of delivering all sustainable transport measures (including the train station).
- 4.1.46 We believe that the Council should be modelling for the full 5,000 units as well as the full employment provision, and should also model both scenarios of the railway station being delivered, and it not. Failure to do so undermines any understanding of the impact of the development, and the necessary mitigation required to ensure that there is no severe impact upon the highway network.

### ***Landscape Impacts/Area of Outstanding Natural Beauty (AONB)***

- 4.1.47 The Heathlands proposal has now 'moved' significantly close to the AONB, with the proposed development area now being further north than that previously

shown. As such, we believe that the proposal would be likely to have a greater detrimental impact upon the AONB than the previous proposal.

- 4.1.48 NPPF Para 176 is clear that in plan making 'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.' Heathlands is likely to have significant impacts upon the North Downs Area of Outstanding Natural Beauty (AONB) which have yet to be addressed. This includes the provision of two new (significant) junctions with the A20 which are likely to be required to be lit, as well as the impact of development within the rural foreground – thereby impacting its setting.
- 4.1.49 The AONB unit have raised their concerns on this basis stating that large scale development here could potentially be very damaging to the setting of the Kent Downs AONB. The views out of the AONB, and particularly from the North Downs Way are critical to its value and public enjoyment and is one of its special characteristics and qualities. These comments have not been considered by Councillors in their consideration of the proposal, as they have not been included in any assessment of the proposal, and were not included within the Council's own summary of consultation responses (to the Regulation 18b consultation).
- 4.1.50 In summary, we do not believe that the Council have considered the impacts upon the AONB appropriately, and afforded it sufficient weight in the allocation of Heathlands.

### ***Lidsing***

- 4.1.51 Much of the concerns expressed within these representations regarding the criteria of LPRSP4(a) are equally applicable to LPRSP4(b). Many of the criteria lack precision, timescales and the means by which compliance can be assessed and as such are ineffective.
- 4.1.52 We have highlighted elsewhere in these representations concerns regarding the Council's fulfilment of the Duty to Co-operate to date. The consultation undertaken to date has not adequately sought the views of local residents, and has not fully considered the impact of the proposal upon Medway. It is noted that Lidsing GC has been selected as a preferred option without meaningful engagement with Medway Council despite the acknowledged cross boundary issues.
- 4.1.53 We are also aware of concerns that there has been no active engagement and dialogue by MBC or the promoter with any of the local community groups or Parish Councils with regards to this proposal.
- 4.1.54 We would also raise the following concerns with regard to the draft Policy:
- There is only a 'target' of 40% affordable housing, which brings into question the viability testing that has been undertaken, and the lack of certainty over the infrastructure that would be required – and indeed the timing of any infrastructure.
  - The policy requires for environmental mitigation to be provided in advance of construction. This is vague, and may not be possible to bring forward, as it is

likely that much of the environmental mitigation will be linked to drainage etc. that forms part of the development itself.

- There is no requirement for the employment provision to be brought forward alongside the housing element of the development. As the masterplan shows it as an independent component, this has the potential to significantly reduce the sustainability of the development as a whole.
- There is no certainty over the delivery of a new secondary school in Medway – and this relies on cross border working between the two parties.
- There is limited work to demonstrate that the link to the M2 is deliverable, and there is little (if any) assessment of the costs associated with this provision. The new arm, and motorway bridge are not required to be delivered at any particular point in time, whereas we would anticipate a trigger point to be identified.

### ***Summary***

- 4.1.55 We are concerned that the three largest components of the Council's housing supply all have significant constraints, or barriers to being delivered. Many of the town centre sites have been promoted by the Council, are occupied and do not have willing developers on board to bring forward development.
- 4.1.56 Heathlands has not been adequately planned, with an insufficient evidence base to demonstrate how it will be a sustainable development, with sufficient infrastructure delivered in a timely fashion. There is no certainty that a railway station can come forward, or that the existing highway network can cope with the additional traffic that would be generated.
- 4.1.57 Lidsing is (in part) within an AONB, and borders Medway, who strongly object to its allocation. There is no evidence of cross border cooperation between the two Councils, and again, a lack of understanding as to how suitable infrastructure will be delivered.
- 4.1.58 It is on this basis that we consider these issues to go to the heart of the soundness of the Plan.

