

**TOWN & COUNTRY PLANNING ACT 1990**

**APPEAL**

**by**

**Wates Developments**

**AGAINST**

**The refusal of the Maidstone Borough Council to grant outline planning consent for the erection a building for storage and distribution (Class B8 use) with a floorspace up to 10,788sqm (Gross External Area), ancillary offices, associated car parking, HGV parking, landscaping and infrastructure (All matters reserved except for access).**

**at**

**Land North of the A20, Ashford Road, Hollingbourne, Kent, ME17 1XH**

**REFERENCES:**

**Planning Inspectorate: APP/U2235/W/23/3329481**

**Local Planning Authority: 23/500899/OUT**

**Rebuttal of Appellant's (Planning & Landscape)**

**Proofs of Evidence (related to Planning matters)**

**By Richard Timms, BA (Hons) MA TCP MRTPI**

**December 2023**

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## **1.0 INTRODUCTION**

- 1.01 This rebuttal statement responds to the evidence submissions from the appellant in respect of planning and landscape matters as they relate to my expertise as the planning witness at the inquiry. One piece of new evidence is referenced being the Maidstone Borough Council Authority Monitoring Report (2022-23) because this was published the week commencing 11<sup>th</sup> December following completion of the Council's proofs of evidence.
- 1.02 For the avoidance of doubt, where issues which remain in dispute are not addressed herein, it should not be interpreted as an acceptance of the appellant's position.

## 2.0 MR ASHER ROSS PROOF OF EVIDENCE (PLANNING)

### Planning Policy

- 2.01 At paragraph 6.26 reference is made to policy LPRSP11(A) of the Local Plan Review (LPR). It is considered that this policy “*specifically allows employment development elsewhere in the Borough (including the countryside) subject to criteria*”. This is not accepted.
- 2.02 Policy LPRSP11(A) is titled ‘Safeguarding Existing Employment Sites and Premises’. It therefore relates to existing sites and premises and the criteria within the policy must be read in this context. The first part relates to sites ‘Within Designated Economic Development Areas’ which is not relevant to this appeal. The second part (criterion 4) relates to existing sites and premises ‘Outside of Designated Economic Development Areas’. It can allow for the expansion or intensification of existing industrial or business uses. There are no existing industrial or business uses at the appeal site and so this policy is not considered to be relevant to the appeal. Criteria (i) also qualifies that such expansion or intensification would only be acceptable provided the proposals “cannot be suitably relocated...” Relocation can only relate to an existing business use.
- 2.03 At paragraph 6.26 the appellant’s planning proof considers there is a clear rationale to consider the appeal scheme as being an extension of the Woodcut Farm development. In my view the policy only allows for expansion or intensification of an existing business within the confines of its existing site where there may be capacity for this to take place and not extension of a large mixed use site into adjoining fields.
- 2.04 If this policy was deemed applicable to the appeal proposals, criterion 4(ii) requires that any proposals, “would be of a type and scale of activity that does not harm the character and appearance of the site and its surroundings”. It is noted that this requires no harm to be caused. For the reasons set out in Mr Radmall’s evidence the appeal proposals would cause significant harm to the character and appearance of the countryside and local landscape. The appellant also agrees the proposals will cause harm as set out at paragraph 2.11 of the planning proof so would not comply with criteria (ii) in the event that this policy is considered applicable.

## **NPPF**

- 2.05 Paragraph 7.20 of the appellant's planning proof considers the overall basket of most important policies is out of date and the presumption in paragraph 11(d) of the NPPF (tilted balance) applies to the determination of the appeal. As set out in my proof I do not consider the basket of most important policies is out of date and therefore the 'titled balance' does not apply.
- 2.06 Relevant to this at paragraph 7.5 of the appellant's proof, policy SP17 is stated to have 'limited' weight because it precludes any harm to the character and appearance of the area and because it seeks to prevent adverse harm to the setting of NLs and this is deemed to be out of step with the NPPF. The LPR Inspector has required a higher threshold of 'significant' harm under emerging replacement policy LPRSP9 but this is the only change and he has not found any issue with threshold of impact on the setting of NLs.
- 2.07 Paragraph 180(b) of the NPPF states that policies should contribute and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. It does not set out what level of harm is appropriate to achieve this and so policy SP17 is not out of date or out of step with the NPPF and is consistent with Paragraph 180(b). A change to the threshold of harm under the new emerging policy does not render policy SP17 as being 'out of date'. Furthermore, the contention that policy SP17 was adopted in the context of the 2012 version of the NPPF and reflects it (an example provided is para 4.95 of the supporting text to policy SP17) is not understood. NPPF 2012 provided as a core principle that *"planning should....take account of the different roles and character of different areas....recognising the intrinsic character and beauty of the countryside..."* (paragraph 17). I can see no difference between this core principle and paragraph 180(b) of NPPF 2023 which provides for "recognising the intrinsic character and beauty of the countryside".
- 2.08 At paragraph 7.4 the appellant's planning proof sets out why it is considered that policy SS1 of the MBLP has 'moderate' weight stating that, *"both the employment and housing figures are out of date. This is due to the fact that new evidence demonstrates that significant more development is required (which is why the Council is carrying out a*

*review of the local plan)*".

- 2.09 At paragraph 7.19 it is considered that due to the age of the evidence base for the MBLP and because of the current need and demand in the logistics and warehousing sectors, the spatial strategy is out of date and therefore policy SS1. The proof considers (based on the evidence of colleagues) that employment needs are not being met by the existing development plan.
- 2.10 In my view, policy SS1 is consistent with the latest version of the NPPF (paragraphs 17, 20 to 22) in setting out an overall strategy for the pattern and scale of development for Maidstone Borough between 2011 and 2031. The appellant's planning proof at paragraph 7.4 accepts that it generally accords with the policies of the NPPF and gives the policy moderate weight which suggests it is not out of date in any event.
- 2.11 Policy SS1 obviously addresses development needs between 2011 and 2031 this being the MBLP plan period but does not place a cap on employment floorspace. It seeks to deliver development at the most sustainable locations as set out under the settlement hierarchy and within allocations.
- 2.12 Although 119,250m<sup>2</sup> of employment floorspace is required under the latest evidence base and LPR, this does not require any new sites outside of settlement boundaries or allocations and so not outside the current spatial strategy under policy SS1. This can be seen under the table at page 20 of my proof where the employment floorspace totals 139,239m<sup>2</sup> and all sites are within the urban area, rural service centres or allocations. Even if Newnham Park (Kent Medical Campus) - policy RMX1(1) was discounted as it is for 'medical based' employment these sites still provide 117,969m<sup>2</sup>. The garden settlements which go beyond the MBLP spatial strategy essentially provide for additional employment beyond the identified need.
- 2.13 Like the Inspector for the Ashford Road Appeal Decision (Appendix E of the appellant's planning proof) at paragraph 75, one should also look at whether the spatial strategy is working and in respect of this appeal, whether it is delivering employment development.
- 2.14 In terms of employment land delivery, the latest Authority Monitoring Report 2022-2023

which was published the week commencing 11<sup>th</sup> December 2023 (see Appendix 1) sets out on Table 15 (page 40) B8 use net total completions of 7,945m<sup>2</sup> since 2016/17. This is 20m<sup>2</sup> short of the net requirement under the MBLP which, given the plan runs to 2031, is well ahead of annualised targets. It also shows extant permissions for 71,130m<sup>2</sup>.

- 2.15 Notably however, the -19,777m<sup>2</sup> figure in 2022/23 relates to a former scrapyard ('Bentletts Yard', Laddingford) where housing was allocated and has been constructed (see policy H1(66) of the MBLP page 206). This is a 'sui generis' use and so should not be recorded as B8 floorspace at all. This means the net total for completions is actually 27,722m<sup>2</sup>. This demonstrates how the MBLP is successfully delivering B8 floorspace. The spatial strategy has therefore not constrained employment development. For these reasons and although there is a more recent evidence base to provide for future needs, policy SS1 of the MBLP is not considered to be out of date.
- 2.16 Under the logic of a new evidence base being the determining factor, the MBLP was out of date when the new evidence base was first published in 2019 only 2 years after it was adopted.
- 2.17 If it was concluded that employment floorspace is not currently being addressed because of the new evidence base, it is also appropriate to look at what steps the Council has taken/is taking in addressing the more recent evidence base<sup>1</sup>.
- 2.18 The MBLP was adopted in October 2017 and policy LPR1 (Review of the Local Plan) sets a target adoption date for review of the MBLP as April 2021 so 3.5 years after adoption and sooner than the necessary 5 years. In respect of employment, paragraph 9.13 of the MBLP states that an updated understanding of employment land need may be merited, in particular the need for new office floorspace.
- 2.19 The Council commenced work on the LPR in 2018 with a 'Scoping, Themes and Issues' public consultation in July 2019; followed by a Regulation 18b consultation in December 2020; a Regulation 19 consultation in October 2021; and the LPR being submitted for

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<sup>1</sup> From a number of authorities (including *Hallam Land Management v SoSCLG* [2018] EWCA Civ 1808 [51]) in the context of housing land supply, it is relevant that the decision maker should consider the scale of any shortfall and the steps being taken to address it.

examination in March 2022. In respect of employment an evidence base was produced in 2019, 2020 and 2021.

2.20 The MBLP has been successful in delivering employment floorspace including B8 uses and the Council has been swift in producing the LPR submitting it for examination around 4.5 years after adoption of the MBLP. Part of this period was during the Covid-19 pandemic which obviously caused some disruption and delay. The Council therefore has a Local Plan which has successfully delivered employment floorspace including B8 uses and has been swift in producing the LPR. The LPR will address the latest employment needs and the LPR Inspector has found the strategy and quantum of development for the LPR sound, subject to the MMs. The LPR is potentially a matter of weeks away from being adopted. The context of the Local Plan position in Maidstone is to be contrasted with the broad national position which is widely reported - (<https://www.planningresource.co.uk/article/1832554/78-english-councils-will-out-of-of-date-local-plan-late-2025-says-report>)

2.21 If the tilted balance was engaged, it is my view that the adverse impacts from the development as set out under reasons for refusal 1 and 2 and within my proof, including the conflict with the development plan and emerging LPR, significantly and demonstrably outweigh the benefits.

### **White Heath Appeal Decision**

2.22 At paragraph 4.8 of the appellant's planning proof, reference is made to this appeal decision for a care home and paragraph 14 of the decision where the Inspector refers to the Woodcut Farm development making a significant change to the character of the area and more activity. This paragraph is in the context of discussing the accessibility of the White Heath site and the sustainability of the location where the Inspector concludes at paragraph 16 that the location "would leave many users of the proposal reliant on the private motor car to access it" and at paragraph 17 that there is conflict with policies SS1, SP17 and DM14 of the MBLP which collectively seek to direct such development towards sites within the boundaries of defined settlements.



2.23 It is paragraphs 21 and 22 where the Inspector discusses ‘character and appearance’ and concludes the proposed care home would not be harmful to the character of the area and the setting of the Kent Downs NL would not be harmed in views from it. Clearly each application is different and must be assessed on its own merits. The White Heath site is around a fifth of the size of the appeal site; the site is adjacent to the entrance to Woodcut Farm and does not protrude into undeveloped countryside; unlike the appeal site which features no development, the vast majority of the White Heath site is covered with buildings including a dwelling and many outbuildings and structures; and the proposals were for a much smaller building in terms of footprint, height, and mass.

2.24 At paragraph 30 the Inspector states,

*“Whilst I acknowledge the benefits, they do not provide justification for giving reduced weight to policies that provide a clear strategic approach towards where development in the borough should be located, including housing. To do so would conflict with a core planning principle in the Framework that planning should be genuinely plan led.”*

2.25 For this appeal, the relevant development plan policies and emerging LPR policies provide a clear strategic approach towards where development in the borough should be located, including employment. It is considered that there should be no reduced weight to the basket of most important policies, and the benefits do not provide justification to reduce any weight to them or represent material considerations to outweigh the conflict with the development plan or override a plan led approach to employment development.

### 3.0 MR ANDREW COOK PROOF OF EVIDENCE (LANDSCAPE)

#### Changes to the Appeal Proposal

- 3.01 At paragraph 3.2 of the appellant's landscape proof is a section titled 'Modification to Appeal Proposals'. In this paragraph it is stated that the Illustrative Landscape Masterplan (Revision E) was "carefully designed" to ensure the building is visible from the A20. Despite this careful design, it is then stated the frontage could be planted with additional structural woodland planting as shown on the new Illustrative Landscape Masterplan (Revision F) which is at Appendix 9. These new changes have then been used in new photomontages provided at Appendix 11. Given the title of this section of Mr Cook's proof of evidence, it is not understood whether these are formal modifications to the appeal proposals.
- 3.02 Paragraph 3.3 sets out new proposals to introduce tree planting on land to the south of the site said to be within the appellant's control and a new plan has been provided at Appendix 10. The appellant has put this forward as a condition separately should the appeal be allowed through ongoing discussions on conditions. Again this new proposal has been used in new photomontages provided at Appendix 11 for the first time at the point of exchange of evidence.
- 3.03 Paragraph 3.4 states the building is proposed to be up to 15m high and this is also stated in the Planning Statement [CD1.1] at paragraph 4.1. It then states it is proposed that the roofscape to ridge height for the proposed building would be a maximum of 67.5m AOD and that, *"this means the overall height of the building and floor level can be flexible ensuring the overall height does not exceed 67.5m AOD"*. Mr Cook confirms that the LVIA photomontage (assumed to be that submitted alongside the planning application) is based on 54m floor level and building height of 15m resulting in a total of 69m AOD.
- 3.04 The new photomontages are based on the following topographic data:
- The wireline image uses an FFL of 54m and maximum of 67.5m AOD (i.e. a building height of 13.5m);

- The two images (Year 1/15) without the planting south of the A20 use an FFL of 52m and a maximum of 67.0m AOD (i.e. a building height of 15m); and
- The two images (Year 1/15) with the planting south of the A20 use an FFL of 54m and a maximum of 67.5m AOD (i.e. a building height of 13.5m, i.e. consistent with the wireline).

3.05 It is unclear why these changes to the application have been made at such a late stage and had they been submitted under the planning application the LPA would have carried out re-consultation. However, for the reasons stated in Mr Radmall's rebuttal they do not overcome the reasons for refusal or conflict with the development plan.

3.06 Although this is an outline application it is now unclear what the appellant is proposing and on what basis the landscape impact should be assessed. At the application stage it appears a 54m floor level and building height of 15m resulting in a total of 69m AOD was used and now there are further options with 52m and 54m floor levels and 13.5m and 15m building heights. In order to assess the likely impact, in my opinion the assessment should be based on the top of a 15m building being set at 67.5m AOD as these are the maximums stated.

3.07 The new photomontages now show Woodcut Farm 'Phase H' beyond the appeal site with a building height of 68.2m AOD. As can be seen under the approved levels plan for Woodcut Farm [CD4.14] the levels here (Plot C) are 55.3m. Building heights are restricted to no more than 12m under condition 3 of the permission [CD4.13] and so the maximum height would be 67.3m AOD, and condition 6 requires curved roofs.

3.08 It appears the photomontages now produced therefore misrepresent the potential Woodcut Farm development behind the appeal site in terms of its height which would be at least 0.9m lower, and its mass as curved roofs would be required.

## Appendix 1

Maidstone Borough Council Authority Monitoring Report (2022-23)

MAIDSTONE BOROUGH COUNCIL

# AUTHORITY MONITORING REPORT

Date: 2022-2023



Published: December 2023

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## Key Facts

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This is the Maidstone Authority Monitoring Report (AMR) 2022-23. It showcases the progress made in delivering sustainable growth and development across the borough.



### Local Development Scheme

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- The most recent **LDS (2022-2025) was adopted on 22 February 2023**. It includes delivery timetables for the Design and Sustainability DPD; the Gypsy, Traveller and Travelling Showpeople DPD; and the Local Plan Review.



### Plan production

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- The **Local Plan Review** was progressed in accordance with the LDS.
- The Local Plan Review was submitted to the Secretary of State for independent examination on 31 March 2022.
- As of 31 March 2023, there are **7 made (adopted) Neighbourhood Plans** that form part of the Maidstone's statutory Development Plan:
  - North Loose Neighbourhood Plan (2016)
  - Staplehurst Neighbourhood Plan (2020)
  - Loose Neighbourhood Plan (2019)
  - Marden Neighbourhood Plan (2020)
  - Boughton Monchelsea Neighbourhood Plan (2021)
  - Lenham Neighbourhood Plan (2021)
  - Otham Neighbourhood Plan (2021)



### Housing

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- There continues to be a strong record of housing delivery in Maidstone. **1,064 new homes** were delivered in 2022-2023, taking the total delivery to more than **11,786 new homes** (net) since the start of the plan period in 2011.

- **378 new affordable homes** were delivered in the reporting year. In terms of split by affordable tenure type, the proportion of shared ownership and/or intermediate rented products delivered in the reporting year (37%) was higher than the target (30%).
- Affordable housing delivery is broadly in line with the targets set for specific geographic areas, with comparably stronger performance in the 'countryside, rural service centres and larger villages'.
- Housing delivery was broadly in line with the Local Plan targets for dwelling size mix.
- The Council continues to demonstrate a 5-Year housing land supply against its annual housing requirement.



## Economic Growth

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- There is a sufficient supply of employment land to meet the borough's identified needs. Since 2016/17 there has been a total net loss of **27,455 square metres** of commercial and industrial floorspace through completed developments however this is offset by gains achieved through new planning consents.
- A considerable amount of employment floorspace lost is owing to the Government's expansion of Permitted Development (PD) Rights which allow for the conversion of offices to housing. In response to this the Council implemented Article 4 Directions removing the PD rights. However, these Directions expired in August 2022.
- There is currently a **comparative oversupply of space for general industrial (Class B2) and warehousing (Class B8) uses**, with more limited provision for office and light industrial uses (Class E(g), former Class B1).
- The Local Plan continues to perform well in maintaining the employment function of designated Economic Development Areas and facilitating development within allocated mixed-use sites, with new planning approvals and completions demonstrating their viability for business uses.
- The Covid-19 pandemic continues to impact upon business practices, work and consumer shopping patterns. The Council has prepared new evidence to assess these trends and future employment and retail requirements in Maidstone, which has informed the Local Plan Review.



## Retail and town centres

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- Progress continues to be made towards the delivery of new retail space to meet identified needs, with **overall net gains** achieved. However, there is a notable shortfall in provision for comparison goods retail space. This is partly due to the redevelopment of the Grafty Green Garden Centre, which resulted in a significant loss of retail floorspace in the previous monitoring year.
- **Maidstone town centre continues to perform an important retail function**, with the targets for retail uses in Primary Shopping Frontages broadly met.
- Changes to the Use Classes Order and expansion of Permitted Development Rights continue to provide greater flexibility for changes between retail and other main town centre uses.



## Natural environment and open space

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- The Local Plan continues to provide strong protection for the borough's natural assets and open spaces. During the reporting year there were **no losses of Ancient Woodland, designated wildlife sites or designated open spaces** resulting from new developments.
- **New and/or improved open spaces** were delivered in association with a number of mixed-used developments, whether directly on-site or off-site via planning contributions.
- The latest Environment Agency information indicates that 73% of water bodies in the Borough are classified as 'moderate' in terms of their ecological status or potential. There is further scope for improvements in this regard, with particular consideration required for new developments within the Stour Catchment.



## Climate change resilience and sustainability

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- Between 2011 and 2021, the borough's **CO<sub>2</sub> emissions per capita have declined**. Opportunities to enhance climate resilience are being considered as part of the Local Plan review.
- In terms of air quality, there have been improvements in those areas in exceedance of statutory air quality limits. This will continue to be

monitored particularly in the light of the Covid-19 pandemic which resulted in lower traffic levels and consequent reductions in Nitrogen Dioxide.

- There are positive trends in waste management, with the amount of non-household waste collected in the Borough decreasing significantly in recent years. Household waste generated in the Borough has fluctuated over the past decade, mirroring trends in Kent.



## Transport and infrastructure

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- Progress continues to be made on strategic infrastructure required to support the Local Plan. A total of **6 infrastructure schemes** have been delivered during 2022/23.
- The Council continues to work jointly with Kent County Council (KCC), as the highway authority, to progress the timely delivery of **key highways improvement schemes**.
- Progress continues to be made on the delivery of **sustainable transport measures** to support the growth identified in the Local Plan, and as set out in the Integrated Transport Strategy and the Walking and Cycling Strategy.
- During 2022-23 **£5,794,120** was secured through Section 106 agreements.
- After deducting 5% for administration costs and either 15% or 25% for Parishes, the balance of CIL payments received during 2022-23 is **£2,191,086**.

# 1. Introduction

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1.1 This is the Maidstone Authority Monitoring Report (AMR) 2022-23. It showcases the progress made in delivering sustainable growth and development across the borough. It is a corporate document with input from a range of Council departments. The AMR provides a framework to monitor and review the effectiveness of local plan policies for the monitoring period 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023.

1.2 It also provides a progress update on key workstreams identified in the Local Development Scheme (LDS), and whether they are on track in terms of the published 'milestones' or key target dates. Where milestones are not on track to be achieved, the AMR explains the reasons why and sets out the appropriate action to be taken.

## Structure of the AMR

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1.3 Each section of the AMR focuses on a different topic, as follows:

- **Key Facts** provides an overview of the AMR, highlighting the main findings.
- **Section 1** sets out the structure of the document, identifies the parameters of the AMR and includes a brief profile of Maidstone Borough.
- **Section 2** reviews the progress of the Maidstone Development Plan against the timetable for plan making set out in the Local Development Scheme.  
The report includes updates on neighbourhood development plans, the Council's Community Infrastructure Levy, and the 'duty to cooperate' requirement for continued collaboration with partners over strategic cross-boundary issues.
- **Sections 3 and 4** set out the performance of local plan policies in accordance with the monitoring indicators of the Maidstone Borough Local Plan (2017) and Sustainability Appraisal Statement (2017).
- **Appendix 1** contains tables and maps illustrating the Borough's heritage and environment assets and constraints.
- **Appendix 2** contains an extract from the Infrastructure Funding Statement covering the monitoring year.
- **Appendix 3** shows progress under the Council's statutory 'duty to cooperate'.
- **Appendix 4** sets out a glossary of terms to assist the reader.

## Parameters

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1.4 A number of parameters govern the content of this AMR:

- The AMR covers the monitoring period 1 April 2022 to 31 March 2023.

- Relevant information related to work completed outside of this period has been included where it is considered useful in understanding the outcomes from the year and to aid understanding of the Council’s current position.
- Where possible the AMR incorporates time series data drawing on data from previous AMRs in order to illustrate trends and changes over time.
- Percentages in tables have been rounded so may not add up to 100%.
- Both net and gross figures have been used throughout this report, and this is clearly labelled.
- The AMR does not seek to provide a comprehensive picture of all development in the borough. Rather, it focusses specifically on the quantity and type of housing and non-residential development that requires approval from the Council.
- The delivery of residential and commercial development is monitored by the Planning Authority on an annual basis through an annual survey, site visits and cross-checks with other Council department records e.g. Building Control and Planning Obligations.
- The Housing Delivery Test results are provisional until confirmed by the Department for Levelling Up, Housing and Communities (DLUHC) – usually in November.

## Maidstone Profile

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**77,185 HOMES**

**175,800 PEOPLE**



*Sources: Homes: (KCC Housing Stock 2023 update). Population: (ONS, June 2023)*

1.5 Maidstone is the county town of Kent and is an important administrative centre, strategically located between the Channel Tunnel and London with good road and rail links. The urban area, located to the north-west of the borough, has a strong commercial and retail town centre. Maidstone has an extensive rural hinterland, which is characterised by an abundance of villages and hamlets.

1.6 The borough benefits from a range of designated heritage assets, and its rural hinterland is of high landscape and environmental quality, much of which is protected by national and local designations. Parts of the borough located adjacent to its rivers lie within a floodplain. These assets and constraints are illustrated in Appendix 1.



## Maidstone Borough Local Plan

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1.7 The adopted Maidstone Borough Local Plan (2017) outlines the following key issues:

1. Where, when, and how much development will be distributed throughout the borough;
2. Maintenance of the distinct character and identity of villages and the urban area;
3. Protection of the built and natural heritage, including the Kent Downs AONB and its setting, the setting of the High Weald AONB and areas of local landscape value;
4. Provision of strategic and local infrastructure to support new development and growth including a sustainable Integrated Transport Strategy, adequate water supply, sustainable waste management, energy infrastructure, and social infrastructure such as health, schools, and other educational facilities;
5. Improvements to the quality of air within the air quality management area (AQMA);
6. Regeneration of the town centre and areas of social and environmental deprivation;
7. Redressing the low wage economy by expanding the employment skills base to target employment opportunities;
8. Meeting housing needs by delivering affordable housing, local needs housing, accommodation for the elderly, accommodation to meet Gypsy and Traveller needs, and accommodation to meet rural housing needs;
9. Promotion of the multi-functional nature of the borough's open spaces, rivers, and other watercourses;
10. Ensuring that all new development is built to a high standard of sustainable design and construction; and
11. Ensuring that applications for development adequately address:
  - i. The impact of climate change;
  - ii. The issues of flooding and water supply; and
  - iii. The need for dependable infrastructure for the removal of sewage and wastewater.

1.8 The borough is expected to meet the development needs outlined in the Maidstone Borough Local Plan (2017). Development must be managed in the context of Maidstone's quality environment.

1.9 The key monitoring indicators of the AMR (section 3) and the significant effect indicators (section 4) provide additional context, revealing further characteristics of the borough.

## 2. Development Plan and Associated Documents

2.1 The current Maidstone Development Plan is set out below (Figure 1 below). The Development Plan must conform to national policies and guidance, and is supported by several process documents, including the AMR. Development Plan Documents are available to view and download from the Council's website, together with process documents and supplementary planning documents.

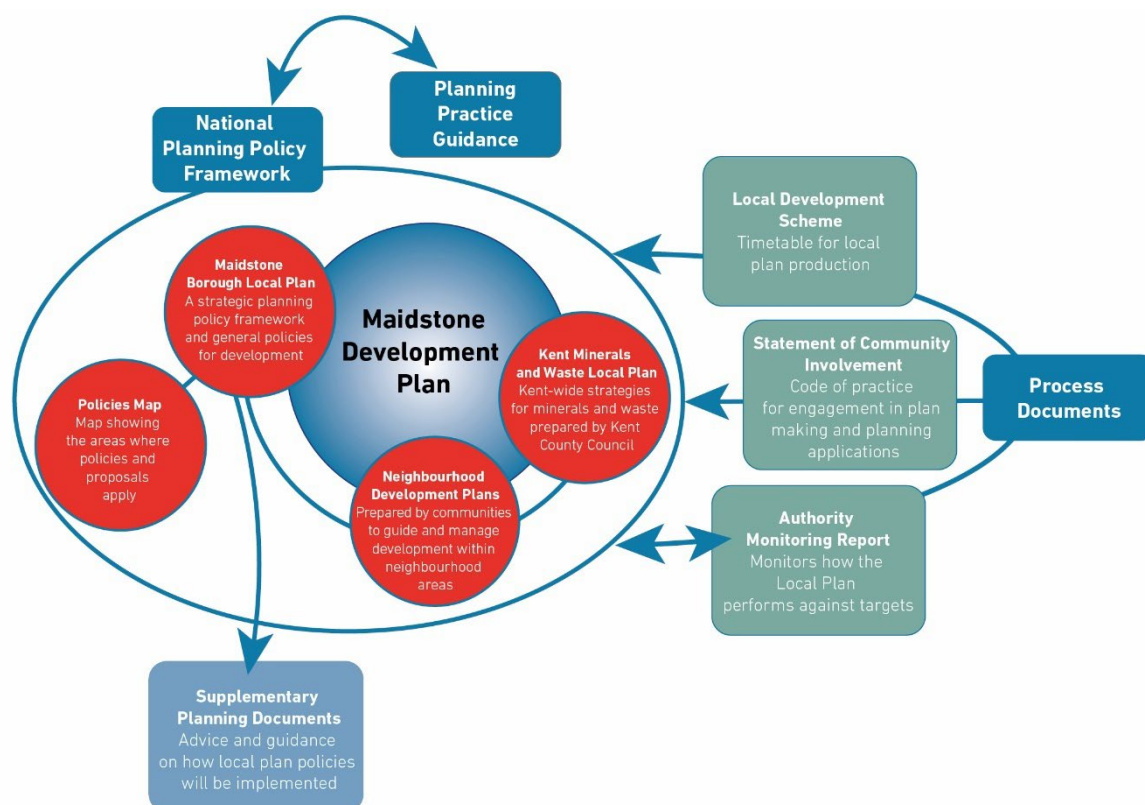


Figure 1: Plan-making diagram (Source: MBC, 2018)

### Local Development Scheme: Local Plan Review

2.2 The Council has a duty to review its local plan every five years and as such the adopted Maidstone Borough Local Plan (2017) included a commitment to review the plan. Work is progressing on the Local Plan Review (LPR) and the delivery programme is set out in the Local Development Scheme (LDS).

2.3 Since the adoption of the Local Plan in 2017 there have been seven iterations of the LDS setting out the delivery programme for the Local Plan Review.

2.4 The Local Plan Review was submitted to the Secretary of State for independent examination on 31 March 2022, in accordance with the Local Development Scheme. The examination process commenced during the Spring and Summer, with the Inspector scheduling hearings over two stages during the Autumn of 2022 with stage 1 hearings starting in September and stage 2 hearings in the summer of 2023.

2.5 The LDS adopted in December 2021 was superseded by the Maidstone Local Development Scheme 2022-2024, which was adopted in September 2022 and took effect the same day. Following the adoption of the Local Development Scheme 2022-2024 the Local Plan Review was subject to stage 1 hearing sessions. Due to the complex nature of the hearing sessions, the original timetable for the hearing sessions was extended by the Inspector and caused a delays to the subsequent stages of the Local Plan Review. In January 2023 the Council received the Inspector's Interim Report, and the inspector confirmed the timetable for the stage 2 hearings sessions. As such a new Maidstone Local Development Scheme 2022-2025 was produced and adopted in February 2023 and took effect the same day. The timetable for the remaining stages is as follows:

- Main modification consultation – September to October 2023 (target met)
- Adoption (Regulation 26) – January 2023 (on track)

## Neighbourhood Plans

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## 7 NEIGHBOURHOOD PLANS

2.6 Neighbourhood development plans, also known as neighbourhood plans, are prepared by Parish Councils or designated Neighbourhood Forums for their areas. Their production is subject to a legislative process, similar to that for local plans, and a local referendum. Following a successful referendum, a neighbourhood plan becomes part of the Maidstone Development Plan, before being formally 'made' (adopted) by the Borough Council. Further details regarding the neighbourhood planning process and the Council's role in the preparation of neighbourhood plans are set out in the Maidstone Statement of Community Involvement 2020.

2.7 Neighbourhood planning is very active in Maidstone Borough, which has a total of 16 designated neighbourhood areas: 15 submitted by parish councils and one by the North Loose Neighbourhood Forum.

2.8 As at 1 April 2023, there are seven made (adopted) plans that form part of the Maidstone Development Plan:

- Staplehurst Neighbourhood Plan (2016 and amended in August 2020)
- North Loose Neighbourhood Plan (2016)
- Loose Neighbourhood Plan (2019)
- Marden Neighbourhood Plan (2020)
- Boughton Monchelsea Neighbourhood Plan (2021)
- Lenham Neighbourhood Plan (2021)
- Otham Neighbourhood Plan (2021)

2.9 Neighbourhood plans and their production stages are regularly updated on the Council's website.

## Community Infrastructure Levy

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2.10 The Council adopted its Community Infrastructure Levy (CIL) Charging Schedule in October 2017, and it took effect from 1 October 2018. The CIL Charging Schedule was approved by the Council, together with a list of the types of infrastructure that may be funded in whole or part by CIL.

2.11 The council conducted the first round of bidding for allocation of strategic CIL funds to support the delivery of strategic infrastructure in the borough during the monitoring year. Three schemes were successful in secure CIL funds.

2.12 The Council's Infrastructure Delivery Plan (IDP) identifies the infrastructure schemes considered necessary to support the development proposed in the adopted Local Plan and to outline how and when these schemes will be delivered. CIL funding can be allocated towards these schemes. The Council has committed to an annual review of the IDP. As part of the Local Plan Review a separate IDP has been created. Once the Local Plan Review is adopted, the Council will revert to a single IDP.

## Duty to Cooperate

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2.13 The 'duty to cooperate' places a legal duty on local planning authorities to engage constructively, actively and on an ongoing basis with certain organisations, in order to maximise the effectiveness of local plan preparation in the context of strategic cross boundary matters. It is not a duty to agree, but every effort should be made to resolve any outstanding strategic cross boundary matters before local plans are submitted for examination.

2.14 Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their local plans. The Duty to Cooperate Statement<sup>1</sup> forms part of the evidence-base for the Local Plan Review and sets out the Council's approach to cooperation on key strategic issues in the Local Plan Review. The statement identifies the requirements set out in the NPPF, guidance, and legislation; and demonstrates how the Council has met those requirements.

2.15 Appendix 3 of this AMR provides a summary of those meetings and correspondence which has taken place during the monitoring year. This record may be subject to updates to ensure all meetings and correspondence have been appropriately documented.

### Supplementary Planning Documents

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2.16 Supplementary Planning Documents (SPD) provide further detail to a policy or group of policies set out in a local plan. Although SPDs are not part of the Development Plan, once adopted, they are a material consideration in development decisions and should be considered alongside the policies in the Local Plan. SPDs are governed by regulations that require public consultation, but they are not subject to examination.

