

Appendices to Proof of Evidence of Martin Taylor

B.Sc. (Hons) MSc MRPTI MIED

Land between Woodchurch Road and Appledore Road

Appellant: Wates Developments Limited

Planning Inspectorate No. Appeal: APP/E2205/W/21/3284479

Ashford Borough Council Application No. 21/00790/AS

January 2022

LICHFIELDS

15405/05/MS/HBE
20562432v1

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Appendix 1 Summary of Experience of Martin Taylor

I have been and/or continue to be involved in the following projects relevant to my evidence on housing matters.

I have appeared and given evidence at the following appeal hearings/inquiries:

- Housing land supply evidence at Land to rear of 40 Shefford Road, Meppershall appeal hearing in Central Bedfordshire (April 2021)
- Housing land supply evidence at Land East of Memorial Hall, Brundall appeal inquiry in Broadland (October 2020)
- Housing land supply evidence at Halstead Hall appeal hearing in Braintree (January 2020)
- Housing land supply evidence at Church Street, Bocking appeal inquiry in Braintree (May 2019)
- On behalf of Canterbury City Council I gave housing need and land supply evidence at appeal inquiries for Strode Farm (January 2017) and Blean Common (February 2017)
- Prior to the introduction of the 'standard method' I also gave evidence on objectively assessed housing need (OAN) on many occasions, including (among others) Bampton (2015), North Leigh (2016), Witney (2016) all in West Oxfordshire, Botley Road (2016), Bubb Lane Eastleigh (2017), Norton Ryedale (2016).

I have appeared and given evidence at numerous Local Plan Examination hearing sessions in recent years, including among others:

- Ashford Local Plan examination on behalf of Wates (2018)
- Central Bedfordshire (2019-20) on housing needs and housing land supply on behalf of four housebuilder/promoter interests.
- Tandridge Local Plan (2020-ongoing) on housing needs on behalf of a forum of 10 housebuilder/promoter interests
- North Essex Local Plan on housing supply and strategic site delivery (2018-20)
- Aylesbury Vale Local Plan (2018) on housing need, supply and spatial strategy
- Waverley Local Plan on housing needs on behalf of a forum of 11 housebuilder/promoter interests (2017)
- On behalf of Canterbury City Council I appeared at their housing hearing sessions including on housing policies, housing need and housing trajectory (2015-16)

I have also provided evidence-base documents and plan-making advice/support to numerous Local Planning Authorities, including:

- A Housing and Employment Land Availability Assessment (HELAA) jointly for Southend and Rochford Borough Councils (2020) including housing trajectory and windfalls analysis. Ongoing critical-friend advice to the Councils on their emerging Local Plans.
- A Strategic Land Availability Assessment for Epping Forest District (2012-2016)
- Education needs evidence for Watford Borough Council's Local Plan (2021)

Appendix 2 Deliverability Review

Site Information			Council Position				Lichfields Assessment																																
Name / Policy Ref	App Ref	Stod Area	Supply (20-25)	Council Comment (2020 Position)	Supply (21-26)	Council Comment (2021 Position)	Scenario 1: Primary Position (Stodmarsh Sites Not Deliverable)							Total	Scenario 2: Stodmarsh mitigation deliverable					Total																			
							Stod Miti ?	21/22	22/23	23/24	24/25	25/26		21/22	22/23	23/24	24/25	25/26																					
Allocated/previously allocated sites with outline permission only or no planning permission																																							
VC14 Elwick Road Elwick Road Phase 2	OL granted – 15/01282/AS	Yes	200	Site has outline planning permission (Granted Feb 2019) and is in the process of being sold to a private developer with the intention to develop out within five years. No infrastructure, ownership or viability constraints. Site therefore considered deliverable in the five year period.	200 (same)	Site has outline planning permission (Granted Feb 2019) and is in the process of being sold to a private developer with the intention to develop out within five years. No infrastructure, ownership or viability constraints, but constrained by Stodmarsh. Site therefore considered deliverable in years 4 & 5 of the five year period.	No.	0	0	0	0	0	0	0	0	0	0	0	0	0																			
							<p>This is a Council owned site that we understand still needs to be sold. Outline permission was granted on 22/02/19. Condition 3 requires that that a RM application needs to be made within 3 years (i.e. 22/02/22) (Condition 2). No RM application has to date been submitted and there is no information provided by the Council regarding the site's progress.</p> <p>It is understood a development agreement exists with Stanhope PLC (who delivered the Phase 1 commercial development). At ABC Cabinet 27th January 2020 it was resolved the Council would negotiate the termination of Stanhope PLCs rights to give unfettered control to the Council to sell the site to a housebuilder/developer. The outcome of this is not clear. However, a November 2021 non-material amendment application made by Stanhope PLC and Sunningdale House Developments (a housebuilder) to swap drawings and change the trigger for certain detailed drawings to pre-commencement rather than alongside RM's (ref. 15/01282/AMND/AS) suggests some sort of agreement has been reached.</p> <p>Notwithstanding, given the site is within the Stodmarsh area and it does not appear an on-site solution can be implemented, it is not a development clearly demonstrated suitable now and there is no "clear evidence" the site is deliverable (and what Stodmarsh mitigation will be implementable to allow development to come forward).</p> <p>The site is also not clearly available <u>now</u> as part of it is used as a temporary car park (ref. 20/00065/AS). This application was for the renewal of a previous application (ref. 17/00201/AS); extending the life of the car park use permission until 2023.</p> <p>Site not demonstrated as deliverable. Not clear evidence of the site coming forward in the Stodmarsh area.</p>							<p>Even were Stodmarsh addressed by the Boroughwide mitigation strategy – assumed to be in-place for year five only - the timescales indicated would not likely point towards delivery of 200 homes within the 5 year period.</p> <p>The parameter plans and indicative masterplans show <u>two</u> separate blocks of development. Delivering all 200 units at the same time across two blocks appears unrealistic; they would not be built in parallel but would be delivered one after the other. One block (i.e. 100 dwellings) at most would have a realistic prospect of being delivered.</p> <p>Site delayed with only 1-year delivery in 2025/26.</p>							0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
														0						100	100																		
														0						100	100																		

Site Information			Council Position				Lichfields Assessment															
Name / Policy Ref	App Ref	Stod Area	Supply (20-25)	Council Comment (2020 Position)	Supply (21-26)	Council Comment (2021 Position)	Scenario 1: Primary Position (Stodmarsh Sites Not Deliverable)	Stod Miti	21/22	22/23	23/24	24/25	25/26	Total	Scenario 2: Stodmarsh mitigation deliverable	21/22	22/23	23/24	24/25	25/26	Total	
S16 Waterbrook	OL granted – 18/00098/AS	Yes	150	Progress being made towards submission of planning application which is expected before the end of 2020, with intention of the landowner to commence development in 2021. First completions are anticipated in 2022 with a built-out rate of 50 dwellings per annum, which equates to a deliverable supply of 150.	100 (-50)	Progress being made towards submission of RM planning application which is expected in 2021 with intention of the landowner to commence development once the Stodmarsh Mitigation is resolved. First completions are anticipated in 2024/25 with a built-out rate of 50 dwellings per annum, which equates to a deliverable supply of 100 in the 5 year period.	<p>This is a housing development with outline permission that forms part of a wider hybrid permission principally for (among other development) a 600-space truck stop. A RM application was made by Mulberry Homes in Sept 2021 for 400 dwellings. As part of RMs an on-site wetland mitigation is proposed to address nutrient neutrality – a 1.92ha on-site wetland. A strategy is submitted but indicates that it is “subject to detailed design of the wetland” which are not submitted alongside the RM. On 14th October 2021 Natural England submitted a holding objection requesting further information including addressing errors in the calculation, that the 1.92ha was insufficiently sized and requesting further detail on the location of the wetland proposed.</p> <p>Given the site is within the Stodmarsh area, and it is unclear the proposed on-site solution is sufficient to address NE concerns, it is not a development clearly demonstrated suitable now and there is no “clear evidence” the site is deliverable in the timescales set out.</p> <p>Site not demonstrated deliverable. Not clear evidence of the site resolving Stodmarsh mitigation.</p>	Potentially	0	0	0	0	0	0	0 (-100)	<p>Even were Stodmarsh addressed by the on-site wetland mitigation proposals (and RMs granted), it is considered the site would not deliver 50 homes per annum in years 4 and 5.</p> <p>Assuming RMs are granted during mid-to-late 2022, there will still need to be conditions discharged and a lead-in to open up residential elements of the site. Crucially, the wetlands would need to be designed, established and operational before delivery of new homes. Lichfields research ‘start to finish’¹ indicates an average of around 2 years between detailed permission being granted and new homes being delivered; and this may be extended by the need to deliver the wetlands. This would point to delivery commencing in 2025/26, with 50 dpa.</p> <p>Site delayed with only 1-year delivery in 2025/26.</p>	0	0	0	0	50	50 (-50)
S28 Charing – Northdown Service Station, Maidstone Road	OL granted – 17/01926/AS (FA granted first but superseded by above – 17/00865/AS)	Yes	20	Progress is being made towards resolving the access arrangement for adjoining site which the landowner has indicated is currently holding up this site being taken forward. No other constraints to development, site is therefore considered deliverable in the five year period. (Also see S55)	20 (same)	Progress is being made towards resolving the access arrangement for adjoining site which the landowner has indicated is currently holding up this site being taken forward. No other constraints to development of the site, with the exception of Stodmarsh, it is therefore considered deliverable in years 4 & 5 of the five year period. (Also see S55)	<p>The site has outline planning permission for 17 units and full permission for 3 units (n.b. the full permission is not superseded; they appear to complement one another).</p> <p>The 3 unit full permission expired on 07 June 2021 (3 years since decision) and there is no indication it was implemented given access issues (google maps street view shows no apparent work as of May 2021, with the existing service station still operating). This full permission is at the front of the site and provides access to the remainder of the homes proposed. In any case, it is also double counted within the Council’s supply figures; appearing in both Table A4 (Allocated sites) for 3 units and Table A8 (Minor windfall permissions) for 3 units. 3 units should be removed.</p> <p>No reserved matters applications have yet been submitted for the 17-unit scheme. A RM application needs to be submitted by 30/04/22 to keep the permission extant. There is no indication of when RM will come forward and the Council has just rolled forward its assessment. The site falls within the Stodmarsh affected area and it does not appear an on-site solution can be implemented. As such it is not a development clearly demonstrated as suitable now and there is no “clear evidence” the site is deliverable (and what Stodmarsh mitigation will be implementable to allow development to come forward). The notes allude to access arrangement issues, with access also through the apparently expired detailed permission, both suggesting the site is not available <u>now</u>.</p> <p>Site not deliverable. Not clear evidence of the site coming forward in the Stodmarsh area. Not suitable now. Not available now.</p>	No.	0	0	0	0	0	0 (-20)	<p>Irrespective of issues regarding stodmarsh. The site notes allude to access issues. These were to be addressed via the, seemingly now expired 3 unit full permission, which suggests the site is not available <u>now</u>, and there are outstanding deliverability issues with the proposed development.</p> <p>Not available now.</p>	0	0	0	0	0	0 (-20)	

