



Strategic Planning & Research Unit

For and on behalf of
MLN (Land & Properties) Ltd

Examination of Swale Borough Local Plan Part 1
Representations to Inspector's MIQs Hearings
Matter 9

Representor ID: 878621

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1.0 INTRODUCTION

- 1.1 These representations have been prepared by the Strategic Planning & Research Unit (SPRU) of DLP (Planning) Ltd (DLP) on behalf of MLN (Land & Properties) Ltd.
- 1.2 This representation has been made in the context of our client's interest in land east of Scocles Road, Isle of Sheppey, and follow substantial representations made throughout the Local Plan preparation process. The site has not been included within the housing trajectory, but was identified as SW/133 in previous SHLAA assessments. This site was allocated as a 'reserve site' in a previous version of the Plan.
- 1.3 As requested by the Inspector these representations are structured to respond to the specific questions set out in the Inspector's MIQs note, which covers all remaining matters for the examination.
- 1.4 In support of this representation an assessment of the Council's 5 year land supply report has been carried out. This is appended to this representation and reference has been made to it where necessary.

2.0 MATTER 9 – MONITORING AND DELIVERY OF HOUSING SUPPLY

9.2 Does the implementation and delivery plan and the monitoring arrangements provide for collection of the necessary information to recognise the triggers for a review of the plan?

- 2.1 With regards the specific indicators identified in Policy ST2, in so far as these relate to housing delivery, are particularly important in ensuring that the plan is sound. At present, Policy ST2 fails to provide appropriate triggers for the release of additional sites for development in the future.
- 2.2 The text currently worded (below), is not justified or effective.
The Council will monitor the take up of land and commit to commencing a review of the Local Plan within three years of its adoption, or sooner if or when:
- 2.3 If the review process is to start by the end of three years, it is likely that the adoption of a new or reviewed plan would not take place until year 5 or 6 of the submitted plan's lifetime. Considering that the NPPF requires plans to be annually monitored and updated when necessary. In practice this is roughly every 5 years, the Plan's proposed policy does little to impose the necessary early review upon the Council, which would bring about a new LP any sooner.
- 2.4 Instead, the review of the Plan should begin immediately and if a new plan is not submitted for examination within a specified time period then the Plan should be considered out of date. The specific aspects of the Plan, which are in need of a review now (whilst not restricting it to those parts) should be listed in the Plan to provide clarity.
- 2.5 Bullet point 2 which addresses shortfalls in the five year supply should also be modified further. Currently worded it is not justified and is unclear how this trigger will be met; how can seriously compromised be defined?
- 2.6 At the Main Modification consultation we proposed that if the housing requirement is not met in the first year after adoption then the Council should undertake an immediate plan review. We consider that such an approach is justified especially in this particular context where a review of the Plan needs to start within 3 years after adoption.
- 2.7 A slight variation to this modification previously suggested would be that if the housing requirement is not met in the first (or second) year after adoption then 'reserve' sites should be released. Such an approach would be sound and justified and certainly meet the guidance set out in paragraph 14 of the NPPF; *plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change.* It would allow for other sites to come forward and meet housing need in the first five years of the plan period without the need for a new plan to make this change. A similar approach was found to be sound at the Core Strategy examination for Rugby. Such a policy would still commit the Council to reviewing within 3 years of adoption but that could be undertaken on a fixed timeline, with no need to bring it forward, as it would be unlikely a new Plan could be prepared any quicker.
- 2.8 We consider the Plan should be amended to achieve the following:
To ensure the alignment and achievement of its jobs and housing targets, the Council has committed to commencing a review of this Local Plan and submitting the review

plan for examination within 3 years. Failure to submit the review Plan within year 3 will render this Local Plan out of date and therefore should only be afforded reduced weight in decision making.

Failure for the housing requirement to be met in any of the first three years following the adoption of the Local Plan will result in the release of reserve housing allocations to ensure a deliverable supply of housing land is available within the immediate next five years.

- 2.9 A similar mechanism had already been proposed by the Council in an earlier version of the Plan (2012) which saw site SW133 allocated as a reserve site, should other sites not come forward in a specified period of time.
- 2.10 Should it not be allocated for development now, we consider that our client's site (SW/133- Land East of Scocles Road) should be considered as a reserve site during the plan period. The landowner is keen to progress the site and deliver it at the earliest opportunity. The SHLAA 2014/15 identifies the site as being potentially suitable for development following delivery of the larger Thistle Hill development to the West.
- 2.11 Through the approach taken, Swale Borough Council has proposed a plan that will not meet the strategic needs and would be out-of-date at the point of adoption, given the short-term approach taken to the plan. A failure to adopt appropriate triggers to action a review of Swale Local Plan will inadequately deal with, and resolve the strategic matters of unmet housing need in the Borough.

