

Sent by email to: ldf@maidstone.gov.uk

13/11/2023

Dear Sir/ Madam

Maidstone Local Plan Review – Main Modifications

1. Thank you for consulting the Home Builders Federation (HBF) on the Maidstone Local Plan Review. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.

Additional evidence and procedural matters

2. Alongside the main modifications the Council have published five further evidence documents (ED126 to ED130), which it states are for information and not consultation. Firstly, if these documents have informed the main modifications proposed by the council to ensure the plan is sound then they form part of the evidence and can be commented on as part of this consultation. This position would also appear to be supported by the inspector in ED26 in which he states that *“Any additional evidence and updated Sustainability Appraisal which have informed these proposed changes would be available as part of the consultation.”*
3. Those parties who have made representations on the local plan and participated in the examination have not been given the opportunity to make representations on ED126 to ED130 and no opportunity was given to discussion at the examination in public. As such the HBF are concerned that that the consultation on the main modifications has fallen short

of what is required of the council by expressly stating additional evidence is not for consultation. These latest documents clearly form part of plan preparation and as such must be open to comment and, if necessary, further consideration through additional hearing sessions.

4. The Council have also stated that they were in the process of updating and finalising Statements of Common Ground (SoCG) with National Highways, Natural England, Kent County Council, and Medway Council. These do not appear to have been published as part of this consultation. Given that the main modifications being proposed by the Council were to address issues raised by these above statutory consultees it is surprising that detail as to how these parties have been engaged in their preparation has not been included as part of this consultation. The Duty to Co-operate requires on going cooperation throughout the preparation, examination, and delivery of the local plan in order to maximise its effectiveness and the absence of the expected Statements of Common Ground is a concern. The Council must provide this evidence and make these available for comment before any final judgment as to whether the council has discharged its duty to co-operate.

Plan period – MM1, MM7 and MM39

5. A number of main modifications have been made in response to the requirement by the inspector to extend the plan period, including but not limited to MM1, MM7 and MM39. These modifications show that the plan period has been extended to 2038 in order to ensure the plan will look forward for at least 15 years from adoption. However, the 2038 end date is misleading as this suggests that the plan has been extended to run to the end of 2038 rather than to the end of March 2038 as is indicated in the trajectory on page 116 of ED121 which runs to the end of the 2037/38 monitoring year. This would appear to be an attempt to align the plan period with national policy which has already mentioned above requires a plan to look forward for a period of at least 15 years from adoption. However, a plan period that runs from January 2024 to March 2038 will look ahead for a little over 14 years. In order to be consistent with paragraph 22 of the NPPF the plan period should be extended at least to 2038/39. Whilst this may seem like a small matter it is important that LPAs prepare plans with timescales that take into account the length of time it can take for a plan to be submitted and examined. It is a fundamental failing of plan preparation and should have been addressed much earlier in the plan making process and should be properly reflected in the adopted local plan.

MM39

6. The HBF agrees that a policy on housing delivery is required given that the Council's land supply is weak and, based on the council's delivery estimates, will fall below the required five years half way through the plan period post adoption.
7. However, as outlined at examination the HBF continue to consider the proposed stepped trajectory to be unsound. On recognising that they would not have a five year land supply on adoption the Council should have considered options for delivering more housing on smaller sites earlier in the plan period rather than the adoption of a stepped trajectory which merely pushes back the delivery of much needed homes. Given the worsening affordability and the housing crisis that is particular acute in the South East it cannot be justified. There is an acute shortage of homes now and every effort should have been made to increasing delivery in the short term.
8. As set out above the HBF also consider the plan period to be unsound as it is inconsistent with national policy. The plan period should be extended to 2039 with the housing need increased by an additional 1,157 homes to 20,826. Additional supply must be identified by the Council to ensure this level of housing needs are met in full given that there is already a shortfall of 279 homes over the plan period.
9. The policy on maintaining delivery is welcomed. However, part 6 of the policy which states that the council will undertake a partial of full review of the local plan if it has insufficient supply, is ineffective. The policy should include a specific timeframe by which the council will submit a new plan or partial review for examination rather than the more amorphous statement included in part 6.

MM42

10. Amendment to part c as well as being vague and providing little clarity to the decision maker or applicant is not justified. The viability evidence indicates that development in low values zones and brownfield land in mid value zones is challenging and this policy will effectively mean negotiating an affordable housing requirement on each and every site in these areas. Given the emphasis by Government maximising the delivery of development on brownfield sites it is inappropriate for the Council to ignore the evidence of the viability study which concludes at paragraph 8.4 "*The Council should consider 0% affordable housing and zero*

rating for CIL to support viable development and encourage regeneration / brownfield development.” Given increasing costs and higher technical standards the viability situation will not improve and the HBF would recommend that in order to ensure the soundness of this policy development on brownfield land in these areas is exempted from providing affordable housing.

MM58

11. The HBF do not consider the 20% BNG requirements to be sound. There is still significant uncertainty as to the cost of delivering BNG and in particular the ability of local markets for biodiversity credits to provide sufficient reasonable priced credits to support a 20% BNG requirement. The lack of credits will likely slow delivery of development in the area and given the parlous state of the five year land supply could lead to the plan being out of date within the first five years of it being adopted. The Council has provided no evidence as to the availability of credits and as such as not justified that the policy is deliverable across Maidstone and as such it is unjustified.
12. The HBF welcome the removal of “on site” from the policy as this was inconsistent with the approach established in national policy which requires development to follow the mitigation hierarchy.
13. If the 20% is to be retained it should also be recognised in the policy that the where the additional 20% BNG is making a development unviable, alongside other policy costs, then this will be reduced to the statutory minimum. This will ensure that the policy has sufficient flexibility to respond to situations where a 20% net gain cannot be delivered. Given the challenging viability in some areas it is essential that the Council seeks to maximise flexibility in the local plan and signals where those flexibilities are.
14. The HBF considers the reference to the Design and Sustainability DPD is unnecessary to make the plan sound. There is also a risk that weight is attached to this DPD by decision makers prior to its adoption due to it being mentioned in the plan. If the plan is adopted, then it will form part of the suite of documents that need to be considered by all applying for planning permission and as such no reference is actually needed within the Local Plan Review.

MM97

15. The HBF supports the amendment of the marketing period on LPRHOU9 from 24 months to 12 months.

MM106

16. As outlined above the period covered by the trajectory is unsound and should be extended by a year in order to be consistent with paragraph 22 of the NPPF.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mark W. Behrendt'.

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