¹ https://lichfields.uk/media/5779/start-to-finish_what-factors-affect-the-build-out-rates-of-large-scale-housing-sites.pdf

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S29 Charing – Land south of Arthur Baker	Hybrid application granted – 14/01486/AS RM application submitted – 21/00182/AS	Yes	40	Part of site under construction with full permission for 51 dwellings (counted in Table A3). Outline permission granted under hybrid application for residential development, with estimate capacity of 40 dwellings. Progress being made towards sale of land, with submission of reserved matters application planned once sale is completed. Intention of developer to build site out within the five years.	60 (+20)	Part of site under construction with full permission for 51 dwellings (counted in Table A3). Outline permission granted under hybrid application for residential development, with estimate capacity of 40 dwellings. ABC Property company have since submitted a reserved matters application for 60 units. Intention of developer to build site out within the five years.	RM application for 60 units submitted prior to the base date (Feb 2021). The RM application cannot be determined given the site falls within the Stodmarsh affected area. There is no indication in the application material the site can be nutrient neutral; Natural England has issued a holding objection on 13 th May 2021 requesting further information but to which the applicant has not yet responded. As such it is not a development clearly demonstrated as suitable now and there is no “clear evidence” the site is deliverable (and what Stodmarsh mitigation will be implementable to allow development to come forward). Site not demonstrated as deliverable. Not clear evidence of the site coming forward in the Stodmarsh area.	No.	0	0	0	0	0	0	0 (-60)	Even were Stodmarsh addressed by the Boroughwide mitigation strategy – assumed to be in-place for year five only - the delivery of 60 homes (more than a full years delivery) within the 5 year period would be tight (using a 50-60 dpa rule of thumb) but may be achievable. Any delay would push delivery beyond the five year period.	0	0	0	0	60	60
S55 Charing – Land adjacent to Poppyfields	OL granted on part of site – 18/00029/AS RM application submitted – 20/00508/AS	Yes	180	There is evidence of firm progress being made towards the determination of the reserved matters applications for part of the site (area A – 135 dwellings), and submission of outline planning application for the remainder of the site (area B – circa 100 dwellings). The site is under control of land promotor and house builder, being brought forward in two parts, and Reserved Matters submitted in 2020 for Phase A. Site is therefore considered deliverable in the five year period. If increase in indicative capacity is granted planning permission, phasing means the additional dwellings would be delivered after the five years.	140 (-40)	There is evidence of firm progress being made towards the determination of the reserved matters applications for part of the site (area A – 135 dwellings), and submission of outline planning application for the remainder of the site (area B – circa 100 dwellings). The site is under control of land promotor and house builder, being brought forward in two parts, and Reserved Matters submitted in 2020 for Phase A. Site is impacted by Stodmarsh issue and is therefore 140 is considered deliverable in years 4 & 5 of the five year period. Additional dwellings would be delivered after the five years.	RM application for 135 units (ref. 20/00508/AS) submitted by Countryside Properties and Orbit Homes. The original outline (ref. 18/00029/AS) only permits 135 units so it is unclear why 140 units is included in the supply. While the Council state there is firm progress being made towards the RMs determination, it cannot be approved until a strategic solution is implemented for the Stodmarsh issue. No indication that the site can deliver on site mitigation. As such it is not a development clearly demonstrated as suitable now and there is no “clear evidence” the site is deliverable (and what Stodmarsh mitigation will be implementable to allow development to come forward). Site not deliverable. Not clear evidence of the site coming forward in the Stodmarsh area.	No.	0	0	0	0	0	0 (-140)	Even were Stodmarsh addressed by the Boroughwide mitigation strategy – assumed to be in-place for year five only – the delivery of 135 completions (as per the permission) in the five-year period appears unrealistic. Based on Lichfields’ Start to Finish build rates, this would be c. 2.45 years’ worth of completions for a site of this size (the average delivery for a site of this size is 55 dpa). On the best timescales for Stodmarsh (see Proof) then it may be a year’s delay on the Council’s timescales. This would mean a maximum of only 55 homes within year five may be delivered. Site delayed with only 1-year delivery in 2025/26.	0	0	0	0	0	55 (-85)	
Major allocations with no PP																						
S1 Commercial Quarter (Tannery Lane)	Application submitted. 18/01168/AS	Yes	244	Planning Committee resolution to grant permission. Further consultation undertaken in July 2020. Expected to be granted by the end of 2020, with the developer’s intentions to build out following that. No constraints to commencement of development. Therefore considered deliverable within the five years.	244 (same)	Planning Committee resolution to grant permission. Further consultation undertaken in July 2020. S106 Agreement pending and subject to Stodmarsh Mitigation. Expected to be granted by the end of 2021, with the developer’s intentions to build out following that. Due to Stodmarsh mitigation - site is considered deliverable within years 4 & 5 of five year period.	A previous planning permission (2015) granted for residential development (159 homes) at the site was not implemented for viability reasons, eventually lapsing. The new full planning application remains pending determination as the site is within the Stodmarsh affected area. No indication is provided by the Council that the site will deliver on site mitigation. As such it is not a development clearly demonstrated as suitable now and there is no “clear evidence” the site is deliverable (and what Stodmarsh mitigation will be implementable to allow development to come forward). Site not deliverable. Not clear evidence of the site coming forward in the Stodmarsh area.	No.	0	0	0	0	0	0	0 (-244)	Even were Stodmarsh addressed by the Boroughwide mitigation strategy – assumed to be in-place for year five only – the delivery of 244 completions in the five-year period appears unsupported by the Council’s evidence. The proposed plans relate to four separate apartment blocks, three of which are above a single podium. The DAS indicates an illustrative phasing with Block D (7 storeys above podium, 84 homes) being delivered first. This might reasonably occur in the five years and following resolution on Stodmarsh, but the site is unlikely to deliver all four blocks in the five years. Site delayed with only 1-year delivery in 2025/26.	0	0	0	0	0	84 (-160)

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S3 Court Lodge	Outline planning application submitted 18/01822/AS	Yes	130	Progress being made to determination of outline planning application, decision expected end of 2020. Taking into account lead in times for sale of land, reserved matters application and site commencement; first completions expected at end of Q4 2022/23.	130 (same)	Progress being made to determination of outline planning application, and draft heads of terms. Site is intending to address Stodmarsh issue with on-site mitigation. Taking into account lead in times for sale of land, reserved matters application and site commencement; first completions expected in 24/25, with 130 completions in years 4 & 5.	<p>The site (for 1,000 units) falls within the Stodmarsh area. The outline planning permission (submitted by Hallam Land Management) remains pending determination and cannot be granted at present. The notes in the 5YHLS report note that the site is "sufficiently sized to deliver their own nutrient mitigation solutions".</p> <p>Details have been submitted to the Council of proposed solutions, including provision of 3ha of floating treatment wetland ponds. Natural England's most recent letter in response (29 November 2021) indicates they are requiring further evidence that the proposals with certainty will deliver nutrient neutrality; concluding at the moment "it is the advice of Natural England that it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question."</p> <p>Site not deliverable. Not clear evidence of the site coming forward in the Stodmarsh area.</p>	Potentially	0	0	0	0	0	0	0 (-130)	<p>Assuming the development can come forward nutrient neutral with its own onsite mitigation (which is not a given as per Natural England's comments); there are long lead-in times associated with bringing forward large sites. Start to Finish suggests a lead-in time of c.2 years from a detailed permission being granted to first completion. This means that a RM needs to be approved in 2022/23 to reasonably see completions in years 4 & 5.</p> <p>Notwithstanding, before then, the PP needs to be granted, the site still needs to be sold (it's in the ownership of a promotor) and then a housebuilder will need to come forward with a RM application. To achieve the Council's timescales (i.e. completions in 24/25) then a RM needs to be submitted imminently. There is not clear evidence of when a RM will be submitted subject to a land sale.</p> <p>Overall, there is not clear evidence of 130 units in the five-year period, nor what delivery strategy will achieve that. At most a single years completions might be delivered (i.e. 65 as half of the Council's 130 over two years).</p> <p>Site delayed with notionally one years' delivery at appropriate rate.</p>	0	0	0	0	65	65 (-65)
S4 Land North of Steeds Lane and Magpie Hall Road	Outline planning application submitted 15/00856/AS	Yes	150	Outline planning application with planning committee resolution to grant, subject to S106. Application expected to be reported back to planning committee in late 2020. Site in ownership of two housebuilders and being forward in conjunction with site S5. RM scheme designed and pre-application advice sought.	130 (-20)	Outline planning application with planning committee resolution to grant, subject to S106 for 550 units. Site in ownership of two housebuilders and being forward in conjunction with site S5. RM scheme designed and pre-application advice sought.	<p>An application for outline planning permission (550 homes) was submitted by two housebuilders (Pentland Homes and Malcolm Jarvis Homes) in September 2015 and remains pending determination. The site falls within the Stodmarsh affected area. There is no evidence the site can be delivered nutrient neutral; indeed a submitted report to the application by the applicants (Dec 2020) simply notes that mitigation is required. There is evidence on site mitigation can be achieved. As such it is not a development clearly demonstrated as suitable now and there is no "clear evidence" the site is deliverable (and what Stodmarsh mitigation will be implementable to allow development to come forward).</p> <p>Site not deliverable. Not clear evidence of the site coming forward in the Stodmarsh area.</p>	No.	0	0	0	0	0	0	0 (-130)	<p>Even were Stodmarsh addressed by the Boroughwide mitigation strategy – assumed to be in-place for year five only – there is no clear evidence as to whether the scale of development sought will be deliverable in the timescales.</p> <p>Even with reserved matters applications in the wings if an outline permission can be issued in Summer/Autumn 2022 a RM still needs to be submitted and from approval on a site of this size there is still c.2.0 years to first completion. Therefore, it would be unrealistic to assume more than one years' completions could be achieved if a RM is submitted and approved within a year from the Outline being granted (i.e. approximately half the Council's estimate and using a 50-60dpa rule of thumb per outlet for both S4 and S5 parcels).</p> <p>Site delayed with notionally one years' delivery at appropriate rate.</p>	0	0	0	0	60	60 (-70)