9.3 Does the modified plan include sufficient sites to enable the Council to demonstrate that there is a 5 year supply of sites that are available and deliverable?

What annual requirement should be used to calculate the 5 year requirement??

- 2.12 Appendix 1 of Matter 9 has used the Council's annual requirement figure of 776dpa, however regard should be had to our Matter 2 representation, which highlights that when calculating the OAN, the DCLG based projection figure of 850dpa and LPEG based projection of 1,122dpa.

Has there been a shortfall in supply since the start of the plan period? How should past shortfall be recovered, next 5 years or over the plan period, and why?

- 2.13 Table 1 below considers the rates of past completions contained within Table 1 of the Kent County Council Housing Information Audit 2014/15 the final two columns have been added by SPRU. The final column measures the total delivery each year against the Council's annual requirement for that year.

Table 1 Net Dwelling Completions, 2001 –2016 (Source: Kent County Council Housing Information Audit 2014-15 for SBC, Table 1)

Year	SBC	Annual Target	Delivery against SBC Annual Requirement ¹
2001/02	714	607 ²	+107
2002/03	588	607	-19
2003/04	575	607	-32
2004/05	375	607	-232
2005/06	854	607	+247
2006/07	835	607	+228
2007/08	767	607	+160
2008/09	494	607	-113
2009/10	709	607	+102
2010/11	433	607	-174
2011/12	484	607	-123
2012/13	291	607	-316
2013/14	336	607	-271
2014/15	618	776 ³	-158
2015/16	597	776	-179
Total (2014-2016)	1,215	1,552	-337

2.14 At face value, the Council have recorded 1,125 completions in the years 2014 to 2016. This is against a requirement of 776 dwellings per annum, or 3,880 in a 5 year period. This amounts to a total undersupply in this period (2014-2016) of **-337 dwellings**.

2.15 The Council appear to be relying on local circumstance, including a lack of infrastructure and recessionary factors to justify its Liverpool Method approach. However, attention should be drawn to the “Interim Findings” of the Inspector which were published in February 2016, whereby the key points are highlighted below:

“The work that the Council has undertaken during the examination demonstrates that, subject to further testing, infrastructure provision presents no barrier to delivering the full OAN of 776 dwellings per annum for the revised plan period”- ID/9c, paragraph 19

“In conclusion, it is clear that a revised trajectory is needed to reflect the increased housing target and the new site allocations. When this has been completed local circumstances on site phasing and viability evidence may make it appropriate to consider using the Liverpool method to make up the shortfall from 2014 to adoption of the Plan.”- ID/9d, paragraph 10

¹ SPRU Calculation

² Local Plan for Swale Requirement

³ Emerging Local Plan Requirement

- 2.16 The Inspector notes that there may be an appropriate case to use the Liverpool Method, but this is by no means definitive. The annual requirement has not been achieved in any of the past six years since 2010, with 10 of the last 15 years resulting in undersupply. Whilst the Council may cite factors that are not specific to Swale, a further and particular factor is the Council's failure to peruse a planning strategy to deliver housing need.
- 2.17 There are no fundamental constraints to delivery in terms of land availability and transport infrastructure within the district, and no substantive reason that sets apart Swale from any other local authority to depart from the NPPG's guidance that states local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible.
- 2.18 As such, it is not considered an adequately sound argument to justify the application of the Liverpool Approach. The Sedgefield Method should therefore be applied and the above-noted shortfall (337) should be apportioned during the first 5 years of the plan period.
- 2.19 It does not appear the Council have fully considered the pursuit of meeting the existing shortfall in the immediate 5 years. There has been no assessment or consideration of taking the 'Sedgefield' approach; there are no evidenced and justified reasons put forward by the Council. The Liverpool method would not result in more homes being built nor would it lead to 'more' sustainable patterns of development. The proposed strategy to deal with the shortfall seems to be based upon the notion that it is impossible to meet the revised housing figure and therefore there is no point 'setting the requirement up to fail'.
- 2.20 The Council's strategy and selection of sites should be informed by national policy requirements and the OAN (therefore 5 year supply requirements). It appears the Council are trying to justify the Liverpool approach based upon the sites already selected; not on what sites could potentially be selected. It is clear there are sufficient sites available to ensure the Sedgefield approach as advocated by the NPPG can be followed in Swale.