## **4.2 Affordable Housing Needs**

- 4.2.1 Maidstone Borough Council have an adopted Strategic Plan covering the period 2019-2045. This was subject to revisions in 2021. The Strategic Plan sets out the Council's aspirations through to 2045 and how it intends to achieve them. One of the key priorities is 'Embracing Growth & Enabling Infrastructure' (p5). One of four key outcomes by 2045 is '*Housing need is met, including affordable housing*'.
- 4.2.2 According to the SHMA, 52% of residents living in the rural areas of the Borough and 48% of residents within the urban areas of Maidstone are unable to afford market housing (without subsidy)<sup>4</sup>. The level of affordable housing need in

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<sup>4</sup> Para C.72 of the SA

Maidstone is detailed in the Strategic Housing Market Assessment (SHMA) (2021)<sup>5</sup> as 559 dpa – around 47% of the Borough’s overall housing target (1183 pa). This equates to 8,385 affordable homes in the plan period (2022-2037).

- 4.2.3 It is clear from the Council’s affordable housing policy LPRSP10(B) and its supporting evidence that a significant proportion of the identified sites within the LPR will not contribute towards meeting the Borough’s affordable housing needs. This combined with other factors such as housing delivered under permitted development and the ambiguity over the level of affordable housing to be delivered by the two Garden Communities (they are provided with a ‘target’ rather than a requirement) mean that the LPR will give rise to a significant shortfall of affordable housing when measured against need.
- 4.2.4 The LPR and the associated evidence has not sought to assess the level of affordable housing that will be delivered during the plan period. This is reflected in the SA (2021) which does not quantify the level of affordable housing that will be delivered, assess the negative socio-economic impacts of not meeting Maidstone’s affordable housing needs and the reasonable alternatives. These matters are further examined below.
- 4.2.5 Policy **LPRSP10(B)** of the Plan sets out differentiated affordable housing requirements by reference to different geographical within the Borough. These are:
- a) Greenfield development in mid and high value zones at 40%
  - b) Brownfield development in high value zone at 40%.
  - c) Development in the low value zone and brownfield development in the mid value zone will not normally be expected to deliver affordable housing, however where opportunities exist to provide affordable housing the council will seek to secure this.
- 4.2.6 There is little evidence within the Local Plan that the implications for affordable housing delivery have been properly considered, and this is particularly prevalent within the town centre sites in Maidstone.
- 4.2.7 The RPP Policies **LPRSP1 (Maidstone Town Centre)** (p43) and **LPRSP2 (Maidstone Urban Area)**(p48) proposed to deliver significant a significant proportion of the future housing supply within this central area of Maidstone town. The table below shows the sites within the town centre (together with the Garden Settlements) and the level of affordable housing that would be delivered.

| <b>Local Plan Allocations (Large)</b> |   |                   |                |
|---------------------------------------|---|-------------------|----------------|
|                                       | <b>Dwellings<br/>in plan<br/>period</b> | <b>Affordable</b> | <b>Private</b> |
| Heathlands Garden Community           | 1400                                    | 560               | 840            |
| Lidsing Garden Community              | 1,300                                   | 520               | 780            |
| Barracks                              | 1,300                                   | 0                 | 1,300          |
| Mote Road                             | 172                                     | 0                 | 172            |