2.17 The Affordable and Local Needs Housing SPD was adopted by the Council on 7<sup>th</sup> July 2020. It provides advice on how the Council's Local Plan housing policies are to be implemented. This includes guidance on the range of approaches, standards and mechanisms required to deliver a range of housing to meet identified needs.

2.18 The SPD is intended to facilitate negotiations and provide certainty for landowners, lenders, housebuilders, and Registered Providers regarding the Council's expectations for affordable and local needs housing provision in specific schemes.

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<sup>1</sup> [LPR 5.5 Duty to Cooperate Statement 2022 \(including Statements of Common Ground\) Medway Redacted.pdf - Google Drive](#)

## 3. Local Plan Performance: Maidstone Borough Local Plan – Monitoring Indicators

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3.1 Key monitoring indicators (KMI) enable the Council to understand the progress being made towards its local plan objectives and targets. The KMIs focus on the quantitative and qualitative delivery of homes and economic development, including supporting infrastructure, provision of recreational open space, and the protection and enhancement of the built and natural environment. The indicators are carried forward from the adopted Maidstone Borough Local Plan (2017) and the Sustainability Appraisal Statement (2017).

### General/Whole Plan

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**Indicator M1: Number and nature of departures from the Local Plan granted consent per year**



**18 DEPARTURES FROM THE PLAN  
APPROVED**

3.2 There is no specific target for the indicator but during the reporting year there were 18 reported departures from the Local Plan. The details of the applications and the nature of the departure are outlined in Table 1.

<b>Application</b>	<b>Reason for departure</b>	<b>Justification</b>
22/500192/FULL – Land at Oakhurst Lodge, Clapper Lane  Change of use of land to use as a residential caravan site providing one additional gypsy pitch to accommodate one static caravan/mobile home, including laying of hardstanding and installation of package sewage treatment plant.	Contrary to SP17	Considered to be acceptable.
21/506626/FULL – Stables at Stud Farm, Dunn Street  Conversion of an existing stable at Stud Farm to provide a new two bedroom dwelling with associated parking, landscaping, private amenity space and external store (Resubmission to 21/503146/FULL).	Contrary to SS1, SP17, DM1, DM30 and DM31	Members did not consider that the proposal would have a harmful impact on the countryside or the AONB subject to the imposition of conditions to ensure that it is acceptable and in accordance with policy
22/501442/FULL – Tutsham Mill Pond, Tutsham Farm  Section 73 - Application for removal of condition vii (agricultural occupancy condition) pursuant to MA/90/0742 (Two storey agricultural dwelling and garage/storage unit for a fish farm).	Contrary to SP17	Considered to be acceptable.
22/501940/FULL – Hunton Lodge, Hunton Road  Change of use of land to alternate between horse usage and laser shooting range. Part change of use of a stable barns to a coffee shop including erection of a single storey extension and decking.	Contrary to SP17	Concluded that the proposal would not result in harm to the character and appearance of the countryside
21/506792/HYBRID – Land at Woodcut Farm Ashford Road  Hybrid Planning Application for demolition of existing building (Use Class C3) and redevelopment for a mixed commercial scheme. Full planning application comprising of erection of 2 no. units (Unit E2 - light industry/B8 and Unit D1 - offices/coffee shop), HGV fast charge facility, bus stop, hard and soft landscaping, and associated infrastructure. Outline planning application comprising of erection of 1 no. unit (Unit E1 - offices) with appearance matter reserved.	Contrary to SP17	Considered that the provision of amenity facilities and the associated economic benefits of the expansion outweigh the low level of harm and are material considerations that outweigh the conflict with policy SP17
22/502852/FULL – Land at 3 Hockers Lane  Section 73 - Minor Material Amendment to approved plans condition 2 (to alter external appearance and internal layout)	Contrary to SP17	There are no significant policy/guidance changes that are relevant to the assessment of the development



Application	Reason for departure	Justification
pursuant to application 20/501972/FULL allowed on appeal (ref: APP/U2235/W/20/3261853) for - Demolition of existing 1(no) garage/canopy and 1(no) garage/store. Erection of 1(no) four bedroom chalet bungalow with garage and associated access/parking.		
22/504750/FULL – Land at 3 Hockers Lane  Section 73 - Application for minor material amendment to approved plans condition 2 (to allow relocation and increase in footprint of proposed garage, to provide turning area for a fire vehicle and additional parking, and addition of a flue, solar panels, and an air source heat pump to the dwelling) pursuant to 20/501972/FULL allowed on appeal (ref: APP/U2235/W/20/3261853) for - Demolition of existing 1no. garage/canopy and 1no. garage/store. Erection of 1no. four bedroom chalet bungalow with garage and associated access/parking.	Contrary to SP17	There are no significant policy/guidance changes that are relevant to the assessment of the development
21/506664/FULL – Rosehill Vanity Lane, Linton  Demolition and rebuilding of the existing barn to provide a 3 bedroom dwelling including rear pavilions linked by glass link. Re-routing and alteration of existing road access to allow separate access to house and barn and associated landscaping.	Contrary to SP17	Concluded on balance, that the public benefits of the proposal outweigh the harm of unsustainable form of development.
22/501384/FULL – West Star Farm, Waterditch Lane  Refurbishment of existing agricultural building, including raising of roof and low eaves height, and recladding of walls and roof, and erection of replacement side extension.	Contrary to SP17	Considered to be acceptable
20/506149/FULL – Scammell Lodge, Friningham  Demolition of existing commercial buildings and erection of 3no. replacement buildings for use within Classes B2 (general industry), B8 (storage and distribution) and E(g)(ii) light industry , including ancillary parking facilities; improvements to access road, improvement to the junction with the A249, boundary fencing and landscaping.	Contrary to SP17	Considered that the benefits associated with the revised scheme outweigh the limited harm arising from an increased scale of development above that previously approved.

<b>Application</b>	<b>Reason for departure</b>	<b>Justification</b>
22/501606/FULL – Ringles Gate Grigg Lane  Erection of a replacement dwelling. (Resubmission of 21/504862/FULL)	Contrary to SP17 and DM32	Due to the scale and massing of immediately adjacent development, the proposal would not have a harmful impact on the character and appearance of the countryside in this location.
21/506208/FULL – Ledian Farm Upper Street  Erection of 39 no. units for assisted living (Class C2) as Phase 3 of Ledian Gardens continuing care retirement community development with associated substation and ancillary buildings, open space, landscaping, parking and vehicular access via Phase 1 with additional 8 off-street parking spaces for Upper Street residents	Contrary to SP17 and SS1	There is a current deficit in supply of Extra Care units in the Borough against a backdrop of growing need and this outweighs the harm from the breach of policies SP17 and SS1
22/504213/FULL – Land At Corner Of St Michaels Close and Beddow Way  Development of Bio-CNG vehicle fuelling facility comprising fuel dispenser islands, plant compounds, landscaping, access and associated development.	No longer a departure	
21/503150/FULL – The Old Forge Chartway Street  Demolition of existing buildings and erection of 3no. houses with associated amenity space, landscaping and access.	Contrary to SS1, SP17, DM1, DM5 and DM30	Considered to be acceptable.
21/505080/FULL – East Went Chartway Street  Erection of 1no. new detached 5no. bedroom house with associated parking and rear garden, bin and bike store, and new woodland planting to the rear.	Contrary to SP17	Concluded would not have a harmful impact upon the character and appearance of the surrounding area.
21/503457/FULL – Fox Pitt Farm Commerical Estate Shingle Barn Lane  Demolition of 3no. existing single storey commercial units/structures and replacement with a two storey commercial building comprising of 10 units, provision of a new internal road	Contrary to SP17	Considered to be acceptable.

Application	Reason for departure	Justification
layout including additional entrance from the private access road serving the development, revisions to on-site vehicle parking, construction of a detached refuse bin store, and associated landscaping.		
21/505627/FULL – The Green Barn Water Lane  Permission is sought for extra capacity on existing Gypsy site to include, 4(no) additional static caravans, 3(no) additional touring caravans, with parking, a dayroom and infrastructure (part retrospective).	Contrary to SP17	Considered to be acceptable.
22/500538/FULL – Downs Court Yalding Hill  Demolition of existing carport structure and erection of two-storey Class E building with mezzanine level.	Contrary to SP17	Considered to be acceptable.
21/500658/OUT – Land East of Gleamingwood Drive  Section 73 - Application for Variation of condition 14 (details of biomass plant) pursuant to application 15/503359/OUT and appeal APP/U2235/W/15/31323 for - Outline application with all matters reserved for residential development (approx 89 dwellings) plus open space, biomass plant and access road (plus emergency access)	Contrary to SP17	Considered to be acceptable.

*Table 1: Summary of the departures to the Local Plan (Source: MBC 2023)*

## Indicator M2: Appeals lost against Local Plan policy per year



# 61% APPEALS DISMISSED

3.3 There is no specific target for this indicator. Between 2017/18 and 2022/23 the number of appeals lodged against the Council’s planning decisions has fluctuated (Table 2). During the monitoring year, there were 73 appeals made, of which 4 were withdrawn. For the remaining 69 appeals 61% were dismissed. This is roughly in line with the appeals since 2017/18 overall. The main issues considered by the planning inspectors were character and appearance matters.

Appeal decision	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	TOTAL
Allowed	22	28	31	15	15	25	136 (29%)
Dismissed	64	42	64	45	38	42	295 (63%)
Withdrawn	6	7	4	7	4	4	32 (7%)
Disqualified	3	0	0	0	0	2	5 (1%)
Part allowed/ part dismissed	0	1	0	0	0	0	1 (0.2%)
<b>Total</b>	<b>95</b>	<b>78</b>	<b>99</b>	<b>67</b>	<b>57</b>	<b>73</b>	<b>469</b>

Table 2: Planning appeal decisions (Source: MBC 2023)

## Indicator M3: Successful delivery of the schemes in the Infrastructure Delivery Plan



# 8 INFRASTRUCTURE SCHEMES DELIVERED

3.4 The Council monitors the progress of all schemes in the IDP and updates it on an annual basis based on the financial year April to March.

3.5 A total of 66 schemes have been delivered since the adoption of the Local Plan in 2017. Schemes delivered include highways and transportation, and health. For the reporting year 2022-23 eight further schemes have been delivered. These schemes are:

- HTNW7 - Provision of a circular bus route to serve the north west Maidstone strategic development area.
- HTSE9 - Provision of a new footway on the northern side of Sutton Road.
- HTC4 - Provision of a formal footway link between site H1 (58) and Mill Lane.
- HTC5 - Package of measures including bus stop improvements on Heath Road, new footways and pedestrian crossings
- HPR9 - Greensands Health Centre - new premises provision in Coxheath to replace existing premises, as per Premises Development Plan
- HTM1 - Package of improvements to Marden Rail Station including provision of a new shelter, additional seats, CCTV and lighting as part of one scheme, and provision of a cycle park as part of another scheme
- HPT1 - Marden Medical Centre - works including refurbishment and reconfiguration to be identified as part of ongoing review to support maximum utilisation of existing premises. Longer term review to be taken informed by final Local Plan Review.
- HTS3 - Package of measures in north western Staplehurst including the provision of pedestrian and cycle links to the railway station, provision of a pedestrian and cycle crossing on Marden Road. bus infrastructure improvements, traffic calming and the extension of the 30-mph limit on Marden Road

## Housing

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### Indicator M4: Progress on allocated housing sites per annum



**86% ALLOCATIONS OBTAINED PLANNING CONSENT**

3.6 The 2017 Local Plan includes 66 residential 'H1' site allocations and a further four 'RMX1' site allocations for mixed-use development, which includes residential.

3.7 Excellent progress on the delivery of these sites continues, with a total of 60 sites, or 86%, having obtained planning consent to date. Across the 60 sites with planning consent, a total of 8,150 homes are ultimately to be delivered; 5,684 of which are already complete.

Site status (at 1 April 2023)	Sites count	Sites %	Homes count	Homes %
Complete	42	60%	5,684	66%
Commenced	13	19%	661	8%
Permitted - not started	5	7%	1,805	21%
Pending decision	0	0%	0	0%
No application	10	14%	480	6%
<b>Total:</b>	<b>70</b>	<b>100%</b>	<b>8,630</b>	<b>100%</b>

Table 3: Progress on allocated housing sites - new dwellings (Source: MBC 2023)

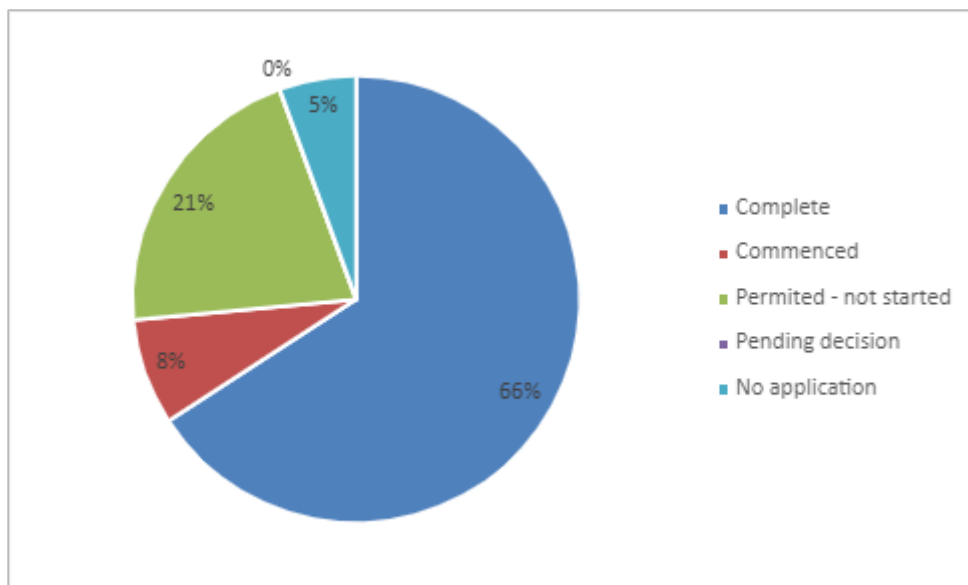


Figure 2: Progress on allocated housing sites - new dwellings (Source: MBC, 2023)

### Indicator M5: Predicted housing delivery in the next 5 years



## 6 YEARS' WORTH OF HOUSING LAND SUPPLY

3.8 Since 2011, the base date of the 2017 Local Plan, a total of 11,786 dwellings have been completed. Since 2021, the base date of the emerging Local Plan Review, a total of 2,691 dwellings have been completed. During the 2022/23 monitoring year, there were 1,064 net new homes delivered across the borough.

3.9 In respect of the Council's five-year land supply Table 4 demonstrates a surplus of 841 dwellings above the target of 4,716. This represents 5.9 years' worth of housing land supply at the base date for calculations of 1 April 2023.

REQUIREMENT							
	Y1 2023/ 24	Y2 2024/ 25	Y3 2025/ 26	Y4 2026/ 27	Y5 2027/ 28	TOTAL	
Five-year requirement	1,000	1,000	1,000	1,000	1,000	5,000	+
5% buffer (NPPF)	50	50	50	50	50	250	+
Cumulative over/undersupply (since LPR base date) 01/04/21 - 31/03/23						-534	=
<b>Total five-year requirement</b>						<b>4,716</b>	
SUPPLY							
	Y1 2023/ 24	Y2 2024/ 25	Y3 2025/ 26	Y4 2026/ 27	Y5 2027/ 28	TOTAL	
Allocations	-	11	189	750	743	1,693	+
Broad locations	-	-	-	34	34	68	+
Garden Communities & Strategic Development Locations	-	-	-	-	50	50	+
Current permissions	868	1,000	943	533	402	3,746	+
3% non-implementation discount (on current permissions)	-26	-30	-28	-16	-12	-112	+
Windfall allowance	-	-	-	113	113	226	=
<b>Total supply</b>	<b>842</b>	<b>981</b>	<b>1,104</b>	<b>1,414</b>	<b>1,330</b>	<b>5,671</b>	
<b>Housing land supply (in years):</b>						<b>6.0</b>	

Table 4: 5-year housing land supply at 1st April 2023 (Source: MBC 2023)

### Indicator M6: Housing trajectory: Predicted housing delivery to 2031

3.10 The Council regularly reviews the trajectory of anticipated housing supply over the entire plan period, monitored against housing requirements. For this year, given the transition between adopted Local Plan and emerging Local Plan Review, the Council will show this against the adopted Local Plan requirement (883 homes per annum) and also against the Local Plan Review housing requirements, as proposed through the Main Modifications.

## Local Plan 2017

### **3,054 EXPECTED SURPLUS HOMES**

3.11 Excellent progress has been made in delivering the plan requirement for 17,660 homes over the 20-year plan period 2011-2031. Due to the site allocations in the Local Plan Review now being included in the housing trajectory, the total expected number of homes to be delivered by 2031 equates to 20,714; giving an expected surplus of 3,054 homes when measured against the originally adopted housing requirement of 17,660.

	<b>Housing land supply 1 April 2011 to 31 March 2031</b>	<b>Dwellings (net)</b>	<b>Dwellings (net)</b>
1	Objectively assessed housing need / Local Plan housing requirement		17,660
2	Completed dwellings 1 April 2011 to 31 March 2023	11,786	
3	Extant planning permissions at 1 April 2023	4,027	
4	Local Plan allocated sites (no application or application pending decision)	3,259	
5	Broad locations for future housing development	167	
6	Garden Settlements and Invicta Barracks	640	
7	Windfall sites contribution	835	
8	Total housing land supply		20,714
9	Housing land supply surplus 2011-2031		+3,054

Table 5: Total housing land supply for 2017 Maidstone Borough Local Plan (2011-2031) (Source: MBC 2023)

## Local Plan Review

### **282 EXPECTED UNDERSUPPLY OF HOMES**

3.12 The Local Plan Review runs over a 17-year plan period from 2021 to 2038, with a total plan requirement to deliver a minimum of 19,669 homes. At present, there is expected to be a modest undersupply in the region of just 282 homes (or 1%) by the end of the plan period in March 2038. As is shown below, this undersupply occurs in the final year of the plan period and can be expected to be met through windfall development or through subsequent plan reviews.



	<b>Housing land supply 1 April 2021 to 31 March 2038</b>	<b>Dwellings (net)</b>	<b>Dwellings (net)</b>
1	Local Plan Review housing requirement		19,669
2	Completed dwellings 1 April 2021 to 31 March 2023	2,691	
3	Extant planning permissions at 1 April 2023	4,059	
4	Local Plan allocated sites (no application or application pending decision)	4,589	
5	Broad locations for future housing development	1,147	
6	Garden Settlements and Invicta Barracks	4,190	
7	Windfall sites contribution	2,711	
8	Total housing land supply		19,387
9	Housing land supply shortfall 2021-2038		-282

Table 6: Total housing land supply for Local Plan Review (2021-2038) (Source: MBC 2023)

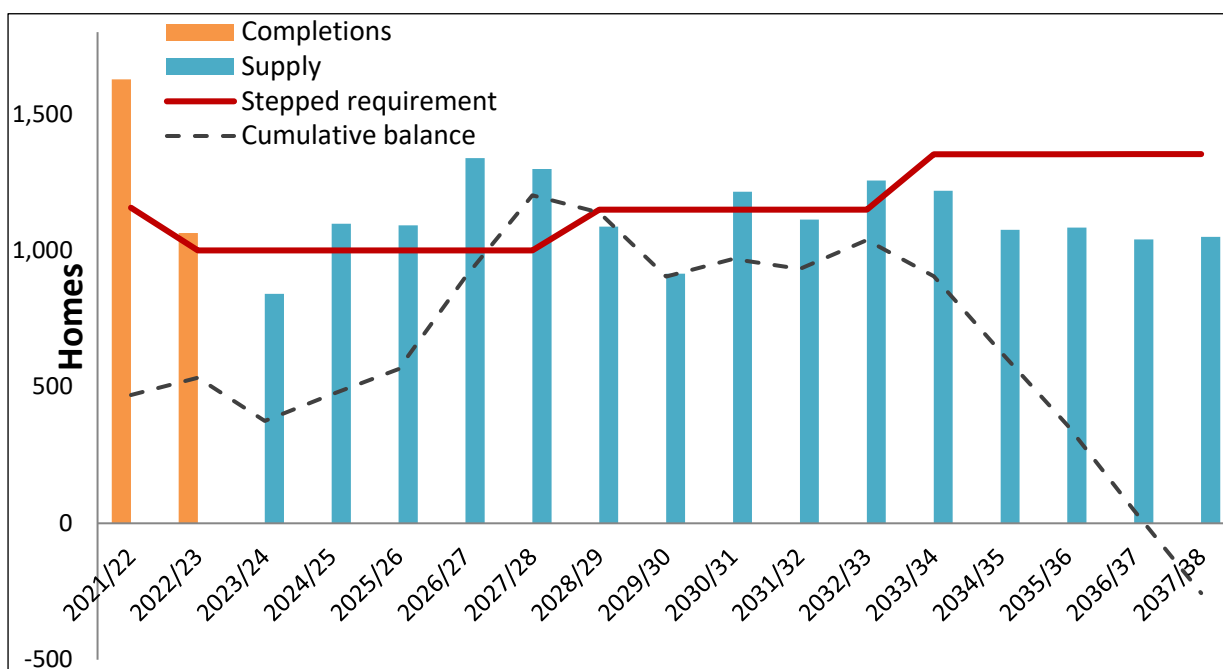


Figure 3: Local Plan Review Housing Trajectory (Source: MBC 2023)

**Indicator M7: Windfalls: delivery of housing on identified sites**



**293 NEW HOMES DELIVERED ON WINDFALL SITES**

3.13 The Housing Topic Paper 2021 sets out the methodology used to calculate the windfall allowance, justifying the criteria for excluding certain sites from calculations and the discount rates applied. Table 7 lists the dwellings completed on large and small windfall sites between 2008/09 and 2021/22, using the 2018 NPPF definition of a windfall site (historical pre-2018 data has been updated to reflect the new NPPF definition) and applying the Topic Paper methodology.

3.14 The result is an average of 113 new homes delivered on small windfall sites and 181 new homes delivered on large windfall sites per annum. This average is derived from 15 years' worth of monitoring data.

Year	Large	Small	Total
2008/09	54	89	143
2009/10	265	85	350
2010/11	214	73	287
2011/12	177	115	292
2012/13	183	118	301
2013/14	137	103	240
2014/15	86	61	147
2015/16	140	126	266
2016/17	304	130	434
2017/18	213	146	359
2018/19	145	178	323
2019/20	246	141	387
2020/21	193	124	317
2021/22	134	102	236
2022/23	219	101	320
<b>Average pa</b>	<b>181</b>	<b>113</b>	<b>293</b>

Table 7: Completed windfall dwellings 2022/23 (Source: MBC 2023)

### Indicator M8: Prior notification office to residential conversions in the town centre

 **183 DWELLINGS HAVE BEEN APPROVED UNDER PERMITTED DEVELOPMENT RIGHTS'**

3.15 The 2017 Local Plan includes a Town Centre broad location for 350 dwellings from the conversion of identified poor office stock to residential dwellings. To date, 183 dwellings have been approved under permitted development rights (52% of allowance). See Indicator M18 for details on the loss of office space as a result of conversions.

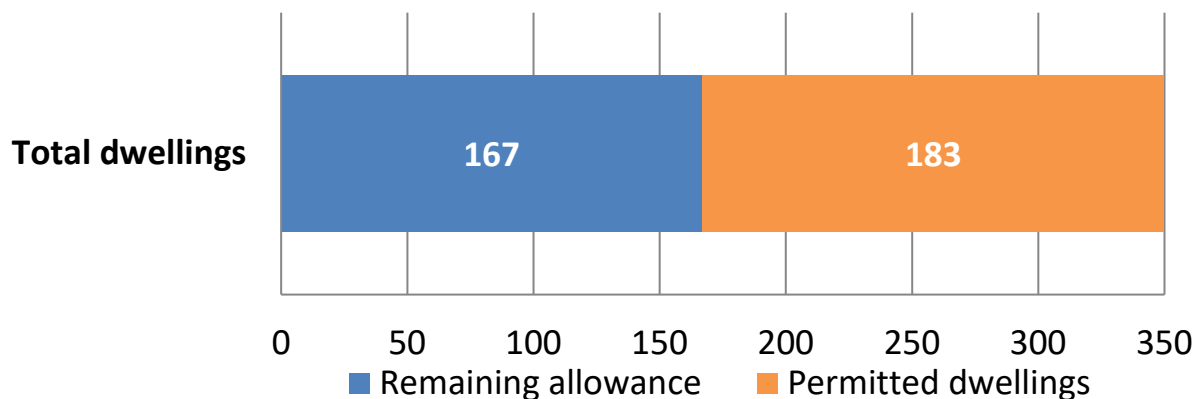


Figure 4: Prior notification office to residential conversions in the town centre (Source: MBC 2023)

**Indicator M9: Number of entries on the self-build register and number of plots for self-build consented per annum**



**180 APPLICATIONS FOR SELF-BUILD DWELLINGS PERMITTED**

3.16 The Council is required under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) to keep a register of individuals and associations who are seeking serviced plots of land for self-build and custom housebuilding. In addition, the Council has a duty to grant planning permission for enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding. The demand is the number of entries added to the register during a base period. Each base period runs from 31 October to 30 October the following year<sup>2</sup>. At the end of each base period, the Council has 3 years in which to granted permission to meet demand for that base period.

3.17 Since the introduction of the self-build register there have been 180 applications for self-build dwellings permitted. There has been a sustained low delivery of self-build plots. To try to address this low delivery rate, a policy review has been undertaken as part of the Local Plan Review.

<sup>2</sup> For example if someone registered an interest in October 2016 (base period 1), the Council would have until October 2019 (base period 3) in which to grant permission to meet demand

<b>Base Period</b>	<b>Individuals Registered</b>	<b>Associations Registered</b>	<b>Number of plots approved</b>
<b>Base Period 2:</b> 31 October 2016 to 30 October 2017	124	2	0
<b>Base Period 3:</b> 31 October 2017 to 30 October 2018	49	0	3
<b>Base Period 4:</b> 31 October 2018 to 30 October 2019	90	1	33
<b>Base Period 5:</b> 31 October 2019 to 30 October 2020	83	1	65
<b>Base Period 6<sup>3</sup></b> 31 October 2020 to 30 October 2021	97	0	40
<b>Base Period 7</b> 31 October 2021 to 30 October 2022	66	1	39
<b>Total<sup>4</sup></b>	<b>509</b>	<b>5</b>	<b>180</b>

Table 8: Maidstone Self Build Custom House building base dates (Source: MBC 2023)

**Indicator M10: Number of dwellings of different sizes (measured by number of bedrooms) consented per annum**



## **OVER DELIVERY OF 1-BEDROOM MARKET HOMES AND 2-BEDROOM AFFORDABLE HOMES**

3.18 Table 9 outlines the number of bedrooms per dwelling that have been granted planning permission during 2022/23 against the targets set out within the Strategic Housing Market Assessment (SHMA) 2014. The figures demonstrate general compliance with the targets. However, there has been an under delivery of permitted 2- and 3-bedroom market dwellings and 3 and 4+ bedroom affordable dwellings. There has been an over delivery on 1 bedroom market housing as well as 2-bedroom affordable dwellings. The Council will seek to address this imbalance through a new SHMA and policies in the Local Plan Review.

<sup>3</sup> In 2020/21 figures were corrected to discount self builds where these replaced an existing dwelling. The table below provides amended figures for previous base periods.

<sup>4</sup> Total entries per base period includes those individuals who may be editing a submission from a previous base period. Therefore, the total figure for Base Period 2, 3 and 4 is calculated by removing any individuals who are editing entries from a previous base period.

	All Dwelling Types		Market			Affordable		
	2022/23		2022/23	SHMA 2014	Difference	2022/23	SHMA 2014	Difference
<b>1 Bedroom</b>	284	21%	18%	5% to 10%	+8%	33%	30% to 35%	Within range
<b>2 Bedroom</b>	438	33%	29%	30% to 35%	-1%	46%	30% to 35%	+11%
<b>3 Bedrooms</b>	355	27%	34%	40% to 45%	-6%	20%	25% to 30%	-5%
<b>4+ Bedrooms</b>	150	11%	19%	15% to 20%	Within range	1%	5% to 10%	-4%
<b>Unknown</b>	107	8%						

Table 9: Bedroom size of dwellings granted planning permission 2022/23 (Source: MBC 2023)

**Indicator M11: Number and tenure of affordable homes delivered (including starter homes)**



**AVERAGE TENURE SPLIT: 57% AFFORDABLE RENT AND 42% INTERMEDIATE RENT**

3.19 **Target:** Number and tenure of affordable homes delivered per annum matches policy requirement (SP20).

3.20 As was also the case in the previous monitoring year, the percentage split of affordable rented to intermediate (shared ownership) rented housing delivered in 2022/23 was 63% to 37%. This is against a target split of 70% to 30%. Looking back at delivery of affordable housing by tenure since the adoption of the Local Plan in 2017, the average tenure split is 57% affordable rent and 42% intermediate rent.

3.21 The Council will continue to monitor the delivery of affordable homes against current and future indicative policy targets.

Tenure	Total affordable units	Affordable rented, social rented or a mixture of the two	Intermediate affordable housing (shared ownership and/or intermediate rent)
Affordable target percentage		70%	30%
Number of affordable delivered 2022/23	378	240	138
Percentage achieved 2022/23		63%	37%

Table 10: Affordable housing by tenure delivered on qualifying sites (Source: MBC 2023)

**Indicator M12: Affordable housing as a proportion of overall housing delivery in qualifying geographical areas consented/completed relative to Policy SP20 requirements**



3.21 Table 11 demonstrates that in the reporting year, the Council has successfully secured affordable homes on qualifying development sites in strong alignment with the requirements of Local Plan Policy SP20. Looking at the cumulative totals from 2015/16 onwards, the percentage of affordable homes secured in qualifying geographical areas remains broadly aligned with the percentage targets as set out in Local Plan policy SP20. The Council will continue to monitor this indicator, particularly in relation to Springfield, Royal Engineers Road geographical location, to ensure it continues to provide appropriate levels of affordable housing on site wherever possible.

3.22 From 2019/20 onwards the methodology for monitoring the tenure of affordable housing changed from monitoring approved development to monitoring development that has actually been delivered, to better reflect the indicator requirements.

	Maidstone, urban area		Policy H1 (11) Springfield, Royal Engineers Road		Countryside, rural service centre and larger villages	
	Total dwellings delivered	Affordable dwellings delivered	Total dwellings delivered	Affordable dwellings delivered	Total dwellings delivered	Affordable dwellings delivered
2022/23	376	136	220	25	468	217
Total %	36%		-		46%	
Target %	30%		-		40%	
Difference %	+6%		-		+6%	
Cumulative totals						
<b>2015/16</b>	996	250	246	49	1,070	398
<b>2016/17</b>	605	155	0	0	1,517	577
<b>2017/18</b>	1,078	250	310	0	1,086	381
<b>2018/19</b>	1,232	336	295	59	538	191
<b>2019/20</b>	606	177	0	0	436	148
<b>2020/21</b>	447	93	0	0	842	280
<b>2021/22</b>	703	73	88	34	859	283
<b>2022/23</b>	376	136	220	25	468	217
<b>TOTAL</b>	<b>6,043</b>	<b>1,470</b>	<b>1,159</b>	<b>167</b>	<b>6,816</b>	<b>2,475</b>
Total as %	24%		14%		36%	
Target %	30%		20%		40%	
Difference %	-6%		-6%		-4%	

Table 11: Affordable dwelling completions as a proportion of total dwelling completions on qualifying sites (Source: MBC 2023)

### Indicator M13: Density of housing in Policies DM12, H1



**245 DPH WITHIN THE TOWN CENTRE;**  
**87 DPH WITHIN THE URBAN AREA**

3.23 Between 2016/17 and 2022/23, within the town centre and urban area, planning permissions have been granted for developments of considerably

higher densities compared to the targets set out in the adopted Local Plan. The high density in the town centre is accounted for by changes of use of single properties into flatted developments, which accounts for exceedingly high densities. It is important however to keep this policy under review as part of the Local Plan Review to ensure that it is being implemented correctly and consistently. Permissions granted in sites adjacent to rural service centres and large villages remain broadly in line with targets.

	GEOGRAPHIC LOCATION			
	Sites within and adjacent to the town centre	Other sites within and adjacent to the urban area	Sites within and adjacent to rural service centres and larger villages	Other rural
<b>TARGET (dph)</b>	<b>45-170</b>	<b>35</b>	<b>30</b>	<b>N/A</b>
<b>2016/17</b>	306	81	33	20
<b>2017/18</b>	220	88	26	36
<b>2018/19</b>	155	70	23	31
<b>2019/20</b>	326	87	27	57
<b>2020/21</b>	175	97	32	49
<b>2021/22</b>	242	89	21	35
<b>2022/23</b>	290	97	32	37
<b>AVERAGE (dph)</b>	<b>245</b>	<b>87</b>	<b>28</b>	<b>38</b>

Table 12: Average density of permitted large (5+ dwellings) (Source: MBC 2023)

#### Indicator M14: Number of nursing and care home bedspaces delivered

 **48 BED SPACES PROVIDED (C2 USE CLASS)**

3.24 The adopted Local Plan sets out a gross requirement of 980 nursing and care home bedspaces (49 per year) to be provided over the plan period to 2031. If provided at a steady rate throughout the plan period, it would be expected that 588 bedspaces would have been delivered by 1st April 2022 (12 years x 49 bedspaces). This requirement was based on the projected ageing population at the time and estimated likely demand for care and nursing homes, particularly for the frailer elderly. Since the adoption of the local plan there have been 356 net bedspaces delivered to date. Delivery therefore remains behind the annualised target.



