

CPRE Kent

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Swale Borough Local Plan - Main Modifications

Matter 2: Overall Approach

Matter 2

ID429231

Representation

Numbers: LP682,
684, 685, 690, 691,
692, 694, 696, 697,
699

2.1 Does the modified plan set out a strategy to deliver the area's development needs over the plan period?

1. A proportional evidence base is key to local plan preparation and the NPPF gives guidance. At paragraph 158 it states: *'Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area'*. The local authority should work with other authorities and providers to *'assess the quality and capacity of infrastructure for transport'* (para 162), give *'careful attention to viability and costs in plan-making'* (para 173), *'ensure there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion'* (para 177) and understand *'district-wide development costs at the time plans are drawn up'* (para 177).
2. Although the modified local plan seeks to meet the area's housing needs by allocating additional sites the evidence base is worryingly insufficient.
3. In particular, CPRE is concerned about:
 - a. the relationship of proposed allocation sites to A249 Junctions and M2 Junction 5 and the likely timing and cost of junction improvements;
 - b. the poor understanding of local and strategic highway capacity, and likely impacts on local air quality;
 - c. the timing and anticipated rates of delivery (i.e. building) of homes on these sites and the inevitable (in our view) of shortfall of building and concomitant increase in speculative applications.

The relationship of proposed allocation sites to A249 Junctions and M2 Junction 5 and the likely cost and timing of junction improvements.

4. Numerous sites will have an impact on the A249 corridor/ A249 junctions and M2 Junction 5. Five of these large sites, proposed as modifications to the plan, include:
 - a. Land at Iwade (574 units) – building completions expected to start in 2019/20 (2022 for the largest element).
 - b. Land off High Street, Newington (115 units) – building completions to start 2019/20.
 - c. Barton Hill Drive, Minster (620 units) – building completions expected to start 2020/21.
 - d. Belgrave Road, Halfway (140 units) – building completions expected to start 2019/20.
 - e. SW Sittingbourne (564 units) – building completions expected to start 2020/21.
5. These sites have been identified as available, suitable and achievable, despite acknowledged highway capacity problems on the A249 and M2 Junction 5. A report on the A249 corridor study had not been published at the time of writing this statement (or indeed at the time of Swale Borough Council identifying these sites as

suitable), and the M2 Junction 5 improvements are still at the options stage, with a consultation on these yet to take place. Highways England make the following statement on their website:

“We are evaluating proposed options for the scheme. We are working with stakeholders and those most likely to be impacted by proposals to make sure the options we present provide the best range of solutions for the area. Once we’ve worked up viable options, we’ll tell you about them and ask for your opinion. We hope to do this in early 2017. You can sign up for our email alerts to stay informed’.

6. Clearly it is not possible to conclude a completion date for this substantial infrastructure. This is an important detail for the 5 new allocations listed above, which are phased to start well before what must be a very uncertain completion date for junction works. Mitigation proposals and costs for A249 junction improvement works, including Grovehurst Junction and Key Street Junction have also not been resolved.

The poor understanding of local and strategic highway capacity, improvements, and likely impacts on air quality.

7. Local highway capacity and mitigation is important too. Despite a substantial investment by Swale Borough Council in the VISUM Transport Model, Swale Borough Council is determined to rely on outputs resulting from testing of high level options a number of years ago. This modelling did not incorporate detailed site locations. The suite of development sites and a range of interventions to encourage a modal shift should now be subject to testing by the transport model. Canterbury and Maidstone Local Plans, both at advanced stages have benefited from frequent ‘runs’ of the same model as sites have changed and interventions are proposed. Many essential interventions, primarily aimed at encouraging a modal shift, will not be local plan led and should be contained in an up to date transportation strategy.
8. On Sheppey, in particular, the reliance on travel by car to reach employment means that the new housing allocations must be supported by modal shift supported by the Swale Transportation Strategy and detailed transport modelling to ensure that congestion and resilience of the network can be managed. Development has a cumulative impact that must be carefully understood.
9. At the time of writing this statement the updated Swale Transportation Strategy had not been published. This should be available for consultation before it is agreed as an appropriate strategy for the Borough.
10. CPRE is also not aware of any assessment of SRN capacity and safety at Faversham.
11. In terms of air quality, the cumulative impact of development is again a key issue. Air quality remains an issue of significant concern within the Swale Borough AQMAs. Poor air quality has a major detrimental effect on people’s health and these impacts are particularly pronounced where children are concerned. NICE evidence reviews on outdoor air quality and health, published in December 2016, highlight these health and economic impacts¹. It is the view of CPRE that appropriate evidence should be available to support the local plan that considers the impact of development on Air Quality Management Areas. The recent ‘Client Earth’ ruling on air quality means that in future, modelling for emissions impacts will need to take account of higher levels of emissions than is currently incorporated in air quality modelling. The Council does not appear to have responded to this issue which is of public concern and which is critical to the soundness of the plan, given the amount of development associated with the A2 corridor and existing AQMAs.