<sup>5</sup> (para 1.8, p5)

|                           |     |   |     |
|---------------------------|-----|---|-----|
| Gala Bingo                | 40  | 0 | 40  |
| Len House                 | 159 | 0 | 159 |
| Maidstone Riverside       | 650 | 0 | 650 |
| Maidstone West            | 201 | 0 | 201 |
| Maidstone East            | 500 | 0 | 500 |
| High Street/Medway Street | 50  | 0 | 50  |

|                              |     |   |     |
|------------------------------|-----|---|-----|
| The Mall                     | 400 | 0 | 400 |
| Office Conversions           | 119 | 0 | 119 |
| Broad Location (Town Centre) | 700 | 0 | 700 |

|              |              |                          |                      |
|--------------|--------------|--------------------------|----------------------|
| <b>Total</b> | <b>6,991</b> | <b>1,180<br/>(15.4%)</b> | <b>5,911 (84.5%)</b> |
|--------------|--------------|--------------------------|----------------------|

4.2.8 This table shows that of the three main areas of growth – the Town Centre, Lidsing Garden Community and Heathlands Garden Community would (cumulatively) under deliver the level of affordable housing required. Furthermore, this shortfall is not ‘made-up’ from other sites within the plan, or from the suggested windfall allowance.

4.2.9 Kent Analytics, part of Kent County Council (July 2021), have published details of the net additional dwellings delivered by MBC from 2001/2 to 2019/20. An extract is detailed in the table below. This shows a significant shortfall in the delivery of affordable housing over the current plan period,

|                                   | 2010-2011 | 2011-2012 | 2012-2013 | 2013-2014 | 2014-2015 | 2015-2016 | 2016-2017 | 2017-2018 | 2018-2019 | 2019-2020 | Total   |
|-----------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|---------|
| <b>Net Dwellings</b>              | 838       | 873       | 630       | 425       | 582       | 521       | 1,145     | 1,286     | 1,146     | 1,355     | 8801    |
| <b>Total Affordable Dwellings</b> | 279       | 369       | 198       | 210       | 249       | 173       | 200       | 302       | 289       | 357       | 2626    |
| <b>% Affordable Dwellings</b>     | 33.30 %   | 42.30 %   | 31.40 %   | 49.40 %   | 42.80 %   | 33.20 %   | 17.50 %   | 23.50 %   | 25.20 %   | 26.30 %   | 28.80 % |

4.2.10 The Housing Strategy Topic Paper (2021) produced as evidence alongside the Reg 19 Local Plan acknowledges that *‘the total affordable housing need shown equates to 48% of the total housing need shown (as derived from the standard method’* (p14). It goes on to argue that the delivery of open market housing at the rate proposed (i.e 1,183 pa) will increase ‘affordability’ of open market homes and thus reduce the need for affordable housing. No evidence is referred to in support of this assertion or quantification as to how this would impact need for affordable housing need in Maidstone over the plan period. MBC assertion in this regard is not supported by the empirical evidence.

4.2.11 This assertion that the delivery of open market housing at the rate proposed increase ‘affordability’ of open market homes and thus reduce the need for affordable housing is baseless. This assertion is not borne out by the historic trends and ignores wider socio-economic influences on the housing market. Furthermore, MBC do not quantify the extent to which they consider that the affordable housing need would be reduced from the 559dpa detailed in the SHMA (2021).

- 4.2.12 The Local Plan and supporting evidence base fails to quantify the extent to which it will meet the needs of affordable housing for Maidstone identified within the SHMA.
- 4.2.13 It is clear from the Council's affordable housing policy LPRSP10(B) and its supporting evidence that a significant proportion of the identified sites within the LPR will not contribute towards meeting the Borough's affordable housing needs. This combined with other factors such as housing delivered under permitted development, extant consents and the ambiguity over the level of affordable housing to be delivered by the two Garden Communities mean that the LPR will give rise to a significant shortfall of affordable housing when measured against need.
- 4.2.14 The LPR does not go sufficiently far in addressing affordable housing needs. It fundamentally fails in delivering the objective of the Maidstone Strategic Plan to meet the needs for affordable housing.