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S5 Land south of Pound Lane	Outline planning application submitted 15/00856/AS	Yes	100	Outline planning application with planning committee resolution to grant, subject to S106. Application expected to be reported back to planning committee in late 2020. Site in ownership of two housebuilders and being forward in conjunction with site S4. RM scheme designed and pre-application advice sought.	100 (same)	Outline planning application with planning committee resolution to grant, subject to S106 for 550 units. Site in ownership of two housebuilders and being forward in conjunction with site S4. RM scheme designed and pre-application advice sought.	As above. Same application. Site not deliverable. Not clear evidence of the site coming forward in the Stodmarsh area.	No.	0	0	0	0	0	0	As above. Same application. Site delayed with notionally one years' delivery at appropriate rate.	0	0	0	0	50	50 (-50)
S8 Lower Queen's Road	Outline application submitted 21/00028/AS	Yes	40	Progress being made towards submission of planning application and intentions for site to commence within the five year period. Taking into account phasing of scheme initial completions considered deliverable during the five year period. Note: Pre-application advice has been sought on this site for over 200 dwellings See Table A7.	110 (+70)	Outline application submitted in 2021 for 157 dwellings. Taking into account the Stodmarsh constraint and potential phasing of scheme, the initial completions are considered deliverable during year 4 with a total of 110 of the 157 being delivered in the 5 year period.	An outline application was submitted by Peer Investments (a land promoter) in January 2021. The site falls within the Stodmarsh affected area. There is no evidence the site can be delivered nutrient neutral; indeed, Natural England's consultation response states that the application could have potential significant effects on the Stodmarsh. There is also no evidence on site mitigation can be achieved. As such it is not a development clearly demonstrated as suitable now and there is no "clear evidence" the site is deliverable (and what Stodmarsh mitigation will be implementable to allow development to come forward). Site not deliverable. Not clear evidence of the site coming forward in the Stodmarsh area.	No.	0	0	0	0	0	0	There is no indication as to timescales for the sale of the site to housebuilder and reserved matters assuming Stodmarsh is resolved. Even if an outline permission can be issued in Summer/Autumn 2022, the site would need to be sold and a RM still needs to be submitted and approved. From that point there is still c.2 years to first completion. Therefore, it would be unrealistic to assume more than a half a years completions could be achieved if a RM is submitted and approved within a year from the Outline being granted (assuming the site delivers at 55 dpa as per Council position). This would also be consistent with the borough-wide stodmarsh mitigation strategy allowing completions in year 5 only. Site delayed with notionally 6 months' delivery at appropriate rate.	0	0	0	0	28	28 (-82)
S13 Former Ashford South School, Jemmett Road	No PP	Yes	50	Site is currently in use as a temporary school until mid 2021, with landowner intending to promote for residential at the earliest stage (confirmed in July 2020). Taking into account time for planning and sale of site, completions are deliverable within the five years	110 (+60)	Site is currently in use as a temporary school (Chilmington Primary) until late 2021, with landowner intending to market for residential at the earliest stage of 2022, with an application submitted by end of 2022. Start on site envisaged late 2023 with final completion in 2026. Confirmed by landowner in July 2021. Site adjacent which enables access – Former College (S12) - is complete in 2021. Whole site is deliverable in 5 year period counted in years 4 & 5.	The site was vacated as at 1 st November once Chilmington Green Primary moved to new premises. A planning application is still some way off and the site is in the Stodmarsh affected area. There is no evidence on site mitigation can be achieved on this brownfield site. As such it is not a development clearly demonstrated as suitable now and there is no "clear evidence" the site is deliverable (and what Stodmarsh mitigation will be implementable to allow development to come forward). Site not deliverable. Not clear evidence of the site coming forward in the Stodmarsh area.	No.	0	0	0	0	0	0	Even were Stodmarsh addressed by the Boroughwide mitigation strategy – assumed to be in-place for year five only – there is no clear evidence as to whether the scale of development sought will be deliverable in the timescales. The Council's own timescales are optimistic. If the site is marketed in Q1 2022, a sale would take c.6months, with then c.8-12 months for the successful bidder to design and submit a full application with all necessary surveys and information (Q2 2023). Permission would be achieved in late-2023 and a start on site in mid-2024 would see first homes completed on site c.1 year later, which consistent with Stodmarsh mitigation being in-place, would likely see little more than 1-years' delivery in year 5. Site delayed with notionally one years' delivery at appropriate rate.	0	0	0	0	55	55 (-55)

Site Information			Council Position				Lichfields Assessment															
Name / Policy Ref	App Ref	Stod Area	Supply (20-25)	Council Comment (2020 Position)	Supply (21-26)	Council Comment (2021 Position)	Scenario 1: Primary Position (Stodmarsh Sites Not Deliverable)	Stod Miti	21/22	22/23	23/24	24/25	25/26	Total	Scenario 2: Stodmarsh mitigation deliverable	21/22	22/23	23/24	24/25	25/26	Total	
S19 Conningbrook Residential Phase 2	No PP	Yes	130	Progress is being made towards submission of a planning application planned to be submitted in 2021. There are no land ownership, infrastructure delivery or viability constraints to the development. Taking into account lag times between the submission and determination of applications, sale of site, commencement and first completions, part of the site is considered deliverable during five year period.	120 (-10)	Progress is being made towards submission of a planning application. Pre-application discussions have commenced. There are no land ownership, infrastructure delivery or viability constraints to the development. Taking into account lag times between the submission and determination of applications, sale of site, commencement and first completions, part of the site is considered deliverable during five year period.	In October 2021 an EIA screening opinion was submitted (ref. 21/00004/EIA/AS) for 200 units by Brett Aggregates. It identifies a proposed development of 200 homes alongside an off-site wetlands mitigation proposal (c.3.5ha) c.6km away. The application will be in outline. A screening opinion has not yet been issued and no application has been submitted. The site is within the Stodmarsh affected area and it is not yet clear what the proposed off-site wetland solution proposed will be and if it will be suitable. As such it is not a development clearly demonstrated as suitable now and there is no "clear evidence" the site is deliverable (and what Stodmarsh mitigation will be implementable to allow development to come forward). Site not deliverable. Not clear evidence of the site coming forward in the Stodmarsh area.	Potentially	0	0	0	0	0	0	0 (-120)	Even were Stodmarsh addressed by the off-site wetland proposal, the lead-in time to bring forward the outline application, achieve outline PP, sell the site, bring forward RMs and then build homes will be long. 'Start to Finish' suggests a lead-in time of 4 years for a site of this size (c.200 units) from the submission of a first application to first completions. That means to have any completions in the five year period (let alone two full years of completions as per the ABC estimate) an outline application must be submitted by April 2022 and there is no evidence of this. Indeed, the EIA Screening Opinion has yet to be issued. Furthermore, the adjacent Conningbrook Phase 1 site (300 homes) was submitted as a full planning application in November 2012, receiving PP in October 2014, with first completions in the 2018/19 monitoring year; c.5.5 years between the application going in and homes being delivered, and without the complicating/delaying factor of nutrient neutrality and a RM process. A similar timescale would see no completions in the five year period for Phase 2. On a best case scenario, a single years' delivery would see 60 units delivered in year 5. Site delayed with notionally one years' delivery at appropriate rate.	0	0	0	0	60	60 (-60)
S20 Eureka Park	No PP	Yes	130	Evidence of progress towards submitting outline planning application, pre-application work underway. Project team identified. Agent anticipates first completions in Yr 3, however considering time for outline application/reserved matters and any sale to house builders, first completions expected Yr 4. Submitted application for EIA screening in 2020 and Pre-application discussions ongoing.	130 (same)	Evidence of progress towards submitting outline planning application, pre-application work underway. Project team identified. Agent anticipates first completions in Yr 3, however considering time for outline application/reserved matters and any sale to house builders, first completions expected Yr 4. Submitted application for EIA screening in 2020 and Pre-application discussions ongoing in 2021.	The Council's comment has been rolled-forward the previous year, with no further information (but the same delivery assumption). No planning application has been submitted for the development of these homes. ABC Local Plan (para 3.427 and Policy S20) requires a 'detailed and inclusive' masterplanning exercise, to be agreed <u>before</u> any application can be submitted. It is not clear any exercise has been underway. The site falls within an area affected by Stodmarsh so a future application cannot at present be approved. The application is clearly in its early stages with pre-application work 'commencing'. There is no evidence on site mitigation can be achieved. As such it is not a development clearly demonstrated as suitable now and there is no "clear evidence" the site is deliverable (and what Stodmarsh mitigation will be implementable to allow development to come forward). Site not deliverable. Not clear evidence of the site coming forward in the Stodmarsh area.	No.	0	0	0	0	0	0	0 (-130)	There is not sufficiently clear evidence that the site is progressing towards and application. Indeed the Council's information on the site has been the same for two years now (with no apparent movement). The lead-in time to bring forward an outline application, receive PP, market and sell the site, bring forward RMs and then build homes is likely too long to achieve the two years of delivery suggested by ABC's estimate of 130. Start to Finish suggests a lead-in time of 4 years for a site of this size (c.375 units) from the submission of a first application to first completions. That means to have any completions (let alone a full two years of delivery) an outline application must be submitted by April 2022 and there is no evidence of this. On a best case scenario, a single years' delivery would see 60 units delivered in year 5 (and consistent with timescales for Stodmarsh). Site delayed with notionally one years' delivery at appropriate rate.	0	0	0	0	65	65 (-65)