3.25 Whilst nursing and care home provision falls under the C2 Use Class, this Use Class category also encompasses a much wider range of specialist accommodation. During the reporting year, the net total of bedspaces exceeded the calculated annual gross requirement of 49 bedspaces per year with a total of 48 bed spaces being provided within the C2 Use Class. The main source of this provision was: the completion of the 72-bed care home (44 net new bedspaces) for nursing care and dementia at the Maplewood Court Care Home. A further 4 bed spaces were completed at a children’s home.

3.26 This Local Plan policy and associated indicator are to be reviewed as part of the Local Plan Review to ensure the identified needs of all specialist accommodation are planned for and monitored, in accordance with the requirements of the latest Strategic Housing Market Assessment (SHMA) evidence.

**Indicator M15: Number of applications on the housing register**



**1,102 HOUSEHOLDS ON THE HOUSING REGISTER**

3.27 There is no specific target for this indicator. It is a contextual indicator to monitor wider changes in social housing demand. Table 13 shows the change since 2011 (base date of the Maidstone Borough Local Plan). The criteria for joining the housing register changed some years ago, hence the reason for the significant overall reduction over the past 10 years. However, since the low in 2016/17, the number of applicants joining the register has been steadily rising. Further, although not shown in the below table, there has been a significant increase in the number of applicants applying to join the housing register during 2021/22. However, this may not result in an increase in the number of applicants on the register due to the number of unsuccessful applications combined with an increase in the number of applicants successfully housed from the register.

Year	Number of households
2011/12	3,674
2012/13	3,187
2013/14	1,339
2014/15	1,461
2015/16	758
2016/17	610
2017/18	618
2018/19	776

Year	Number of households
2019/20	853
2020/21	840
2021/22	906
2022/23	1,102
<b>2011-2023% change</b>	<b>-70%</b>

Table 13: Number of households on the housing register at 1st April each year (Source: MBC 2023)

### Indicator M16: Number of homeless households in the borough

 **568 APPLICANTS ACCEPTED**

3.28 There is no specific target for this indicator. It is a contextual indicator to monitor wider changes in social housing demand. Between 2018/19 and 2019/20, new duties introduced decreased the number of households accepted as being owed the main housing duty. This is because many households were either prevented from being homeless or relieved of their homelessness, before decisions are made on the main housing duty being owed. The number of applicants accepted as being eligible and threatened with homelessness (owed the Prevention Duty) at the 1<sup>st</sup> April 2023 was 568. The number of applicants accepted as being Eligible and Homeless (owed the Relief Duty) is 496, a significant increase from the previous year.

3.29 For the year 2022/23 the number of applicants who have gone on to be owed the main housing duty, following the Relief Duty ending is 101<sup>5</sup>.

Year	Number of applicants accepted as being eligible and threatened with homelessness	Number of applicants accepted as being eligible and homeless	Number of applicants accepted as owed the main housing duty
2018/19	486	390	99
2019/20	478	553	80
2020/21	534	333	96
2021/22	469	422	85
2022/23	568	496	101

Table 14: Number of homeless households in the borough (Source: MBC 2023)

<sup>5</sup> At 1<sup>st</sup> April 2023

## Indicator M17: House price: earnings ratio



# 11.63 HOUSE PRICE: EARNINGS RATIO

3.30 There is no specific target for this indicator. It is a contextual indicator to monitor wider changes in the local housing market. Figure 5 outlines the change since 2011, the base date of the Maidstone Borough Local Plan.

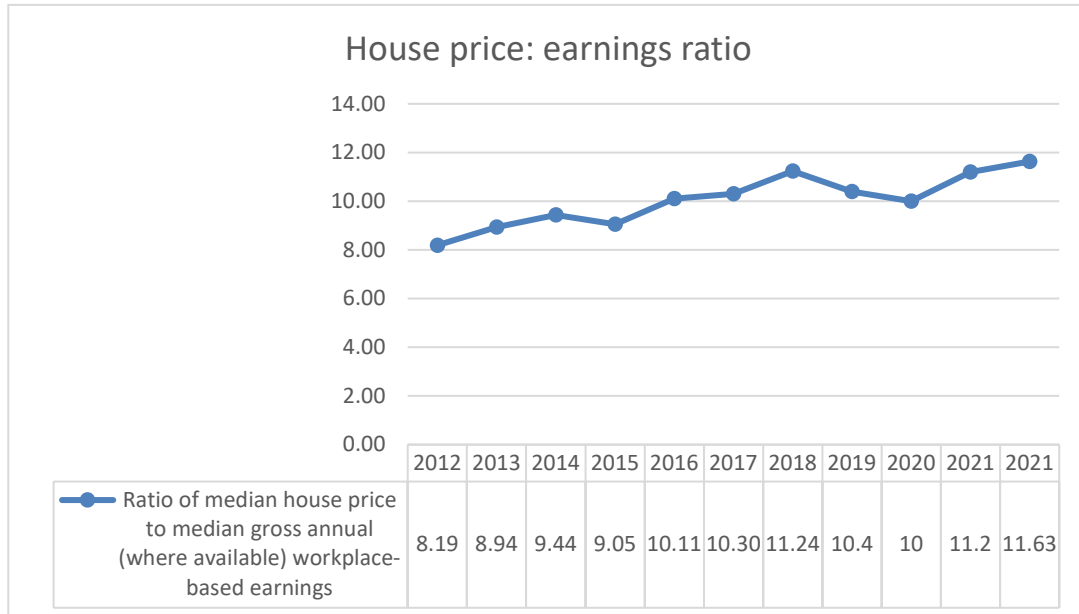


Figure 5: Ratio of house price to workplace-based earnings (Source: ONS 2023)

## Employment

3.31 It should be noted that although the following indicators monitor B1, B2 and B8 use classes, changes were made to the national Use Class Order in 2020 and 2021<sup>6</sup>. Use Class B1 has been deleted and replaced by Use Class E(g). There are no changes to B2 and B8 use class categories. The tables reference both the former B1 use class and current E(g) use class. Furthermore, it should be noted that these figures are provisional subject to a more detailed review of historic monitoring data ahead of the anticipated adoption of the Local Plan Review.

<sup>6</sup> Use Classes Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

**Indicator M18: Total amount of B class employment floorspace consented/completed by type per annum**



**42,059sqm (NET) EMPLOYMENT FLOORSPACE**

3.32 Policy SS1 of the Maidstone Borough Local Plan identifies the amount of office, industrial, warehousing and medical use floorspace to be delivered over the plan period (a net requirement of 13,955 sqm across all B use class employment types). Since 2016/17 there has been a total net loss of 27,455 sqm of employment floorspace, thereby increasing the overall net floorspace requirement to 41,410 sqm by 2031. However, this loss is offset by the current net pipeline supply of employment floorspace (i.e. extant permissions), which equates to 69,514 sqm. In purely quantitative terms, this pipeline supply of floorspace results in a significant net overprovision of employment floorspace by 42,059 sqm (see Table 15 and Figure 6 below).

	Use Class					Total
	B1a E(g)(i)	B1b E(g)(ii)	B1c E(g)(iii)	B2	B8	
<b>Net requirement 2016-31 (sqm)</b>	<b>24,600</b>			<b>-18,610</b>	<b>7,965</b>	<b>13,955</b>
<b>Completions (per annum)</b>						
2016/17	-14,743	132	3,678	462	1,805	-8,666
2017/18	-10,047	28	-1,305	-17,934	-2,735	-31,993
2018/19	-13,125	0	-4,409	-15,364	1,153	-31,745
2019/20	10,692	960	1,653	638	26,994	40,937
2020/21	-3,122	20	-434	2,612	2,218	1,294
2021/22	3,405	1,741	-880	2,808	-1,713	5,361
2022/23	2,976	0	-148	14,306	-19,777	-2,643
<b>Net total (sqm)</b>	<b>-23,964</b>	<b>2,881</b>	<b>-1,845</b>	<b>-12,472</b>	<b>7,945</b>	<b>-27,455</b>
<b>Consent (extant permissions)</b>						
<b>Net total (sqm)</b>	<b>-13,928</b>	<b>0</b>	<b>-9,292</b>	<b>21,604</b>	<b>71,130</b>	<b>69,514</b>
<b>Remaining net total floorspace (sqm) required to 2031</b>	<b>-46,148</b>			<b>9,132</b>	<b>79,075</b>	<b>42,059</b>

Table 15: Net delivery of B use class floorspace, by type since 2016/17 (Source: MBC 2023)

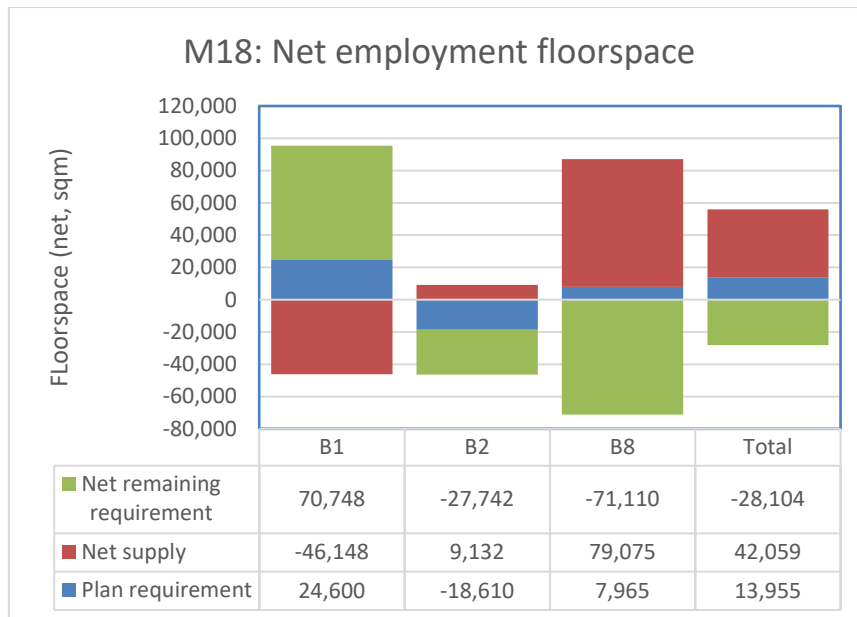


Figure 6: Net delivery of B use class floorspace, by type since 2016/17 (Source: MBC 2023)

3.33 As is evident from the above, whilst the quantity of overall floorspace provision is well in excess of the requirements expected by 2031, the mix of floorspace being delivered does not align with the requirements. There is an apparent and significant oversupply of B2 and B8 uses, whilst there is a significant under delivery of office floorspace (B1 or E(g) use). A considerable amount of this office floorspace loss between 2016/17 and 2018/19 can be attributed to conversion to residential uses under permitted development rights. Further, the changing nature of the wider sub-regional, national and international economies post-Brexit and post-Covid has seen a shift in demands for employment floorspace. Office floorspace has seen reduced demand as companies adopt more flexible working practices and increased levels of home-working, whilst supply chain and logistics companies have seen an increase in the demand for floorspace. Maidstone's supply of employment floorspace is reflective of the current market trends with consents being positive across industrial and warehousing, but negative for office floorspace.

3.34 The employment floorspace requirements are being updated through the Local Plan Review.

### **Prior notification – office to residential conversion in Maidstone Town Centre**



**500SQM (NET) TOWN CENTRE OFFICE  
FLOORSPACE LOST (PRIOR NOTIFICATION)**

3.35 In the current reporting year, 500sqm of office floorspace was lost in the town centre through conversion of office to residential via prior notification application (Colman House, Colman Parade). This takes the total amount of office floorspace lost in the town centre through conversion of office to residential to around 33,200sqm since 2016/17. The adopted Local Plan employment and retail topic paper<sup>7</sup> outlined that somewhere in the order of 18,000sqm of office stock could be lost to other uses (based on analysis of office stock which had been vacant and on the market for more than five years at 2014). This stock does not form part of the functional supply of office floorspace. In order to ensure the retention of higher quality office stock in the town centre, the Council placed an Article 4 Direction on 14 office blocks to limit the loss of key employment floorspace to residential uses. However, these Directions ceased to have effect as of 1<sup>st</sup> August 2022 and no new Directions were put in place during the monitoring year. See indicator M8 for information on the number of new residential units created through these prior notifications in the town centre.

3.36 As part of the Local Plan Review, new evidence is being produced to look at future employment land requirements, particularly as new ways of working evolve in a post-Covid economy. The floorspace requirements will be 'reset' from the start of the new plan period. The Council's approach to employment land supply and delivery is therefore being reviewed in light of the updated evidence to ensure that the floorspace provision is aligned as closely as possible to future market requirements.

**Indicator M19: Amount of B class floorspace by type consented/completed within Economic Development Areas per annum**

 **3,489 SQM (NET) EMPLOYMENT FLOORSPACE WITHIN DESIGNATED ECONOMIC DEVELOPMENT AREAS**

3.37 The Maidstone Borough Local Plan includes the designation of Economic Development Areas (EDAs). Policy SP22: 'Retention of employment sites' protects the EDAs for employment use. Table 16 indicates that over the monitoring year, whilst there was no new floorspace completed, there have been approvals for a further 3,489 sqm of B Class floorspace within designated

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<sup>7</sup> [https://www.maidstone.gov.uk/\\_data/assets/pdf\\_file/0009/121140/SUB-003-Employment-and-Retail-Topic-Paper-May-2016.pdf](https://www.maidstone.gov.uk/_data/assets/pdf_file/0009/121140/SUB-003-Employment-and-Retail-Topic-Paper-May-2016.pdf)

Economic Development Areas, demonstrating the policy’s continued success in maintaining employment uses in these designated areas.

	<b>B1a E(g)(i)</b>	<b>B1b E(g)(ii)</b>	<b>B1c E(g)(iii)</b>	<b>B2</b>	<b>B8</b>	<b>Total</b>
Completed (sqm)	0	0	0	0	-1367	<b>-1,367</b>
Consent (sqm)	651	0	-384	0	4,589	<b>4,856</b>
<b>Total</b>	<b>651</b>	<b>0</b>	<b>-384</b>	<b>0</b>	<b>4,589</b>	<b>3,489</b>

Table 16: Net gain for completed and consented B class development by type within Economic Development Areas (Source: MBC 2023)

### **Indicator M20: Amount of B class floorspace by type consented/ completed on allocated sites per annum**

3.38 The Maidstone Borough Local Plan includes allocations for employment uses. Table 17 below outlines the progress of delivering the allocated sites as at 2022/23.

3.39 EMP (1) West of Barradale Farm (Headcorn Business Park) has completed on part of the site, while the remainder of the allocation gained consent (December 2022) for additional B2 and B8 floorspace.

3.40 Since the adoption of the Local Plan in 2017, EMP1(2) has yet to gain further planning permission beyond that completed under permission 11/1138. The site promoters have confirmed through the Local Plan Review Regulation 18b consultation that their site remains suitable and available for development.

3.41 Sites RMX1(4) and RMX1(6) have both gained planning consent. The former Syngenta Works (RMX1(4)) has outline consent for up to 46,447sqm B1/B2/B8 uses. A Section 73 variation of condition application was received in May 2023. Site RMX1(6) Mote Road has consent for 172 units and 1,169sqm office floorspace. Works are yet to start on site.

3.42 Site RMX1(2) is part-owned by Maidstone Borough Council and is identified in the Strategic Plan (2019-2045) as a top priority for redevelopment. Good progress is being towards bringing forward an application for the comprehensive redevelopment of this site. Further, it is included within the submission Local Plan Review as a site for a mixed-use scheme and has recently secured £2.1 million in funding from round 2 of central government’s Brownfield Land Release Fund. In the interim, permission was granted in July 2022 (22/501983/FULL) to extend the temporary consent for mixed B8 storage and A1 (now E(g) use) retail floorspace for an additional three years. This continues to provide wider benefits to the public and to the local economy.

3.43 Site RMX1(5), Baltic Wharf, has a Planning Performance Agreement in place and work is underway to bring the site forwards for comprehensive redevelopment. Further, it is included within the submission Local Plan Review as part of a wider site for a mixed use residential-led scheme.

3.44 Overall, the employment and mixed-use site allocations in the Local Plan are delivering new floorspace and will continue to meet the needs outlined in the plan, to 2031.

Progress	B1a	B1b	B1c	B2	B8	Total
<b>EMP1 (1) West of Barradale Farm, Maidstone Road, Headcorn (5,500sqm)</b>						
17/503152/FULL. Complete.	0	0	0	968	968	<b>1,936</b>
22/503965/FULL. Not started.				1,840	433	<b>2,273</b>
<b>EMP1 (2) South of Claygate, Pattenden Lane, Marden (6,800sqm)</b>						
11/1138. Complete.	0	0	0	0	2,716	<b>2,716</b>
<b>EMP1 (3) West of Wheelbarrow Industrial Estate, Pattenden Lane, Marden (14,500sqm)</b>						
14/504058/FULL. Complete.	0	0	0	4,307	0	<b>4,307</b>
<b>EMP1 (4) Woodcut Farm, Bearsted Road, Bearsted (49,000sqm)</b>						
20/505195/OUT	2,906	5,182	14,934	0	22,273	<b>45,295</b>
(21/502637/REM)					(23,270)	<b>(23,270)</b>
<b>RMX1 (1) Newnham Park, Bearsted Road, Maidstone (25,000sqm)</b>						
16/507292/OUT (outline for up to 24,750sqm B1a/b).	12,375	12,375	0	0	0	<b>24,750</b>
(18/506658/REM) Maidstone Innovation Centre. Complete.	(1,741)	(1,741)				<b>(3,482)</b>
<b>RMX1 (2) Maidstone East and forming Royal Mail sorting office, Maidstone (4,000sqm)</b>						
No application. Site now in MBC ownership. Site is included as allocation in LPR: LPRSA146.	0	0	0	0	0	<b>0</b>
<b>RMX1 (4) Former Syngenta works, Hampstead Lane, Yalding</b>						
19/504783/FULL	163					<b>163</b>
19/504910/OUT: not started 23/502119/OUT (Section 73 variation of condition)				19,972	26,475	<b>46,447</b>
<b>RMX1 (5) Powerhub Building and Baltic Wharf, St Peter's Street, Maidstone</b>						
No application. PPA in place and pre-application discussions underway for Baltic Wharf. Site is included as part of larger allocation in LPR: LPRSA148.	0	0	0	0	0	<b>0</b>
<b>RMX1 (6) Mote Road, Maidstone (2,000sqm)</b>						
Permission (granted July 2022): 20/505707/FULL. Not started. Site is included as allocation in LPR: LPRSA151.	1,169	0	0	0	0	<b>1,169</b>

Table 17: Net gain for completed and consented B class development by type for allocated sites (Source: MBC 2023)



**Indicator M21: Amount of land/floorspace within Economic Development Areas and allocated sites and elsewhere lost to non B class uses**



**+91,926sqm (NET) EMPLOYMENT FLOORSPACE CONSENTED**

3.45 Table 18 below shows the breakdown of net floorspace completed and consented, by location. A positive (+) figure represents a net increase in B Use Class floorspace whilst a negative (-) figure represents a net loss of B Use Class floorspace.

3.46 The EDAs saw a loss of employment 1,367sqm of B8 floorspace in the monitoring year, with only 163 sqm of employment floorspace completed on site allocations. 'Elsewhere' in the borough saw the greatest net delivery of floorspace, with 12,968 sqm of B Use Class floorspace completed (net). This was primarily due to the issuing of a lawful Development Certificate to establish the existing use of land for a Commercial Haulage Yard in Sutton Valence.

3.47 At 1<sup>st</sup> April 2023, a net total of +91,926sqm of B Use Class floorspace had consent. The majority of this floorspace (+97,741sqm) is on allocated sites, specifically Woodcut Farm (EMP1(4)) and the Former Syngenta Works (RMX1(4)), indicating that the Local Plan is continuing to deliver on its requirements well ahead of the end of the plan period, 2031.

	<b>B1a</b>	<b>B1b</b>	<b>B1c</b>	<b>B2</b>	<b>B8</b>	<b>Total</b>
<b>Economic Development Area</b>						
Completed	0	0	0	0	-1,367	-1,367
Consent	651	0	-384	0	4,589	4,856
<b>Allocations</b>						
Completed	163	0	0	0	0	163
Consent	4,574	0	5,450	19,972	67,745	97,741
<b>Elsewhere</b>						
Completed	560	0	-513	13,534	-18,766	-5,185
Consent	-6,139	0	-839	-128	-3,565	-10,671
Completed total:						-6,389
Consented total:						91,926

Table 18: Net B Use Class land/floorspace gained/lost within Economic Development Areas, allocated sites and elsewhere, 2022/23 (Source: MBC 2023)

**Indicator M22: Percentage unemployment rate**

3.48 There is no specific target for this indicator. It monitors wider changes in the local economy.



## **2.8% OF THE POPULATION ON THE CLAIMANT COUNT**

3.49 With the introduction of Universal Credit, which requires a broader span of claimants to look for work than under Jobseeker's Allowance, the number of people recorded as being on the Claimant Count will increase. The number of people recorded as being on the Claimant Count is a proportion of the resident population. Table 19 shows the change in claimants since 2011.

<b>Date</b>	<b>Maidstone (%)</b>	<b>South East (%)</b>	<b>Great Britain (%)</b>
2011/12	2.5	2.6	3.8
2012/13	2.5	2.5	3.8
2013/14	2.0	2	3.2
2014/15	1.4	1.3	2.2
2015/16	1.2	1.0	1.8
2016/17	1.2	1.1	1.8
2017/18	1.2	1.2	2.0
2018/19	1.2	1.5	2.3
2019/20	1.9	1.9	2.9
2020/21	5.1	5.1	6.2
2021/22	4.1	4	5
2022/23	2.8	2.8	3.7

*Table 19: Percentage of claimants as a proportion of the resident population since 2011 (Source: Nomis 2023)*



## **3% UNEMPLOYMENT RATE**

3.50 Figure 7 shows how the percentage of those who are unemployed has remained consistent with national trends falling to 3% for the period January 2022 to December 2022.

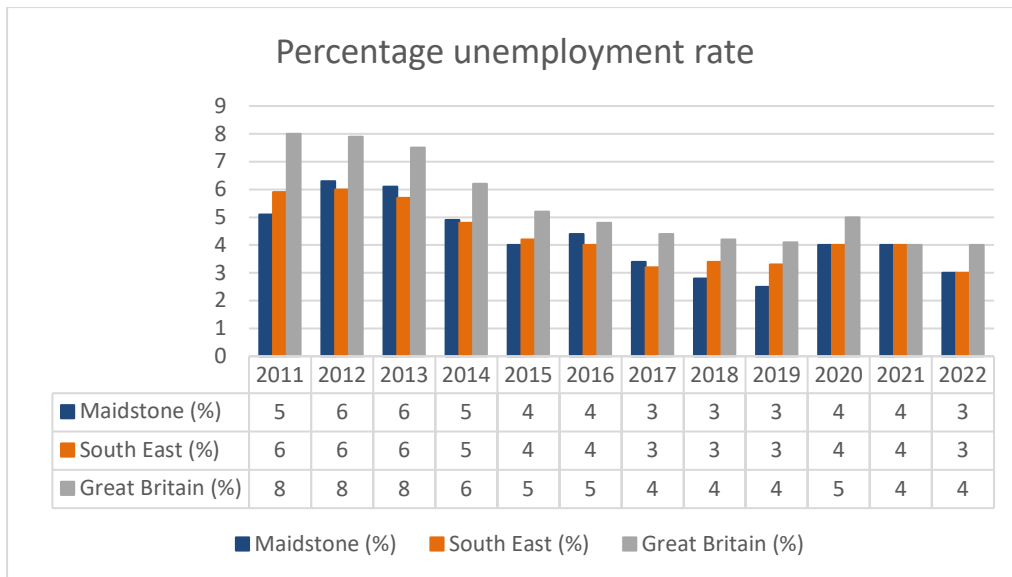


Figure 7: Percentage of unemployed since 2011 (Source: Nomis 2023)

### Indicator M23: Number of jobs in the Borough



**87,000 JOBS IN THE BOROUGH**

3.51 This indicator does not have a specific target as it monitors wider changes in the local economy. Figure 8 shows the change in job density between 2011 and 2021 using the latest information available. The density figures show the ratio of total jobs to population aged 16-64. The general trend is one of increase, however, there was a decline in the number of jobs between 2019 and 2020 coinciding with the Covid-19 pandemic period.

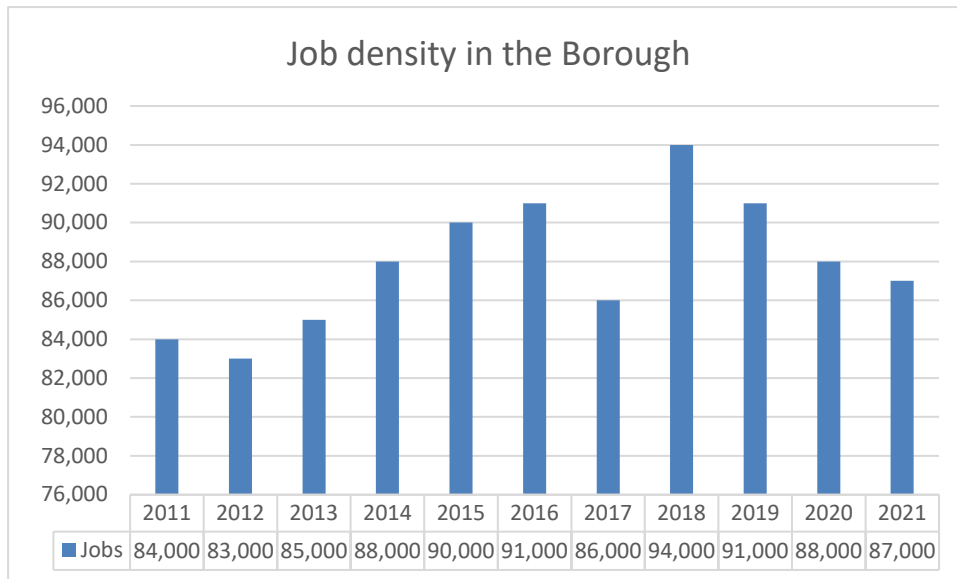


Figure 8: Job density in Maidstone Borough (Source: Nomis 2023)

## Retail

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3.52 It should be noted that although the following indicators monitor A1 use class, changes were made to the national Use Class Order in 2020 and 2021. Use Class A1 has been deleted and replaced by Use Class E(a). The table references both the former A1 use class and current E(a) use class. Furthermore, it should be noted that these figures are provisional subject to a more detailed review ahead of the anticipated adoption of the Local Plan Review.

### **Indicator M24: Amount of additional comparison and convenience retail floorspace consented/completed per annum**



**1,684sqm RETAIL FLOORSPACE COMPLETED**

3.53 Policy SS1 of the Maidstone Borough Local Plan identifies the need for an additional 6,100sqm of convenience retail floorspace and 23,700sqm of comparison retail floorspace to be delivered over the plan period. Since 2016/17 there has been a total net gain across the A1 use class retail floorspace of 1,684 sqm in completions and a further 1,127 sqm (net) in consents, thereby reducing the overall net floorspace requirement to 26,989 sqm by 2031.

	Use Class			Total
	A1 [E(a)] convenience	A1 [E(a)] comparison	A1 unspecified	
<b>Net requirement 2016-31 (sqm)</b>	<b>6,100</b>	<b>23,700</b>	<b>0</b>	<b>29,800</b>
<b>Completions (per annum)</b>				
2016/17	728	-127	353	954
2017/18	1,794	395	-47	2,142
2018/19	1,593	-897	20	716
2019/20	407	-9,439	-951	-9,983
2020/21	1,409	6,435	402	8,246
2021/22	-321	175	80	-67
2022/23	38	-494	131	-325
<b>Net total (sqm)</b>	<b>5,648</b>	<b>-3,952</b>	<b>-12</b>	<b>1,684</b>
<b>Consent (extant permissions)</b>				
<b>Net total (sqm) (2022/23)</b>	<b>0</b>	<b>1,841</b>	<b>-714</b>	<b>1,127</b>
<b>Remaining net total floorspace (sqm) required to 2031</b>	<b>452</b>	<b>25,811</b>	<b>726</b>	<b>26,989</b>

Table 20: Net gain for completed and consented retail floor space by type (Source: MBC 2023)

3.54 As is evident from the above table, the quantity of overall floorspace provision is well below target to meet the requirements by 2031. However, upon analysis of the provision of different types of retail floorspace, it is evident that the requirement for convenience retail has almost been met in full, whilst there is a significant under delivery of comparison retail floorspace.

3.55 The first three years of the plan saw a relatively modest net loss in comparison retail floorspace (629sqm). However, this loss was compounded during 2019/20, when there was a significant net comparison retail floorspace loss (9,439sqm) primarily due to the demolition of Grafty Green Garden Centre. This has meant that despite the strong net floorspace gains in 2020/21 (6,435sqm) predominately through the completion of a Marks and Spencer store at Eclipse Park, the growth has not been significant enough to counteract the previous years' cumulative net losses. During the monitoring year, the way we shop (particularly for comparison goods) has continued to change, moving from the more traditional methods to an accelerated online presence – a continued trend post-Covid.

3.56 As part of the Local Plan Review, new evidence has been produced looking at future retail, food/drink and leisure floorspace requirements, particularly as new ways of retailing and use of high streets evolve in a post-Brexit and post-Covid economic market. This evidence indicates a vastly reduced need for comparison floorspace. The borough's floorspace requirements will be 'reset' from the start of the new plan period. The Council's approach to retail land supply and delivery is therefore being reviewed in light of the updated evidence

to ensure that the floorspace provision is aligned as closely as possible to future market requirements.

**Indicator M25: Amount of convenience and comparison retail floorspace consented/completed on allocated sites per annum**

3.57 The Maidstone Borough Local Plan allocates land for both comparison and convenience retail development. Over the monitoring year, no planning permissions were granted or completed on retail allocations.

3.58 There is an extant permission at RMX1 (1) Newnham Park, Bearsted Road, Maidstone for refurbishment and extension of existing garden centre buildings (including the enclosure of 2,570 sqm gross internal area of 31 existing external retail floor space). In May 2021, a lawful development certificate was issued (21/501247/LDCEX), confirming that a material start has been carried out in accordance with the original planning permission.

3.59 Temporary permission was previously granted for a mix of uses including offices (873sqm), warehousing (1,214sqm net gain) and retail (450sqm) at RMX1 (2) Maidstone East and former Royal Mail sorting office, Maidstone. This permission was completed in the monitoring year 2017/18. However, Maidstone Borough Council now own the former Royal Mail sorting office and are progressing works to redevelop the site as a corporate priority – having been awarded £2,109,860 in government funding under the Brownfield Land Release Fund (BLRF) in October 2023, to go towards the site’s redevelopment.

3.60 Permission was also granted for a foodstore at RMX1 (5) Powerhub Building and Baltic Wharf, St Peter’s Street, Maidstone. This has since expired. However, the Council approved planning guidance documents for five Town Centre Opportunity Sites in 2019. One of these opportunity sites, titled Maidstone Riverside, includes land allocated under RMX1(5) Powerhub and Baltic Wharf. In March 2022, an environmental screening application was submitted for a proposed residential conversion of the listed building (including two additional floors) with Class E uses and new build residential on the site of the sheds and the surrounding land (22/501685/ENVSCR).

3.61 All allocations will be reviewed through the Local Plan Review, particularly as new ways of retailing and use of high streets evolve in a post-Brexit and post-Covid economic market. The Council’s approach to retail land supply and delivery will be reviewed in light of the updated evidence to ensure that the provision of new floorspace is aligned as closely as possible to future market requirements.

## Indicator M26: Proportion of non-A1 uses in primary shopping frontages



### **85% OR MORE RETAIL UNITS IN 7 OUT OF 8 PRIMARY FRONTAGES**

3.62 There are eight primary frontages identified within Maidstone town centre. These are areas where retail uses are concentrated and in order to maintain this concentration, the indicator requires primary frontages to contain at or above 85% retail (A1 Use Class) uses. In 2020 and 2021, changes were made to both the national Use Class Order and to Permitted Development Rights, including, among other things, the introduction of a new E Use Class (Commercial, Business and Service) and the deletion of the A Use Class. Retail shops previously falling under A1 Use Class are now E(g) Use Class. These changes to permitted development rights allow a far greater flexibility of changes of use and limit the council's ability to manage certain types of main town centre uses. The revised use classes will be reflected in the Local Plan Review indicators, but for the purposes of this adopted Local Plan indicator, reference is made to both old and new Use Class categories.

3.63 Overall, in the monitoring year, the level of A1 (now E(g)) Uses within primary frontages remains above the 85% threshold in all barring one frontage (P4 – 1-39 Week Street) which is now at 75%. Overall, this indicates that the primary frontage still remains effective in focusing a core retail provision in Maidstone Town Centre (see figure 9).