¹ <https://www.nice.org.uk/guidance/indevelopment/gid-phg92/documents>

12. The cumulative impact of additional development sites on the SRN and local highway network and local air quality should be understood. It is a key role of the local plan to ensure allocated sites are deliverable. A plan should not be considered sound if the 'cumulative impacts of development are severe' (NPPF 32) so that planning applications could not be permitted without causing unacceptable harm. It would not be positively prepared, nor would it deliver sustainable development.
13. CPRE is concerned that neither Highways England, nor Kent Highways appear to be represented at the Examination sessions. Given the strength of local concern, it is wholly inappropriate that they are not available to assist with the discussion.

The timing and anticipated rates of delivery of homes on these sites

14. Please refer again to the list of sites at point 4 above. It is important to note that these sites are all phased to begin to deliver new homes by the end of the decade. Indeed these are not the only sites phased in this way and the Housing Trajectory forecasts housing delivery in years 2019/20 and 2020/21 as 1665 and 1699 respectively. This is clearly unachievable and the Council recognises this in its proposal for a stepped approach of annualised provision.
15. Even if these sites were to be allocated, it remains likely that between 2016 and 2020, the development industry will not increase its capacity sufficiently to begin supplying homes on all the sites or at the rate expected. Indeed, given the small number of large housebuilders and skills shortages that exist, it is possible that their inevitably constrained efforts may be directed to more viable locations at Maidstone, Faversham and Canterbury where there are also substantial housing allocations available.
16. The likelihood is that the building industry, as a broad generalisation, exhibits roughly constant returns to scale so that increases in output require approximately equal proportional changes in labour, raw materials and equipment. The substantial increases in housing targets in the adjoining local authority areas means that the cumulative increase in capacity required of the house building industry is going to be in the region of 40 to 50%. In the absence of any evidence from the building industry that such an increase is "in the pipeline" such an increase in building must be seen as extremely unlikely. Indeed, a recent *Experian* forecast downgraded its estimates of housing construction for the short to medium term:

"Fairly moderate growth is expected in the private housing sector going forward - 5% growth in 2016 and 4% in 2017 - as acute labour shortages impact on housebuilders' ability to raise volumes, the firm said."²
17. If the assertion above about constant returns to scale is correct, and if the Experian forecasts materialise, the likely completion rates for the early years of Swale's plan will be around 580-590 dpa. This puts Swale, along with other authorities, in the unenviable position of proposing plans that are unsound because of building industry capacity constraints while not being able to propose plans that are feasible but unsound in terms of failing to meet their OAN.
18. In this situation, the phasing of completions becomes crucial. It is vital that local authorities are allowed a tapered profile of completions to allow the building industry to do its part in increasing capacity. Without this, it is likely that speculative applications riding on the back of a shortfall in the five-year land supply will become commonplace.

² <http://www.building.co.uk/news/experian-downgrades-construction-output-forecasts/5079704.article#>

19. We discuss the merits of individual sites in another statement, but in broad terms, CPRE argues that one or more of these sites (to the scale of approximately 400 – 600 units) should be deleted. As we have just argued, they are very unlikely to all be delivered during the plan period. Taking account of the existing surplus, any shortfall should be made up with a range of small sites in sustainable locations that would be attractive to small house-builders. Detailed consultation and support from local urban and village communities would make this a deliverable option.
20. Such an approach would also help to go some way to making the plan more acceptable on a broader scale. There is some significant resentment in the Thames Gateway Area of Swale that the eastern end of the Borough does not shoulder its “fair share” of development. Smaller, locally approved, developments could go some way to reduce this.
21. CPRE supports the Council’s reasoning, as set out in its Statement of Housing Land Supply 2015/16 for using the ‘Liverpool Method’, for restricting the necessary buffer to 5% and adopting a stepped approach of annualised provision. CPRE agrees that this is essential to insert some realism into the housing trajectory and is the sensible approach in the case of Swale Borough. Unfortunately, the combination of a poor evidence base and an over-confident approach to phasing of development means that the strategy to deliver housing needs is unlikely to be effective. Although further evidence gathering, and appropriate consultation, would delay adoption of the local plan, a soundly based local plan that has responded to detailed evidence would assist developer confidence and increase the likelihood of sites being deliverable.

2.2 Is the introduction of an indicative percentage split in MM40 justified and does it provide a clear and realistic guide for managing growth across the two planning areas?

22. CPRE supports the indicative percentage split in MM40. There is a significant and widely supported evidence base (prominent in the development of submission plan) which clearly sets out the historic environment, natural environment and economic development reasons for this split. It goes to the heart of the local plan strategy, as it was submitted to the Secretary of State and Planning Inspectorate.
23. CPRE does, however, object to the deletion of any policy reference to this ‘split’ in policy ST2. The Council argues in response to objections that the settlement strategy will suffice to ensure development is directed at appropriate scales to the different settlements. This approach, however, cannot be understood on a reading of the plan and it is unclear how the detailed ‘percentage split’ between the two planning areas will correspond numerically to the settlement hierarchy.
24. There is a risk that omitting policy support for the ‘two planning areas’ split will undo the ability of the plan to direct development to the Thames Gateway area. There is a risk that housing shortfalls would be made up through speculative development to the east of the borough to the detriment economic regeneration in the west. The change represents a reduction in the Council’s determination to proactively deliver its strategy. The two planning areas approach is Swale Borough Council’s interpretation of how the presumption in favour of sustainable development should be applied locally. A local interpretation is encouraged by paragraph 15 of the NPPF. It is important for community wellbeing and economic development that urban regeneration is prioritised and additional restraint to the east of the borough will assist.
25. Speculative development is likely to be a prominent feature if the Council is unable to demonstrate a 5 year supply in the coming years. Clear policy will be essential to ensure the plan strategy continues to guide development.