Site Information			Council Position				Lichfields Assessment															
Name / Policy Ref	App Ref	Stod Area	Supply (20-25)	Council Comment (2020 Position)	Supply (21-26)	Council Comment (2021 Position)	Scenario 1: Primary Position (Stodmarsh Sites Not Deliverable)	Stod Miti ?	21/22	22/23	23/24	24/25	25/26	Total	Scenario 2: Stodmarsh mitigation deliverable	21/22	22/23	23/24	24/25	25/26	Total	
S24 Tenterden Southern Extension Phase B	No PP	No	150	Progress being made to submission of planning application for site, expected to be submitted in 2020. Phase 1 (Tent1a) is under construction and expected to be complete in 2020. No overriding constraints to delivery of development. Taking into account timescales for preparation and determining application and the sale of land, part of development is deliverable within the five year period.	150 (same)	Progress being made to submission of planning application for site. Phase 1 (Tent1a) is almost complete in 2021. No overriding constraints to delivery of development. Taking into account timescales for preparation and determining application and the sale of land, part of development is deliverable within the five year period.	No application has been submitted and the Council's previous position has simply been rolled forward. An application was originally expected by the end of 2020 (in the past 5YHLS position). To date, no planning application has yet been submitted for this development so there appears to be delay in bringing forward the site, and no clear evidence on progress. Furthermore, we understand and are instructed that there is a covenant on the Tent1B land which would see significant overage payments due if the land is delivered pre-2028. That might confirm why no such planning application has been forthcoming in the manner ABC hypothesized. It would make delivery before 2028 highly unlikely. Overall, we do not consider the evidence sufficiently clear to demonstrate why 150 units will be delivered in this five-year period (the same as the previous 5YHLS position).	N/A	0	0	0	0	0	0	0 (-150)	N/A	0	0	0	0	0	0 (-150)
S30 Egerton - Land on New Road	Planning application submitted 20/01600/AS	No	15	The housebuilder is in the process of preparing the full application for 15 dwellings to submit in late Summer 2020, with delivery to follow grant of permission.	15 (same)	Application has been submitted and being considered in 2021 with delivery to follow grant of permission and expected within 5 year period.	Whilst the site is within the Stodmarsh affected area, being with the operational catchment of the River Stour – and as such the Lichfields 5YHLS report had indicated it should be removed – the application material confirms it would discharge its foul water to the pumping station in the village which then discharges into the River Beult and therefore would not be caught by the Natural England guidance. Site now has a resolution to grant (October 2021) and no Stodmarsh mitigation is necessary.	N/A	0	0	15	0	0	15	N/A	0	0	15	0	0	0	15
S32 Hamstreet – Land at Parker Farm	No PP Pre-application	No	10	Progress being made towards submission of planning application which is expected in 2020 (see landowner correspondence in Appendix). Landowner's intention for site to be built out by winter 2022.	10 (same)	Progress being made towards submission of planning application which is expected in 202. [sic] Landowner's intention for site to be built out by spring 2024.	This site is at the very early stages of the application process. It is noted that a pre-application has been undertaken but there is not confirmation of firm progress towards an application and delivery, nor any information on who or how the development will be brought forward. Overall, 3 lines of comment by the Council within the 5 year HLS report is not "clear evidence" and no follow-up evidence is presented to justify expectations (which themselves have already not been met from previous years on this site).	N/A	0	0	0	0	0	0	0 (-10)	N/A	0	0	0	0	0	0 (-10)
S38 Smeeth – Land south of Church Road	Planning application submitted and resolved to be approved by planning committee – 18/01801/AS	Yes	35	Outline planning application has Planning Committee resolution to grant subject to S106, with permission expected to be granted by Q3 2020. Taking into account the time period for sale of site, reserved matters permission, site is deliverable within the five years.	35 (same)	Outline planning application has Planning Committee resolution to grant subject to S106 (being negotiated) and Stodmarsh Mitigation, with permission expected to be granted in 2021/22. Taking into account the Stodmarsh issue, the time period for sale of site, reserved matters permission, there is a reasonable prospect that the site is deliverable within the five years but in years 4 & 5.	The site has an outline application submitted that is pending a legal agreement. The site falls within an area affected by Stodmarsh so the application cannot at present be approved. There is no evidence the site can be delivered nutrient neutral. As such it is not a development clearly demonstrated as suitable now and there is no "clear evidence" the site is deliverable (and what Stodmarsh mitigation will be implementable to allow development to come forward).	No.	0	0	0	0	0	0	0 (-35)	If the Borough-wide stodmarsh mitigation were to be in place to allow time for delivery of new homes in year 5, the 35 homes would have a reasonable prospect of delivery within the five year period.	0	0	0	0	35	35

Site Information			Council Position				Lichfields Assessment															
Name / Policy Ref	App Ref	Stod Area	Supply (20-25)	Council Comment (2020 Position)	Supply (21-26)	Council Comment (2021 Position)	Scenario 1: Primary Position (Stodmarsh Sites Not Deliverable)	Stod Miti ?	21/22	22/23	23/24	24/25	25/26	Total	Scenario 2: Stodmarsh mitigation deliverable	21/22	22/23	23/24	24/25	25/26	Total	
S45 Land South of Brockman's Lane, Bridgefield	OL submitted 19/01701/AS	Yes	100	Outline PP approved at committee in May 2020 (Subject to legal agreement) Decision is expected before the end of 2020, with intention of the landowner to commence development in 2021. The site is therefore deliverable within the five year period.	100 (same)	Outline PP approved at committee in May 2020 (Subject to legal agreement and Stodmarsh Mitigation). Taking into account the time period for sale of site, reserved matters permission, there is a reasonable prospect that the site is deliverable within the five years but in years 4 & 5 due to Stodmarsh.	The site has an outline application submitted that is pending a legal agreement. The site falls within an area affected by Stodmarsh so the application cannot at present be approved. There is no evidence the site can be delivered nutrient neutral. As such it is not a development clearly demonstrated as suitable now and there is no "clear evidence" the site is deliverable (and what Stodmarsh mitigation will be implementable to allow development to come forward). Site not deliverable. Not clear evidence of the site coming forward in the Stodmarsh area.	No.	0	0	0	0	0	0	0 (-100)	Even were Stodmarsh addressed by the Boroughwide mitigation strategy – assumed to be in-place for year five only – there is no clear evidence as to whether the scale of development sought will be deliverable in the timescales. There is no clear evidence as to when a reserved matters application will be submitted to enable delivery of the site assuming Stodmarsh is resolved. Even if an outline permission can be issued in Summer/Autumn 2022 a RM still needs to be submitted and from that point a site of this size (100 units) there is still c.2.0 years to first completion. Therefore, it would be unrealistic to assume more than 1 years completions could be achieved if a RM is submitted and approved within a year from the Outline being granted (assuming the site delivers at c.50 dpa as per the Council's estimate). That would also be consistent with timescales for Stodmarsh mitigation. Site delayed with notionally one years' delivery at appropriate rate.	0	0	0	0	50	50 (-50)
S51 Aldington – Land North of Church View	Planning application submitted 19/00895/AS	Yes	6	Progress has been made in bringing the site forward, with planning application submitted and progress made towards determination. Taking into account timescales for planning application decision and sale of land, site is considered to be deliverable within the five year period.	6 (same)	Progress has been made in bringing the site forward, with planning application submitted and resolved to grant subject to Stodmarsh mitigation. There is a reasonable prospect that the site is deliverable within the five years but in year 4, after Stodmarsh Mitigation.	The site has a full application submitted. The site falls within an area affected by Stodmarsh so the application cannot at present be approved. There is no evidence the site can be delivered nutrient neutral. As such it is not a development clearly demonstrated as suitable now and there is no "clear evidence" the site is deliverable (and what Stodmarsh mitigation will be implementable to allow development to come forward). Site not deliverable. Not clear evidence of the site coming forward in the Stodmarsh area.	No.	0	0	0	0	0	0	0 (-6)	If suitable Stodmarsh mitigation is shown to be deliverable, this site would be deliverable within year 5.	0	0	0	0	6	6
S52 Aldington – Land South of Goldwell Court	Full Planning Application submitted – 20/00652/AS	Yes	11	Full Application received in May 2020. Taking into account timescales for planning application decision and sale of land, and size and location of the site, it is considered to be deliverable within the five year period.	11 (same)	Full Application received in May 2020. Taking into account the time period for sale of site, and permission being granted, there is a reasonable prospect that the site is deliverable within the five years.	The site has a full application submitted. The site falls within an area affected by Stodmarsh so the application cannot at present be approved. There is no evidence the site can be delivered nutrient neutral. As such it is not a development clearly demonstrated as suitable now and there is no "clear evidence" the site is deliverable (and what Stodmarsh mitigation will be implementable to allow development to come forward). Site not deliverable. Not clear evidence of the site coming forward in the Stodmarsh area.	No.	0	0	0	0	0	0	0 (-11)	If suitable Stodmarsh mitigation is shown to be deliverable, this site would be deliverable with in year 5.	0	0	0	0	11	11