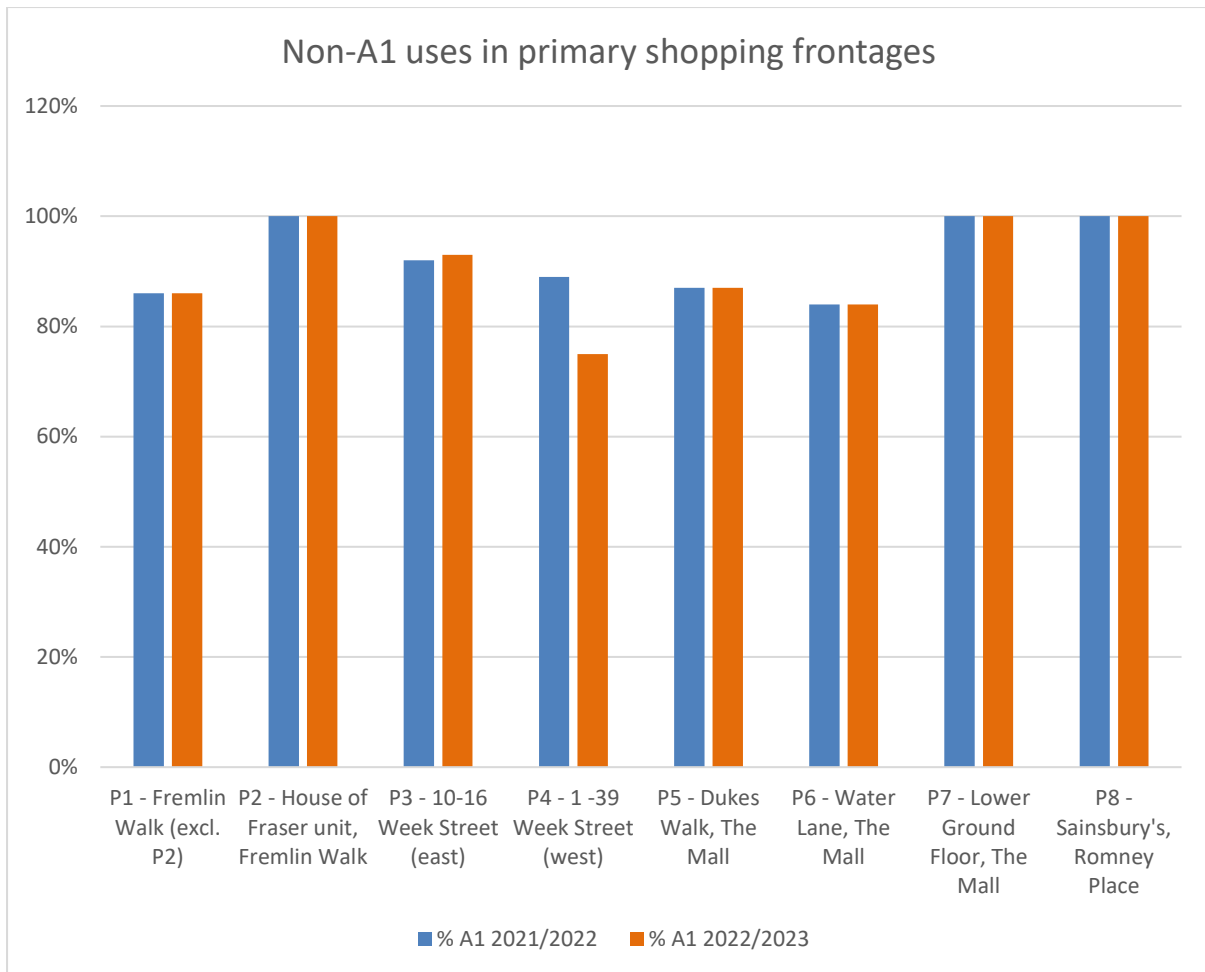


Figure 9: Change in the percentage of primary shopping frontage in A1 (now E(g)) between 2021/22 and 2022/23 (Source: MBC 2023)

## Gypsies, Travellers and Travelling Showpeople Accommodation

### Indicator M27: Annual delivery of permanent pitches/plots (allocated and unidentified sites)

✓ **312 PERMANENT PITCHES DELIVERED**

3.64 The Local Plan outlines a 187-pitch target over the plan period. Since 2011, the base date of the Maidstone Borough Local Plan, a total of 312 pitches have been granted permanent consent (Table 21). At the 1<sup>st</sup> April 2023, the rate at which permanent permissions have been granted exceeds the target. The methodology for calculating the overall number pitches has been amended to account for temporary permissions which have expired and applications which may have been superseded.



Permanent non-personal pitches	Permanent personal pitches	Temporary non-personal pitches	Temporary personal pitches
282	30	0	6

Table 21: Permitted gypsy and traveller pitches 2011-2023 (Source: MBC 2023)

## ✓ 26 PERMANENT PITCHES DELIVERED IN 2022/2023

3.65 Between 1<sup>st</sup> April 2022 and 31<sup>st</sup> March 2023 there has been permission for 26 permanent pitches (Table 3.22). This figure is made up entirely of non-personal permanent permissions.

	Permanent non-personal pitches	Permanent personal pitches	Temporary non-personal pitches	Temporary personal pitches
2022/2023	26	0	0	0

Table 22: Annual permissions of permanent pitches/plots (Source: MBC 2023)

3.66 A new GTAA has been produced and outlines the current and future need for gypsy, traveller and travelling showpeople provision for Maidstone Borough until 2040. Based on the initial findings of the GTAA (prior to publication of the final version) there was likely to be a significant need for pitches, the most appropriate course of action was to undertake a separate Gypsy, Traveller and Travelling Showpeople DPD. The DPD will be informed by the outcome of a Pitch Deliverability Assessment (to assess what proportion of the need can be met on existing sites through intensification or expansion) and a targeted Call for Sites exercise to identify potential new sites so the needs of the community can be adequately, and appropriately addressed and appropriate engagement can take place. Two targeted Call for Sites exercises have taken place; the first between February and March 2022 and the second between February and April 2023. The Council is currently assessing all of the sites received for their suitability for inclusion in the DPD.

### Indicator M28: Delivery of permanent pitches on allocated sites

## ✓ 16 PERMANENT PITCHES DELIVERED ON ALLOCATED SITES

3.67 Of the 187-pitch targets set out in the adopted Local Plan, a total of 41 pitches derives from are allocated sites. Since the adoption of the Local Plan, 16 permanent pitches have been delivered on allocated sites (39% of the 41-pitch requirement).

## Indicator M29: Five year supply position

### 1.2 YEARS' WORTH OF LAND SUPPLY

3.68 The former Ministry of Housing Communities and Local Government's (MHCLG)<sup>8</sup> 'Planning policy for traveller sites' (PTS) requires local plans to identify 5 years' worth of deliverable Gypsy and Traveller pitches against the Local Plan's pitch target. At 1<sup>st</sup> April 2023 the Council can demonstrate a 1.2 years' worth of deliverable gypsy and traveller pitches. Tables 4.19 and 4.20 below outlines the calculation used.

3.69 The new GTAA found that there is a need for a total 340 additional permanent pitches for Gypsy and Traveller households in Maidstone that met the planning definition in the borough between 2023-40. The requirement for 5 years' worth of pitches (line 1 of Table 23) is calculated from the new GTAA figures. The 5% buffer (line 2 of Table 23) is a convention from the calculation of 5-year supply for conventional housing and (in the absence of any specific guidance) has been included here as a precaution. With the addition of the buffer, the 5-year requirement becomes 215.25 pitches (line 3 of Table 23). The 5-year supply is made up of<sup>9</sup>:

- Unimplemented adopted Local Plan allocations
- Turnover on the 2 public sites in the borough
- Windfall allowance

3.70 We would expect to include all 25 allocated pitches which have not yet been granted consent. However, some allocated pitches have been occupied by unauthorised mobiles, we considered that such pitches were not demonstrably 'available' at 1<sup>st</sup> April 2023 under the precise terms of the PTS definition. As a precautionary approach, we have excluded these 9 pitches from the calculation. The excluded pitches will nonetheless contribute to the overall pitch target once they gain permanent consent and could feature in the 5-year supply in the future if they are vacated prior to gaining consent.

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<sup>8</sup> Now Department for Levelling Up, Housing and Communities (DLUHC)

<sup>9</sup> See Table 24

		Pitches
1	5 year requirement 2023 – 2028	205
2	5% buffer brought forward from later in the Plan period (5% of line 1)	10.25
3	Total requirement 1 April 2023 to 31 March 2028 (line 1 + line 2)	215.25
4	Total pitch supply 1 April 2023 to 31 March 2028 (from Table 2)	53.5
	5-year supply:  Yearly requirement = Total requirement 1 April 2023 to 31 March 2028 ÷ 5 years $215.25 \div 5 = 43.05$  5-year supply = Total pitch supply ÷ Yearly requirement $53.5 \div 43.05 = 1.24$ rounded to <b>1.2 years</b>	

Table 23: Five-year supply calculation (Source: MBC 2023)

	Pitches
Policy GT1 - allocated pitches (excl. consented and/or occupied pitches) <ul style="list-style-type: none"> <li>• GT1(1) – The Kays, Linton (1)</li> <li>• GT1(4) – Blossom Lodge, Coxheath (1)</li> <li>• GT1(6) – Rear of Granada, Lenham Rd, Headcorn (1)</li> <li>• GT1(8) – Kilnwood Farm, Old Ham Lane, Lenham (2)</li> <li>• GT1(9) – 1 Oak Lodge, Marden (0)</li> <li>• GT1(10) – The Paddocks, George Street, Staplehurst (2)</li> <li>• GT1(13) – Flips Hole, South Street Rd, Stockbury (3)</li> <li>• GT1(14) – The Ash, Yelsted Rd, Stockbury (4)</li> <li>• GT1(15) – Hawthorn Farm, Ulcombe (2)</li> </ul>	16
Pitch turnover on 2 x public sites (5 x 1.0 pitches/annum) <sup>10</sup>	5
Windfall sites <sup>11</sup>	32.5
Total pitch supply 1 April 2023 to 31 March 2028	53.5

Table 24: Components of total pitch supply 1 April 2023 to 31 March 2028 (Source: MBC 2023)

<sup>10</sup> 17 pitches over 17 years =  $17 \div 17 = 1.0$ ;  $5 \times 1.0 = 5$

<sup>11</sup>  $195$  (pitches on non-allocated sites granted planning permission (excluding appeals)) ÷  $12$  (years) =  $16.25$ ;  $2 \times 16.25 = 32.5$

**Indicator M30: Number of caravans recorded in the bi-annual caravan count**

 **877 CARAVANS IN JANUARY 2023**

3.71 There is no specific target for this indicator. It provides a snapshot of Gypsy and Traveller accommodation provision in the Maidstone Borough. The caravan count is carried out twice a year, in the winter (January) and summer (July). The count figures combine the number of mobiles and tourers.

3.72 Table 25 shows that there has been an increase in the number of caravans recorded between July 2021 and January 2023. This variation between summer and winter is in part due to seasonal travel. The overall increase is due to the large gypsy and traveller population in Maidstone Borough and an improved monitoring and identification system.

Year	Total caravans
January 2023	877
July 2022	756
January 2022	770
July 2021	744

Table 25: Number of caravans recorded in the bi-annual caravan count (includes both mobiles and tourers) (Source: DLUHC, 2023)

Heritage

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**Indicator M31: Number of and nature of cases resulting in a loss of designated heritage assets as a result of development**

 **0 LOSS OF DESIGNATED HERITAGE ASSETS**

3.73 There have been no applications permitted for demolition, or for the removal of a heritage asset during the monitoring year, so no action is required.

**Indicator M32: Change in the number of entries on Historic England's Heritage at Risk Register**



**13 ENTRIES ON HERITAGE AT RISK REGISTER**

3.74 As of 1 April 2023, there are 13 designated heritage assets at risk in the borough. Since last year, Stone House, 28, Lower Stone Street, Maidstone has been removed from the Heritage at Risk Register.

Natural Environment - Biodiversity

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**Indicator M33: Loss of designated wildlife sites as a result of development (hectares)**



**0 LOSS OF DESIGNATED WILDLIFE SITES**

3.75 There has been no loss of designated wildlife sites as a result of development during 2022/23.

**Indicator M34: Loss of Ancient Woodland as a result of development (hectares)**



**0 LOSS OF ANCIENT WOODLAND**

3.76 There has been no loss of ancient woodland as a result of development permitted during the monitoring year of 2022/23.

Agricultural Land

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**Indicator M35: Loss of the best and most versatile agricultural land as a result of development (hectares)**



**3 PERMISSIONS ON GRADE 2 AGRICULTURAL LAND**

3.77 Agricultural land is graded into five categories according to versatility and suitability for growing crops. Grade 1 is excellent, Grade 2 very good, Grade 3 good to moderate, Grade 4 poor and Grade 5 as very poor. Grades 1 – 3a are the best and most versatile agricultural land. The target for this indicator is no overall loss of best and most versatile agricultural land as a result of consented development on non-allocated sites (major applications only).

3.78 During the monitoring year 2022/23, three applications were permitted on Grade 2 agricultural land:

- 21/506208/FULL – Ledian Farm,
- 22/501940/FULL – Hunton Lodge, and
- 23/500501/FULL The Finches.

	Grade 1	Grade 2	Grade 3a/b <sup>12</sup>
2016/17	0	3.06	0
2017/18	0	0	0
2018/19	0	1.93	0.26
2019/20	0	0	1.98
2020/21	0	0	0
2021/22	0	0.74	0.56
2022/23	0	2.28	0
<b>Total</b>	<b>0</b>	<b>8.01</b>	<b>2.8</b>

Table 26: Hectares of agricultural land lost due to windfall planning consent on major sites (Source: MBC 2023)

## Good Design and Sustainable Design

**Indicator M36: Number of qualifying developments failing to provide BREEAM very good standards for water and energy credits**



**6 APPLICATIONS FAILED TO PROVIDE BREEAM VERY GOOD STANDARDS**

3.79 During 2022/23 72 applications permitted qualified to provide BREEAM very goods standards. In total six applications failed to do so at application stage but included conditions.

3.80 By adding a condition to a commercial application to meet the BREEAM standard, the applications meet the policy objective.

<sup>12</sup> Current agricultural land assessment mapping does not distinguish between grades 3a and 3b, therefore for the purposes of this indicator, grade 3 is assumed to be grade 3a.

**Indicator M37: Completed developments performing well in design reviews**



**17 APPLICATIONS ALLOWED ON APPEAL**

3.81 Design quality is monitored through the planning decision and appeal process. During the monitoring year there were 17 applications allowed on appeal following a refusal on grounds of design quality. Table 27 shows the upward trend since 2016/17. If this trend continues, the application of Policy DM1 'Principles of good design' in the development management process will need to be reviewed.

Year	Applications allowed on appeal following a refusal on grounds of design quality
2016/17	0
2017/18	0
2018/19	3
2019/20	5
2020/21	12
2021/22	10
2022/23	17

Table 27: Completed developments performing well in design reviews (Source: MBC 2023)

Open Space

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**Indicator M38: Loss of designated open space as a result of development (hectares)**



**NO LOSS OF DESIGNATED OPEN SPACE**

3.82 There has been no loss of designated open space as outlined in Policy OS1 as a result of development during the reporting year 2022/23.

**Indicator M39: Delivery of open space allocations**



**3 OPEN SPACE ALLOCATIONS STARTED**

3.83 There are 17 open space (OS) allocations listed under Policy OS1 in the Local Plan. These are directly linked to residential site allocations. Table 28 shows all 17 OS1 allocations and the status/progress of the development sites for the 2022/23 monitoring year. In the last year no sites were completed, but 3 sites were started.

Site name/address	LP17 Site allocation	LP17 OS1 allocation	Status	Year
Oakapple Lane Barming, ME16 9ER	H1(4)	1	Under construction	2022/23
Langley Park Sutton Road B. Monch, ME17 3GD	H1(5)	2	Completed	2021/22
South of Sutton Road, Langley, ME17 3ND	H1(10)	3	Under construction	2022/23
Kent Police HQ, Sutton Road, Maidstone, ME15 9DJ	H1(27)	4	Not started	2022/23
Cross Keys Bearsted ME14 4HX	H1(31)	5	Under construction	2022/23
South of Ashford Road, Harrietsham	H1(32)	6	Completed	2018/19
Church Road, Harrietsham	H1(34)	7	Completed	2018/19
The Parsonage, Goudhurst Road, Marden	H1(45)	8	Completed	2018/19
Land to the North of Henhurst Farm, Pinnock Lane, Staplehurst, TN12 0BB	H1(50)	9	Not started	2022/23
North of Lenham Road, Headcorn	H1(40)	10	Completed	2018/19
(Gibbs Hill Farm) South of Grigg Lane Headcorn, TN27 9GB	H1(38)	11	Completed	2021/22
Land North Of, Heath Road (Older's Field), Coxheath, Maidstone, Kent, ME17 4TB	H1(59)	12	Completed	2021/22
Heathfield, Heath Road, Coxheath	H1(57)	13	Completed	2018/19
Land at Boughton Mount Boughton Lane, Me17 4NA	H1 (52)	14	Not started	2022/23
Lyewood Farm, Green Lane. B. Monchelsea, ME17 4LD	H1(54)	15	Completed	2021/22
West of Church Road Otham, ME15 8SA	H1(8)	16	Under construction	2022/23
Tanyard Farm, Old Ashford Rd Lenham (Land North Of Old Ashford Road ), ME17 2QQ	H1(41)	17	Under construction	2022/23

Table 28: Local Plan Allocations and open space delivered (Source: MBC 2023)

**Indicator M40: Delivery of new or improvements to existing designated open space in association with housing and mixed use developments**



**2 QUALIFYING SITES PROVIDED ON-SITE OPEN SPACE AND/OR IMPROVEMENT**

3.84 This indicator looks at whether the delivery of new or improvements to existing designated open space has been fulfilled in accordance with Policy DM19



and, where appropriate, Policy H1 over the reporting year. Policy DM19 of the adopted Maidstone Borough Local Plan (2017) sets out the Council's requirements for open space provision and Policy H1 sets out site specific housing allocation requirements, including for the provision of open space.

3.85 In the reporting year 2022/23, there were two qualifying residential and mixed-use sites provided the following on-site open space provision and/or improvement as per agreed planning obligations:

- 4,700m<sup>2</sup> of new public open space on-site to ensure no loss of existing useable public open space, but an increase and improvement in quality (22/500638/HYBRID Land Between Northumberland Road And Cambridge Crescent Shepway Estate Maidstone Kent ME15 7LL – located within Maidstone Urban Area which, in accordance to Maidstone's Local Plan Policy SP1 (adopted 2017), is the focus for new development).
- £31,000 (index linked) Contribution towards the enhancement of local open spaces within 3km of the site, including the creation and management of habitat access, signage, wayfinding and sports facilities in Mote Park; play facilities and habitat management at Collis Millennium Green; sports facilities at South Park; planting and habitat at Trinity Park; and access to and the water supply to Square Hill allotments; as well as other wider public realm and open space in the town centre. (20/505707/FULL Mote Road Car Park Mote Road Maidstone Kent – site was allocated under policy RMX1(6)).

## Air Quality

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### **Indicator M41: Progress in achieving compliance with EU Directive/national regulatory requirements for air quality within the Air Quality Management Area (AQMA)**



## **NO<sub>2</sub> LEVELS WELL BELOW 2019 LEVELS**

3.86 The Air Quality Annual Status Report (June 2023)<sup>13</sup> explains that

*"In 2022, for the first time since 2019, NO<sub>2</sub> levels were not affected by COVID restrictions. NO<sub>2</sub> levels were broadly very similar to those in 2021, and well below 2019 levels. Having monitored NO<sub>2</sub> in more than 150 different locations in the Borough, we have previously reported that, outside of Upper Stone Street,*

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<sup>13</sup> <https://kentair.org.uk/report/maidstone-borough-council-annual-status-report-2023>

*the Wheatsheaf public house is probably the only residential property where the annual mean objective for NO<sub>2</sub> is exceeded.*

*However, since 2020, the objective has been met at the Wheatsheaf, and furthermore we noted that the Wheatsheaf was scheduled for demolition in 2021, to make way for a junction improvement scheme, which we would expect to bring air quality benefits to the area. Whilst the demolition has not yet gone ahead as expected, the Wheatsheaf remains empty and therefore there is no longer a relevant receptor at the property.*

*Since 2019, Maidstone Borough Council has undertaken some additional monitoring on behalf of local Parish Councils who had identified particular areas of concern based on their own local knowledge. This work was continued in 2022, with 12 additional diffusion tubes deployed on behalf of the Parish Councils, primarily in the more rural areas of the Borough. No exceedances of the NO<sub>2</sub> annual mean were found in these locations.*

*In 2021, the monitoring results were somewhat influenced by COVID and the lockdowns, primarily in the early part of the year. Of 45 sites where a comparison was possible in 2022, NO<sub>2</sub> levels were higher in 9, lower in 15, and unchanged in 21 (we are defining unchanged as meaning that the result in 2022 is within  $\pm 1\mu\text{gm}^{-3}$  of the result in 2021)."*

3.87 In conclusion, there have been continued improvements in air quality at the identified exceedance areas.

**Indicator M42: Applications accompanied by an Air Quality Impact Assessment (AQIA) which demonstrate that the air quality impacts of development will be mitigated to acceptable levels**



**3 SCHEMES MADE PROVISION FOR AIR QUALITY**

3.88 For this indicator, the Council reviewed the permissions granted for residential development in Maidstone urban area during the monitoring year. The Council focused on the 17 permissions granted on large sites (5+ dwellings). Of this number, 14 of the developments were found to have no specific air quality implications when the applications were assessed. The remaining three proposals made provision for air quality improvements.

### **Indicator M43: Planning obligations – contributions prioritisation (Policy ID1(4))**

## **£ 8 OUT 11 SCHEMES PROVIDED CONTRIBUTIONS TO PRIORITIES**

3.89 There were 11 planning consent applications that had S106 agreements signed off in the 2022/23 reporting year. 8 of these provided contributions sought in accordance with the priorities outlined in Policy ID1(4). In addition to the provision of affordable housing (where required), a total of £936,714 of developer contributions were agreed towards the provision, improvement or enhancement of; biodiversity and habitats, bridleway, healthcare, open space, public rights of way, and town centre transport link (included in the total of developer contributions secured was £634,133 for Off-Site Affordable Housing).

### **Indicator M44: Planning obligations – number of relevant developments with planning obligations**

3.90 There were 11 planning consent applications that had S106 agreements signed off in the 2022/23 reporting year. 8 of these provided contributions sought in accordance with the priorities outlined in Policy ID1(4). In addition to the provision of affordable housing (where required), a total of £936,714 of developer contributions were agreed towards the provision, improvement or enhancement of; biodiversity and habitats, bridleway, healthcare, open space, public rights of way, and town centre transport link (included in the total of developer contributions secured was £634,133 for Off-Site Affordable Housing)

### **Indicator M45: Delivery of infrastructure through planning obligations/conditions**

## **£ £5,794,120 FROM PLANNING OBLIGATIONS RECEIVED**

3.91 Where developer contributions are secured through Section 106 agreements, there are normally prescribed dates by which the funds are required to be spent or risk being returned to the payee. In this reporting year 2022-23, the total amount of money from planning obligations received towards infrastructure was £5,794,120 (including £209,172 towards Off-Site Affordable Housing). Of this amount £4,051,519 was spent by a third party). The remaining

£1,742,601 (plus £209,172 towards Off-Site Affordable Housing) was not spent during the reported year. Full details of all planning obligations secured/received/spent within the monitoring year are available to view in the published Infrastructure Funding Statement (IFS).

#### **Indicator M46: Introduction of Community Infrastructure Levy**

 **£2,191,086 COLLECTED IN CIL PAYMENTS**

3.92 The Council formally implemented CIL on 1st October 2018. Over the monitoring year 1st April 2022 to 31st March 2023, 158 planning applications were received that were potentially liable for the CIL charge. In reality, this figure may be lower due to various exemptions and relief options available. e.g. self-build exemption or charitable relief. In total over the monitoring year, £2,191,086 (gross) was collected by the Council in CIL payments.

## Transport

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#### **Indicator M47: Identified transport improvements associated with Local Plan site allocations**

 **6 TRANSPORT IMPROVEMENTS COMPLETED**

3.93 The Council maintains an Infrastructure Delivery Plan (IDP) that identifies the projects needed to deliver the Local Plan 2017. It tracks the progress of all known infrastructure projects and updates the status of them annually. The Council also meets with Kent County Council, as the highway authority, on a quarterly basis to discuss progress of identified highways improvement schemes and ensure their timely delivery – with a particular focus on the schemes identified as part of the Maidstone Integrated Transport Package (MITP). There are 48 transport improvements identified relevant to this indicator in the IDP, with progress in the reporting year noted in the tables below.

## Schemes Completed

Reporting Year 2022/23		
Reference	Location	Scheme Delivered
HTC4	Coxheath	Provision of a formal footway link between site H1 (58) and Mill Lane.
HTC5	Coxheath	Package of measures including bus Stop improvements on Heath Road, new footways and pedestrian crossings
HTM1	Marden	Package of Improvements to Marden Rail Station Including provision of a new shelter, additional seats, CCTV and lighting as part of one scheme, and provision of a cycle park as part of another scheme
HTNW7	Maidstone Urban Area	Provision of a circular bus route to serve the north west Maidstone strategic development area.
HTS3	Staplehurst	Package of measures in north western Staplehurst including the provision of pedestrian and cycle links to the railway station, provision of a pedestrian and cycle crossing on Marden Road. Bus infrastructure improvements, traffic calming and the extension of the 30mph limit on Marden Road
HTSE9	Maidstone Urban Area	Provision of a new footway on the northern side of Sutton Road.

Table 29: Identified transport improvements associated with Local Plan site allocations that have been completed (Source: MBC 2023)

## Schemes Delayed

Reporting Year 2021/22		
Reference	Location	Scheme Delivered
HTJ71	Maidstone Urban Area	Capacity improvements and signalisation of Bearsted roundabout and capacity improvements at New Cut roundabout. Provision of a new signal pedestrian crossing and the provision of a combined foot/cycle way between these two roundabouts.
HTJ73	Other	Capacity improvements at M2 J5 (located in Swale Borough)
HTS2	Staplehurst	Package of measures in north eastern Staplehurst including the provision of a pedestrian and cycle crossing on Headcorn Road, bus Infrastructure improvements, extension of the 30-mph speed limit on Headcorn Road
HTSE1	Maidstone Urban Area	Capacity improvements on the A274 Sutton Road between the junctions of Wallis Avenue and Loose Road, incorporating bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction, together with bus

Reporting Year 2021/22		
Reference	Location	Scheme Delivered
		infrastructure improvements. Provision of a cycle route through sites H1 (5) and H1 (10) from the A274 in the vicinity of Langley Church to Brishing Lane.
HTSE2	Maidstone Urban Area	Improvements to capacity at the junctions of Wellington Street and Wallis Avenue with Sutton Road
HTSE6	Maidstone Urban Area	Improvements to capacity at the A229/A274 Wheatsheaf junction and improvements to the approaches to the Bridge Gyrotory signal junctions from the Wheatsheaf junction
HTSE7	Maidstone Urban Area	Improvements to capacity at the A229/A274 Wheatsheaf junction and improvements to the approaches to the Bridge Gyrotory signal junctions from the Wheatsheaf junction
HTNW3	Maidstone Urban Area	Enlargement of existing A20 Coldharbour roundabout and removal of traffic signals
HTNW10	Maidstone Urban Area	Provision of a new cycle lane along B2246 Hermitage Lane
HTTC12	Maidstone Town Centre	Improvements at Sessions House Square and Week Street to provide an enhanced public open space and public realm
HTTC15	Maidstone Town Centre	Footpath and public realm improvements on King Street between the junction of Wyke Manor Road and site RMX1 (3)
HTHE5	Headcorn	Provision of a footway along the A274 from the access to site EMP1 (1) to connect with the existing footway to the south, and provide pedestrian access to existing bus stops
<b>MBC continues to work with KCC and partners to progress the delivery of these critical schemes.</b>		

Table 30: Identified transport improvements associated with Local Plan site allocations that have been delayed (Source: MBC 2023)

**Indicator M48: Sustainable transport measures to support the growth identified in the Local Plan and as set out in the Integrated Transport Strategy and the Walking and Cycling Strategy**

 **55% OF ITS ACTIONS RATED GREEN**

3.94 Projects remain on track to be delivered within the broad time periods identified within the Infrastructure Delivery Plan. In total 18% of the actions within the ITS have been rated as red in terms of delivery, with the remainder being 27% amber and 55% green. This has meant there has been a minor

increase in red actions due to worsening delivery in the past year. This is felt to be a temporary anomaly caused by changes in Government policy around public transport areas, such as buses, and general low recovery in bus patronage following the Covid-19 pandemic. It is the ambition of the Council to undertake a full review of the Integrated Transport Strategy following the Local Plan Review. Partial updates have been proposed as part of the Local Plan Review.

#### **Indicator M49: Provision of Travel Plans for appropriate development**



### **4 TRAVEL PLANS SUBMITTED**

3.95 Travel Plans, Transport Assessments and Statements are all ways of assessing and mitigating the negative transport impacts of development in order to promote sustainable development. They are required for all developments which generate significant amounts of movements. During 2022/23 the following developments submitted travel plans to the Kent County Council travel plan officer through the consultation process:

- 23/500773 - Len House, Mill Street, Maidstone
- 23/500870 - Former Syngenta Works, Hampstead Lane, Yalding
- 22/500690 - Eclipse Park, Sittingbourne Road, Maidstone
- 20/505195 - Land At Woodcut Farm, Ashford Road, Hollingbourne

#### **Indicator M50: Achievement of modal shift through:**

- **No significant worsening of congestion as a result of development**
- **Reduced long stay town centre car park usage**
- **Improved ratio between car parking costs and bus fares**

3.96 There is no specific target for this indicator. It purely monitors modal shift. The three parts of the indicator are discussed in turn below.

#### **No significant worsening of congestion as a result of development:**



### **AVERAGE SPEED DECREASE ON 4 OUT OF 5 MAIN A-ROADS**

3.97 The figures below in Table 31 show the average vehicle speeds on five of the main A roads. Between 2021 and 2022 average speeds have decreased on all but one main A road in the Borough.

Road Name	2017 (mph)	2018 (mph)	2019 (mph)	2020 (mph)	2021 (mph)	2022 (mph)	Change in last year (%)
A20	32.2	31.3	30.7	33.0	29.2	28.9	-1.0%
A229	31.5	33.6	34.1	36.3	33.3	31.8	-4.6%
A249	42.9	47.9	48.4	51.5	47.1	41.7	-11.5%
A26	24.3	24.0	24.3	26.2	24.1	23.3	-3.3%
A274	27.4	27.2	26.2	27.0	24.3	24.3	0.0%

*Table 31: Average vehicle speeds on locally managed 'A' roads (Source: DfT 2023)*

3.98 Figure 10 compares the average combined journey times to 8 key services for public transport/walking, cycling, car and walking<sup>14</sup>. Between 2017 and 2019<sup>15</sup> there have been marginal changes across all modes of transport. When comparing the 2019 figures, the journey times for Maidstone, Kent and the wider South East area are similar.

<sup>14</sup> Walking is an addition for 2019

<sup>15</sup> No recent figures have been published.



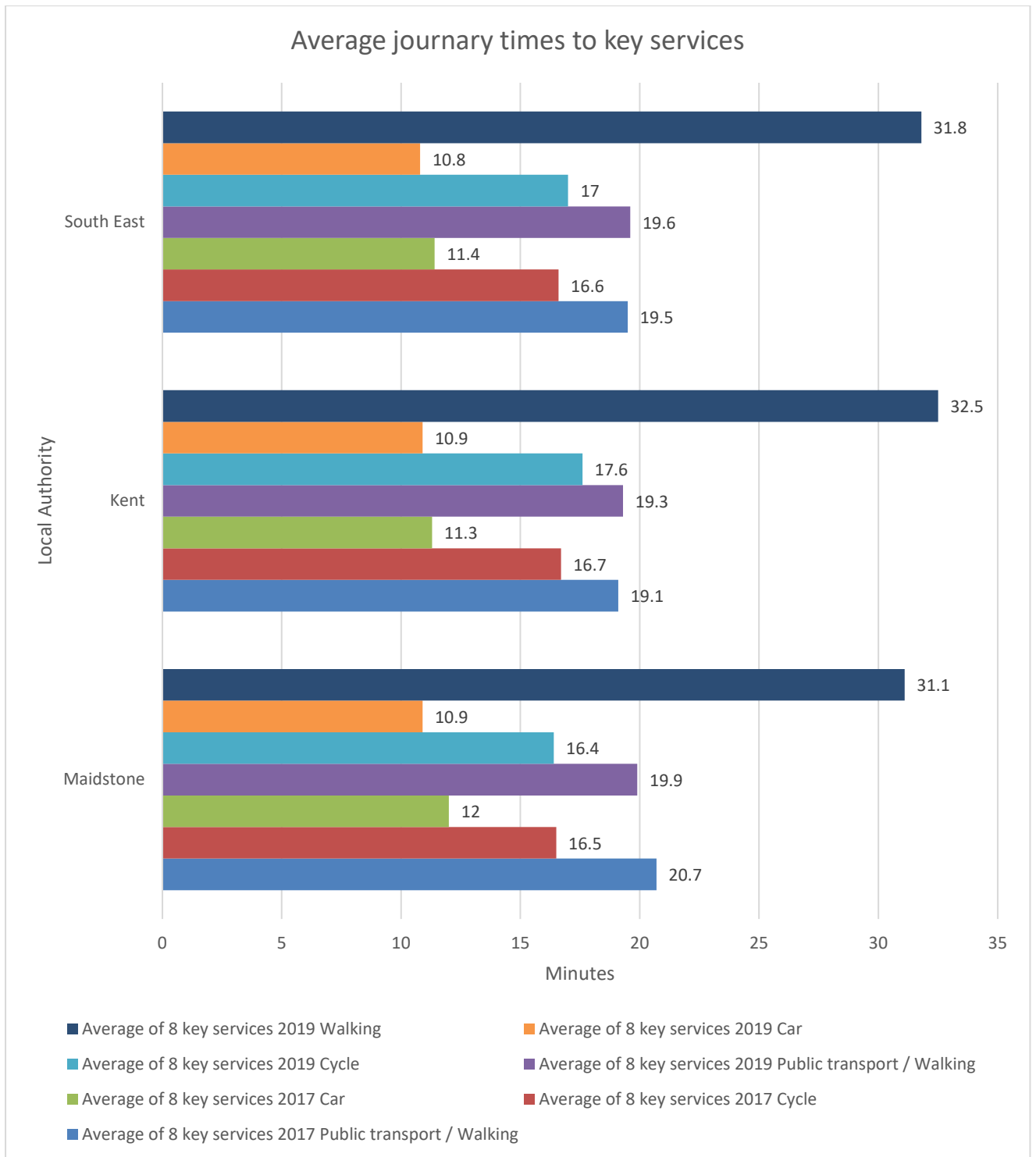


Figure 10: Average journey times to key services 2019 (Source: DfT 2021)

### Reduced long stay town centre car park usage:



**308,095** TRANSACTIONS IN TOWN CENTRE  
CAR PARKS

3.99 In total there were 308,095 transactions in the town centre long stay car parks (Table 32) an increase from previous year. Data for Sandling Road was unavailable at the time this report was written.