Should a buffer of 5% or 20% be added? Has there been a record of persistent under delivery?

- 2.21 Table 2 of appendix 1 sets out the Council's completion record against the proposed Plan target and the target from years 2001 to 2010/11. Firstly, at face value there is an undersupply of at least 337 dwellings since 2014. In that period, each year has under delivered.
- 2.22 In the years before the start date of this plan, 2001 to 2013/14 there are 8 years where completions have been below the annual target. It would appear that from these completion figures, that when the development plan is absent, or out of date, the rate of development falls below the requirement.
- 2.23 Since 2001 there have been at least 8 years where supply has not met the housing requirement and specifically since the start date of the submitted plan, there has been a cumulative under supply of at least 337 dwellings. Therefore, we consider

this constitutes as a record of persistent under delivery irrespective of issues regarding transport infrastructure and recessionary factors.

- 2.24 Therefore, to significantly boost the supply of housing and ensure that there is a realistic prospect of achieving the planning supply and to ensure choice and competition in the market for land, a buffer of 20% should be added.

Appendix A to C of the Statement of Housing Land Supply (2015-16) forecasts delivery over the plan period on identified housing sites. Is this based on robust assumptions and assessment of deliverability, developability and likely rates of development?

- 2.25 We do not consider the modified plan will ensure the delivery of a 5 year supply of housing upon adoption. We have identified sites that will not contribute as much to the 5 year supply as the Council suggests. These sites are set out in table 3 of appendix 1 and are:

- SW/040/73- Land North of Quinton Road, Sittingbourne (-100 dwellings from supply)
- SW/337- Crown Quay Lane, Sittingbourne (+2 dwellings to the supply)
- SW/330- Stones Farm, Sittingbourne (-44 dwellings from the supply)
- SW/703- SW Sittingbourne (-60 dwellings from the supply)
- SW/343- Land at the Bell Centre, Sittingbourne (-73 dwellings from the supply)
- SW/413- Perry Court Farm, Faversham (-70 dwellings from the supply)
- SW/997- Oare Gravel Works, Faversham (-42 dwellings from the supply)
- SW/194- Barton Hill Drive, Minster (-50 dwellings from the supply)
- SW/335- West of Rushenden Road, Rushenden (-75 dwellings from the supply)
- SW/165- Belgrave Road, Halfway (-25 dwellings from the supply)
- SW/114- Halfway Houses Primary School, Halfway (-25 dwellings from the supply)
- 14/502729- Ospringe Brickworks, Sumpter Way, Faversham (-30 dwellings from the supply)
- 13/0599- Little Oyster, Seaside Avenue, Minster (-50 dwellings from the supply)
- 14/0045- Land East of Love Lane, Faversham (-40 dwellings from the supply)

- 2.26 We consider that **table 2 (table 5 in appendix 1)** accurately demonstrates the Council's five year housing land supply position.

- It considers the most up to date housing requirement used by the Council (13,192)
- It considers the Council's past record on completions (persistent under delivery, 20% buffer and a under delivery of 337 dwellings; two years into the Plan period)

- It has considered all the strategic housing allocations and housing allocations, and extant planning permissions and made reasonable adjustments where appropriate, **note that on most sites we agree with the Council's assessment.** A reduction in supply of 682 dwellings is considered accurate, based upon our assessment.

Table 2 (Table 5 within Appendix 1) SPRU adjusted 5 Year Housing Land Supply Position (using Emerging Local Plan Housing Requirement)

	No. of Dwellings
Requirement for housing to 2021 (Emerging Local Plan)	13,968
5 year supply requirement (2016-2021)	3,880
Shortfall	337
Add to 5YR requirement	4,217
5 year supply requirement (2016-2021) including 20% buffer	5,060
Annual supply required	1,012
Number of dwellings in the 2016 SHLAA 5 year supply period (2016-2021) including SW133	4,260
5 year housing land supply position	4.21

- 2.27 We consider that table 2 is the most accurate reflection of the Council's land supply, which demonstrates a position for Swale Borough Council of **4.21 years**. This calculation includes our clients site SW/133 (Land at Scocles Road, Minster) within the supply. If omitted from the supply, this demonstrates a much lower position of **3.76 years**.
- 2.28 The Council is unable to demonstrate a five year supply and therefore further sites should be allocated to meet this immediate need for housing. SW133 should be allocated within the Plan; it can contribute to the Council's wider strategy, it can deliver housing within the first 5 years and it can contribute positively to sustainable development and adequately mitigate negative impacts The Council should ensure that all options for sustainable development have been explored through the preparation of the emerging Local Plan.

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