Site Information			Council Position				Lichfields Assessment															
Name / Policy Ref	App Ref	Stod Area	Supply (20-25)	Council Comment (2020 Position)	Supply (21-26)	Council Comment (2021 Position)	Scenario 1: Primary Position (Stodmarsh Sites Not Deliverable)	Stod Miti ?	21/22	22/23	23/24	24/25	25/26	Total	Scenario 2: Stodmarsh mitigation deliverable	21/22	22/23	23/24	24/25	25/26	Total	
S56 Chilham – Branch Road	Full application submitted – 19/00483/AS	Yes	10	Progress has been made with bringing this site forward, with a full planning application having been submitted and due to Planning Committee in August 2020. Site to be sold to a developer following grant of planning permission. No constraints to development coming forward. Site is considered deliverable within the five years.	10 (same)	Progress has been made with bringing this site forward, with a full planning application having been submitted and due to Planning Committee in August 2021. Site to be sold to a developer following grant of planning permission. No constraints to development coming forward. Site is considered deliverable within the five years.	The site has a full application submitted. The site falls within an area affected by Stodmarsh so the application cannot at present be approved. There is no evidence the site can be delivered nutrient neutral. As such it is not a development clearly demonstrated as suitable now and there is no “clear evidence” the site is deliverable (and what Stodmarsh mitigation will be implementable to allow development to come forward). Site not deliverable. Not clear evidence of the site coming forward in the Stodmarsh area.	No.	0	0	0	0	0	0	0 (-10)	If suitable Stodmarsh mitigation is shown to be deliverable, this site would be deliverable within year 5.	0	0	0	0	0	10
Major Applications – Granted permission Subject to S106 and/or Stodmarsh Mitigation																						
Northdown House	Outline application – Resolved to Grant 19/00766/AS	Yes	24	(TABLE A7 - Pending S106) Application had prior approval for 20 dwellings (16/01450/AS) which expired November 2019. This revised application, for 24 dwellings, was taken to Planning Committee and pending S106 agreement.	24 (same)	Application had prior approval for 20 dwellings (16/01450/AS) which expired November 2019. This revised application, for 24 dwellings, was taken to Planning Committee and pending S106 agreement (which is drafted) and Stodmarsh Mitigation.	The site has an outline application submitted. The site falls within an area affected by Stodmarsh so the application cannot at present be approved. There is no evidence the site can be delivered nutrient neutral. As such it is not a development clearly demonstrated as suitable now and there is no “clear evidence” the site is deliverable (and what Stodmarsh mitigation will be implementable to allow development to come forward). Site not deliverable. Not clear evidence of the site coming forward in the Stodmarsh area.	No.	0	0	0	0	0	0	0 (-24)	If suitable Stodmarsh mitigation is shown to be deliverable, this site would be deliverable within year 5.	0	0	0	0	24	24
Former B&Q (Homeplus)	Full application – Resolved to Grant 19/01597/AS	Yes	223	(TABLE A7 - Windfalls – applications submitted awaiting decision) Full application submitted for 223 residential dwellings. Deferred at June 2020 Planning Committee.	216 (-7)	Full application submitted for 216 residential dwellings. The application was taken to Planning Committee in April 2021 and is approved subject to Stodmarsh Mitigation/S106. The developer is the ABC Property company who expect delivery on site as soon as Stodmarsh is resolved. It is therefore considered deliverable within 5 year period.	The site has a full application submitted that is pending a legal agreement. The site falls within an area affected by Stodmarsh so the application cannot at present be approved. There is no evidence the site can be delivered nutrient neutral. As such it is not a development clearly demonstrated as suitable now and there is no “clear evidence” the site is deliverable (and what Stodmarsh mitigation will be implementable to allow development to come forward). Site not deliverable. Not clear evidence of the site coming forward in the Stodmarsh area.	No.	0	0	0	0	0	0	0 (-216)	Even were Stodmarsh addressed by the Boroughwide mitigation strategy – assumed to be in-place for year five only – there is no clear evidence as to whether the scale of development sought will be deliverable in the timescales. Even if the full planning permission can be issued in Summer/Autumn 2022 Start to Finish would suggest there is still c.2.0 years to first completion. Therefore, it would be unrealistic to assume that could yield 216 homes in such a short period. This would require the developer to start building/completing homes before they can be occupied, which is not a reasonable likelihood; it is considered unlikely that a developer would take such a risk. The scheme layout includes 3 blocks of development linked to a single podium. Two blocks of apartments and a series of town houses. We consider that delivery would likely be delayed and only one years’ completions at most may be delivered, representing a single block being complete/occupied.	0	0	0	0	100	100 (-116)

Site Information			Council Position				Lichfields Assessment															
Name / Policy Ref	App Ref	Stod Area	Supply (20-25)	Council Comment (2020 Position)	Supply (21-26)	Council Comment (2021 Position)	Scenario 1: Primary Position (Stodmarsh Sites Not Deliverable)	Stod Miti ?	21/22	22/23	23/24	24/25	25/26	Total	Scenario 2: Stodmarsh mitigation deliverable	21/22	22/23	23/24	24/25	25/26	Total	
Bridge House, Chart Road, Ashford	Full application Resolved to Grant 19/01617/AS	Yes	65	(TABLE A7 – Pending S106) Application submitted for 65 dwellings granted at June 2020 Planning committee and is pending S106 agreement.	65 (same)	Application submitted for 65 dwellings granted at June 2020 Planning committee and is pending S106 agreement which is agreed, subject to Stodmarsh Mitigation only. Therefore considered a realistic prospect this will come forward within the 5 year period.	The site has an outline application submitted. The site falls within an area affected by Stodmarsh so the application cannot at present be approved. There is no evidence the site can be delivered nutrient neutral. As such it is not a development clearly demonstrated as suitable now and there is no “clear evidence” the site is deliverable (and what Stodmarsh mitigation will be implementable to allow development to come forward). Site not deliverable. Not clear evidence of the site coming forward in the Stodmarsh area.	No.	0	0	0	0	0	0	0 (-65)	Site comprises 65 affordable flats with three blocks (A-C). Even were Stodmarsh addressed by the Boroughwide mitigation strategy – assumed to be in-place for year five only – there is no clear evidence as to whether the scale of development sought will be deliverable in the timescales. It is considered two of the three blocks (c.50 homes) could be delivered within year 5.	0	0	0	0	50	50 (-15)
Land north of Farley Close, Woodchurch Road, Shadoxhurst	Full application Resolved to Grant - 19/01679/AS	Yes	n/a	n/a	22 (new site)	Application submitted for 22 dwellings was taken to Planning Committee in January 2021 and is approved subject to Stodmarsh Mitigation only. S106 has been drafted. Therefore is considered deliverable within the 5 year period.	The site has a full application submitted. The site falls within an area affected by Stodmarsh so the application cannot at present be approved. There is no evidence the site can be delivered nutrient neutral. As such it is not a development clearly demonstrated as suitable now and there is no “clear evidence” the site is deliverable (and what Stodmarsh mitigation will be implementable to allow development to come forward). Site not deliverable. Not clear evidence of the site coming forward in the Stodmarsh area.	No.	0	0	0	0	0	0	0 (-22)	If suitable Stodmarsh mitigation is shown to be deliverable, this site would be deliverable within year 5.	0	0	0	0	22	22
The Gables, Mock Lane, Great Char	Full application Resolved to Grant 18/01550/AS	Yes	39	(TABLE A7 - Windfalls – applications submitted awaiting decision) Application submitted for 39 dwellings to go to Planning Committee in August 2020.	39 (same)	Application submitted for 39 dwellings was approved at Planning Committee in August 2020 and is pending S106 agreement which is in draft format, and Stodmarsh Mitigation	The site has a full application submitted. The site falls within an area affected by Stodmarsh so the application cannot at present be approved. There is no evidence the site can be delivered nutrient neutral. As such it is not a development clearly demonstrated as suitable now and there is no “clear evidence” the site is deliverable (and what Stodmarsh mitigation will be implementable to allow development to come forward). Site not deliverable. Not clear evidence of the site coming forward in the Stodmarsh area.	No.	0	0	0	0	0	0	0 (-39)	If suitable Stodmarsh mitigation is shown to be deliverable, this site would be deliverable within year 5.	0	0	0	0	39	39
Total					2,487			Total (Reduction)						15 -2,472							1,190 -1,297	

Appendix 3 Policy and Guidance Summary

To demonstrate a 5YHLS, NPPF paragraph 73 requires Council's to identify a supply of specific 'deliverable' sites sufficient to meet five-years' worth of housing (as calculated above).

The NPPF defines a 'deliverable' site in Annex 2 (page 66) of the Framework. The Secretary of State recently confirmed his interpretation that the definition of 'deliverable' should not be taken as being a 'closed list'¹. He stated that *"examples given in categories (a) and (b) are not exhaustive of all the categories of site which are capable of meeting that definition"* (Paragraph B of the Consent Order for East Northamptonshire Council v Secretary of State for Communities and Local Government – Appendix 4). Therefore, sites not specifically listed in the definition of deliverable can be found to be 'deliverable' where that site can be shown to be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years.

The PPG provides further guidance on what constitutes a 'deliverable' site in the context of housing policy and more specifically what 'clear evidence' may include to demonstrate the deliverability of sites with, for example, an outline planning permission for major development or an allocation in an adopted plan (PPG ID: 68-007):

"In order to demonstrate 5 years' worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions. Annex 2 of the National Planning Policy Framework defines a deliverable site. As well as sites which are considered to be deliverable in principle, this definition also sets out the sites which would require further evidence to be considered deliverable, namely those which:

- *have outline planning permission for major development;*

¹ See Consent Order for East Northamptonshire Council v Secretary of State for Communities and Local Government (CO/917/2020) - <https://cached.offlinehbpl.hbpl.co.uk/NewsAttachments/RLP/CO009192020.pdf> (Appendix X)

- *are allocated in a development plan;*
- *have a grant of permission in principle; or*
- *are identified on a brownfield register.*

Such evidence, to demonstrate deliverability, may include:

- *current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;*
- *firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates;*
- *firm progress with site assessment work; or*
- *clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.” (my emphasis)*

Further guidance on the interpretation of what constitutes a deliverable site and ‘clear evidence’ has also come through appeal decisions.

Halstead Hall, Mount Hill, Halstead APP/Z1510/W/19/3236460 (Decision date: 14 January 2020, LPA: Braintree) (Appendix 5)

On the need to provide clear evidence, the Inspector identifies from the Framework that “sites for more than minor development, which do not have detailed planning permission, can only be considered deliverable where there is clear evidence that housing completions will be achieved within the 5-year period.” (IR 56) The Inspector goes on to identify some of the facets of what constitutes ‘clear evidence’ against individual sites, including that:

- 1 The Council's assumptions need to be shown to be clearly realistic and based on up-to-date evidence (IR65) concluding on one site: *"The Council's assumptions are not necessarily unrealistic, but neither have they been shown to be clearly realistic; for the site to be deliverable, the evidence would need to be more convincing and more up to date."*
- 2 That corroborative evidence from developers is important in presenting clear evidence concluding on some sites (IR 67) *"there is little corroborative evidence from each site's current developer as to when the reserved matters or a full application will be brought forward."*
- 3 Overall, regarding the shortcomings of that Council's 'clear evidence' that *"None of these circumstances make it impossible that these sites could contribute to the supply of housing land, however, that is not the test of deliverability. To justify including sites of these types it would be necessary to produce clear and specific evidence, in sufficient detail, to show that sites were available, suitable and achievable, with a realistic prospect of delivery within the required timescale."* (my emphasis)

Land off Popes Lane, Sturry, Kent APP/J2210/W/18/3216104 (Decision date: 3 September 2019, LPA: Canterbury) (Appendix 6)

In Popes Lane, the Inspector, when talking about the clear evidence in respect of statements of common ground (SCG or written evidence) produced between the Council and a site's developer/landowner that: *"the evidential value of any particular SCG in this context is dependent on its content."*

In considering this, they noted that: *"In a number of cases, the SCGs produced by the Council primarily record the developer's or landowner's stated intentions. Without any further detail, as to the means by which infrastructure requirements or other likely obstacles are to be overcome, and the timescales involved, this type of SCG does not seem to me to demonstrate that the development prospect is realistic."*

This again indicates clear evidence must be in sufficient detail to identify how likely obstacles are to be overcome and the timescales involved in order to demonstrate a development prospect is realistic.