Car Park	Payment Method						Total	
	Pre-pay Unit		RingGo		CiCo (Check In, Check Out)			
	21/22	22/23	21/22	22/23	21/22 2	22/23 3	21/22	22/23
Barker Road	15,638	14,809	16,374	22,454	0	0	32,012	37,263
Brooks Place	867	751	1,776	1,446	0	0	2,643	2,197
Brunswick Street	1,666	2,604	2,114	4,611	0	0	3,780	7,215
College Road	8,717	8,270	9,513	11,396	0	0	18,230	19,666
Lockmeadow	51,761	46,594	106,972	125,717	0	0	158,733	172,311
Lucerne Street	3,964	3,843	5,126	6,579	0	0	9,090	10,422
Sandling Road	-	-	-	15,170	-	-	-	15,170
Sittingbourne Road	5,048	5,658	5,685	9,480	0	0	10,733	15,138
Union Street East	4,232	3,958	4,444	6,350	0	0	8,676	10,308
Union Street West	5,235	5,543	5,153	7,039	0	0	10,388	12,582
Well Road	2,293	1,618	2,826	4,195	0	0	5,119	5,813
Total	99,421	93,648	159,983	214,437	0	0	259,404	308,095

Table 32: Town Centre long stay car park transactions 2022/23 (Source: MBC 2023)

### Improved ratio between car parking costs and bus fares:



**5+ HOURS PARKING IS MORE EXPENSIVE THAN TRAVELLING BY BUS**

3.100 Since last year there has been an increase in the cost of an Arriva day ticket. Table 33 shows that in all three car parks, parking for more than 5 hours is more expensive than travelling by bus. Shorter stays are cheaper than the cost of travelling by bus.

<b>Car Parks</b>	<b>Long stay cost (over 4 hours)</b>	<b>Arriva day ticket</b>	<b>Ratio 2023</b>
MBC (up to 5 hours)	£5.75 (mode)	£6.60	0.87
MBC (over 5 hours)	£7.30	£6.60	1.11
Fremlin Walk (4-5 hours)	£6.00	£6.60	0.91
Fremlin Walk (over 5 hours)	£11.20	£6.60	1.69
The Mall (4-5 hours)	£4.50	£6.60	0.68
The Mall (over 5 hours)	£9.00	£6.60	1.36

*Table 33: Ratio of car parking costs compared to bus fares (Source: Arriva 2023; MBC 2023; Fremlin Walk 2023; and The Mall 2023)*

## 4. Sustainability Appraisal – Significant Effect Indicators

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4.1 The Sustainability Appraisal for the adopted Maidstone Local Plan outlines measures that will be used to monitor the effects of the Maidstone Borough Local Plan. The monitoring of the significant effect indicators allows previously unforeseen effects to be identified early.

### Housing

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#### **Indicator SA1: Number of households on the Housing Register**

4.2 See Local Plan Indicator M15.

#### **Indicator SA2: Number of new dwellings built compared to targets**



**1,064 DWELLINGS (NET) COMPLETED**

4.3 There were 1,064 dwellings (net) completed during the monitoring year 2022/23, bringing the total completed dwellings to 11,786 for the plan period 2011 to 2023. This equates to a surplus of 1,190 homes over the 12-year plan requirement of 10,596 homes (883x12).

#### **Indicator SA3: Net additional Gypsy and Traveller pitches**

4.4 See Local Plan Indicators M27 and M29

### Flooding

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#### **Indicator SA4: New development in the floodplain**



**122 PERMISSIONS WITHIN FLOOD ZONES 2 AND 3**

4.5 There were 122 applications permitted within flood zone 2 and flood zone 3 during the monitoring year of 2022/23.

**Indicator SA5: Development permitted contrary to advice by the Environment Agency on flood risk**



**1 PERMISSION CONTRARY TO ADVICE**

4.6 During the monitoring year, 1 application was permitted contrary to advice by the Environment Agency on flood risk.

**Indicator SA6: Percentage of developments implementing SUDs**

4.7 Data for the indicator is unavailable as it is not currently held by the council.

## Health

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**Indicator SA7: Percentage of residents that consider their health to be good**



**49% CONSIDER HEALTH TO BE VERY GOOD**

4.8 The 2021 Census data outlines that 49% of people within Maidstone consider their health to be very good, with a further 34% who consider their health to be good. These figures are similar to the national averages, whereby a total of 47% consider their health to be very good and 34% consider their health to be good.

**Indicator SA8: Distance travelled to services**



**80% OF RURAL SERVICE CENTRES AND LARGER VILLAGES HAVE ACCESS TO MEDICAL FACILITIES**

4.9 Information on access to services has been gathered for the five Rural Service Centres (RSCs) and five larger villages as identified in the adopted Local Plan 2017. A revised Settlement Hierarchy (2021) was commissioned as part of the Local Plan Review and amends the RSCs and larger villages. For the purposes of this AMR the RSCs and larger villages which have been analysed

below are those set out in the adopted Maidstone Borough Local Plan (2017). Table 34 shows the percentage of key villages with access to each service.

	<b>Retail &amp; services</b>	<b>Community &amp; public</b>	<b>Library</b>	<b>Medical</b>	<b>Education</b>
<b>Rural Service Centres</b>					
Harrietsham	YES	YES	NO	YES	YES
Headcorn	YES	YES	YES	YES	YES
Lenham	YES	YES	YES	YES	YES
Marden	YES	YES	YES	YES	YES
Staplehurst	YES	YES	YES	YES	YES
<b>% of RSCs with access</b>	100%	100%	80%	100%	100%
<b>Large Villages</b>					
Boughton Monchelsea	YES	YES	NO	NO	YES
Coxheath	YES	YES	YES	YES	YES
Hollingbourne (Eyhorne St village boundary, there is no Hollingbourne village boundary)	YES	YES	NO	NO	YES
Sutton Valence	YES	YES	NO	YES	NO
Yalding	YES	YES	YES	YES	YES
<b>% of Larger Villages with access</b>	100%	100%	40%	60%	80%
<b>Combined</b>					
<b>% of villages with access</b>	<b>100%</b>	<b>100%</b>	<b>60%</b>	<b>80%</b>	<b>90%</b>

Table 34: Access to services in rural service centres and larger villages (Source: MBC 2021)

## Poverty

**Indicator SA9: Difference in levels of deprivation between the most and least deprived areas**



**LEAST DEPRIVED: BEARSTED LOWER SUPER OUTPUT AREA**

4.10 The Index of Multiple Deprivation ranks each Lower-layer Super Output Area (LSOA) in the country from 1 being the most deprived and 32,844 being

the least deprived. As of 2019<sup>16</sup>, the least deprived LSOA in Maidstone Borough is E01024329 in Bearsted ward and is ranked as 32,648. The LSOA is amongst the 10% least deprived areas in the country. Whilst the least deprived LSOA in Maidstone Borough in both 2015 and 2019 is in Bearsted, it is a different LSOA identified as the least deprived (E01024330 in 2015 and E01024329 in 2019). See Figure 11 for location.

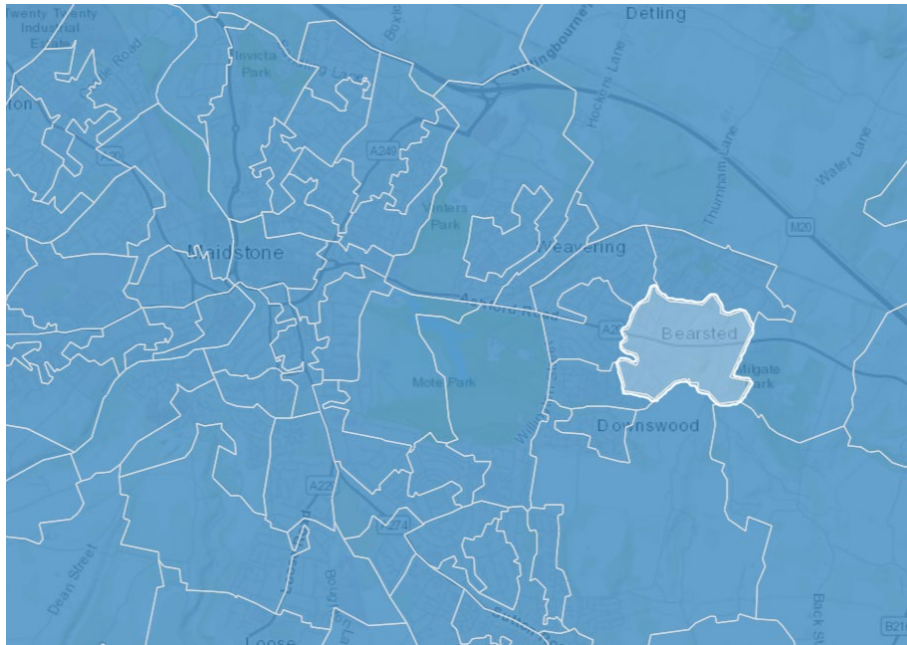


Figure 11: Location of E01024329 in Bearsted (Source: MHCLG 2021)



## **MOST DEPRIVED: PARKWOOD LOWER SUPER OUTPUT AREA**

4.11 The most deprived LSOA in the Borough is E01024389 located in Parkwood ward and is ranked as 2914 in 2019 and 1979 in 2015, a change of 935 rankings. The LSOA remains amongst the 10% most deprived areas in the country. See Figure 12 for location.

<sup>16</sup> No recent figures have been published.

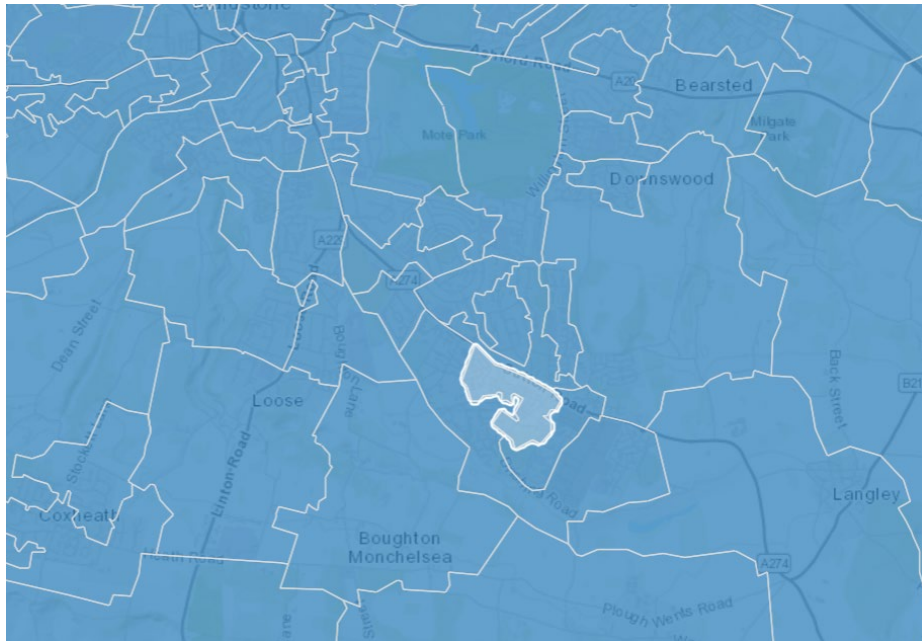


Figure 12: Location of E01024389 in Parkwood (Source: MHCLG 2021)

### Indicator SA10: Levels of unemployment

4.12 See Local Plan Indicator M22.

## Education

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### Indicator SA11: Number of schools that are at capacity/surplus



**97% PRIMARY SCHOOL CAPACITY**

**92% SECONDARY SCHOOL CAPACITY**

4.13 The results of the Department for Education’s School Capacities Survey (known as SCAP) have been published in a report published by KELSI (KCC). Figure 13 shows that the capacities of secondary schools within the Borough have fluctuated since 2017. Peaking in 2021 with 98%. Primary school capacity demonstrate a similar fluctuating pattern.



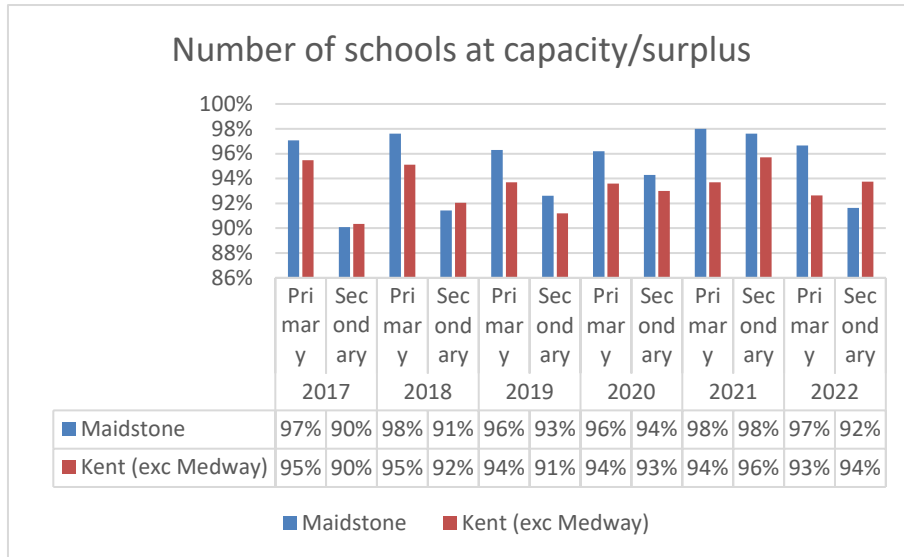


Figure 13: School capacities from 2017-2021 (Source: KELSI 2022)

**Indicator SA12: Pupils achieving grades A-C**



**23.1% INCREASE IN THOSE ACHIEVING NVQ2 OR ABOVE**

4.14 NVQ Level 2 equates to 4-5 GCSE grades A\*-C (grades 4-9 under the new grading system). Between 2020 and 2021 there has been an increase in the number of pupils achieving NVQ 1 or above, NVQ 2 or above and NVQ3 or above in Maidstone (Table 35). A trend which is also replicated across the South East. Since 2011, the base date of the Maidstone Borough Local Plan, there has been an increase in the number of pupils achieving NVQ 2 or above of 23.1%, and this is above the level for the rest of the South East (10.1%). However, it is below the national level of 12.5%<sup>17</sup>.

<sup>17</sup> Further details can be accessed at:

<https://www.nomisweb.co.uk/reports/lmp/la/1946157316/report.aspx?town=maidstone#tabquals>

		Jan 2020 - Dec 2020	Jan 2021 - Dec 2021
NVQ 4 or above	Maidstone (%)	51.6	43.8
	South East (%)	44.9	45.1
	Great Britain (%)	43.1	43.5
NVQ 3 or above	Maidstone (%)	62.7	72.1
	South East (%)	63.5	63.7
	Great Britain (%)	61.4	61.5
NVQ 2 or above	Maidstone (%)	85.1	91.2
	South East (%)	80.6	80.7
	Great Britain (%)	87.9	78.2
NVQ 1 or above	Maidstone (%)	92.2	96.5
	South East (%)	90.3	90.4
	Great Britain (%)	87.9	87.6

Table 35: Percentage of pupils achieving grades A-C (Source: Nomis 2022)

## Crime

### Indicator SA13: Levels of crime in town centres

4.15 The town centre is located in the High Street ward. Figures provided by Kent Police show that overall between July-September 2017 and January-March 2023 there has been a fluctuation in reported crime in the High Street ward (Figure 14). There have been spikes in the reported crime, most recently in July-September 2021.

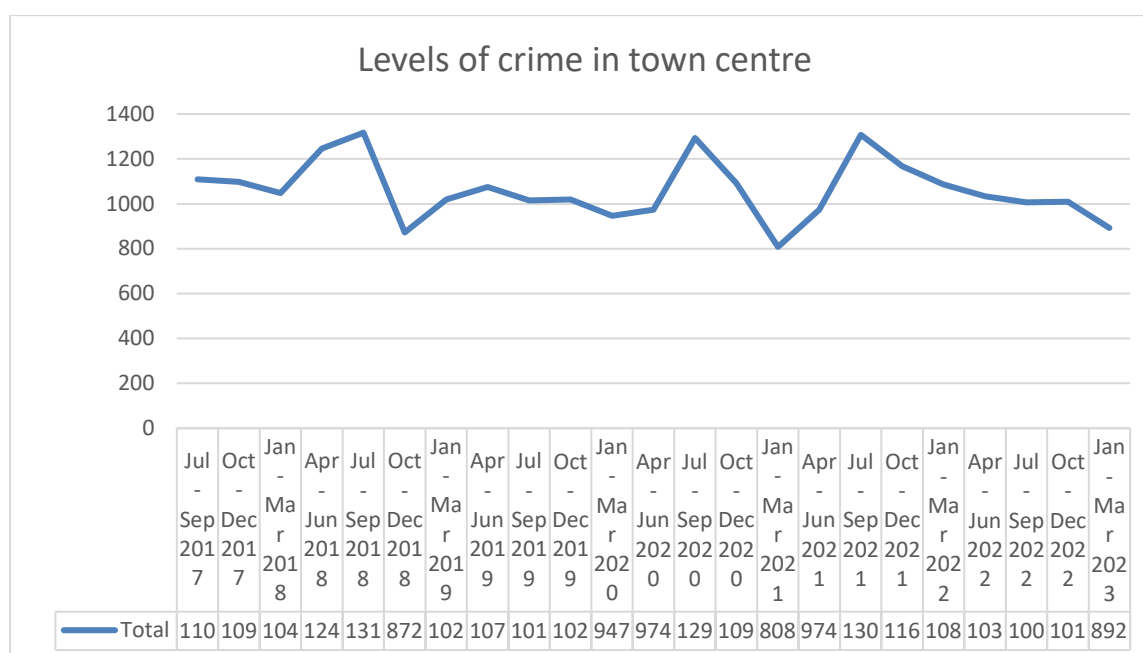


Figure 14: Crimes reported between July 2017 and March 2023 (Source: Kent Police 2023)

#### Indicator SA14: Crime rates per 1000 population



## 92 CRIMES PER 1,000 POPULATION

4.16 Population estimates for the monitoring year 2022/23 have not yet been released. This information will be reflected in the next Authority Monitoring Report.

		Crime rate per 1,000 population
2017/18	Maidstone	90
	Kent	114
2018/19	Maidstone	104
	Kent	127
2019/20	Maidstone	95
	Kent	120
2020/21	Maidstone	85
	Kent	104
2021/22	Maidstone	92
	Kent	115
2022/23	Maidstone	-
	Kent	-

Table 36: Crime rates per 1,000 population (Source: Home Office 2022)

### Vibrant community

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#### Indicator SA15: Loss/gain of community facilities



## 80% OF RURAL SERVICE CENTRES AND LARGER VILLAGES HAVE ACCESS TO MEDICAL FACILITIES

4.17 The Maidstone Borough Local Plan seeks to resist the net loss of community facilities. During 2022/23, two new community facilities were completed. This includes one doctors surgery, and one golf clubhouse. There were also extensions of buildings to five community facilities including a doctor's surgery, a co-ordination centre, two training accommodations and a school.

4.18 During 2022/23 there were three applications permitted for the loss of a community facility (D1 use). This includes one library, a doctor's surgery and a studio building.

### **Indicator SA16: Percentage of relevant applications where a Travel Plan is secured**

4.19 See Local Plan Indicator M49

### **Indicator SA17: Percentage of trips to work, school, leisure using public transport, walking and cycling**



**13.8% OF ADULTS WALK AS MODE OF TRAVEL AT LEAST THREE TIMES A WEEK**

4.20 Information produced by Public Health England<sup>18</sup> shows that in 2019/2020 13.8% of adults in the Borough walk as their mode of travel at least three days per week, compared to 15.9% in 2018/19 and 18% in 2017/18. A further 1.5% of adults cycle for travel at least three days per week. This represents a decrease since 2018/19, where this figure was 2.4%.

4.21 Walking to school statistics published<sup>19</sup> indicate that over the monitoring year a total of 15,453 cars were taken off the road as a result of walking to school. This is a reduction from the previous year, where 16,311 cars were taken off the road.

### **Indicator SA18: Develop indicators to look at access issues in rural areas**

4.22 The Council will develop indicators to look at access issues in rural areas. Table 34 for Indicator SA8 provides information on the level of access to services within the Rural Service Centres (RSCs) and five larger villages.

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<sup>18</sup> <https://fingertips.phe.org.uk/profile/wider-determinants/data#page/1/gid/1938133043/pat/6/par/E12000008/ati/101/are/E07000110>

<sup>19</sup> <https://kmcharityteam.secure.force.com/localauthority/walkingtoschoolstats>

**Indicator SA19: Number of visits to the Borough**



**3 MILLION DAY TRIPS AND 256,900 OVERNIGHT TRIPS TO THE BOROUGH IN 2021**

4.23 The Council uses information published in the Economic Impact of Tourism in Maidstone annual report to understand the number of visits to the Borough. The figures for any given year are published the following year. The Economic Impact of Tourism in Maidstone – 2021 show that following the coronavirus pandemic both day trips and overnights trips to the Borough have increased following a decline in 2020 (Table 37). The trend in visitor numbers is reflected at the county level.

Number of Visitors		Day trips	Overnight trips
2019	Maidstone	4,100,000	361,000
	Kent	61,700,000	4,862,000
2020	Maidstone	2,000,000	170,000
	Kent	31,200,000	2,163,000
2021	Maidstone	3,000,000	256,900
	Kent	48,300,000	3,212,000

Table 37: Number of visitors to the Borough and County (Source: Destination Research, 2022 commissioned by Visit Kent)

**Indicator SA20: Percentage of development on previously developed land**



**435 HOMES WERE COMPLETED ON PREVIOUSLY DEVELOPED LAND**

4.24 Out of the 1,064 homes (net) completed during the monitoring year 2022/23 a total of 435 homes were completed on previously developed land. This equates to 41%. Table 38 shows that there has been a small increase in the percentage of completions on previously developed land.

Year	Percentage of completions on previously developed land
2011/12	92%
2012/13	84%
2013/14	77%
2014/15	77%
2015/16	69%
2016/17	60%
2017/18	47%
2018/19	51%
2019/20	27%
2020/21	29%
2021/22	24%
2022/23	41%

Table 38: Percentage of housing completions on previously developed land (Source: MBC 2023)

### **Indicator SA21: Net loss of agricultural land**

4.25 See Local Plan Indicator M35.

### **Indicator SA22: Number of new allotment pitches provided through development contributions**

4.26 Over the monitoring year no new allotment pitches have been provided through development contributions.

## Congestion

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### **Indicator SA23: Peak traffic flow**

4.27 See Local Plan Indicator M50.

### **Indicator SA24: Travel times**

4.28 See Local Plan Indicator M50.

### **Indicator SA25: Investment in road infrastructure**



**40 TRANSPORT IMPROVEMENTS COMPLETED**

4.29 A total of 40 highways and transportation schemes from the Infrastructure Delivery Plan have been completed since the adoption of the Local Plan in 2017. These schemes include works to reduce traffic congestion; improve sustainable transport options through the provision of bus lanes and cycle parking; footpath provision; and the enhancement of the public realm. All of these measures contribute to reducing congestion in the borough.

## Climate change

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### Indicator SA26: CO<sub>2</sub> emissions per capita



## 4.2 TONNES PER CAPITA EMISSIONS

4.30 Between 2011 and 2021, CO<sub>2</sub> emissions per capita in Maidstone has declined, a trend which is reflected in the Kent average (Table 39).

	Per Capita Emissions (tonnes)		
	Maidstone	Kent	England
2011	6.3	6.9	6.6
2012	6.5	6.8	6.8
2013	6.5	6.5	6.6
2014	5.7	5.9	6.0
2015	5.5	5.6	5.7
2016	5.2	5.4	5.3
2017	4.9	5.1	5.1
2018	4.7	5.0	5.0
2019	4.4	4.6	4.9
2020	3.8	4.1	4.3
2021	4.2	4.5	4.6

Table 39: Per Capita CO<sub>2</sub> Emissions (tonnes) between 2011 and 2020 (Source: DEBIS 2023)

### Indicator SA27: Number of new residential developments where the energy/emissions standards in the Building Regulations Part L have been exceeded

4.31 The Council assesses new residential developments to see if they meet Building Regulations Part L. What is not currently monitored, is to what extent developments exceed energy and emission standards.

**Indicator SA28: Number of developments where 'adaptation statements' have been produced**

4.32 Data for the indicator is unavailable as it is not currently held by the council.

## Biodiversity

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**Indicator SA29: Net loss/gain of designated wildlife habitats**



**NO NET CHANGE IN DESIGNATED WILDLIFE HABITATS**

4.33 Over the monitoring year there has been no net change in designated wildlife habitats.

**Indicator SA30: Condition of wildlife sites**

4.34 Data for the indicator is unavailable as it is not currently held by the council.

## Countryside and heritage

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**Indicator SA31: Landscape character appraisals and impacts**

4.35 The Maidstone Landscape Character Assessment and Maidstone Landscape Character Assessment Supplement were produced in 2012. The Landscape Character Assessment identifies 58 borough wide landscape character areas. Each landscape area has been assessed against condition and sensitivity. The Council also commissioned the Maidstone Landscape Capacity Study: Sensitivity Assessment and the Maidstone Landscape Capacity Study: Site Assessments (both published in 2015) which assessed the sensitivity of the landscape character areas in more detail. The documents formed part of the evidence base for the Local Plan and inform planning application decisions. The documents now form part of the Local Plan Review evidence base.



**Indicator SA32: Number of heritage restoration projects completed**



**5 RESTORATION PROJECTS COMPLETED**

4.36 During the monitoring year, the Council carried out external redecoration and associated repairs to five of its prestige buildings listed below.

- Maidstone Museum and Art Gallery
- The Archbishop's Stables (Carriage Museum)
- The Archbishop's Palace
- Vinters Park Crematorium
- The Town Hall

Waste

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**Indicator SA33: Number of complaints to the Council related to waste storage and collection at new developments**



**0 COMPLAINTS RELATING TO WASTE STORAGE AND COLLECTION AT NEW DEVELOPMENTS**

4.37 During the monitoring year, no complaints relating to waste storage and collection at new developments were received by the Council.

4.38 In previous years, the Council changed the standard collection service by providing additional collections on a weekly basis, rather than the standard alternative week system in a number of new build locations to accommodate for a lack of storage space. The Council has changed developer guidance in relation to the sizes of bins to be provided and has given additional guidance about communal bin stores to try to prevent service problems in the future.

**Indicator SA34: Amount of construction and demolition waste**



**46% REDUCTION IN AMOUNT OF NON-HOUSEHOLD WASTE COLLECTED**

4.39 Across Kent there has been a reduction in the amount of non-household waste disposed between 2014/15 to 2021/22 by 86%. In 2021/22 Kent recorded

5706 tonnes of non-household waste disposed. The total amount of non-household waste collected in Maidstone since 2014/15 has also decreased by 46% with 302 tonnes of non-household waste collected in 2021/22 (Table 40).

Financial Year	Maidstone (collected)	Kent (disposal)
2014/15	558	41,091
2015/16	523	40,266
2016/17	202	41,779
2017/18	357	39,119
2018/19	252	35,406
2019-20	220	16,742
2020-21	111	5,656
2021-22	302	5,705

Table 40: Amount of non-household waste collected (tonnes) (Source: DEFRA 2023)

#### Indicator SA35: Waste generated per capita



### 1% REDUCTION IN AMOUNT OF HOUSEHOLD WASTE GENERATED PER CAPITA

4.40 As demonstrated in the graph below the amount of household waste generated in Maidstone Borough has fluctuated since 2011/12. In 2021/22 there was a slight reduction in the household waste per person (kg) collected (374.8). Since 2011/12 there has been less than 1% reduction. The amount of household waste collected per person in Kent has also fluctuated, by overall has decreased since 2011/12 by 8%.

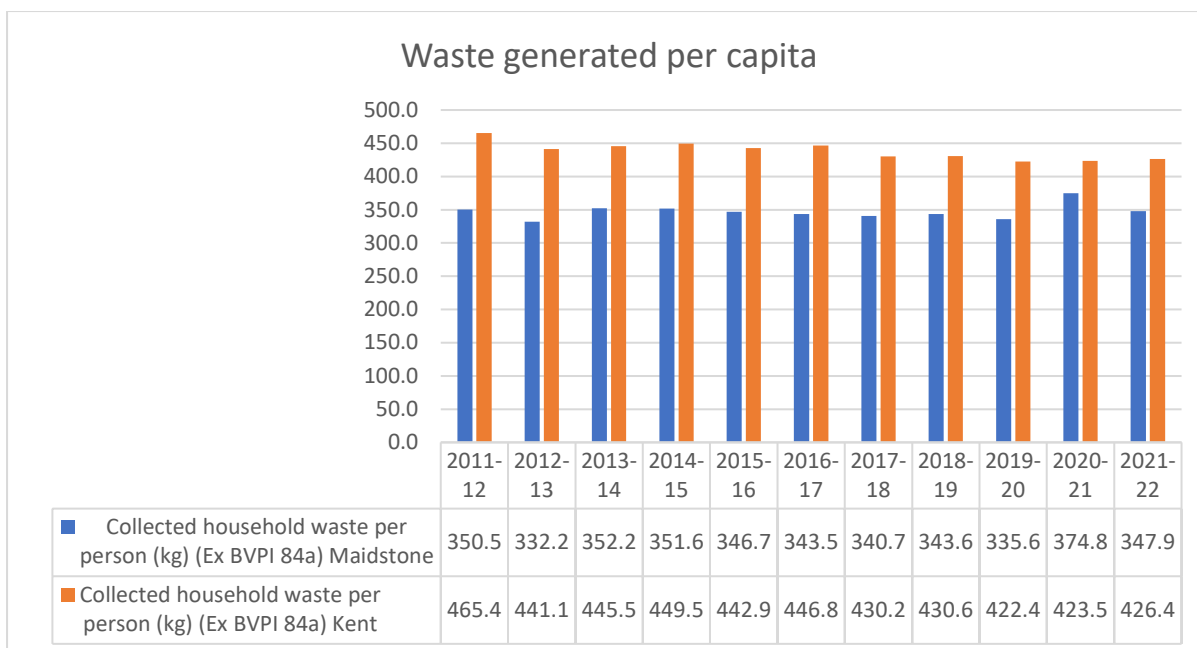


Figure 15: Collected household waste per person (kg) (Source: DEFRA 2023)

## Water management

### Indicator SA36: Water availability/consumption ratios



**IN 2020/21 A 1 IN 200 YEAR DROUGHT, THE WATER AVAILABLE FOR USE IS CALCULATED AS 165.05 ML/D**

4.41 The Southern Water 'Water Resources Management Plan 2019' (WRMP19) outlines the future forecasts for demand and supply across Southern England. The Southern Water Management Plan includes four scenarios. Table 41 outlines that over the Management Plan period, across all four scenarios there will be an increase in water demand.

Planning scenario	2019-20 demand (MI/d)	2069-70 demand (MI/d)	Net change (MI/d)	Net change (%)
Normal Year	535.1	594.9	59.8	11%
Dry Year	571.0	636.0	65.0	11%
Peak Demand	643.9	720.0	76.1	12%
Minimum DO	561.0	624.1	63.2	11%

Table 41: Increase in the demand over the 50 year planning period for each scenario (Source: Southern Water, 2019)

4.42 The Southern Water WRMP19, has three areas of supply. Kent falls under the eastern area. At the start of the planning period (2020/21) in a 1 in 200 year drought, the water available for use is calculated as 165.05 MI/d (million litres per day). At the end of the planning period (2070) the water available for use is estimated at 143.32 MI/d. It is anticipated that in 2027-28, during a 1 in 200 year drought the supply demand balance for the eastern area will move from surplus to deficit as a result of potential sustainability reductions and water exported to South East Water.

4.43 The Annual review of the WRMP19 published in December 2021 indicates that the supply demand balance remains on track. There were some concerns surrounding the increase in demand (above the WRMP19) arising from the Coronavirus pandemic and higher than planned outage levels in some areas, but not altered significantly enough to change pathway.