### **4.3 Summary of Housing Need**

- 4.3.1 The Council are failing to meet their housing need, both in terms of overall numbers, and will, with the policies included within the Plan, fail to meet their affordable housing need. The sites included will not deliver the required housing as many are simply undeliverable, or will not come forward in the timescales suggested.
- 4.3.2 We therefore consider the approach to be unsound, and the Plan not positively prepared.

### **4.4 Leeds/Langley Bypass**

- 4.4.1 The 2017 Local Plan required (through Policy LPR1) for the Council to consider the role that a Leeds/Langley bypass could have to reduce congestion and to potentially unlock growth within the Borough.
- 4.4.2 The history of the road is summarised in the 2017 Local Plan Inspector's Report. In the report the Inspector sets out how the proposal was included in the 2000 Local Plan (policy T18) but had struggled to attract funding. When introducing the route in their report the Inspector notes that:

*"The County Council again wishes to develop a case for constructing a new road between the A274 and the A20 which would by-pass the villages of Leeds and Langley and provide relief to existing roads (including Willington Street and the B2163) with potential environmental benefits as well as reduced congestion in those roads"*

- 4.4.3 The Inspector went on to discuss the ongoing challenges delivering the scheme; noting that the Borough Council was generally supportive, but delivery of the scheme rested with the County Council, and for the County to demonstrate the necessity of the route. The 2017 Local Plan did not formally re-allocate the route in a policy, unlike policy T18 in the 2000 Plan. However, Policy LPR1 of the adopted local plan requires a 'reconsideration' of the business case for the delivery of the Leeds Langley Relief Road as part of a plan review:

*"Whether the case for a Leeds-Langley Relief Road is made, how it could be funded and whether additional development would be associated with the road;"*

- 4.4.4 In addition to the requirement for a business case to be considered, the Local Plan review was also required to look at suitable alternatives to this route.
- 4.4.5 The Leeds/Langley policy (LPRS5(A)) as written defines a wide area to the south-east of Maidstone to be *'safeguarded for potential future development, which will be required to provide a quantum of enabling development which will meet its own and future highway needs and to provide connectivity between M20 junction 8 and the A274.'*
- 4.4.6 The policy also states that *'development proposals which come forward in the defined corridor will be assessed for their potential to prejudice the delivery of a new highway. Proposals for new residential and commercial development coming forward in the defined corridor will need to be accompanied by a masterplan demonstrating how the development of the site potentially contributes to or does not inhibit the delivery of a Leeds Langley relief road.'*
- 4.4.7 To date, there is limited information about the benefits or otherwise of the link road, and whilst we note that KCC are supportive in principle, they are not supportive of any new development within this locality.
- 4.4.8 The Council's own viability testing indicates that a minimum of 4,000 new dwellings would be required to deliver the link road, with these placed predominantly at its southern end.
- 4.4.9 No modelling has been undertaken to ascertain the impact of this level of growth on infrastructure (and in particular the A274, A20 and junction 8 of the M20) and there is no assessment on the impact upon the landscape quality of the area.
- 4.4.10 The viability testing is high-level and has been undertaken without the benefit of a site visit, or a clear understanding of the constraints of the site, including topography, ecology, heritage or flooding.
- 4.4.11 The Council have also failed to look at reasonable alternatives to the road, which is a requirement of the early review. There has been no assessment of sustainable transport, or highway improvements beyond the provision of a new link. This fails to meet the requirements of Policy LPR1 of the current Local Plan.

## 5 Bellway Homes / Land East of Church Road

### 5.1 Overview

- 5.1.1 The previous sections of this representation outline our concerns relating to the soundness of the plan, which are based mostly around the Council's failure to plan positively to meet their housing need. Moreover, we do not believe the chosen strategy is justified, as it appears not to have been underpinned by the SA. Wider concerns regarding the plans effectiveness and compliance with national policy were also voiced.
- 5.1.2 To remedy the plans shortcomings, our view is that the Council will need to review the unrealistic assumptions that underpin the additional homes needed.
- 5.1.3 We submit that our client's land should be allocated for housing, as it would help deliver the shortfall of housing supply land in a highly sustainable location, well-related to the Maidstone urban area and that aligns with the findings of the SA.