The Inspector also noted (IR23) in that instance that: *“In addition, most of the site-specific SCGs are undated, thus leaving some uncertainty as to whether they represent the most up-to-date position.”* The PPG identifies that evidence needs to be both robust and up-to-date, and therefore it is relevant how up-to-date evidence presented is (i.e. that it is based on recent evidence).

Rectory Farm, Woburn Sands Road, Bow Brickhill, Milton Keynes
APP/Y0435/W/19/3234204 (Decision date: 27 April 2020, LPA: Milton Keynes) (Appendix 7)

The Inspector in this appeal considered the use of a ‘pro-forma’ by the Council detailing evidence on deliverability and informed by information received from developers. Crucially in reviewing these the Inspector noted (IR32) that the Council had not necessarily taken information from developers at face value, but that *“the weight which I have accorded to the status of each individual pro forma has varied depending on the specific circumstances relating to the individual sites. This has meant that in some instances, the pro forma can be considered to be the clear evidence required by the NPPG, whilst in others they equate to nothing more than an informed guess.”*

In short, it is the content of the evidence in relation to the circumstances of the site that is important in determining if clear evidence exists. In particular the Inspector found that evidence that equates to “nothing more than an informed guess” would not constitute clear evidence.

Land to the south of Williamsfield Road, Hutton Cranswick, Appeal Ref:
APP/E2001/W/18/3207411 (Decision date: 5 June 2019, LPA: East Riding of Yorkshire) (Appendix 8)

Similarly to the Rectory Farm decision, the Inspector in Williamsfield Road accepted that clear evidence could take different forms (IR 27 bullet 1) and could draw on pro-formas, also indicating that the Council was suitably critical of information received from developers. Overall, the Inspector concluded:

“there is no definition of what constitutes ‘clear evidence’ of future delivery and, as the appellant accepted, there is no defined minimum criterion.”

Thus it is ultimately a matter of planning judgement as to whether clear evidence is provided, albeit Rectory Farm, Popes Lane and Halstead Hall all point to there being a need for clear evidence to be sufficient (whether in detail, specificity or clarity) with regard to the circumstances of a particular site. In particular larger sites, more complex sites/issues and/or sites expected to deliver more/quicker than typical are likely to have proportionately greater level of clear evidence to demonstrate deliverability than smaller, more straightforward sites.

Appendix 4 Consent Order for East Northamptonshire Council v Secretary of State for Communities and Local Government (Co/917/2020)

IN THE HIGH COURT OF JUSTICE

Claim No. CO/917/2020

QUEEN'S BENCH DIVISION

PLANNING COURT

BETWEEN

EAST NORTHAMPTONSHIRE COUNCIL

Claimant

-and-

SECRETARY OF STATE FOR HOUSING COMMUNITIES AND LOCAL GOVERNMENT

Defendant

- and -

LOURETT DEVELOPMENTS LTD

Interested Party



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CONSENT ORDER

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UPON the parties agreeing to the terms hereof

BY CONSENT IT IS ORDERED THAT:

1. Permission is granted and the decisions of the Defendant, dated 24 January 2020 and carrying reference number APP/G2815/W/193232099, to allow the Interested Party's appeal under s.78

of the Town and Country Planning Act 1990, and to make a partial award of costs in favour of the Interested Party, are quashed pursuant to s.288 of the same Act.

2. The appeal is remitted to be determined de novo.

3. The Defendant pay the Claimant's costs in the amount of £8616.66

Dated: This 7th Day of May 2020

PARTICULARS

- A. These proceedings concern an application brought under section 288 of the 1990 Act by the Claimant against (1) the decision of the Defendant to allow the Interested Party's appeal against the decision of the Claimant to refuse planning permission for residential development at land to the west of numbers 7-12 The Willows, Thrapston, NN14 4LY and (2) the decision to make a partial award of costs against the Claimant in respect of that appeal.

- B. The Defendant has carefully considered the Inspector's decision and the Claimant's Statement of Facts and Grounds and Reply, and the evidence served in support. He concedes that he erred in his interpretation of the definition of deliverable within the glossary of the National Planning Policy Framework ("NPPF") as a 'closed list'. It is not. The proper interpretation of the definition is that any site which can be shown to be 'available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years' will meet the definition; and that the examples given in categories (a) and (b) are not exhaustive of all the categories of site which are capable of meeting that definition. Whether a site does or does not meet the definition is a matter of planning judgment on the evidence available.

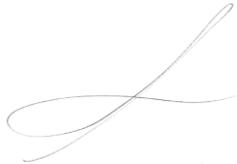
- C. The Defendant therefore considers that it is appropriate for the Court to make an Order quashing the decisions and remitting the appeal to be determined de novo.

- D. The Interested Party agrees that the decisions should be quashed and the appeal remitted to be determined de novo.



Paul Bland
Head of Planning Services

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Appendix 5 Extracts from Appeal Decision Letter Ref: APP/Z1510/W/19/3236460, Halstead Hall, Mount Hill, Halstead

Relevant passages highlighted. Full appeal decision can be accessed here:

<https://acp.planninginspectorate.gov.uk/ViewDocument.aspx?fileid=38700691>



Appeal Decision

Hearing Held on 14 January 2020

Site visit made on 14 January 2020

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 18th August 2020

Appeal Ref: APP/Z1510/W/19/3236460

Halstead Hall, Mount Hill, Halstead CO9 1SL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr R Catchpole of Stow Healthcare Group against Braintree District Council.
 - The application Ref: 18/01481/FUL, is dated 10 August 2018.
 - The development proposed is described as 'demolish outbuildings, extend and refurbish existing redundant building to form 25 bed dementia unit and erect bin and cycle stores, erect 30 bungalows and layout associated car parking, drainage and landscaping'.
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Decision

1. The appeal is dismissed and planning permission is refused.

Application for costs

2. An application for costs was made by Mr R Catchpole of Stow Healthcare Group against Braintree District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appeal results from the Council's failure to reach a decision on the information submitted by the appellant. There is no formal decision, as jurisdiction over that was taken away when the appeal was lodged. After the appeal was lodged, the Council considered the application at its Planning Committee and resolved that it would have refused the application. To this effect, the Council has suggested the wording it would have used had it made a formal decision. I have taken this into account, together with the assessment and conclusions submitted in the statement of the Council, which sets out its concerns regarding the proposed development.
4. The Council is currently in the process of preparing a new Local Plan. The main parties set out within their statement of common ground that the emerging Local Plan does not form part of the Development Plan and there is uncertainty as to when further progress will be made with it. As such, the main parties agree that the emerging Local Plan (eLP) should be afforded little or no weight. Having regard to the Planning Practice Guidance, I agree with the conclusions of the main parties as to the weight to be afforded to these emerging policies.

5. At the hearing, the appellant tabled a revised plan, drawing number 1544-PL002 Rev D. This revised plan included a pedestrian footpath together with a reduced number of dwellings, namely 26 units. However, in my view the resultant changes were substantial and did materially alter the scale and nature of the development proposed. Accordingly, I could not be satisfied that no party's case within the appeal would not be prejudiced by my consideration of the revised plan. Therefore, the revised plan did not form part of the discussion at the hearing.
6. In respect of securing contributions towards necessary infrastructure, it was agreed between the parties that these matters could be secured by a planning obligation to include revised amounts taking account of up to date formulae. A planning obligation in the form of a unilateral undertaking (UU) under section 106 of the Town and Country Planning Act 1990 (as amended) dated 24 January 2020 was submitted before the hearing which was subsequently closed in writing on the same date. I deal with the provisions of the planning obligation below.
7. The Council contend that they can demonstrate a five-year supply of housing land. The appellant disputes this. This matter is considered further below.

Main Issues

8. The main issues are:-
 - i) whether the appeal site is a suitable location for the proposed development having regard to the settlement strategy and the accessibility of services and facilities;
 - ii) the effect of the proposed development on the landscape character of the countryside and the character and appearance of the surrounding area;
 - iii) the effect of the proposed development on the living conditions of the future occupants of the proposed dwellings, with particular regard to daylight and security;
 - iv) the effect of the proposed development on protected species;
 - v) whether the proposed development is 'enabling development' and necessary to the viability of the works to Green Lodge as a specialist dementia care unit and, whether the proposed development makes adequate provision for affordable housing; and
 - vi) whether the Borough of Waverley has an adequate supply of land for housing.

Reasons

Settlement strategy

9. The development plan for the area consists of the saved policies of the Braintree District Local Plan Review (LP), adopted 2005, which covers the period 1996 to 2011 and the Braintree District Core Strategy (CS), adopted 2011, which covers the period 2009 to 2026.

dementia care unit proposal. The Council's calculation broadly suggests that five market units would be necessary.