2.3 Do MM41 and MM42 provide a clear and flexible approach to monitoring delivery across the borough as a whole.

26. The local plan has an important role to play in directing development to appropriate locations. The approach proposed is unlikely to represent a firm attitude to encouraging regeneration of communities to the west of the borough. The supply of the most attractive sites to developers does have a relationship to the uptake and redevelopment of more challenging urban regeneration sites. Too much flexibility will result in the sensitive environments east of the borough being under pressure from speculative proposals, to the expense of development beneficial to regeneration in the west of the borough.
27. The Council's proposal that the settlement strategy will suffice to ensure development is directed at appropriate scales to the different settlements cannot be understood on a reading of the plan. It is unclear how the detailed 'percentage split' between the two planning areas will correspond numerically to the settlement hierarchy.
28. Policy ST2 (as modified) now fails to make any reference to the balance between the two planning areas, nor the relationship to the settlement strategy in the monitoring of delivery. CPRE is concerned that this risks a strategy for development that was a key feature of the submitted local plan. Key features of the justified strategy should be preserved in efforts to make the local plan sound and in the case of Policy ST2 (as modified), this strategy would not be supported by the policy, nor the Council's monitoring activities.
29. Given the challenges the Council will encounter in maintaining a 5 year supply, it is important that the policy is clear that permitting of speculative development in the Faversham area would not normally be appropriate, since the strategy aims to deliver regeneration and growth in the west, supported by available housing allocations.

2.4 Is the allocation of additional development sites in MM58 (Policy ST4) based on detailed and objective assessment of potential sites?

30. CPRE will set out its views on sites in more detail at Matter 3 and 4. CPRE does agree that site selection has been supported by Strategic Housing Land Availability Assessment and Sustainability Appraisal. Site visit and detailed assessment is, of course, also essential. They are useful but 'blunt' tools and decisions must also be informed by consultation and with knowledge of the sites themselves.
31. CPRE believes that deliverability of the plan would be improved through a more proactive approach to allocating a range of smaller sites that might be attractive to small housebuilders and a more detailed 'urban capacity study' style approach to identifying and facilitating development of smaller urban sites.
32. The modifications to the plan have added to the number of large sites. CPRE argues that smaller sites are essential for delivering a five year supply in the early years of a plan.

2.5 Is the modified plan based on an appropriate and justified approach to minimising the need to allocate the best and most versatile agricultural land.

33. CPRE is, of course, in agreement that best and most versatile agricultural land should be protected, and agrees (as set out in the in the SA Report Addendum) that this needs to be balanced against the position of settlements in the settlement strategy, and indeed other environmental and locational (including landscape and heritage) factors.
34. Unfortunately the 'ranked assessment of sites' does not include evidence of agricultural land quality of site and it is therefore difficult to assess the preferred sites against other potential sites in this regard. The Sustainability Appraisal does consider the likely quality of agricultural land, but incorrectly divides the Best and Most Versatile classification. Grades 1 and 2 (and 3a) are a nationally importance resource and the quality (and resolution) of available data means that making a distinction between Grade 1 and 2 is not relevant.
35. Agricultural land quality is a key part of sustainability. In broad terms CPRE does not believe that the sustainability case has been made (nor evidenced) for the plan to our satisfaction. It is essential that sites are sustainable and deliverable. Not only is sustainability an issue here but so too is the use of such land in the economy of Swale. It is contradictory to use agricultural land to house people in response to a target required to increase employment if, at the same time, this impinges on the agricultural employment in the Borough.
36. It is clear throughout the planning documents that a tension exists between the avoidance of the use of BMV land and location of development in suitable areas. The move to increase some allocations in Sheppey appears to be driven by the use of the poorest quality land in the Borough. However, development in Sheppey is characterised by employment and traffic problems that are well known.
37. If greenfield sites must be built on, CPRE would broadly support the use of lower quality agricultural land rather than higher grades. It is a feature of Swale (and probably most places) that the better agricultural land is also in the most desirable development locations. This means that any shortfall in completions will lead to pressure from speculative planning applications on land of high quality.
38. An effective plan is essential to direct development to sustainable locations, as defined by the settlement strategy and 'two planning areas' approach. We have endeavoured to explain our concerns about highway capacity and air quality constraints affecting deliverability; and the capacity and desire of the building industry to develop sites at the rate required to meet the target proposed in the modifications to the local plan. It is our view that the Council has not yet demonstrated that the plan is deliverable.