**BY 2024/25 THERE WILL BE A DEFICIT OF  
2.8 ML/D**

4.44 The South East Water Resource Management Plan 2020 to 2080 also outlines that supply demand balance for Kent will move from surplus to deficit. Table 42 includes information taken from the South East Water Management Plan and indicates that by 2024/25 there will be a deficit of 2.8 MI/d.

<b>Kent</b>	<b>Average (MI/d)</b>	<b>Summer (MI/d)</b>
2020/21	0.5	4.2
2024/25	-2.8	0.1
2029/30	-8.2	-6.6
2033/34	-11.8	-11.3
2039/40	-39.8	-41.3
2044/45	-45.4	-48.7
2049/50	-48.9	-54.0
2054/55	-51.6	-58.1
2059/60	-54.9	-62.6
2064/65	-58.5	-67.3
2069/70	-62.6	-72.1
2074/75	-67.3	-78.0
2079/80	-71.1	-83.9

Table 42: Baseline supply demand balance for Kent (Source: South East Water, 2019)

## Indicator SA37: Ecological/chemical status of water bodies



### 73% OF WATER BODIES CLASSIFIED AS MODERATE

4.45 Information gathered by the Environment Agency in Table 43 shows the ecological and chemical status of water bodies in and around Maidstone. In total, 73% of water bodies have been classified as moderate in terms of ecological status or potential (this figure excludes groundwater bodies). 85% of water bodies have a chemical status of good.

4.46 Stodmarsh is a nationally and internationally important wildlife site and is located along the Stour River to the south of Canterbury. Recent condition assessments have established that parts of this site are being adversely impacted by high levels of nitrates and phosphates which are deteriorating habitats. In July 2020 Natural England issued an advice note to Local Authorities informing them that all new development proposals within the Stour catchment, or that connect to a Waste Water Treatment Works linked to the Stour catchment, will need to consider the impact that they would have on the nitrate and phosphate nutrient levels of the Stour via an appropriate assessment. The advice note was accompanied by a methodology which sets out how applicants and local planning authorities will need to undertake an Appropriate Assessment. Lenham parish falls within the catchment of the Upper Stour, therefore the Local Plan Review will need to take its impact on nutrient levels in the Stour into account, and any potential mitigation will need to be included in the plan viability assessment.

Water Body Name	Water Body Category	Ecological status or potential	Chemical status
Alder Stream and Hammer Dyke	River	Moderate	Fail
Aylesford Stream	River	Poor	Fail
Bartley Mill Stream	River	Moderate	Fail
Beult	River	Moderate	Fail
Beult at Yalding	River	Moderate	Fail
Bewl	River	Moderate	Fail
Bewl Water	Lake	Moderate	Fail
Bourne (Medway)	River	Moderate	Fail
Cliffe Pools North Lake	Lake	Moderate	Fail
Cliffe Pools South Lake	Lake	Good	Fail
Ditton Stream	River	Moderate	Fail
East Stour	River	Moderate	Fail
Eccles Lake	Lake	Moderate	Fail

<b>Water Body Name</b>	<b>Water Body Category</b>	<b>Ecological status or potential</b>	<b>Chemical status</b>
Great Stour between Ashford and Wye	River	Moderate	Fail
Hammer Stream	River	Moderate	Fail
Hilden Brook	River	Poor	Fail
Len	River	Moderate	Fail
Leybourne Stream	River	Poor	Fail
Little Hawden Stream	River	Moderate	Fail
Loose Stream	River	Moderate	Fail
Lower Teise	River	Moderate	Fail
Marden Meadow Ponds	Lake	Good	Fail
Marden Mill Stream	River	Moderate	Fail
MEDWAY	Transitional	Moderate	Fail
Medway at Maidstone	River	Moderate	Fail
Mid Medway from Eden Confluence to Yalding	River	Moderate	Fail
Murston Lakes	Transitional	Good	Fail
Murston Lakes, angling lakes	Lake	Moderate	Fail
Sherway	River	Moderate	Fail
Somerhill Stream	River	Bad	Fail
SWALE	Transitional	Moderate	Fail
Teise and Lesser Teise	River	Moderate	Fail
Teise at Lamberhurst	River	Poor	Fail
Tributary of Beult at Frittenden	River	Moderate	Fail
Tributary of Beult at Sutton Valance	River	Moderate	Fail
Tributary of Teise at Bedgebury	River	Moderate	Fail
Tudeley Brook	River	Moderate	Fail
Ulcombe Stream	River	Moderate	Fail
Upper Beult	River	Bad	Fail
Upper Beult - High Halden and Bethersden Stream	River	Poor	Fail
Upper Great Stour	River	Bad	Fail
Upper Teise	River	Moderate	Fail
Wateringbury Stream	River	Moderate	Fail
White Drain	River	Poor	Fail

Table 43: Water bodies classification status (Source: Environment Agency, 2019)

**Indicator SA38: New installed renewable energy capacity**



**3,752 GWh RENEWABLE ENERGY INSTALLATIONS**

4.47 Information published by Department for Energy Security and Net Zero states that between the end of 2014 and end of 2022 there has been a total of 3,752 renewable energy installations in Maidstone Borough. The largest contributor being photovoltaics. The installed capacity has increased from 56.3 MW to 70.5 MW at the end of 2022.

**Indicator SA39: Total energy consumption**



**3,367 GWh ENERGY CONSUMPTION**

4.48 Total energy consumption in Maidstone has fluctuated between 2011 and 2021. Table 44 below shows the total energy consumption in the borough over the time period. There has been an overall decrease in energy consumption.

	Coal Total (GWh)	Manufactured Fuels Total (GWh)	Petroleum products Total (GWh)	Gas Total (GWh)	Electricity Total (GWh)	Bioenergy & wastes Total (GWh)	All fuels Total (GWh)
2011	99	10	1,648	1,033	697	63	3,551
2012	91	11	1,638	1,024	685	85	3,533
2013	152	11	1,594	1,004	756	105	3,622
2014	158	13	1,621	965	669	101	3,527
2015	126	12	1,683	989	671	110	3,590
2016	86	10	1,693	988	643	118	3,538
2017	70	11	1,689	1,063	653	114	3,600
2018	83	13	1,436	894	558	373	3,557
2019	72	13	1,344	907	551	399	3,286
2020	30	12	1,374	1,137	622	202	3,377
2021	31	7	1,482	1,036	634	177	3,367
	-68.76%	-27.57%	-10.10%	0.28%	-9.09%	181.08%	-5.18%

Table 44: Total energy consumption in Maidstone (Source: DEBIS 2023)

**Indicator SA40: Total amount of additional floorspace by type**



**141,729sqm (NET) ADDITIONAL NON-RESIDENTIAL FLOORSPACE**

4.49 2022/23 has seen net additional non-residential floorspace totalling 141,729sqm, the largest single contributing use being B8 warehousing (see Table 45, below). The two main sites contributing to this B8 floorspace are Woodcut Farm (EMP1(4)) and the former Syngenta Works (RMX1(4)). Larger Sui Generis developments in the borough include permission for an all-weather riding arena; a new adventure gold course; and another for touring caravans and glamping pods.

4.50 The figures excludes C1 and C2 uses which are measured in number of bedspaces (see indicator M14 for the number of C2 bedspaces) and is based on completed and consent permissions.

Use class	Floorspace (Net, sqm)						
	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
A1	-1,665	-5,189	-2,998	-1,428	10,832	2,477	2,358
A2	611	-1,351	-655	70	91	464	870
A3	1,930	1626	2,314	1,467	1,869	2,500	1,108
A4	-1,078	-1,418	-619	-2,191	1,504	460	404
A5	1,078	572	698	2,982	2,823	754	-304
B1a	-17,167	-8,258	-32,428	20,048	-10,706	-8,487	-14,433
B1b	13,228	14,155	380	20,737	7,089	6,923	0
B1c	-5,377	-6,172	-6,669	12,249	14,272	12,349	4,488
B2	-12,386	-16,948	-16,914	-450	940	16,912	35,910
B8	-2,683	-9,744	-27,629	24,776	-3,696	24,732	51,353
D1	27,090	30,009	32,674	54,029	21,893	19,421	25,618
D2	-1,181	-608	-38,874	-40,411	5,609	2,326	5,108
SG	3,292	3,657	17,331	9,385	11,751	15,630	29,249
<b>TOTAL</b>	<b>5,692</b>	<b>331</b>	<b>-73,389</b>	<b>101,263</b>	<b>64,271</b>	<b>96,461</b>	<b>141,729</b>

Table 45: Net additional floorspace by type 2022/23 (completed and consent permissions combined) (Source: MBC 2023)

**Indicator SA41: Unemployment rate**

4.51 See Local Plan Indicator M22.



## Appendices

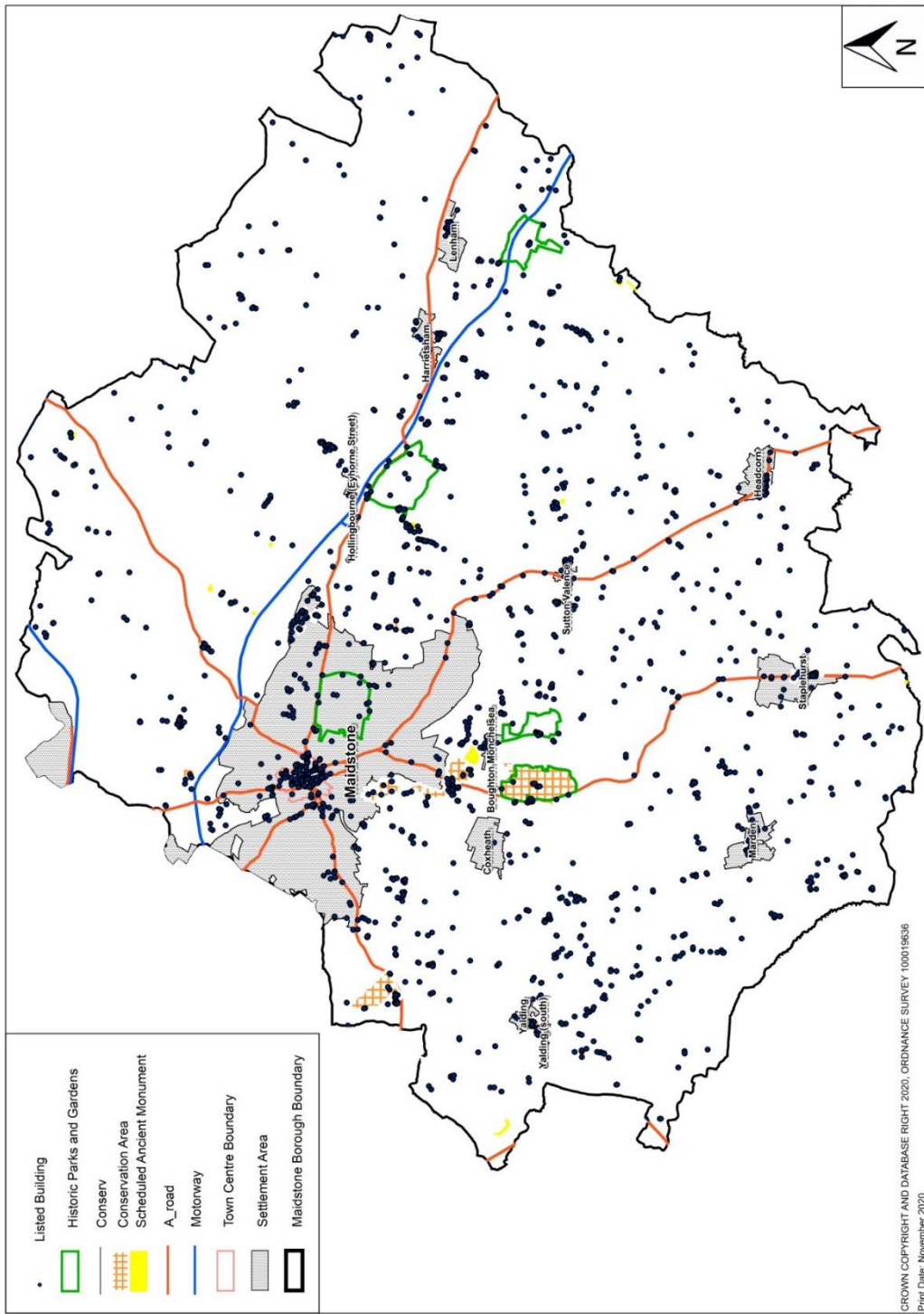
### Appendix 1 – Built and Natural Environment Assets and Constraints

<b>Built Environment Assets</b>	<b>2022</b>	<b>2023</b>
Conservation areas	41	41
Listed Buildings	2,023	2,202
Grade I	42	50
Grade II*	105	117
Grade II	1,876	2,035
Scheduled Ancient Monuments	26	33
Parks and Gardens of Special Historic Interest	5	5
Gardens of County Level historic importance	9	9

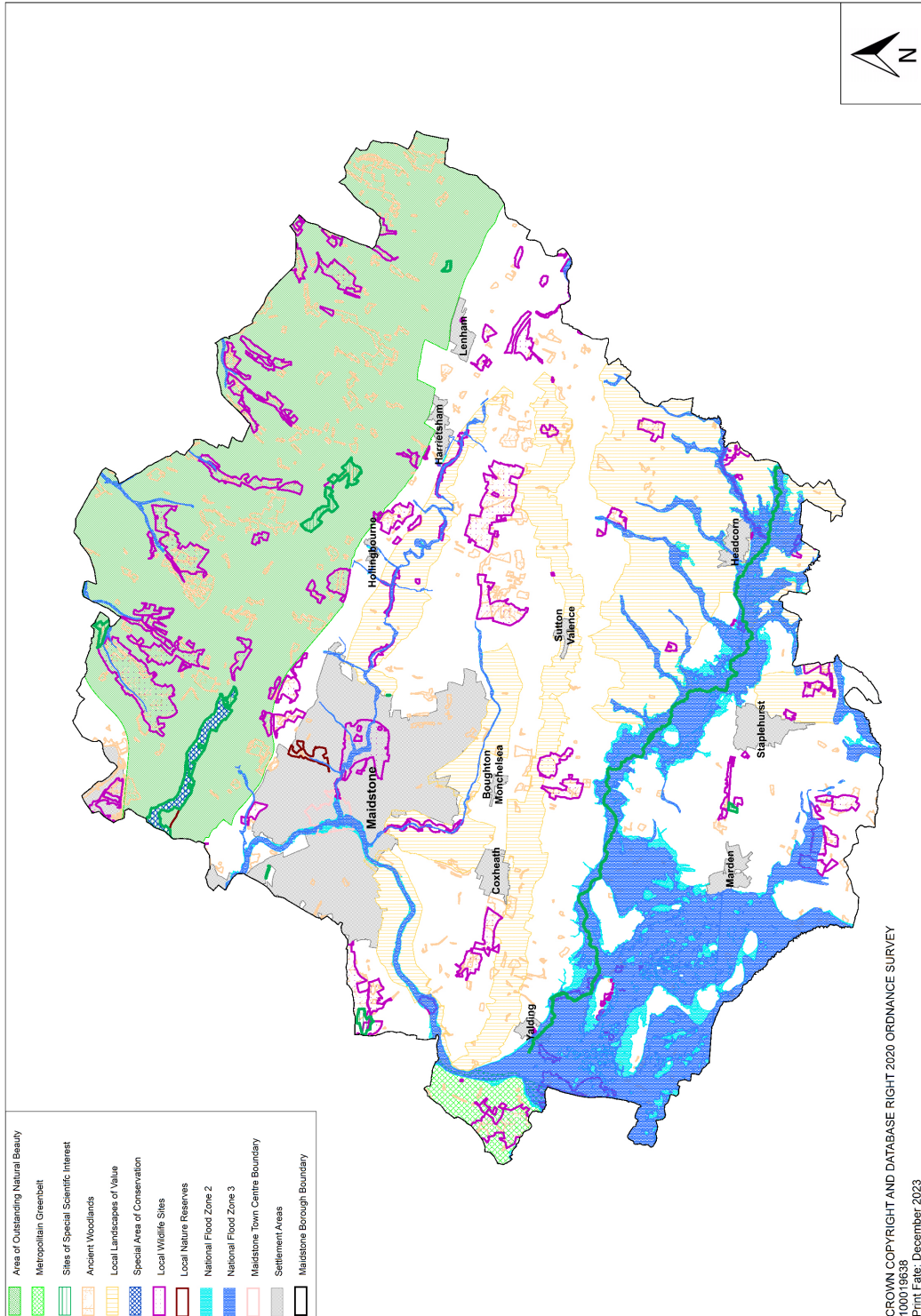
Table 46: Key assets of the built environment (Source: Historic England and MBC 2023)

<b>Natural Environment Assets and Constraints</b>	<b>2022</b>			<b>2023</b>		
	<b>KM<sup>2</sup></b>	<b>% of Borough</b>	<b>Number</b>	<b>KM<sup>2</sup></b>	<b>% of Borough</b>	<b>Number</b>
Total area of the Borough	391.88			391.88		
Metropolitan Green Belt	5.27	1.34%		5.27	1.34%	
Area of Outstanding Natural Beauty	106.8	27.25%		106.8	27.25%	
National Flood Zone 3	41.39	10.56%		41.39	10.56%	
National Flood Zone 2	25.05	6.39%		25.05	6.39%	
Landscape of Local Value	75.58	19.29%		75.58	19.29%	
Ancient Woodland (semi-natural and replanted)	28.13	7.18%		28.13	7.18%	
Special Area of Conservation	1.42	0.36%		1.42	0.36%	
Sites of Special Scientific Interest	4.92	1.25%	9	4.92	1.25%	9
Local Wildlife Sites	23.85	6.09%	62	23.85	6.09%	62
Roadside Verges of Nature Conservation Interest			34			34
Local Nature Reserves	0.33	0.08%	3	1.32	0.33%	7

Table 47: Key assets and constraints of the natural environment (Source: MBC 2023).



Map 1: Key assets and constraints of the built environment (Source: MBC 2020)



Map 2: Key assets and constraints of the natural environment (Source: MBC 2020)

# Maidstone Borough Council Annual Infrastructure Funding Statement 2022/2023



## Community Infrastructure Levy Report

### 1.1 Headlines

CIL Opening Balance from 01/10/2018 to 31/03/2022	£ 3,663,564
CIL Income received during 2022/23	£ 2,191,086
CIL Expenditure spent during 2022/23	£ 84,887
CIL Closing Balance from 01/10/2018 to 31/03/2023	£ 5,633,548

### 2.2 CIL Summary from 01 October 2018 to 31 March 2023

Type	Potentially *Liable	Collected	Allocated	Spent	Balance
CIL Admin	£220,445	£302,203	£264,693	£264,693	£37,510
CIL Neighbourhood	£678,340	£838,402	£633,345	£145,836	£692,566
CIL Strategic	£3,510,125	£4,903,471	0.00	0.00	£4,903,471
CIL Total	*£4,408,912	£6,044,078	£898,039	£410,530	£ 5,633,548

\*The amount of potential CIL income based on liable development applications, before any relief granted, and commencement

### Neighbourhood CIL (Allocated) in 2022/23

Table A

Neighbourhood CIL	Date	Amount Allocated
BOUGHTON MONCHELSEA	17 October 2022	£2,518.36
BREDHURST	28 October 2022	£313.95
COLLIER STREET	28 October 2022	£10,294.08
HARRIETSHAM	28 October 2022	£1,582.07
HEADCORN	11 April 2022	£11,346.26
HEADCORN	28 October 2022	£6,232.73
HUNTON	25 October 2022	£6,107.37
LANGLEY	28 October 2022	£29,072.10

Neighbourhood CIL	Date	Amount Allocated
LENHAM	11 April 2022	£6,851.94
LENHAM	18 May 2022	£1,515.80
LENHAM	28 October 2022	£883.25
LOOSE	11 April 2022	£10,723.43
LOOSE	28 October 2022	£21,880.32
MARDEN	11 April 2022	£112.50
MARDEN	28 October 2022	£992.06
NORTH LOOSE RESIDENTS' ASSOCIATION	10 October 2022	£812.94
OTHAM	11 April 2022	£722.86
OTHAM	28 October 2022	£111,050.43
STAPLEHURST	11 April 2022	£9,012.51
STAPLEHURST	28 October 2022	£2,819.76
SUTTON VALENCE	28 April 2022	£17,422.64
SUTTON VALENCE	28 October 2022	£15,409.58
THURNHAM PARISH	11 April 2022	£2,582.07
THURNHAM PARISH	28 October 2022	£739.16
TOVIL	11 April 2022	£15,201.45
WEST FARLEIGH	12 April 2022	£5,098.61
BOUGHTON MONCHELSEA	17 October 2022	£2,518.36

## Neighbourhood CIL Project Spend 2022/23

Table B

Neighbourhood CIL	*Infrastructure project or item	Spent
BREDHURST	Wet-pour playground	£4,305.09
LOOSE	Repairs to barriers	£231.16
LOOSE	Playground Fencing	£1,693.77
BREDHURST	Vegetation Maintenance	£500.59

<b>BOUGHTON MONCHELSEA</b>	<b>Village hall remodelling work</b>	<b>£8,183.99</b>
<b>HARRIETSHAM</b>	<b>Parish Office Front Door, Defib install, Play equipment, West Street green bollards, new cemetery prep</b>	<b>£9,998.64</b>
<b>HARRIETSHAM</b>	<b>Refurbishment of parish hall</b>	<b>£1,582.07</b>
<b>BOXLEY</b>	<b>New hedging for Beechen Hall to replace broken fence</b>	<b>£1,527.21</b>
<b>EAST FARLEIGH</b>	<b>Playground refurbish</b>	<b>£2,292.01</b>
<b>OTHAM</b>	<b>Heating &amp; Decorating of Village Hall</b>	<b>£9,905.00</b>
<b>OTHAM</b>	<b>Community Fencing</b>	<b>£13,168.68</b>
<b>HOLLINGBOURNE</b>	<b>London Hearts Defibrillator</b>	<b>£375.00</b>
<b>SUTTON VALENCE</b>	<b>Public Realm LED Street Lighting</b>	<b>£12,599.16</b>
<b>THURNHAM</b>	<b>Noticeboard</b>	<b>£1,511.09</b>
<b>WEST FARLEIGH</b>	<b>6 Picnic Benches</b>	<b>£3,573.97</b>
<b>WEST FARLEIGH</b>	<b>Refurbish railings around play area</b>	<b>£1,524.64</b>

\*Completion data not available.

## annex 1 - Community Infrastructure Levy Regulations (2019 Amendment) Regulation 121A Schedule 2 Section 1 and Section 3

### Community Infrastructure Levy

#### Community Infrastructure Levy Regulations (2019 Amendment) Regulation 121A Schedule 2 Section 1

a	The total value of CIL set out in all demand notices issued in the reported year	£917,834
b	The total amount of CIL receipts for the reported year	£2,191,086
c	The total amount of CIL collected prior to the reported period.	£ 3,852,991
d	The total amount of CIL receipts collected and allocated for the reported year	£464,860
e	The total amount of CIL expenditure for the reported year	£221,103
f	The total amount of CIL receipts collected which were allocated but not spent during the reported year	£258,960
g	In relation to CIL expenditure for the reported year, summary details of. <ul style="list-style-type: none"> <li>i) The items of infrastructure on which CIL (including land payments) has been spent within the reported year, and the amount of CIL spent on each item.</li> <li>ii) The amount of CIL spends on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part)</li> <li>iii) The amount of CIL collected towards administration expenses (5%) of the total CIL receipts collected (£2,191,086.91) in the reported period. The amount of CIL spent on administrative expenses pursuant to regulation 61 and that amount expressed as a percentage of all CIL collected in that year in accordance with that regulation.</li> </ul>	<p>£0.00</p> <p>£0.00</p> <p>£109,554</p> <p>£136,215</p> <p>6.22%</p>



h	In relation to CIL receipts collected and allocated but not spent during the reported year, summary details of the items of infrastructure on which CIL (including land payments) has been allocated and the amount of CIL allocated to each item.	<i>(see table 2.2)</i>
i	<p>The amount of CIL passed to</p> <ul style="list-style-type: none"> <li>i. any parish council under regulation 59A or 59B; and</li> <li>ii. any person under regulations 59(4)</li> </ul>	£296,963
j	<ul style="list-style-type: none"> <li>i. the total collected for the reported year under Regulation 59E (CIL returned to the Charging Authority after 5 years if not spent) and Regulation 59F.</li> <li>ii. the amount of CIL allocated during the reported year under Regulation 59E and Regulation 59F;</li> </ul>	<p>£0.00</p> <p>£0.00</p>
k	<ul style="list-style-type: none"> <li>i. the amount of CIL requested under Regulation 59E for the reported year is as follows per neighbourhood zone:</li> <li>ii. the amount of CIL still outstanding for recovery under Regulation 59E at the end of the reported year for all years is as follows for each neighbourhood zone:</li> </ul>	<p>£0.00</p> <p>£0.00</p>
l	<ul style="list-style-type: none"> <li>a) the amount of CIL collected, not assigned for Neighbourhood CIL or CIL Administration, for the reported year and that had not been spent.</li> <li>b) the amount of CIL collected, not assigned for Neighbourhood CIL or CIL Administration, from 01 October 2018 to the end of the reported year that had not been spent.</li> <li>c) the amount CIL collected and that had not been spent under Regulations 59E and 59F during the reported year.</li> <li>d) CIL receipts from previous years to which Regulation 59E or 59F applied retained at the end of the reported year.</li> </ul>	<p>£1,790,523</p> <p>£4,903,471</p> <p>£0.00</p> <p>£0.00</p>

### Appendix 3 – Duty to Cooperate

<b>Who was the meeting with?</b>	<b>Topic area/What was discussed?</b>	<b>When was the meeting?</b>
Tonbridge and Malling Borough Council	Progress on respective Local Plans	April 2022
National Highways and Kent County Council	Strategic road network	April 2022
National Highways and Kent County Council	Strategic road network	May 2022
Kent Boroughs	Gypsy and Traveller	May 2022
National Highways and Kent County Council	Strategic road network	May 2022
National Highways and Kent County Council	Strategic road network	June 2022
Kent County Council	Minerals at Heathlands	June 2022
National Highways and Kent County Council	Strategic road network	July 2022
Natural England	Landscape impacts, air quality, nutrient neutrality	July 2022
National Highways and Kent County Council	Strategic road network	July 2022
Natural England	Air quality	August 2022
National Highways and Kent County Council	Strategic road network	August 2022
Kent County Council	Education	September 2022
Swale Borough Council	Duty to Cooperate	September 2022
National Highways and Kent County Council	Strategic road network	September 2022
Tonbridge and Malling Borough Council	Progress on respective Local Plans	October 2022
Environment Agency	Nutrient neutrality	October 2022

National Highways and Kent County Council	Strategic road network	October 2022
Kent County Council	Statement of Common Ground (transport)	October 2022
Swale Borough Council	Maidstone Design and Sustainability DPD; Maidstone Gypsy and Traveller DPD	December 2022
Kent County Council	MITP	November 2022
Ashford Borough Council	Maidstone Design and Sustainability DPD; Maidstone Gypsy and Traveller DPD	December 2022
Tonbridge and Malling Borough Council	Maidstone Design and Sustainability DPD; Maidstone Gypsy and Traveller DPD	December 2022
Medway	Education	December 2022
National Highways and Kent County Council	Strategic road network	December 2022
National Highways	Strategic road network	January 2023
Kent County Council	Education	January 2023
Kent County Council	Maidstone Design and Sustainability DPD; Maidstone Gypsy and Traveller DPD	January 2023
Medway	Maidstone Design and Sustainability DPD; Maidstone Gypsy and Traveller DPD	January 2023
Natural England	Nutrient neutrality and air quality	January 2023
Kent County Council	MITP	February 2023

National Highways	Strategic road network	February 2023
Kent County Council	Education	March 2023
National Highways	Strategic road network	March 2023

*Table 48: Summary of duty to cooperate engagement with neighbouring authorities and statutory bodies over the monitoring year (Source: MBC 2023)*

## Appendix 4 – Glossary

Acronym	Term	Description
	Affordable Housing	<p><b>The NPPF defines affordable housing as:</b> housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:</p> <p>a) <b>Affordable housing for rent:</b> meets all of the following conditions: (a) the rent is set in accordance with the Government’s rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).</p> <p>b) <b>Starter homes:</b> is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household’s eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.</p> <p>c) <b>Discounted market sales housing:</b> is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing</p>

Acronym	Term	Description
		<p>remains at a discount for future eligible households.</p> <p>d) <b>Other affordable routes to home ownership:</b> is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.</p>
AMR	Authority Monitoring Report	The Monitoring Report provides a framework with which to monitor and review the effectiveness of local plans and policies.
	Ancient woodland	An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS).
AQIA	Air Quality Impact Assessment	AQIA considers the potential impacts of pollution from individual and cumulative development, and to demonstrate how air quality impacts of the development will be mitigated to acceptable levels.
AQMA	Air Quality Management Area	Areas designated by local authorities because they are not likely to achieve national air quality objectives by the relevant deadlines.
	Best and most versatile agricultural land	Land in grades 1, 2 and 3a of the Agricultural Land Use Classification.
CIL	Community Infrastructure Levy	The levy will help pay for the infrastructure required to support new development. This includes development that does not require planning permission. The levy should not be used to remedy pre-existing deficiencies unless

<b>Acronym</b>	<b>Term</b>	<b>Description</b>
		the new development makes the deficiency more severe.
	Comparison shopping	Retail items not bought on a frequent basis, for example televisions and white goods (fridges, dishwashers etc.)
	Convenience shopping	The provision of everyday essential items, such as food
DBEIS	Department for Business, Energy and Industrial Strategy	UK government department responsible for leading economy-wide transformation by backing enterprise and long-term growth, generating cheaper, cleaner, homegrown energy and unleashing the UK as a science superpower through innovation.
DEFRA	Department for Environment, Food and Rural Affairs	UK government department responsible for safeguarding the natural environment, supporting the world-leading food and farming industry, and sustaining a thriving rural economy. The department's broad remit means they play a major role in people's day-to-day life, from the food people eat, and the air people breathe, to the water people drink.
DLUHC	Department for Levelling Up, Housing and Communities	New name for the Ministry of Housing, Communities and Local Government. See MHCLG for definition.
	Designated heritage asset	A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.
	Development Plan	Is defined in section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans, neighbourhood plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force. Neighbourhood plans that have been approved at referendum are also part of the development plan, unless the local planning authority decides that the neighbourhood plan should not be made.
DPD	Development Plan Document	A DPD is a spatial planning document that is subject to independent examination. Under new regulations, DPDs are now known as local plans.

<b>Acronym</b>	<b>Term</b>	<b>Description</b>
DfE	Department for Education	The Department for Education is responsible for children's services and education, including early years, schools, higher and further education policy, apprenticeships and wider skills in England.
DfT	Department for Transport	The DfT works with its agencies and partners to support the transport network that helps the UK's businesses and gets people and goods travelling around the country. They plan and invest in transport infrastructure to keep the UK on the move.
	Environment Agency	The Environment is the leading public body for protecting and improving the environment in England and Wales, with particular responsibilities for river, flooding and pollution. ( <a href="http://www.environment-agency.gov.uk">www.environment-agency.gov.uk</a> )
GTAA	Gypsy and Traveller and Travelling Showpeople Accommodation Assessment	An assessment which outlines the current and future need for gypsy, traveller and travelling showpeople provision for the Borough until 2037.
HRA	Habitat Regulations Assessment	HRA tests the impacts of a proposal on nature conservation sites of European importance – Special Areas of Conservation and Special Protection Areas – and is also a requirement under EU legislation for certain plans and projects.
	Historic England	Historic England is the government's expert advisor on the country's heritage. Historic England gives advice to local planning authorities, government departments, developers and owners on development proposals affecting the historic environment.
HDT	Housing Delivery Test	Measures net additional dwellings provided in a local authority area against the homes required, using national statistics and local authority data. The Secretary of State will publish the Housing Delivery Test results for each local authority in England every November.
	Heritage asset	A building, monument, site, place, area, or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local



<b>Acronym</b>	<b>Term</b>	<b>Description</b>
		planning authority (including local listing).
IDP	Infrastructure Delivery Plan	The Infrastructure Delivery Plan identifies the infrastructure schemes necessary to support the development proposed in the Local Plan and outlines how and when these will be delivered.
IMD	Index of Multiple Deprivation	The Index of Multiple Deprivation provides a relative measure of deprivation at small area level across England. Areas are ranked from least deprived to most deprived on seven different dimensions of deprivation and an overall composite measure of multiple deprivation. The domains are used are: income deprivation; employment deprivation; education, skills and training deprivation; health deprivation and disability; crime; barriers to housing and services; and living environment deprivation.
ITS	Integrated Transport Strategy	The Integrated Transport Strategy 2011-2031 assesses the principal existing and future challenges affecting the transport network, including taking account of jobs and housing growth, the recognises that the population of the urban area and dispersed villages bring different challenges and solutions.
JSA	Jobseeker's Allowance	Jobseeker's Allowance is an unemployment benefit people can claim while looking for work.
KCC	Kent County Council	The county planning authority, responsible for producing the Kent Minerals and Waste Local Plans. Kent County Council is also responsible for roads, schools, libraries and social services in the county.
	Larger Villages	Most sustainable settlements in Maidstone's settlement hierarchy after the town centre, urban area and rural service centres: Coxheath, Eyhorne Street (Hollingbourne), Sutton Valence and Yalding
LDS	Local Development Scheme	A Local Development Scheme is required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). This must specify (among other matters) the development plan documents (i.e. local plans) which, when prepared, will comprise part of the development plan for the area. Local planning authorities are encouraged to include details of other

<b>Acronym</b>	<b>Term</b>	<b>Description</b>
		documents which form (or will form) part of the development plan for the area, such as Neighbourhood Plans.
LIS	Local Industrial Strategy	Local Industrial Strategies will be long-term, based on clear evidence and aligned to the national Industrial Strategy. They should set out clearly defined priorities for how cities, towns and rural areas will maximise their contribution to UK productivity. Local Industrial Strategies will allow places to make the most of their distinctive strengths. They will better coordinate economic policy at the local level and ensure greater collaboration across boundaries.
LNR	Local Nature Reserves	Local nature reserves are formally designated areas. They are places with wildlife or geological features that are of special interest locally. They offer people special opportunities to study or learn about nature or simply to enjoy it. ( <a href="http://www.naturalengland.org.uk">www.naturalengland.org.uk</a> )
	Maidstone Borough Local Plan	The Maidstone Borough Local Plan is the key document that sets the framework to guide the future development of the borough. It plans for homes, jobs, shopping, leisure and the environment, as well as the associated infrastructure to support new development. It explains the 'why, what, where, when and how' development will be delivered through a strategy that plans for growth and regeneration whilst at the same time protects and enhances the borough's natural and built assets. The plan covers the period from 2011 and 2031.
MBC	Maidstone Borough Council	The local planning authority responsible for producing the local plan and supplementary planning documents.
MHCLG	The Ministry of Housing Communities and Local Governments	The Ministry of Housing, Communities and Local Government's (now the Department for Levelling Up, Housing and Communities) job is to create great places to live and work, and to give more power to local people to shape what happens in their area.
NPPF	National Planning Policy Framework	The NPPF was published in February 2019 and it sets out the government's planning policies for England and how these must be applied. Local

Acronym	Term	Description
		plan policies must be in conformity with the NPPF.
	Neighbourhood Plan	A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004.
NOMIS		Nomis is a service provided by the Office for National Statistics, ONS, providing the most detailed and up-to-date UK labour market statistics from official sources.
ONS	Office for National Statistics	The Office for National Statistics (ONS) is the executive office of the UK Statistics Authority, a non-ministerial department which reports directly to Parliament. ONS is the UK Government's single largest statistical producer and is responsible for the production of a wide range of economic and social statistics.
	Previously developed land	Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
	Primary Frontage	Primary frontages are likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods.
PTS	Planning policy for traveller sites	Originally published by the Ministry of Housing Communities and Local Government's (MHCLG), this document sets out the Government's planning policy for traveller sites. It should be read in conjunction with the National Planning Policy Framework.