51. Setting aside the wide and varied differences concerning issues of viability between the parties for a moment, the appellant has provided a UU which, among other things, prevents occupation of any market housing unit prior to the expenditure of at least 25% of the estimated cost of the Green Lodge works. A further clause precludes the occupation of more than twenty dwellings until at least fifty percent of the estimated costs have been expended. Whilst these provisions would, in part, ensure that some works to Green Lodge would be undertaken, there is no mechanism within the UU to ensure that the remainder of the works beyond 50% of the estimated costs would be spent.
52. I am cognisant that the financial outlay for undertaking fifty percent of the works to Green Lodge would not be insignificant and I note the appellant's intention to construct the proposed scheme in its entirety. Nonetheless, it would be open to the appellant to construct all of the dwellings and not to undertake any further works to Green Lodge beyond 50% of the estimated costs.
53. Even if I were minded to find in favour of the appellant's case regarding the other issues concerning viability, in the absence of any provision within the UU to compel the appellant to construct the entire dementia care unit I find there is a lack of adequate safeguard to secure the use of the dementia care unit. Accordingly, on the basis of the evidence before me I am unable to consider whether any wider benefits associated with the provision of a specialist care facility justify the proposed development without the provision of affordable housing.
54. Accordingly, I conclude that the proposed development fails to make adequate provision of affordable housing. Thus, the proposal would be contrary to CS Policy CS2, the requirements of which are set out above.

Supply of land for housing

55. The Council's view of the housing land supply position for the 5-year period 2018-2023, is set out in the Position Statement published in August 2019 (Position Statement). The requirement figure of 4,598 dwellings, is agreed between the parties. Against this figure, the Position Statement shows a maximum supply of 4,737 units, a surplus of 139 units. In terms of years' supply, this equates to 5.15 years.
56. The requirement within the Framework is for a supply of sites that are deliverable. The meaning of 'deliverable' in this context is set out in the Glossary to the Framework, and further clarified in the Planning Practice Guidance (the PPG). **Following the changes to the Framework in July 2018, sites for more than minor development, which do not have detailed planning permission, can only be considered deliverable where there is clear evidence that housing completions will be achieved within the 5-year period.**
57. I note that the Council's Position Statement was revised following a number of appeal decisions² in which the Inspector concluded the supply position was

² APP/Z1510/W/16/3162004 Land off Stone Path Drive; APP/Z1510/V/17/3180729 Land east of Gleneagles Way; APP/Z1510/W/18/3209711 Woodpecker Court, Poole Street, Great Yeldham.

- 4.15 years having found that there was not clear evidence of deliverability in relation to 10 sites.
58. Notwithstanding these previous appeal decisions, it is the Council's position that a number of the sites, which were excluded by the previous Inspectors, should now be included within their housing supply figure based on additional updated evidence. Subsequently, at the hearing, the Council provided an up to date position for those schemes.
59. Since the previous appeal decisions, the scheme at Ashen Road for 16 units had been granted full planning permission. No constraints to the scheme were identified and the appellant agreed that there was adequate evidence to support the deliverability of that scheme. I see no reason to take a different view.
60. In addition, land to the east of Sudbury Road, has a full planning permission for 218 units. Construction of approximately 73 units had already commenced, albeit, the Council conceded a delay to the delivery of 33 units planned for 2019/20 and thus no units would be delivered during that year. As a result, an additional 8-13 units, approximately, are envisaged to be delivered in each later year of the trajectory. There was disagreement between the parties as to the annual build rate and whether all the units could be delivered within the five-year period. The appellant gave evidence of its own more conservative assumptions as to the lead-in time and the annual build rate based upon its own experience of these and national delivery rates. However, the appellant's considerations do not take account of specific circumstances of individual sites and is therefore not a substitute for site-specific information and knowledge; the Council's revised trajectory having been informed on account of information provided to the Council by the site manager.
61. Accordingly, notwithstanding there being some delay to the scheme, the annual build rate does not seem unrealistic. On the basis of the available evidence, I find that it has been demonstrated that housing completions will be delivered during the five-year period on this site. Thus, I am minded to include the entire 218 units within the Council's supply figure.
62. Land north east of Inworth Road has an outline permission for 165 dwellings. Notwithstanding the submission of a reserved matters application, this remains to be determined by the Council. It follows a previous reserved matters application that was deferred for alterations to the layout of the scheme. The Council's evidence concerning the progress of the application and intended timescale for approving the application was ambiguous. Although estimated dates and numbers are presented within the trajectory, these are now of some age and have not been revised to take account of the situation with the reserved matters applications.
63. In addition, there was no indication or breakdown of any advance works that are likely to be needed on site, for discharging conditions, site preparation and installing infrastructure. To my mind, I can see little if anything that amounts to clear evidence that any completions can realistically be achieved by 2020/21. As such, having regard to the presumptive effect of the Framework's definition, these circumstances would justify excluding Inworth from the current supply in its entirety. The effect of this would be to reduce the Council's deliverable supply by 165 dwellings.

64. For land to the west of Panfield, this large strategic site assumes the delivery of 200 dwellings within five years. A resolution to grant planning permission for 189 dwellings was passed by the Council in July 2019. However, a section 106 planning agreement remains to be completed. The Council's evidence at the hearing was that the planning obligation would likely occur in the 'spring' albeit the nature of the delay to the legal agreement was unclear. The Council conceded that the number of units to be delivered in the early part of the trajectory, 2020/21, would fall below the expected figures, although, in their view, the involvement of two developers would enable units to be delivered at an expedited rate in the following year.
65. In this case, there is no clear evidence of any real progress since the resolution to grant planning permission in July 2019. There is no corroborative evidence to support the Council's optimistic view of an expedited annual build rate. In any event, even if I were to accept the Council's best case scenario, there would inevitably be a lead in period before any completions were concluded. In my view, there is no clear evidence before me that there is a realistic prospect of any units being capable of delivery during 2020/21. **The Council's assumptions are not necessarily unrealistic, but neither have they been shown to be clearly realistic; for the site to be deliverable, the evidence would need to be more convincing and more up to date.** For the remaining units with outline planning permission, the Council were uncertain as to the likely timing of a reserved matters application. This casts considerable doubt on their deliverability within the five-year period. Thus, the evidence justifies excluding Panfield in its entirety from the Council's current supply.
66. In view of my findings above, it is clear that the Council's five-year supply must fall below the number that is required within that period. However, it remains necessary for me to get an approximate view of the shortfall's likely full extent. In light of this, I have considered the remaining disputed sites, albeit more briefly.
67. The remaining sites each have an extant outline planning permission. However, two sites have opted to pursue full applications for planning permission. The Council have resolved to approve one of these schemes, however, this is subject to the negotiation and preparation of a planning obligation. Limited information concerning the progress and timeframe for the legal agreement was presented to me at the hearing. In addition, for two sites **there is little corroborative evidence from each site's current developer as to when the reserved matters or a full application will be brought forward.** I am mindful that there is an outstanding objection to one scheme for which revised plans are being considered by the developer, and that whilst the planning obligation is similar to that of the outline planning permission, the scheme has been altered from 22 to 17 units.
68. **None of these circumstances make it impossible that these sites could contribute to the supply of housing land, however, that is not the test of deliverability. To justify including sites of these types it would be necessary to produce clear and specific evidence, in sufficient detail, to show that sites were available, suitable and achievable, with a realistic prospect of delivery within the required timescale. On the evidence before me, none of the remaining sites can currently justify being included within the five-year supply.** The effect of this is to reduce the deliverable land supply by a further 293 units.

69. Taking into account the deductions that I have identified above, totalling 658 units, the Council's deliverable supply is reduced to 4,079 units. Against the agreed requirement figure of 4,598 units, this amounts to a supply in the region of 4.4 years

Planning Obligation

70. Aside of the matters discussed above, the agreement also secures various financial contributions including healthcare, allotments and public open space. In general, the financial contributions were based on formulae adopted by the Council and were consistent with policy and addressed the additional pressure that would result from the additional population from the proposed scheme.
71. In my view, the obligations provided would comply with paragraph 56 of the Framework and the statutory tests contained in Regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010. I therefore take account of these obligations in my decision.

Planning Balance

72. For the reasons set out in this decision, I have found the proposed development would conflict with LP Policy RLP2 and CS Policy CS5 with regard to the Council's spatial strategy for the district. It would also conflict with CS Policy CS9 and LP Policies RLP9, RLP10 and RLP90 due to its impact on the character and appearance of the surrounding area, with CS Policy CS9 due to its impact on the living conditions of future occupants of the dwellings, with LP Policy RLP84 and CS Policy CS8 due to its likely impact on protected species, and CS Core Policy CS2 because of an inadequate supply of affordable housing. Aside of LP Policy RLP21 which is permissive of the provision of specialist care outside of the settlement boundary, there are no other development plan policies that weigh positively in favour of any development on this site. The appeal proposal therefore generally fails to accord with the development plan as a whole.
73. In addressing the planning balance, an absence of a 5-year housing land supply triggers paragraph 11(d) of the Framework. As such, the Framework dictates that where the policies which are the most important for determining the application are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
74. Since there is less than a 5-year supply of housing land, it follows that LP Policy RLP2 and CS Policy CS5 must be considered out of date. I therefore afford this conflict limited weight. In addition, albeit future occupants of the dwellings would be likely to depend on a private motor vehicle to reach some essential day to day services and facilities within Halstead and in nearby larger settlements, there would be some choice available to use accessible modes of transport to access local services and facilities. Thus, the proposal would not significantly undermine the aims of the development plan which seeks to avoid undue reliance on the private motor vehicle.
75. In terms of benefits, given my finding that the Council can only demonstrate a housing land supply in the region of 4.4 years, the contribution of 30 dwellings weighs substantially in favour of the proposal. The additional housing would

APPEARANCES

FOR THE APPELLANT:

Roger Catchpole	Managing Director Stow Healthcare
Melville Dunbar	Architect, Melville Dunbar Associates
Paul Munson	Chartered Town Planner, C/o Melville Dunbar Associates
Paul Coleman	Daniel Connal Partnership, Construction Costs Estimate
Jamie Purvis	BNP Paribas
Martin Taylor	Planning Director, Lichfields
Harry Bennett	Lichfields
Adam Hastings	Landscape Assessment
Patrick McKenna	Ecological Consultant
Paul Allen	Tree Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Melanie Corbishley	Planning Case Officer, Braintree District Council
Alex Evans	Planning Policy Officer, Braintree District Council
Kieran McGrath	Tree and Landscape Officer, Braintree District Council
Neil Jones	Planning Case Officer, Braintree District Council
Andrew Golland	Viability Assessment Consultant for Braintree District Council