### 5.2 Bellway Homes

- 5.2.1 Bellway Homes began as a small family business in 1946, with a passion for building exceptional quality homes in carefully selected locations, inspired by the needs of real families. Bellway Homes maintain these core values today and over the decades, have become one of the UKs major national housebuilders, with extensive developments across the southeast, Kent and Maidstone.

### 5.3 Land East of Church Road

- 5.3.1 Bellway Homes control much of the land to the east of the urban confines of Maidstone, and previous submissions have been made to the Council which identify these landholdings in detail. An overview of the land holdings are highlighted in the plan below.



- 5.3.2 The land holdings are located between Church Road and Otham Street on the south-eastern edge of Maidstone, to the north of the current Bellway Bicknor Wood scheme for 250 dwellings and to the east of recently approved Bellway Church Road scheme for 421 dwellings.
- 5.3.3 Bellway Homes believe that the Council should consider including these parcels within the emerging Local Plan in order to help address the housing shortfall that we have identified within our submission.
- 5.3.4 Bellway Homes believe that based on the site constraints and opportunities, in the region of up to 800 dwellings could come forward on site, together with associated open space, and infrastructure – but would be willing to work with the Borough Council to identify the elements of their landholdings that would be most suited to meet the likely shortfall of housing supply.
- 5.3.5 In terms of the overall sites suitability, from a locational and highways perspective, the NPPF is clear that all developments should take account of whether opportunities for sustainable transport modes have been taken up; whether the site would provide safe and suitable access and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- 5.3.6 Southeast Maidstone is considered to be a suitable location to direct growth and accommodate the homes that are needed, owing to the level of services, facilities and infrastructure within walking distance and that can be reached by utilising sustainable modes of transport. In terms of spatial strategy, the most suitable approach would be to ensure that the potential of sites within and closely related to the Maidstone Urban Area are fully explored. Such sites should be given significant consideration given their inherently strong sustainability credentials and the 'urban area first' spatial strategy approach.
- 5.3.7 Our client's site is highly sustainably located, with excellent sustainable and active travel opportunities and access to a range of local services and amenities.
- 5.3.8 The nearest train station is Bearsted, located 2.6km to the north of the site. Maidstone West and Maidstone East can also be accessed, with both located circa 4km to the west of the site. These stations link the area to London Victoria, London St Pancras, Strood, Ashford International, Tonbridge and a large number of other stations in the region via the Southeastern rail franchise.
- 5.3.9 A number of bus services connect the area to other local centres, including Maidstone town centre, Downswood and Senacre Wood. Moreover, as part of the Land West of Church Road proposals, existing bus services will be re-routed to encompass this site, with associated improvements to highway infrastructure, providing ease of access to bus services, with opportunities to route services through the proposal site.
- 5.3.10 Several Public Rights of Way (PRoW) intersect and bound the site, further enhancing pedestrian connectivity to the surrounding area. National Cycle Route 177 lies to the north of the southern site, accessible from Church Road, providing connectivity through Mote Park and into Maidstone Town Centre.