<b>Acronym</b>	<b>Term</b>	<b>Description</b>
RSC	Rural Service Centre	Most sustainable settlements in Maidstone's settlement hierarchy after the town centre and urban area: Harrietsham, Headcorn, Lenham, Marden and Staplehurst
S106	Section 106 legal agreements	Section 106 of the Town and Country Planning Act 1990 allows a local planning authority to enter into a legally binding agreement or planning obligation with a land developer in connection with the granting of planning permission for a development. The obligation is termed a Section 106 Agreement. The purpose of such agreements is to mitigate the impacts of the development proposed provided the matters being addressed are directly related to the development being permitted and can include sums of money.
SCAP	Schools Capacity Survey	The school capacity survey is a statutory data collection that all local authorities must complete every year. Local authorities must submit data about: school capacity (the number of places and pupils in a school year), pupil forecasts (an estimation of how many pupils there will be in future), capital spend (the money schools and local authorities spend on their buildings and facilities).
SCI	Statement of Community Involvement	The SCI specifies how the community and stakeholders will be involved in the process of preparing local planning policy documents.
SELEP	South East Local Enterprise Partnership	LEP = A body, designated by the Secretary of State for Housing, Communities and Local Government, established for the purpose of creating or improving the conditions for economic growth in an area.
	Self-build and custom-build housing	Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing.
SHMA	Strategic Housing Market Assessment	A Strategic Housing Market Assessment assessed the local planning authority/s full objectively assessed need for new homes. This is expressed as the number of new homes needed over the time period the local plan covers. The SHMA also considers affordable housing needs and the need for additional care home places. The National Planning Practice Guidance advises that local planning authorities

Acronym	Term	Description
		work with neighbouring authorities where housing market areas cross administrative boundaries.
SPD	Supplementary planning documents	An SPD provides further detail to a policy or a group of policies set out in a local plan. A SPD can provide additional detail about how a policy should be applied in practice. SPDs are a material consideration in planning decisions but are not part of the development plan.
SA	Sustainability Appraisal	The SA is a tool for appraising policies to ensure they reflect sustainable development objectives, including social, economic and environmental objectives.
	Sustainable Transport Modes	Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport.
	Travel Plan	A long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives and is regularly reviewed.
	Town Centre	Area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising, or including main town centre uses, do not constitute town centres.
	Use classes	The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'
	Windfall sites	Sites not specifically identified in the development plan

Table 49: Glossary of terms



Appendix 2

Hallam Land Management v SoSCLG [2018] EWCA Civ 1808



Neutral Citation Number: [2018] EWCA Civ 1808

Case No: C1/2017/3339

**IN THE COURT OF APPEAL (CIVIL DIVISION)**  
**ON APPEAL FROM THE ADMINISTRATIVE COURT**  
**PLANNING COURT**  
**MR JUSTICE SUPPERSTONE**  
**[2017] EWHC 2865 (Admin)**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 31 July 2018

**Before:**

**Lord Justice Davis**  
**Lord Justice Lindblom**  
**and**  
**Lord Justice Hickinbottom**

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**Between:**

**Hallam Land Management Ltd.**

**Appellant**

**- and -**

**(1) Secretary of State for Communities and  
Local Government**

**(2) Eastleigh Borough Council**

**Respondents**

**Mr Thomas Hill Q.C. and Ms Philippa Jackson** (instructed by **Irwin Mitchell LLP**)  
for the **Appellant**

**Mr Zack Simons** (instructed by **the Government Legal Department**)  
for the **First Respondent**

**Mr Paul Stinchcombe Q.C. and Mr Ned Helme** (instructed by **Eastleigh Borough Council**)  
for the **Second Respondent**

Hearing date: 3 May 2018

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**Judgment Approved by the court  
for handing down  
(subject to editorial corrections)**

## **Lord Justice Lindblom:**

### *Introduction*

1. In deciding an appeal against the refusal of planning permission for housing development, how far does the decision-maker have to go in calculating the extent of any shortfall in the five-year supply of housing land? That is the central question in this appeal.
2. With permission granted by Lewison L.J. on 6 March 2018, the appellant, Hallam Land Management Ltd., appeals against the order of Supperstone J., dated 16 November 2017, dismissing its application under section 288 of the Town and Country Planning Act 1990 by which it had challenged the decision of the first respondent, the Secretary of State for Communities and Local Government, in a decision letter dated 9 November 2016, dismissing an appeal under section 78 of the 1990 Act. The section 78 appeal was against the refusal by the second respondent, Eastleigh Borough Council, of outline planning permission for a development of up to 225 dwellings, a 60-bed care home and 40 care units, the provision of public open space and woodland, and improvements to Hamble Station, on land to the west of Hamble Lane, in Hamble.
3. The site of the proposed development is about 23 hectares of pasture, on the Hamble Peninsula, between the Hamble River and Southampton Water. It is not within any settlement, nor allocated for development in the Eastleigh Borough Local Plan Review (2001-2011), adopted in 2006. The settlements of Bursledon, Netley and Hamble lie, respectively, to the north, the west and the south. Because it is in the “countryside”, the site is protected by policy 1.CO of the local plan. And because it lies within the Bursledon, Hamble, Netley Abbey Local Gap, it also has the protection of policy 3.CO.
4. An inquiry into the section 78 appeal was held by an inspector appointed by the Secretary of State on four days in June 2015. On 24 June 2015, the second day of the inquiry, the appeal was recovered by the Secretary of State, because it involved a proposal for “residential development of over 150 units ... , which would significantly impact on the Government’s objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities”. In his report, dated 26 August 2015, the inspector recommended that the appeal be dismissed. The Secretary of State subsequently received a large number of further representations, some of them in response to letters he sent to the parties on 15 April 2016 and 29 June 2016. In those representations the Secretary of State received the parties’ comments on two decisions of inspectors on appeals in which the supply of housing land in the council’s area had been assessed – first, an appeal relating to a proposed development of up to 335 dwellings on land at Bubb Lane, Hedge End, which was dismissed on 24 May 2016, and secondly, an appeal relating to a proposed development of up to 100 dwellings on land at Botley Road, West End, which was allowed on 7 October 2016. In his decision letter on Hallam Land’s appeal the Secretary of State largely agreed with the inspector’s conclusions and accepted his recommendation.
5. The challenge to the Secretary of State’s decision was made on four grounds. The first and second grounds went to his failure – unlawfully, it was said – to ascertain the extent of the shortfall against the five-year housing land supply in the council’s area, and to provide adequate reasons for his relevant conclusions. The third and fourth grounds asserted that his decision was inconsistent with the conclusions on housing land supply and the weight to be

given to policy 3.CO in an inspector's report, dated 25 August 2016, in an appeal relating to a proposed development of up to 680 dwellings on land at Winchester Road, Boorley Green. Supperstone J. rejected all four grounds.

*The issues in the appeal*

6. The appeal before us raises two main issues:

- (1) given that the council could not demonstrate the requisite five-year supply of housing land under government policy in the first National Planning Policy Framework ("NPPF"), published in March 2012, whether the Secretary of State established the shortfall with sufficient precision, and whether his relevant reasons were adequate; and
- (2) whether the Secretary of State erred in law in deciding Hallam Land's appeal without having regard to the inspector's report on the Boorley Green appeal.

7. These issues raise no question of law that has not already been amply dealt with in a series of cases on the meaning of relevant policies in the NPPF, and on the importance of consistency in planning decision-making.

*NPPF policy*

8. We are not concerned in this appeal with the policies in the revised NPPF, which was published on 24 July 2018. I shall refer only to the policies in the first NPPF, as if they were still extant.

9. Paragraph 47 of the NPPF states:

"To boost significantly the supply of housing, local planning authorities should:

...

- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements ...

...".

Paragraph 49 states:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

Paragraph 14 contains the Government's policy for the "presumption in favour of sustainable development". It explains that:

"...

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and

- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.”

*The inspector's report*

10. In his report the inspector noted, under the heading “The Case for the Council”, that the council “acknowledge that they are not currently able to demonstrate a 5 year housing supply, as required by NPPF para 47” (paragraph 22). It was the council’s case, however, that “the proposal is contrary to development plan policies which are not out of date, and is not the sustainable form of development for which there is a presumption in favour”, and that “[even] if the presumption in NPPF para 14 was engaged, the negative aspects of the scheme, including the landscape impact and the loss of openness, would significantly and demonstrably outweigh the benefits” (paragraph 41).
11. Summarizing the case for Hallam Land, under the heading “The Case for the Appellants”, he referred (in paragraph 62) to the uncontested evidence of its planning witness, Mr Usher:

“62. The need for housing is demonstrated in Mr Usher’s proof . . . , which has not been challenged by the Council, and which reflects the conclusions of the Local Plan Examination that the draft is unsound for failing to make adequate provision. The Council accept that they cannot demonstrate a five year supply, the level being shown by the appellants to be 2.92 years, or 1.78 years if the need for affordable housing is included.”

Because the council would “not be able to meet its housing land requirements without the loss of significant areas of countryside . . .”, it was “inevitable that there will be a change to the open and undeveloped character of such land”. This was “not, of itself, an adequate ground to resist the development when there is no 5 year land supply, nor an up to date development plan” (paragraph 65).
12. In his conclusions the inspector identified the “main issues” as being “i) the effect of the development on the character and appearance of the countryside and its role in separating settlements, and ii) whether any harm would be outweighed by the potential benefits of the development, including a supply of market and affordable housing, and the improvement of station facilities” (paragraph 88).
13. He said that “[the] proposal would not fall within any of the specified uses in Local Plan policy 1.CO . . .”. He concluded that there was “no doubt that a development of this scale would diminish the Local Gap both physically and, to some degree, visually, contrary to policy 3.CO . . .”, and that “[in] these respects it would not comply with the development plan” (paragraph 90). He went on to find that “there are grounds to conclude that policy 1.CO may be regarded as out of date, but that there is not justification for giving any substantial reduction to the weight applied to policy 3.CO” (paragraph 96).
14. Under the heading “The Benefits of the Proposal” he noted that Hallam Land had particularly emphasized “the supply of market and affordable housing to meet an acknowledged need, and

the provision of facilities for Hamble Station” (paragraph 107). He continued (in paragraph 108):

“108. The Council acknowledge that they are not able to demonstrate more than a four and a half years supply of deliverable housing land, and it is the appellants’ view that the actual level is significantly less. It is not necessary for this report to carry out a detailed analysis of the housing land supply position, which is better left to the Local Plan examination, where all the evidence is available to the inspector. However, it can be said that there is a material shortfall against the five year supply required by NPPF para 47, and that there is evidence of an existing need for affordable housing. In these circumstances, the provision of up to 225 homes, 35% of which would be affordable, would be a significant advantage arising out of the scheme. It is also the case that the new dwellings would meet sustainable construction and accommodation standards, and be of a mix to satisfy a wide range of housing needs. In these respects, the development would help meet the NPPF objectives of boosting significantly the supply of housing, and delivering a wide choice of high quality homes. ...”.

He accepted that “[the] choice of accommodation would also be boosted by the provision of 100 care and extra care spaces”, and that “such accommodation would be likely to release a supply of existing, under-used homes to meet the general housing demand” (paragraph 109).

15. Bringing his conclusions together under the heading “Sustainability and Overall Conclusions”, the inspector said (in paragraph 116):

“116. When assessed against the criteria in para 7 of the NPPF, the supply of market and affordable housing, along with care facilities, would make a significant contribution to meeting the social role of sustainability, complemented by the provision of public open space, although, in the latter case, at the expense of the loss of the rural character of the public footpath crossing the site. The additional population and employment opportunities would assist the economic life of the area, as would the supply of homes in an area with an acknowledged shortfall. There would be the environmental and community benefits arising out of the station improvements (but having regard to the Council’s alternative scheme), any spin-off advantages for traffic and pollution levels, from the off-site highway works, and the environmental and ecological aspects of the landscaping proposals.”

He accepted that “[on] balance, this is a reasonably sustainable location in terms of accessibility” (paragraph 117). His final conclusion, however, went against the proposal. He found that “the loss of the gap between the surrounding settlements, involving the physical intrusion into an area of countryside, and contributing to the coalescence of those settlements, and loss of independent identity” would be contrary to policy 3.CO of the local plan and corresponding policies in the NPPF; that “[the] countervailing benefits of the scheme, as well as compliance with other development plan policies ... would not outweigh the harm that this loss of separation would cause”; and that “[taken] as a whole, the proposal does not amount to the form of sustainable development for which there is a presumption in favour” (paragraph 118).

#### *The decision in the Bubb Lane appeal*

16. The inspector in the Bubb Lane appeal concluded (in paragraph 45 of his decision letter):

“45. The evidence before me does not support EBC’s view that it is ‘a whisker’ away from demonstrating a five year supply of deliverable housing land. Notwithstanding EBC’s considerable efforts to improve housing provision, something in the order of a four year supply at the time of this Inquiry indicates that EBC has a considerable way to go to demonstrating a five year supply of deliverable sites. There is no convincing evidence that measures currently taken have been effective in increasing the rate of housing delivery. The scale of the shortfall is a significant material consideration in determining this appeal. The contribution that the appeal scheme would make to the housing supply, and particularly to affordable housing provision in the area in accordance with EBLP Policy 74.H, would be a significant benefit of allowing the appeal.”

Under the heading “Planning balance”, the inspector concluded that “some weight can be given to the conflict with EBLP Policy 2.CO, arising from the harm that would result from the proposal to the separation of settlements ...”, but that “this weight is limited because of the significant shortfall in housing supply, and the lack of convincing evidence that EBC’s efforts to address this are proving effective” (paragraph 52). He went on to say that, “[given] the current scale of the housing shortfall, the provision of additional market and affordable housing would be a significant benefit of the proposal” (paragraph 55). But he concluded, finally that “[in] my judgement, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the *Framework* taken as a whole” (paragraph 57).

#### *The decision in the Botley Road appeal*

17. In the decision letter on the Botley Road appeal, the inspector stated these conclusions on “Housing land supply” (in paragraphs 18 and 19 of his decision letter):

“18. In conclusion, the final calculation taking a requirement figure of 1,120dpa, or 5,602 dwellings over the 5 year period, there is a 4.25 years’ supply of housing land. Even on the Council’s most favourable calculations, taking the Council’s approach to the buffer and with its suggested contributions from all the disputed sites, the supply would still only be 4.71 years, but the evidence indicates that this is unlikely to be achievable.

19. There is therefore a significant shortfall in the amount of deliverable housing land, amounting to some 833 dwellings. The Leader of the Council gave evidence of the impressive efforts the Council had made to underpin housebuilding confidence following the recession, but this does not seem to have been translated into the provision of enough housing land. Net completions for the two years 2014/15 and 2015/16 amounted to less than one year’s requirement. Referring to recent outline approvals, the Council said that it was making progress towards improving housing supply; recent permissions might enable it to exceed the OAN to a degree this year. Even if that happens, it is still well short of the requirement for the year. There is a significant shortfall to be made up, and the evidence that the gap might be closing quickly enough is far from convincing. The Council is not, as it claims, on the cusp of achieving a 5 year supply of deliverable housing land.”

Under the heading “Effect on the countryside and the strategic gap”, he noted (in paragraph 27) that “planning permission has been granted for a number of sites which have included dwellings in the strategic gaps”, and went on to say:

“27. ... But the Council’s argument that present needs can be met substantially within the land outside the gaps is wholly unconvincing; even with the permissions on gap land, there is still no 5 year housing land supply and without them, even on the Council’s unduly optimistic housing land supply calculations, there would only be 3.4 years’ supply of housing land. On the contrary, the evidence is that the gaps are a factor in limiting the choice of sites available for the provision of housing, and that breaches of the strategic gap policy have proved necessary and will prove necessary to cater to meet current housing needs.”

In his “Conclusion” the inspector said (in paragraph 52):

“52. There is a significant shortfall in the supply of deliverable housing land for the next 5 years and no convincing evidence that the gap is diminishing to the extent that it will be made up within a reasonable time by identified deliverable sites. There is also severe under-delivery of affordable housing. The scheme would deliver up to 100 dwellings including up to 35% affordable homes and, although it is in the countryside and in a defined strategic gap, would cause little practical harm. In a situation where there is a pressing need for housing and affordable housing, and where both saved Policies 1.CO and 2.CO are out of date, the adverse impacts of the scheme to the landscape, the countryside and the strategic gap, and the other impacts of the scheme discussed above, would be slight and would not significantly and demonstrably outweigh the benefits. Indeed, even if saved Policy 2.CO were not accepted as being a policy relevant to the supply of housing, and not out-of-date, the considerable benefits of the scheme, weighed against the limited harm, would indicate a decision other than in accordance with that policy.”

### *The post-inquiry representations*

18. The further representations made by Hallam Land and by the council after the inquiry largely concerned the status of policies 1.CO and 3.CO of the local plan for the purposes of NPPF policy, in the light of this court’s decision in *Suffolk Coastal District Council v Hopkins Homes Ltd.* [2016] EWCA Civ 168, which was handed down on 17 March 2016, and the weight to be given to those policies in the absence of a five-year supply of housing land.
19. In its further representations dated 15 April 2016, in response to the Secretary of State’s letter of the same date, the council asserted that it was now “able to demonstrate a 4.93 year supply” of housing land (paragraph 2.7.2(1)), and that “the action which has been taken to address the shortfall has been both considerable and effective” (paragraph 2.7.2(2)). In further representations dated 5 May 2016, Hallam Land rejected the council’s suggestion that it now had a housing land supply of 4.93 years (paragraph 5). On 11 May 2016 the council submitted additional representations, referring to the planning permissions it had granted for housing development since the inquiry (paragraph 2.8 and Appendix 5), and contending that Hallam Land had failed to recognize “the wide range of measures being taken by the Council to boost housing supply” (paragraph 2.9). Hallam Land responded to those representations with further representations of its own, dated 24 May 2016, and took issue again with the council’s argument that there was now a housing land supply of 4.93 years. That figure was “not based upon an up to date SHMA”, was “not tested”, and was “not reflective of unmet need in adjacent areas” (paragraph 8). Its case, it said, “had always been that there remains a substantial shortfall” and it “[continued] to rely upon its evidence and submissions as

submitted to the inquiry” (paragraph 10). The council was “still unable to demonstrate a 5YHLS, even against its own target (which is not accepted to be correct)”. Also on 24 May 2016, the council sent the inspector’s decision letter in the Bubb Lane appeal to the Secretary of State, drawing his attention to it as a relevant decision.

20. On 17 June 2016 the council made yet further representations, “in order that the decision can be taken upon the best and most up-to-date information ...” (paragraph 1.1). It now resiled from its previous concession that policy 3.CO was a policy “for the supply of housing”, and, in the absence of a five-year supply of housing land, “out of date” (paragraphs 2.4 and 3.1 to 3.5). It said it would shortly provide “an updated position in respect of its housing land supply reflecting further (recent) changes of circumstance, including its agreement for the purposes of another inquiry [in the Botley Road appeal] (and in the light of the conclusions of the Bubb Lane Inspector) that the full objectively assessed needs for Eastleigh should be taken to be 630 dwellings per annum” (paragraph 4.1). The council provided its promised “Update on Housing Land Supply” on 23 June 2016. This referred to the conclusion of the inspector in the Bubb Lane appeal that “the OAN for Eastleigh was 630dpa”, which had now been reflected in the statement of common ground for the imminent inquiry into the Botley Road appeal (paragraphs 2.1 and 2.2). The council’s evidence for that inquiry explained that “on its preferred approach [it] is able to demonstrate a 4.86 year supply” (paragraph 2.3). Its position therefore remained that although it could not demonstrate a five-year supply of deliverable housing sites, it was “very close to being able to do so” (paragraph 2.4).
21. In representations dated 19 July 2016, in response to the Secretary of State’s letter of 29 June 2016, Hallam Land attacked the council’s “volte face” on the status of policy 3.CO (paragraphs 4 to 12). It also made clear that it did not accept the council’s “latest attempt to revise its case on the extent of its 5YHLS ...”, and that it maintained the position it had taken in the representations it had submitted in May 2016 (paragraph 13).
22. In a letter dated 13 October 2016 to Mr Barber, the Secretary of State’s decision officer, Barton Willmore, on behalf of Hallam Land, asked him to draw to the Secretary of State’s attention the inspector’s decision in the Botley Road appeal, “in order that he is fully apprised of the recent approach of one of his senior Planning Inspectors ... in relation to a series of identical issues which he will now be considering when making a decision ...” in this case. Barton Willmore pointed out that the inspector had rejected “the proposition that [the council] can meet its housing land requirements without impinging upon land which is designated as gap”, and had concluded that policy 2.CO “is a relevant policy for the supply of housing”. They argued that an “identical conclusion” must follow for policy 3.CO in this case. They referred to “the principle often expounded by the Courts that it is desirable that there be consistency in planning decision-making”. It was therefore “highly important”, they said, that the Botley Road decision, “relating to a virtually identical issue”, was “formally before the Secretary of State” in this appeal. They also emphasized the fact that the inspector’s decision letter dealt directly with the issue of housing land supply, “exposing a significant shortfall in deliverable housing land, amounting to some 833 dwellings”. They quoted paragraph 27 of the decision letter in full, and also the inspector’s conclusion in paragraph 52 that “there is a significant shortfall in the supply of deliverable housing land for the next 5 years and no convincing evidence that the gap is diminishing to the extent that it will be made up within a reasonable time by identified deliverable sites”.
23. The council did not respond to those representations, but in an e-mail to the Secretary of State dated 3 November 2016, drew his attention to the inspector’s decision in an appeal relating to proposed housing development on a site at Hamble Lane – the Botley Road appeal – and, in



particular, what he had said about policy 2.CO, “which also applies to Saved Policy 3.CO”. But it said it did not intend to provide further submissions on this point, and was drawing the inspector’s decision to the attention of the Secretary of State “in the interests of full disclosure”.

*The Secretary of State’s decision letter*

24. In his decision letter the Secretary of State said that he agreed with the inspector’s conclusions, “except where stated”, and his recommendation (paragraph 3).

25. He referred to the representations he had received after the inquiry, including those made in response to his letters of 15 April 2016 and 29 June 2016, in the light of the judgment of this court in *Hopkins Homes Ltd.*. He confirmed that those representations had been circulated to the parties (paragraphs 5 and 6). He then referred (in paragraph 7) to the further representations he had received in October and November 2016:

“7. The Secretary of State has also received representations from Barton Willmore dated 13 October 2016, and from Eastleigh Borough Council dated 3 November to which he has given careful consideration. The Secretary of State has also received other representations, set out at Annex A, to which he has given careful consideration. He is satisfied that the issues raised do not affect his decision, and no other new issues were raised to warrant further investigation or necessitate additional referrals back to the parties.”

He said that, “[in] reaching his decision”, he had “taken account of all the representations and responses referred to in paragraphs 5-7” (paragraph 8).

26. When he came to “The Policy Context” he concluded that policies 1.CO and 3.CO of the local plan were both “out-of-date” (paragraphs 14 to 16). But he went on to qualify this conclusion (in paragraph 17):

“17. The Secretary of State has considered carefully the Inspector’s analysis at IR93-100 on the matter of whether Policy 3.CO would be out of date through no longer meeting the development needs of the Borough, and whether there is justification for reducing the weight applied to that policy. The Secretary of State acknowledges that its weight should be reduced because he has found it to be out-of-date, but taking into account its consistency with the Framework, its role in protecting the Local Gap and the limited shortfall in housing land supply, he concludes that he should still afford significant weight to Policy 3.CO.”

27. As for “The Benefits of the Proposal”, he said this (in paragraph 19):

“19. The Secretary of State notes the Inspector’s comment (IR108) that at the time of inquiry the Council were not able to demonstrate more than a four and a half years supply of deliverable housing land, and that there is evidence of an existing need for affordable housing. Whilst the Secretary of State notes that the Council are now of the view that they are able to demonstrate a 4.86 year supply, he agrees with the Inspector that the provision of up to 225 homes, 35% of which would be affordable, would be a significant advantage arising out of the scheme, and it would help meet the objectives of the Framework by boosting significantly the supply of housing and delivering a wide

choice of high quality homes. The Secretary of State notes too that the choice of accommodation would also be boosted by the provision of 100 care and extra care spaces (IR109).”

28. On the proposal’s “Sustainability” he said (in paragraph 25):

“25. In terms of sustainability, the Secretary of State agrees with the Inspector’s conclusion (IR116) that, when assessed against the policies in the ... Framework taken as a whole, the supply of market and affordable housing, along with care facilities, would make a significant contribution to meeting the social role of sustainability, complemented by the provision of public open space (although he acknowledges that the latter is at the expense of the loss of the rural character of the public footpath crossing the site). Furthermore, he agrees that the additional population and employment opportunities would assist the economic life of the area, as would the supply of homes in an area with an acknowledged shortfall. In addition, he recognises, like the Inspector, the environmental and community benefits arising out of the station improvements identified at paragraphs 20-21 above. For the reasons given by the Inspector at IR117, the Secretary of State concludes that, on balance, this is a reasonably sustainable location in terms of accessibility.”

29. Under the heading “Planning balance and overall conclusion” the Secretary of State said (in paragraphs 29 to 36):

“29. For the reasons given above, the Secretary of State concludes that the proposal is not in accordance with the development plan policies 1.CO and 3.CO and is not in accordance with the development plan as a whole. He has gone on to consider whether material considerations indicate that the proposal should be determined other than in accordance with the development plan.

30. The Secretary of State notes that in their letter of 23 June 2016, the Council updated their position on the supply of deliverable housing land, now claiming to be able to demonstrate a 4.86 year supply. In the absence of a 5-year housing land supply, and having concluded that policies 1.CO and 3.CO are relevant policies for the supply of housing, the presumption in favour of sustainable development is engaged, meaning that permission should be granted unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits.

31. He considers that the provision of market and affordable housing in an area with an acknowledged shortfall, along with care facilities in this case carries substantial weight in favour of the development. The additional population and employment opportunities would assist the economic life of the area, as would the supply of homes in an area with an acknowledged shortfall, to which he gives moderate weight. The environmental and community benefits arising out of the station improvements carry moderate weight in favour of the proposal.

32. Set against the identified positive aspects is the environmental and social damage which would arise out of the loss of the gap between the surrounding settlements, involving the physical intrusion into an area of countryside, and contributing to the coalescence of those settlements, and loss of independent identity. The Secretary of State considers that this would be contrary to those policies of the Framework which apply the principle of recognising the different roles and character of different areas, and this

carries significant weight against the proposal. He further considers that the loss of “best and most versatile” agricultural land carries moderate weight against the proposal.

33. The Secretary of State also considers that the appeal site performs a function which is specific to its location and which would be permanently undermined by the development.
34. The Secretary of State considers overall that the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits.
35. The Secretary of State has taken into account the wide range of judgments and appeal decisions referred to in the inquiry and the post-inquiry representations but, having considered all the matters raised, he concludes that none is of such weight as to alter the balance of his conclusions.
36. Overall he concludes that there are no material considerations which indicate that he should determine the case other than in accordance with the development plan. The Secretary of State therefore concludes that your client's appeal should be dismissed.”

He therefore agreed with the inspector's recommendation and dismissed the appeal (paragraph 37).

#### *The Boorley Green appeal decision*

30. In a decision letter dated 30 November 2016, about three weeks after he had issued his decision on Hallam Land's appeal, the Secretary of State allowed the Boorley Green appeal. The inquiry into that appeal had taken place in May 2016. The inspector's report, though dated 25 August 2016, was released only with the Secretary of State's decision letter, in the normal way. Like the site in Hallam Land's appeal, the Boorley Green site is in the “countryside”, protected by policy 1.CO of the local plan, and also within an area protected under policy 3.CO, the Botley-Boorley Green Local Gap.
31. The inspector in the Boorley Green appeal concluded that the supply of housing land in the council's area was “very close to 4 years”, observing that this was consistent with the conclusion reached on this question by the inspector in the Bubb Lane appeal – that there was “something in the order of a four year supply” (paragraph 12.16 of the Boorley Green inspector's report). He found that “the HLS is around 4 years”. He said that, at this level, it “falls well short of that required and has done for many years ...” (paragraph 12.45). He concluded that “the benefits of housing and AH, particularly where the supply is significantly below 5 years and the history of delivery is poor, warrant considerable weight ...” (paragraph 12.47). He described the shortfalls in land for housing and affordable housing as “substantial” (paragraph 12.55).
32. In his decision letter, under the heading “Housing supply”, the Secretary of State said (in paragraph 17):
  - “17. The Secretary of State has given very careful consideration to the Inspector's analysis of the 5 year housing land supply position at IR12.10-12.20. He notes that it is common ground that the Council cannot demonstrate the 5 year housing land supply

expected at paragraph 47 of the Framework (IR12.10); and agrees with the Inspector's conclusions at IR12.21 that, on the basis of the information presented at the Inquiry and assuming that this decision is issued within the statutory timetable set, the housing land supply should be regarded as standing at around 4 years. The Secretary of State also agrees with the Inspector's conclusion at IR12.22 that considerable weight should be attributed to the benefits to which the scheme would bring through delivering affordable housing."

33. Under the heading "Planning balance and overall conclusion", the Secretary of State concluded that "[the] proposal would make a significant contribution in terms of helping to make up the deficit against the 5 year housing land supply and the need for affordable housing" (paragraph 24). Agreeing with the inspector's recommendation, he allowed the appeal.

*Did the Secretary of State establish the extent of the shortfall against the five-year supply of housing land with sufficient precision, and were his reasons adequate?*

34. Before Supperstone J., and again before us, Mr Thomas Hill Q.C., for Hallam Land, argued that, in any case where there is a dispute as to the five-year supply of housing land, the Secretary of State, or his inspector, is obliged to establish the level of supply and the extent of any shortfall. This, Mr Hill submitted, was because the local planning authority's failure to demonstrate a five-year supply of housing land will bring into play the balancing exercise provided for in paragraph 14 of the NPPF, and the extent of the shortfall, if there is one, will influence the weight given by the decision-maker to the benefits of the proposed development, and to its conflict with the relevant restrictive policies of the development plan. He sought to strengthen this submission with observations made by judges at first instance – in particular, *Phides Estates (Overseas) Ltd. v Secretary of State for Communities and Local Government* [2015] EWHC 827 (Admin) (at paragraph 60), *Shropshire Council v Secretary of State for Communities and Local Government* [2016] EWHC 2733 (Admin) (at paragraph 28), and *Jelson Ltd. v Secretary of State for Communities and Local Government* [2016] EWHC 2979 (Admin) (at paragraph 13).
35. In this case, Mr Hill submitted, the Secretary of State had failed to make the planning judgments he needed to make. He noted, in paragraph 19 of his decision letter, that the council was "now of the view that [it was] able to demonstrate a 4.86 year supply". But he did not say whether he accepted that this figure was accurate. Nor did he deal with the material before him, including the decision letters in the Bubb Lane and Botley Road appeals, showing that the council was now able to demonstrate only a supply of 4.25 years or even less than that. This could not sensibly be described as a "limited shortfall" – the expression the Secretary of State used in paragraph 17. In fact, Mr Hill submitted, the Secretary of State had failed to reach any conclusion on this question. His decision was vitiated by that failure.
36. Supperstone J. rejected those submissions. He did not accept that one can find in the authorities relied upon by Mr Hill the principle that the decision-maker is required "to determine a workable [five-year housing land supply] or range" in every case. He accepted the argument of Mr Zack Simons, for the Secretary of State, and Mr Paul Stinchcombe Q.C., for the council, that in a case such as this, where there was "inadequate housing supply on either [side's] figures", the Secretary of State was "not required to fix a figure for the extent of that inadequacy" (paragraph 22). He went on to say that "[in] making judgments on the issues of housing requirements and housing supply the decision maker was not required to fix a figure

for the precise extent of the Council’s housing shortfall”. In his view the “key question” was “whether the housing supply is above or below five years”. This was what Lord Carnwath had called the “important question” in paragraph 59 of his judgment in *Hopkins Homes Ltd. v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865 (paragraph 23). The tenor of relevant decisions at first instance was to the same effect – for example, the observation of Gilbert J. in *South Oxfordshire District Council v Secretary of State for Communities and Local Government* [2016] EWHC 1173 (Admin), at paragraph 102, that it is “not necessary to conduct a full analysis of requirements and supply in every case”, and “[whether] one has to do so depends on the circumstances”.