- 5.3.11 The sites are located within walkable range of a number of local amenities, including but not limited to, primary school facilities, a medical centre and local retail facilities, including a convenience store, allowing for journeys to be made by non-car modes. Furthermore, given the likely capacity of the proposals, it is possible that small scale retail facilities could be provided in the form of a local centre, to provide for local residents and to further reduce private car journeys.
- 5.3.12 The sites lie predominantly within flood zone 1 (at low risk of flooding) and therefore is conducive with residential development. Likewise, on the basis that the sites are Greenfield there is limited likelihood of identifying and contamination being within the site. There are no known operating or historic landfill sites in proximity to the site or recorded pollution incidents.
- 5.3.13 The sites combined comprise a mixture of grassland, areas of scrub and a number of established trees. Prior to any development, it would be necessary to undertake both a phase 1 ecological walkover survey of the overall land holdings and a tree survey to identify the trees of value. Should protected species be identified, further survey work would likely be needed, albeit the sites are considered to be of sufficient size to allow for onsite mitigation. Likewise, in terms of heritage and landscape, as part of any masterplanning process, landscape character, visual impact, and impact upon nearby heritage assets would be fully considered.
- 5.3.14 In terms of deliverability, the NPPF is clear that to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular: *"sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years."*
- 5.3.15 To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.
- 5.3.16 Having regard to the above context, there are no known financial restrictions that would impact upon the viability of a housing scheme or that would prohibit development coming through within the early stages of the plan period.
- 5.3.17 In summary, our client's sites are considered suitable, available and deliverable. They are sustainably located, with sustainable and active travel opportunities and access to a range of local services and amenities. The combined landholdings are of sufficient size to ensure a fully masterplanned, opportunities and constraints led scheme can come forward and would go a significant way in order to help address the housing shortfall that we have identified within our submission.

## 6 Conclusion

- 6.1.1 This representation has been prepared by DHA Planning on behalf of Bellway Homes in relation to the Maidstone Borough Council's Draft for Submission Local Plan (Regulation 19) Public Consultation which runs until 12<sup>th</sup> December 2021.
- 6.1.2 For the reasons outlined in this representation, the Council's proposed strategy is presently flawed and does not represent an appropriate approach. It is also not positively prepared and will not deliver the required housing numbers, nor will it provide any flexibility should sites not be built out – which our evidence suggests is likely.
- 6.1.3 We do not believe that the Plan is positively prepared and we believe that there are number of components that result in the Plan being unsound. We believe that the following key issues remain to be addressed:
- The Council has not provided up to date statements of common ground with neighbouring authorities;
  - Housing supply does not meet needs in full and is insufficiently flexible to ensure the Council has a five-year land supply across the plan period;
  - The Town Centre sites are not deliverable as suggested.
  - The affordable housing provision within the town centre, and the lack of certainty of delivery at the garden settlements, lacks the necessary flexibility to reflect the evidence on viability;
  - The Heathlands scheme is not deliverable as suggested.
  - The Lidsing scheme is not deliverable as suggested.
  - There has been no thorough assessment of the impacts of the Leeds/Langley bypass or alternative schemes.
- 6.1.4 It is therefore urged that the Regulation 19 Consultation draft be amended prior to submission to the Inspector to address the above issues. In doing so the Council should ensure that all allocated sites are sustainable, viable and deliverable sites.
- 6.1.5 By way of remedy, Bellway Homes control land to the east of Church Road, and are promoting the land for residential allocation through the review of the existing Local Plan.
- 6.1.6 Based on the current national and local planning context, we consider land that Bellway Homes control to be a suitable area to allocate land for housing and submit that the site be included in a revised Regulation 19 draft Local Plan, to ensure the Council can have confidence in meeting its market and affordable housing targets in full.

10 December 2021

The Savills logo, featuring the word "savills" in a red, lowercase, sans-serif font, positioned within a yellow rectangular background.

Planning Team  
Maidstone House,  
Kings Street,  
Maidstone,  
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Submitted via email: [ldf@maidstone.gov.uk](mailto:ldf@maidstone.gov.uk)

Dear Sir or Madam

## **MAIDSTONE BOROUGH COUNCIL LOCAL PLAN REGULATION 19 CONSULTATION DOCUMENT. REPRESENTATIONS MADE ON BEHALF OF BELLWAY HOMES (THAMES GATEWAY)**

Thank you for the opportunity to participate in the Maidstone Borough Council Local Plan Regulation 19 consultation. These representations have been prepared on behalf of our client Bellway Homes (Thames Gateway) who has an interest in their land parcel at Rosewood, land south of Sutton Road.