37. On the basis of the inspector’s conclusion in paragraph 108 of his report, having regard to “the updated material before him from the Bubb Lane [decision letter] and the Botley Road [decision letter]”, and Hallam Land having provided “no further evidence” on housing land supply since the inquiry, the Secretary of State was, said Supperstone J., “entitled to note the agreed shortfall, describe it as “limited” (DL17), and agree with his Inspector that the scheme’s contribution to the Council’s housing shortage would be “significant” (DL19)”. Nothing more was required (paragraph 29).
38. In his submissions to us, Mr Hill argued that the authorities on which Supperstone J. had based his conclusions did not deny the need for a decision-maker to establish the extent of a shortfall against the five-year supply of housing land when conducting the balancing exercise under paragraph 14 of the NPPF. Relevant parts of the judgment of the Court of Appeal in *Hopkins Homes Ltd.* – particularly paragraph 47 – which were effectively endorsed by Lord Carnwath in the Supreme Court, indicate that there is such a requirement. Detailed analysis may not always be necessary. A range or an approximate figure may be enough. But, submitted Mr Hill, the judge’s view that the crucial question is simply whether the supply of housing land exceeds or falls below five years was unduly simplistic. In this case there were several factors that made it imperative for the Secretary of State to define the shortfall: in particular, the size of the development – more than 150 dwellings – which had led to the appeal being recovered by the Secretary of State; the significance of the shortfall for the weighting of policies in the development plan that went against the proposal, which could be decisive, especially policy 3.CO of the local plan; and the fact that there were other relevant and recent appeal decisions in which the scale of the shortfall had been considered, and on which the parties had made representations. In the circumstances, Mr Hill submitted, it was not enough for the Secretary of State merely to describe the shortfall as “limited”, without resolving what it actually was by the time he made his decision.
39. Mr Hill also submitted that, in any event, the Secretary of State had failed to explain how and why he had reached a markedly different conclusion on housing land supply from the conclusions recently reached by the inspectors in the Bubb Lane and Botley Road appeals – in spite of the further representations he had received from Hallam Land in the light of them. Those two decisions were clearly relevant in this case. Yet the Secretary of State did not even refer to them in his decision letter. He said he had given “careful consideration” to the representations made after the inquiry, but in this important respect it is not clear that he had in fact done so. In both cases the decision-maker had identified a considerable shortfall against the required five-year supply materially greater than the council had conceded here. In the Bubb Lane appeal the inspector had found “something in the order of a four year supply” (paragraph 45) and had described the shortfall as “significant” (paragraph 52). In the Botley Road appeal the supply was found to be 4.25 years. And the inspector there had also described the shortfall – which amounted to “some 833 dwellings” – as “significant” (paragraphs 18, 19 and 52).

40. Those conclusions, and those descriptions of the shortfall, Mr Hill submitted, simply cannot be reconciled with the figure of 4.86 years' supply put forward by the council in its "Update on Housing Land Supply" of 23 June 2016. An explanation of some kind was clearly called for in the Secretary of State's decision letter. None was provided. Even if he did not have to resolve the precise level of the shortfall, the Secretary of State had fallen short of his duty to provide intelligible and adequate reasons for his conclusion on an issue crucial to the outcome of the appeal (see the speech of Lord Brown of Eaton-under-Heywood in *South Bucks District Council v Porter (No.2)* [2004] 1 W.L.R. 1953, at paragraph 36). In the circumstances it was not enough for him simply to refer to the shortfall as "limited", without more.
41. Mr Simons and Mr Stinchcombe supported the judge's analysis. They submitted that it is not always, or generally, a decision-maker's task to determine the precise level of housing land supply. The critical question will always be whether or not a five-year supply of housing land has been demonstrated. Under NPPF policy, the degree of detail required in ascertaining housing need and supply is left largely to the decision-maker's planning judgment in the circumstances of the case before him – as Gilbert J. emphasized in *Dartford Borough Council v Secretary of State for Communities and Local Government* [2016] EWHC 649 (Admin) (at paragraphs 43 to 45), and in *South Oxfordshire District Council* (at paragraph 102). Mr Stinchcombe pointed to the recent decision of this court in *Jelson Ltd. v Secretary of State for Communities and Local Government* [2018] EWCA Civ 24 as lending support to this submission (see, in particular, paragraph 25). Mr Simons recalled Sir David Keene's warning in *City and District Council of St Albans v Hunston Properties Ltd.* [2013] EWCA Civ 1610 (at paragraph 26) about section 78 appeals descending into the kind of exercise appropriate only for the process of plan preparation.
42. In this case, Mr Simons and Mr Stinchcombe submitted, by the time the Secretary of State came to make his decision in November 2016, the evidence given by Hallam Land at the inquiry in June 2015 in contending for a housing land supply of between 1.78 and 2.92 years was stale. The Secretary of State did not have to go beyond his conclusions that the shortfall was now "limited", and that the provision of market and affordable housing in an area with an "acknowledged" shortfall merited "substantial weight". These conclusions were, in themselves, fully justified. The existence of a shortfall in housing land supply was not a "principal controversial issue" in this appeal, even if it was in the Bubb Lane and Botley Road appeals. The parties had drawn the Secretary of State's attention to the inspectors' decisions in those appeals. But that did not make it necessary for him to deal with those decisions in the reasons he gave for concluding as he did on the evidence in this case. The reasons he gave were sufficient to explain the decision he made.
43. Mr Hill's argument was persuasively presented, but I accept it only in part.
44. The Secretary of State's decision here was taken in the light of the judgment of this court in *Hopkins Homes Ltd.*, but before the Supreme Court had dismissed the subsequent appeals – though on the basis of a narrower reading of the policy in paragraph 49 of the NPPF. As this case shows, however, nothing turns on the difference between the so-called "wider" interpretation of paragraph 49, in which the phrase "policies for the supply of housing" embraces local plan policies that create and constrain the supply, and the "narrow" interpretation, which excludes policies that operate to constrain the supply but does not prevent the decision-maker from giving such policies reduced weight under the policy in paragraph 14 of the NPPF when five years' supply is not demonstrated. Either way, the consequences will, in the end, be the same. The weight given to a policy ultimately depends not on its status but

on its effect – whether it enables the requisite five-year supply to be realized or acts contrary to that objective. Policies in a local plan are liable to carry less weight in the making of a decision on a proposal for housing development if – and because – their effect is to prevent a five-year supply of housing land (see the judgment of Lord Carnwath in *Hopkins Homes Ltd.*, at paragraphs 59 and 61, followed in this court in *Barwood Strategic Land II LLP v East Staffordshire Borough Council* [2017] EWCA Civ 893, at paragraph 22).

45. None of that is controversial here, nor should it be. As Lord Carnwath said in *Hopkins Homes Ltd.* (at paragraph 54), “the primary purpose of paragraph 49 [of the NPPF] is simply to act as a trigger to the operation of the “tilted balance” under paragraph 14”. And he went on to say (in paragraph 59) that the “important question” is “not how to define individual policies, but whether the result is a five-year supply in accordance with the objectives set by paragraph 47”. If the local planning authority fails to demonstrate that supply, “it matters not whether the failure is because of the inadequacies of the policies specifically concerned with housing provision, or because of the over-restrictive nature of other non-housing policies”. In such a case “[the] shortfall is enough to trigger the operation of the second part of paragraph 14”. As Lord Carnwath emphasized (in paragraph 61), a restrictive policy may not itself be “out of date” under paragraph 49, “but the weight to be given to it alongside other material considerations, within the balance set by paragraph 14, remains a matter for the decision-maker in accordance with ordinary principles”.
46. As this court said in *Hopkins Homes Ltd.* (in paragraph 47), the policies in paragraphs 14 and 49 of the NPPF do not prescribe how much weight is to be given to relevant policies of the development plan in the determination of a planning application or appeal. Weight is always a matter for the decision-maker (see the speech of Lord Hoffmann in *Tesco Stores Ltd. v Secretary of State for the Environment* [1995] 1 W.L.R. 759, at p.780F-H) (paragraph 46). It will “vary according to the circumstances, including, for example, the extent to which relevant policies fall short of providing for the five-year supply of housing land, the action being taken by the local planning authority to address it, or the particular purpose of a restrictive policy – such as the protection of a “green wedge” or of a gap between settlements”. The decision-maker must judge “how much weight should be given to conflict with policies for the supply of housing that are out-of-date”. This is “not a matter of law; it is a matter of planning judgment” (see the first instance judgments in *Crane v Secretary of State for Communities and Local Government* [2015] EWHC 425 (Admin) (at paragraphs 70 to 75), *Phides* (at paragraphs 71 and 74), and *Woodcock Holdings Ltd. v Secretary of State for Communities and Local Government and Mid-Sussex District Council* [2015] EWHC 1173 (Admin) (at paragraphs 87, 105, 108 and 115)).
47. The NPPF does not state that the decision-maker must reduce the weight to be given to restrictive policies according to some notional scale derived from the extent of the shortfall against the five-year supply of housing land. The policy in paragraph 14 of the NPPF requires the appropriate balance to be struck, and a balance can only be struck if the considerations on either side of it are given due weight. But in a case where the local planning authority is unable to demonstrate five years’ supply of housing land, the policy leaves to the decision-maker’s planning judgment the weight he gives to relevant restrictive policies. Logically, however, one would expect the weight given to such policies to be less if the shortfall in the housing land supply is large, and more if it is small. Other considerations will be relevant too: the nature of the restrictive policies themselves, the interests they are intended to protect, whether they find support in policies of the NPPF, the implications of their being breached, and so forth.

48. Relevant authority in this court, and at first instance, does not support the proposition that, for the purposes of the appropriate balancing exercise under the policy in paragraph 14 of the NPPF, the decision-maker's weighting of restrictive local plan policies, or of the proposal's conflict with such policies, will always require an exact quantification of the shortfall in the supply of housing land. This is not surprising. If the court had ever said there was such a requirement, it would have been reading into the NPPF more than the Government has chosen to put there, and more than is necessarily implied in the policies it contains.
49. Several decisions at first instance were cited in argument before Supperstone J., including those in *Jelson Ltd.* (at paragraphs 2 and 13) – upheld on appeal, *Shropshire Council* (at paragraph 28), *South Oxfordshire District Council* (at paragraph 102), *Dartford Borough Council* (at paragraphs 44 and 45), *Oadby and Wigston Borough Council v Secretary of State for Communities and Local Government* [2015] EWHC 1879 (Admin) (at paragraphs 42(ii) and 48) – upheld on appeal, and *Phides* (at paragraph 60). Mr Simons also referred to *Eastleigh Borough Council v Secretary of State for Communities and Local Government* [2014] EWHC 4225 (Admin) (at paragraphs 17 and 18). It is not necessary to explore the facts of these cases, or to set out the relevant observations of the judges who decided them. In summary, however, three main points emerge.
50. First, the relationship between housing need and housing supply in planning decision-making is ultimately a matter of planning judgment, exercised in the light of the material presented to the decision-maker, and in accordance with the policies in paragraphs 47 and 49 of the NPPF and the corresponding guidance in the Planning Practice Guidance (“the PPG”). The Government has chosen to express its policy in the way that it has – sometimes broadly, sometimes with more elaboration, sometimes with the aid of definitions or footnotes, sometimes not (see *Oadby and Wigston Borough Council v Secretary of State for Communities and Local Government* [2016] EWCA Civ 1040, at paragraph 33; *Jelson Ltd.*, at paragraphs 24 and 25; and *St Modwen Developments Ltd. v Secretary of State for Communities and Local Government* [2017] EWCA Civ 1643, at paragraphs 36 and 37). It is not the role of the court to add to or refine the policies of the NPPF, but only to interpret them when called upon to do so, to supervise their application within the constraints of lawfulness, and thus to ensure that unlawfully taken decisions do not survive challenge.
51. Secondly, the policies in paragraphs 14 and 49 of the NPPF do not specify the weight to be given to the benefit, in a particular proposal, of reducing or overcoming a shortfall against the requirement for a five-year supply of housing land. This is a matter for the decision-maker's planning judgment, and the court will not interfere with that planning judgment except on public law grounds. But the weight given to the benefits of new housing development in an area where a shortfall in housing land supply has arisen is likely to depend on factors such as the broad magnitude of the shortfall, how long it is likely to persist, what the local planning authority is doing to reduce it, and how much of it the development will meet.
52. Thirdly, the NPPF does not stipulate the degree of precision required in calculating the supply of housing land when an application or appeal is being determined. This too is left to the decision-maker. It will not be the same in every case. The parties will sometimes be able to agree whether or not there is a five-year supply, and if there is a shortfall, what that shortfall actually is. Often there will be disagreement, which the decision-maker will have to resolve with as much certainty as the decision requires. In some cases the parties will not be able to agree whether there is a shortfall. And in others it will be agreed that a shortfall exists, but its extent will be in dispute. Typically, however, the question for the decision-maker will not be simply whether or not a five-year supply of housing land has been demonstrated. If there is a



shortfall, he will generally have to gauge, at least in broad terms, how large it is. No hard and fast rule applies. But it seems implicit in the policies in paragraphs 47, 49 and 14 of the NPPF that the decision-maker, doing the best he can with the material before him, must be able to judge what weight should be given both to the benefits of housing development that will reduce a shortfall in the five-year supply and to any conflict with relevant “non-housing policies” in the development plan that impede the supply. Otherwise, he will not be able to perform the task referred to by Lord Carnwath in *Hopkins Homes Ltd.*. It is for this reason that he will normally have to identify at least the broad magnitude of any shortfall in the supply of housing land.

53. With those three points in mind, I do not think that in this case the Secretary of State could fairly be criticized, in principle, for not having expressed a conclusion on the shortfall in the supply of housing land with great arithmetical precision. He was entitled to confine himself to an approximate figure or range – if that is what he did. Government policy in the NPPF did not require him to do more than that. There was nothing in the circumstances of this case that made it unreasonable for him in the “Wednesbury” sense, or otherwise unlawful, not to establish a mathematically exact figure for the shortfall. It would not have been an error of law or inappropriate for him to do so, but if, as a matter of planning judgment, he chose not to do it there was nothing legally wrong with that.
54. But what was his conclusion on housing land supply? He obviously accepted, as the council had acknowledged, that the requisite five-year supply had not been demonstrated. In paragraph 30 of his decision letter he referred to the “absence of a 5-year housing land supply”. And in the same paragraph he made it plain that he was applying “the presumption in favour of sustainable development”, which, as he said, meant “that permission should be granted unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits”. He went on, in the following paragraphs, to apply that presumption, in accordance with the policy in paragraph 14 of the NPPF. In the course of that balancing exercise, he referred, in paragraph 31, to the “acknowledged shortfall”, which went into the balance on the positive side. All of this is clear.
55. Not so clear, however, is whether the Secretary of State reached any concluded view on the scale of the “acknowledged shortfall”. His reference in paragraph 17 to “the limited shortfall in housing land supply” suggests he had not found it possible to accept Hallam Land’s case at the inquiry, as recorded by the inspector in paragraph 62 of his report, that the supply of housing land was as low as “2.92 years, or 1.78 years if the need for affordable housing is included”, or even the “material shortfall” to which the inspector had referred in paragraph 108, in the light of the council’s concession that it was “not able to demonstrate more than a four and a half years supply of deliverable housing land”. A “limited shortfall” could hardly be equated to a “material shortfall”. It would have been a more apt description of the shortfall the council had now acknowledged in conceding, or contending, that it was able to demonstrate a supply of 4.86 years – the figure to which the Secretary of State referred in paragraphs 19 and 30 of his decision letter.
56. On a fair reading of the decision letter as a whole, I do not think one can be sure that the Secretary of State did fix upon a precise figure for the housing land supply. It may be that, in truth, he went no further than to conclude that the supply remained below five years. He certainly did not adopt the figures put forward by Hallam Land at the inquiry, nor did he even mention those figures. And he neither adopted nor rejected the council’s position at the inquiry. Instead, he took care to say, in paragraph 19 of his decision letter, that he “notes” the inspector’s comment that at the time of the inquiry the council was not able to demonstrate

more than four and a half years' supply. He was equally careful not to adopt or reject the figure that was now put forward by the council – a supply of 4.86 years. In paragraph 19, again, he said merely that he “notes” the council was now of the view that it was “able to demonstrate a 4.86 year supply”. In paragraph 30, once again, he used the word “notes” when referring to the position the council had taken in its letter of 23 June 2016 – “now claiming to be able to demonstrate a 4.86 year supply”. He was not, I think, unequivocally endorsing that figure, but rather was relying on it as proof of “the absence of a 5-year housing land supply”.

57. The Secretary of State's conclusions on housing land supply are not said to be irrational on their face – nor could they be. If one leaves aside for the moment the decisions in the Bubb Lane and Botley Road appeals and what had been said about those decisions in the parties' further representations, they make sense. To describe the shortfall in housing land supply as “limited”, as the Secretary of State did in paragraph 17, seems reasonable if he was assuming – though without positively finding – that the housing land supply now stood at or about 4.86 years. And there is nothing necessarily inconsistent between that conclusion and his later conclusions: in paragraph 19, that the amount of new housing proposed was a “significant advantage”; in paragraph 30, that the “presumption in favour of sustainable development” fell to be applied in this case; and, in paragraph 31, that the provision of housing in an area with an “acknowledged shortfall” carried “substantial weight in favour of the development”.
58. All of this is logical, as far as it goes. It may reflect an assumption on the part of the Secretary of State that he could rely on the figure of 4.86 years for the housing land supply, or at least on a range of between four and half and 4.86 years, and that this was sufficient to found his conclusions on the weight to be given to the benefits of the housing development proposed and to its conflict with restrictive policies in the local plan.
59. This reading of the decision letter may be overly generous to the Secretary of State, because it resolves in his favour the doubt as to what figure, or range, he was actually prepared to accept for the present supply of housing land in the council's area. Assuming it to be correct, however, he can be acquitted of any misunderstanding or unlawful misapplication of NPPF policy. If he did adopt, or at least assume, a figure of 4.86 years' supply of housing land, or even a range of between four and half and 4.86 years, his approach could not, I think, be stigmatized as unlawful in either of those two respects. It could not be said, at least in the circumstances of this case, that he erred in law in failing to calculate exactly what the shortfall was. In principle, he was entitled to conclude that no greater precision was required than that the level of housing land supply fell within a clearly identified range below the requisite five years, and that, in the balancing exercise provided for in paragraph 14 of the NPPF, realistic conclusions could therefore be reached on the weight to be given to the benefits of the development and its conflict with relevant policies of the local plan. Such conclusions would not, I think, exceed a reasonable and lawful planning judgment.
60. However, even if that assumption is made in favour of the Secretary of State, there is in my view a fatal defect in his decision in his failure to engage with the conclusions on housing land supply in the recent decisions in the Bubb Lane and Botley Road appeals. Here, it seems to me, Mr Hill's argument is demonstrably well founded.
61. At least by the time the parties in this appeal were given the opportunity to make further representations, an important issue between them, and arguably the focal issue, was the extent of the shortfall in housing land supply. This was, or at least had now become, a “principal controversial issue” in the sense to which Lord Brown of Eaton-under-Heywood referred in *South Bucks District Council v Porter* (at paragraph 36 of his speech). A related issue was the

weight to be given to restrictive policies in the local plan – in particular, policy 3.CO. These were, in my view, clearly issues that required to be properly dealt with in the Secretary of State’s decision letter, in the light of the representations the parties had made about them, so as to leave no room for doubt that the substance of those representations had been understood and properly dealt with. This being so, it was in my view incumbent on the Secretary of State to provide intelligible and adequate reasons to explain the conclusions he had reached on those issues, having regard to the parties’ representations.

62. There is no explicit consideration of the inspectors’ decisions in the Bubb Lane and Botley Road appeals in the Secretary of State’s decision letter, nor any reference to them at all, despite the fact that they had been brought to his attention and their implications addressed in the further representations made to him after the inquiry. The inspectors’ conclusions on housing land supply in those two decisions, and the consequences of those conclusions for the weight to be given to local plan policies, clearly were material considerations in this appeal. They would, in my view, qualify as material considerations on the basis of the case law relating to consistency in decision-making (see the judgment of Mann L.J. in *North Wiltshire District Council v Secretary of State for the Environment* (1993) 65 P. & C.R. 137, at p.145, most recently followed by this court in *DLA Delivery Ltd. v Baroness Cumberlege of Newick and Secretary of State for Communities and Local Government* [2018] EWCA Civ 1305, at paragraphs 29, and 42 to 56). But leaving aside the principle of consistency, they would have been, it seems to me, material considerations if only on the basis that they represented an up to date independent assessment of housing land supply in the council’s area, which had been squarely put before the Secretary of State. Yet he said nothing at all about them. Nor is there any explicit reference to the relevant content of the representations the parties had made. It is clear that the reference in paragraph 19 of the decision letter to the council’s view that it was now able to demonstrate 4.86 years’ supply of housing land was taken from the “Update on Housing Land Supply” that it produced on 23 June 2016. But he did not refer to the very firm and thoroughly reasoned conclusions of the inspector in the Botley Road appeal, which were reached in the light of that evidence.
63. So it is not clear whether the Secretary of State confronted the conclusions of the inspectors in the Bubb Lane and Botley Road appeals, and in particular the latter. Had he done so, he would have appreciated that the conclusions they had reached on the scale of the shortfall in housing land supply could not reasonably be reconciled with his description of that shortfall, in paragraph 17 of his decision letter, as “limited”. The language used by those two inspectors was distinctly different from that expression, and incompatible with it unless some cogent explanation were given. No such explanation was given. In both decision letters the shortfall was characterized as “significant”, which plainly it was. This was more akin to saying that it was a “material shortfall”, as the inspector in Hallam Land’s appeal had himself described it in paragraph 108 of his decision letter. Neither description – a “significant” shortfall or a “material” one – can be squared with the Secretary of State’s use of the adjective “limited”. They are, on any view, quite different concepts.
64. Quite apart from the language they used to describe it, the inspectors’ findings and conclusions as to the extent of the shortfall – only “something in the order of four year supply” in the Bubb Lane appeal and only “4.25 years’ supply” in the Botley Road appeal – were also substantially different from the extent of the shortfall apparently accepted or assumed by the Secretary of State in his decision in this case, which was as high as 4.86 years’ supply on the basis of evidence from the council that had been before the inspector in the Botley Road appeal and rejected by him.

65. One is left with genuine – not merely forensic – confusion on this important point, and the uncomfortable impression that the Secretary of State did not come to grips with the inspectors’ conclusions on housing land supply in those two very recent appeal decisions. This impression is not dispelled by his statement in paragraph 7 of the decision letter that he had given “careful consideration” to the relevant representations.
66. The significance of the parties’ dispute over the extent of the shortfall in housing land supply was not confined to that issue alone. It also bore on the question of how much weight should be given to restrictive policies in the local plan – in particular, policy 3.CO – for the purposes of the balancing exercise required by the policy in paragraph 14 of the NPPF. A factor to which the Secretary of State attached some importance in determining that “significant weight” should be given to policy 3.CO was that the shortfall in housing land supply was, as he said in paragraph 17 of the decision letter, only “limited”. This was an important issue in itself, and potentially decisive in the planning balance.
67. In the circumstances I am driven to the conclusion that the Secretary of State’s reasons were in this respect deficient, when considered in the light of the familiar principle in *South Bucks District Council v Porter*, and that Hallam Land was substantially prejudiced by the failure to provide intelligible and adequate reasons. The parties, and in particular Hallam Land, whose section 78 appeal was being dismissed after a protracted exchange of post-inquiry representations, were entitled to know why the Secretary of State had concluded as he did not only on the question of housing land supply but also on its consequences, in spite of two very fresh appeal decisions in which the question of supply had been decided in a materially different way. This was a matter on which proper reasons were undoubtedly called for, but were not given. In the absence of those reasons, one cannot be sure that the Secretary of State had come to his conclusion lawfully, having regard to all material considerations. It follows, in my view, that in failing to provide such reasons the Secretary of State erred in law and his decision is liable to be quashed for that error. I can see no basis on which the court, in the circumstances, could properly withhold an order to quash his decision. To do so, we would have to speculate as to the outcome of Hallam Land’s section 78 appeal on the assumption that the Secretary of State had regard to all material considerations, including the decisions in the Bubb Lane and Botley Road appeals.
68. Having come to that conclusion, I can take the other main issue more shortly.

*Should the Secretary of State have had regard to the inspector’s report on the Boorley Green appeal?*

69. The argument here is that the Secretary of State’s conclusion in this case that the shortfall in housing land supply was “limited” is impossible to reconcile with the conclusion in his decision letter in the Boorley Green appeal, issued about three weeks later, that the supply of housing land in the council’s area was “around four years”. This offended the principle that there is a public interest in planning decisions in like cases being consistent, and that, in cases of inconsistency, the decision-maker should explain that inconsistency (see the judgment of Mann L.J. in *North Wiltshire District Council*). Where relevant matters arose after the close of an inquiry, such as an inspector reporting to him on an appeal raising closely similar planning issues in the same area as the appeal in hand, it was incumbent on the Secretary of State to take reasonable steps to inform himself of those matters, and so avoid inconsistent decisions. The inspector’s report in the Boorley Green appeal fell into that category. By the time the Secretary

of State eventually came to make his decision on Hallam Land's appeal, he had had that report for almost three months.

70. Supperstone J. rejected this argument, on the simple basis that the Secretary of State's decision in the Boorley Green appeal had not yet been made when the decision in this case was issued, and "accordingly, it cannot have been a material consideration to which the principle of consistency can apply". Although the inspector's report on the Boorley Green appeal had been submitted to the Secretary of State before he made his decision in this case, "the principle of consistency in decision taking has no application to Inspectors' reports which are not decisions" (paragraph 33 of the judgment). The proposition that the Secretary of State must always have imputed knowledge of an inspector's report in an undetermined appeal was incorrect (paragraph 35). So was the submission that it was irrational, and a breach of the principle recognized by the House of Lords in *Secretary of State for Education and Science v Tameside Metropolitan Borough Council* [1976] 3 W.L.R. 641 that a decision-maker must take reasonable steps to acquaint himself of relevant matters, for the Secretary of State not to take into account an unpublished inspector's report in another appeal that was yet to be decided on its own, different facts (paragraph 38).
71. The judge also accepted the submission of Mr Simons and Mr Stinchcombe that there was, in fact, no material inconsistency between the two decisions. In both cases the Secretary of State had found that there was less than the requisite five-year supply of housing land, and that the consequences provided for by NPPF policy must follow. In his decision on the Boorley Green appeal the Secretary of State did not adopt the inspector's description of the shortfall as "significant". His conclusion in that case that the housing land supply "should be regarded as standing at around four years" was consistent with his corresponding conclusions in his decision in this case. And in both cases, given the shortfall, he gave significant weight to the provision of housing: "substantial weight" in this case, "considerable weight" in the Boorley Green case (paragraph 39). The Secretary of State's application of policy 3.CO of the local plan in this appeal, the weight he gave to that policy, and his relevant reasons did not betray an inconsistent approach with his inspector's or his own in the Boorley Green appeal (paragraphs 40 to 46).
72. I agree with the judge's approach to this issue, and the conclusions he reached upon it, essentially for the reasons he gave.
73. The principle of consistency in planning decision-making is not a principle of law. It is a principle of good practice, which the courts have traditionally supported and the Court of Appeal has recently confirmed in *DLA Delivery Ltd.*.
74. The principle applies to decisions of planning decision-makers, and is exercised with a view to the public interest in planning decisions in like cases being consistent, or if inconsistency arises, a clear explanation for it being given in the second of the two decisions concerned (see *DLA Delivery Ltd.*, at paragraphs 28 to 30, 46 and 47). It does not apply, in the case of decisions on planning appeals made by the Secretary of State, to inspectors' reports that have been submitted to the Secretary of State but on which his decision is still to be made at the time of the decision subject to challenge in the case before the court. The purpose and status of such a report is, essentially, that of advice given to the Secretary of State by his appointed inspector, which will inform the decision itself, but which the Secretary of State is not bound to follow and is free to reject, so long as he gives adequate reasons for doing so. It is an intermediate stage in the process of decision-making. The assessment and conclusions contained in the report do not constitute the Secretary of State's decision, nor do they form any

part of that decision unless and until they are incorporated into it, whether in whole or in part. Usually, as in the Boorley Green appeal, the inspector's report is not published until the Secretary of State has made his decision. On occasions, however, it may be released by the Secretary of State with a view to inviting further representations or evidence from the parties to deal with a particular issue raised in it.

75. It would be a radical and unjustified extension to the principle of consistency to embrace within it unpublished inspectors' reports, whose conclusions and recommendations the Secretary of State may in due course choose to accept or reject. Indeed, this would not be an extension of the principle of consistency but a distortion of it, because the basis for it would not be consistency between one decision and another, but consistency between a decision and a non-decision, a decision yet to be made. That is not a principle the court has ever recognized, nor even, in truth, a meaningful principle at all.
76. In my view, therefore, this part of the appeal is mistaken, and I would reject it.

### *Conclusion*

77. For the reasons I have given, I would allow this appeal on the first issue alone and on the basis I have indicated.

### **Lord Justice Hickinbottom**

78. For the reasons given by Lindblom L.J., with which I entirely agree, I agree that the appeal is allowed on the first issue alone.

### **Lord Justice Davis**

79. I also agree that the appeal should be allowed.
80. I would like to make some observations of my own on the first issue.
81. Clearly a determination of whether or not there is a shortfall in the 5 year housing supply in any particular case is a key issue. For if there is then the "tilted balance" for the purposes of paragraph 14 of the NPPF comes into play.
82. Here, it was common ground that there was such a shortfall. That being so, I have the greatest difficulty in seeing how an overall planning judgment thereafter could properly be made without having at least some appreciation of the extent of the shortfall. That is not to say that the extent of the shortfall will itself be a key consideration. It may or not be: that is itself a planning judgment, to be assessed in the light of the various policies and other relevant considerations. But it ordinarily will be a relevant and material consideration, requiring to be evaluated.
83. The reason is obvious and involves no excessive legalism at all. The extent (be it relatively large or relatively small) of any such shortfall will bear directly on the weight to be given to the benefits or disbenefits of the proposed development. That is borne out by the observations of Lindblom LJ in the Court of Appeal in paragraph 47 of *Hopkins Homes*. I agree also with

the observations of Lang J in paragraphs 27 and 28 of her judgment in the *Shropshire Council* case and in particular with her statements that "...Inspectors generally will be required to make judgments about housing need and supply. However these will not involve the kind of detailed analysis which would be appropriate at a "Development Plan inquiry" and that "the extent of any shortfall may well be relevant to the balancing exercise required under NPPF 14." I do not regard the decisions of Gilbert J, cited above, when properly analysed, as contrary to this approach.

84. Thus exact quantification of the shortfall, even if that were feasible at that stage, as though some local plan process was involved, is not necessarily called for: nor did Mr Hill QC so argue. An evaluation of some "broad magnitude" (in the phrase of Lindblom LJ in his judgment) may for this purpose be legitimate. But, as I see it, at least some assessment of the extent of the shortfall should ordinarily be made; for without it the overall weighing process will be undermined. And even if some exception may in some cases be admitted (as connoted by the use by Lang J in *Shropshire Council* of the word "generally") that will, by definition, connote some degree of exceptionality: and there is no exceptionality in the present case.
85. In this case (and in striking contrast to the Bubb Lane and Botley Road cases) a sufficient evaluation of the extent of the shortfall did not happen. Instead, the Secretary of State, having "noted" the council's updated figure of 4.86 year supply and without any express reference to the Bubb Lane and Botley Road cases, simply announced a bald conclusion that there was a "limited" shortfall in the housing land supply. Broad statements elsewhere in the decision letter to the effect that "the Secretary of State has taken into account" the post-inquiry representations do not overcome the defect of a demonstrable lack of engagement with the actual extent of the shortfall: thereby resulting in an absence of a reasoned conclusion on this material issue. Moreover, such a conclusion departs – again, for no stated reason – from the inspector's statement in paragraph 108 of his report that "it can be said that there is a material shortfall against the five year supply...".
86. Although it was submitted on behalf of the council that the result would still inevitably have been the same, even had the extent of the shortfall been properly addressed, I cannot accept that that is necessarily so. So the matter must be the subject of further consideration.
87. Thus I too would allow the appeal on this basis. I would reject the appellant's arguments on the second issue, for the reasons given by Lindblom LJ.