### **1. Relevant Policy Context and Emerging Local Plan**

Given the age of the Local Plan (2017), MBC are undertaking a Local Plan Review and MBC has published its draft for Regulation 19 consultation. The Borough Council has published the draft for submission version of its Local Plan review (Regulation 19). The aim is to submit to the secretary of state in Spring 2021. The council aims to adopt the new local plan in early 2023.

Since it was adopted the National Planning Policy Framework (2021) has been revised as well as a number of relevant matter- as referenced where applicable below.

The NPPF covers plan making in Chapter 3, with Paragraph 16 setting out what plans should comprise.

- a) be prepared with the objective of contributing to the achievement of sustainable development;*
- b) be prepared positively, in a way that is aspirational but deliverable;*
- c) be shaped by early, proportionate and effective engagement between planmakers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;*
- d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;*
- e) be accessible through the use of digital tools to assist public involvement and policy presentation;*
- and*
- f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)*

Paragraph 35 sets out that plan is “sound” if they are positively prepared; justified; effective; and consistent with national policy.

### **2. Affordable Housing**

Draft Policy LPRSP10(B) updates the Council's approach to affordable housing matters. As a general point, viability considerations should be woven into the policy whole more clearly.

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It is noted that the new tenure split proposed comprises 75% social and affordable rented and a minimum of 25% first homes. Other intermediate products are no longer specified. Intermediate housing should not be removed entirely as they provide alternative housing in particular discounted rented products and other discount ownership products- which aren't restricted to first time buyers.

It is noted that whilst first homes is the Government's direction of travel, it is not reflected in the NPPF which was updated earlier this year. Paragraph 65 only mentions "affordable home ownership" products. Furthermore Planning Practice Guidance advises that "If a planning application for a major housing site in which 25% of the affordable homes are First Homes does not deliver enough First Homes to meet the 10% affordable home ownership expectation in the NPPF, additional affordable home ownership homes may be provided on top of the First Homes provision, in order to meet this expectation" (NPPG Paragraph: 023 Reference ID: 70-023-20210524). Given that the NPPG advises that other alternative products are acceptable this should be incorporated into the draft Policy.

The policy also needs to clarify if such requirements are applicable to sites which secured outline planning permission, requiring Reserved Matters, before the adoption of the new local plan. Our client has concerns about the specific impact which this could have on viability, as such inputs may not have formed part of the acquisition viability.

### **3. Biodiversity**

Draft Policy LPRSP14A Natural Environment sets out that a minimum of 20% biodiversity net gain (BNG) should be secured on new residential sites.

Whilst we acknowledge the Council's ambition to secure BNG scores above the 10% set out in the Environment Bill, this blanket minimum requirement is considered to be prescriptive as it does not take into account site by site circumstances or viability matters, nor does it suggest a transitional or phased approach to this new requirement.

Sites which already have outline planning permission, requiring Reserved Matters, before the adoption of the new local plan, should be exempt, as there are significant design impacts and viability implications for introducing such a specific, and onerous as currently drafted, requirement later in the development design process. To address this, the policy should be re-worded to explain how the wider outline site could be taken into account when calculating BNG scores, as Reserved Matter land parcels may just comprise the developable area and not surrounding areas around the parcels.


Given that this is a new legal requirement for developments, the policy should be less prescriptive and more flexible. We suggest that the target is amended to the 10% as standard, in line with the Environment Bill, and also set a strategic target at 20% to encourage developer to achieve higher levels. Or alternatively, a phased transition for introducing the higher 20% target could be incorporated. Wording should also be added to explain that development viability should also be acknowledged, for securing scores above 10% BNG.

### **4. Summary and Future Participation**

I trust that the above is of assistance in the preparation of the Local Plan. I would be grateful for confirmation of receipt of these representations, and would welcome the opportunity to engage further with the preparation of the draft Local Plan.

If you have any queries or would like to discuss further, please feel free to contact me.

Yours sincerely



**Laura Fletcher-Gray**



Associate Director

Cc. H. Thomas, Bellway Homes (Thames Gateway)

Enc. MBC Representation Form