DOCUMENTS

- 1 Notification of appeal
- 2 Notification of hearing
- 3 Policies CS1, CS2, CS10, CS11 of the Braintree District Core Strategy (2011)
- 4 Appeal Decision APP/J3720/A/11/2153222 Land off Manor Road, Stratford upon Avon
- 5 Appeal Decision APP/Z1510/W/18/3209711 Woodpecker Court, Poole Street, Great Yeldham
- 6 Appellant's Unilateral Undertaking

PLANS

- A Drawing Number 1544-PL002 Rev D Site Layout Block Plan

Appendix 6 Extracts from Appeal Decision Letter Ref: APP/J2210/W/18/3216104, Land off Popes Lane, Sturry, Kent

Relevant passages highlighted. Full appeal decision can be accessed here:

<https://acp.planninginspectorate.gov.uk/ViewDocument.aspx?fileid=34034760>



Appeal Decision

Inquiry Held between 30 July and 7 August 2019

Site visits made on 29 July and 2 August 2019

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2019

Appeal Ref: APP/J2210/W/18/3216104

Land off Popes Lane, Sturry, Kent CT2 0JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Limited against the decision of Canterbury City Council.
 - The application Ref 18/01305, dated 22 June 2018, was refused by notice dated 24 September 2018.
 - The development proposed is the erection of up to 140 Dwellings, with public open space, landscaping, sustainable drainage system, and vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

General

2. The appeal proposal is for outline permission with all details reserved except for access. In so far as the submitted Framework Plan includes details of other elements, including the type and disposition of the proposed open space and planting, it is agreed that these details are illustrative.
3. During the inquiry, a Section 106 planning agreement was completed. The agreement secures the provision of affordable housing and the proposed on-site open space and sustainable urban drainage (SUDs) system, and a system of travel vouchers for future house purchasers. It also provides for financial contributions to schools, libraries, community learning, healthcare, adult social care, youth services, highways, cycle routes, public rights of way, traffic regulation orders (TROs), and ecological mitigation.
4. In the light of these provisions in the S.106 agreement, the Council withdrew Refusal Reasons (RRs) Nos 6, 7 and 8, relating to housing tenure, infrastructure, and the effects on a designated Special Protection Area (SPA). In addition, the Council withdrew RR5, relating to air quality, in the light of further information submitted prior to the inquiry.

Matters relating to internationally designated sites

5. The SPA contribution provided for in the S.106 agreement relates to mitigation measures for recreational disturbance to the Thanet Coast and Sandwich Bay SPA, for which the Council has established a mitigation scheme in consultation

with Natural England (NE). NE was consulted on the original application and raised no objection subject to this contribution. Subsequently, the appellants prepared a Shadow Appropriate Assessment. The Council has expressed itself to be satisfied with that Assessment.

6. At the inquiry, a copy was produced of a letter from NE regarding certain other proposed developments within the Sturry area. In that letter, NE raised issues relating to possible impacts on water quality at another protected site, the Stodmarsh Special Area of Conservation (SAC), which is also a Ramsar Site and a Site of Special Scientific Interest (SSSI). In the light of this letter, the Council wrote to NE, inviting any further comments regarding the present appeal proposal. NE's reply, dated 16 August 2019 and therefore received after the inquiry had finished sitting, indicates that similar concerns are now considered applicable to this appeal site.
7. In the circumstances, it seems to me that, without further information as to the potential impacts on the Stodmarsh site, planning permission for the appeal proposal could not be granted without contravening the relevant provisions of the Conservation of Habitats and Species Regulations 2017. This is because, in the light of NE's stated position, I cannot be certain that the development could be carried out, either individually or cumulatively, without adversely affecting the protected site's integrity. If in other respects the balance of the evidence had pointed towards granting permission, I would have been minded to allow the appellants some further time to address this new issue before making my decision. However, having fully reviewed all the evidence, I find that is not the case. I have therefore proceeded to my decision, on the evidence that is already before me.

Relevant Development Plan Policies

8. The development plan policies relevant to the appeal are contained in the Canterbury District Local Plan (the CDLP), adopted in July 2017. Policy SP2 sets out the overall housing requirement for the District, of 16,000 dwellings over the period 2011-31.
9. Policy SP3 identifies twelve strategic housing site allocations. One of these comprises land at Sturry and Broad Oak, which is allocated for 1,000 dwellings, business floorspace, local shopping and community facilities. The allocation is also intended to help deliver a new Sturry Relief Road, by-passing the centre of the village. The present appeal site is not included in any of the strategic allocations.
10. Policy SP4 sets out the overall spatial strategy, including the settlement hierarchy. Sturry is identified as a rural service centre, within the hierarchy's second tier.
11. Policy SP1 broadly reflects the presumption in favour of sustainable development in the National Planning Policy Framework (the NPPF). Where other relevant policies are out of date, planning permission is to be granted, unless material considerations indicate otherwise, taking account of whether the adverse impacts would significantly and demonstrably outweigh the benefits, and whether specific NPPF policies indicate that development should be restricted.
12. Other policies relating to particular issues in the appeal are identified elsewhere in this decision, where relevant.

Main Issues

13. Having regard to all the submissions before me, I consider the main issues in the appeal to be as follows:
- whether the district has an adequate supply of deliverable land for housing;
 - the effects of the proposed development on the highway network and safety;
 - the effects on the character and appearance of the area and its landscape;
 - the effects on the setting of nearby listed buildings;
 - the effects on 'best and most versatile' agricultural land;
 - and whether the appeal site is a suitable location for the proposed development, having regard for the CDLP's policies for the location of housing.

Reasons for Decision

Housing land supply

Base data

14. The evidence prepared for the inquiry by both parties, including the agreed Statement of Common Ground (SCG), was based on the Council's 'Housing Land Supply Statement 2017/18'. That document has a base date of 1 April 2018, and looks to a 5-year period of 2018-23 (the 2018 HLSS). Shortly before the inquiry, the Council produced a draft version of the annual update, with a base date of 1 April 2019, and a 5-year period of 2019-24 (the 2019 HLSS). The 2018 HLSS identifies a requirement for 4,611 dwellings, including a 5% buffer, and a supply of 6,059 dwellings, giving a surplus of 1,448. In the 2019 version the requirement, based on the same method, is 4,801 units, whilst the supply is 6,455 units, and the surplus 1,654.
15. The 2019 document has some limitations, in that it has not yet been subject to final checking and internal approval, and is not yet publicly available. Nor did the appellants have a great deal of time to appraise the contents, before the inquiry. But nonetheless, the information within it is more up to date, and provides a basis for a forward view spanning almost five full years from now. In the circumstances, whilst I have had regard to both of the HLSSs, I have based my calculations principally on the 2019 version.

The housing requirement

16. In both versions of the HLSS, the 5-year housing requirement figures are based on the broad phasing indicated in CDLP Policy SP2, which shows a stepped annual requirement, starting from 500 dwellings per annum (dpa) in 2011-16, and then 900 dpa in each of the subsequent phases of the plan period. I accept that elsewhere in the Local Plan, and in the Examining Inspector's report, there are statements or other indications which appear to support a flat rate of 800 dpa across the plan period. But in the event of any contradiction, it is the policies that must prevail over the supporting material. In the present case, that means using the phasing set out in Policy SP2.

17. I acknowledge that in another appeal¹ (in which I was the inspector), in February 2018, the land supply calculations were based on a flat rate approach. But each decision must be based on the evidence given at the time. In the present appeal, the Council's approach differs from that advanced in the earlier case. But this inconsistency does not change my view as to the merits of the two approaches, as set out above.
18. The Council's approach to the housing requirement in the present appeal is based on the 'Liverpool' method, whereby any past shortfall in delivery is to be made up over the remainder of the plan period. I accept that, in general, the advice in the Planning Practice Guidance (PPG) favours the alternative 'Sedgefield' method, of seeking to make up the deficit within the next five years. But the PPG also advises that a Liverpool-type approach may be acceptable, provided that approach is put forward and accepted through the Local Plan examination process. In the case of the CDLP, the Liverpool method was expressly endorsed by the Examining Inspector in 2017. I agree that this does not mean that the methodology can never be reviewed, but having regard to the reasons given by the Inspector at that time, I see no compelling argument for departing from the approach that was agreed only two years ago.
19. For my calculations therefore, I have primarily addressed the requirement figure of 4,801 dwellings, and the period 2019-2024, which are contained in the 2019 HLSS.

Deliverability

20. The NPPF requires that sites which are to be included in the 5-year supply should be deliverable, within the terms of definition set out in the Glossary. To come within that definition, amongst other things, sites should be available now, and be achievable, with a realistic prospect that housing will be delivered on the site within five years. Sites for major development, without detailed planning permission, will only be counted as deliverable where there is clear evidence that completions will begin within that period. In addition, the PPG gives examples of some types of evidence which may be relevant.
21. In the present case, the Council's 5-year supply relies heavily on sites in this category, having only outline permission or no permission at all. In the 2019 HLSS, sites of this kind account for 3,923 units, representing some 60% of the claimed supply for the 5-year period. The evidence before me, in so far as it relates to the 2019 supply schedules, focuses on eleven such sites which are disputed by the appellants². In considering this evidence, I am keenly aware that part of the reason that the Council is reliant on sites of this type is because the CDLP seeks to achieve a rapid increase in the rate of housing delivery, and that process is still in the early stages. However, the NPPF makes it clear that the planning system should aim to ensure continuity in the housing supply in the short term, as well as planning for the longer-term future, and it seems to me implicit that this is what the 5-year supply test is primarily designed to achieve.

¹ Land at Old Thanet Way, Whitstable

² In the Table in the Housing SCG, the disputed sites that are relevant to the 2019 supply are Nos 1-7, 9, 11, 12 and 17. Sites Nos 8 and 13-16 are not forecast in the 2019 HLSS to produce any completions in the relevant period, so are no longer relevant to my consideration. Site No 10 is now under construction, and is no longer disputed.

22. In the light of these considerations, I have given close attention to the nature of the evidence which the Council has produced to demonstrate the disputed sites' deliverability. In this regard, I fully appreciate the efforts that Officers have gone to, to introduce new systems for liaising with developers and landowners, and monitoring progress, particularly through the establishment of the Housing Delivery Group, and the preparation of the Phasing Methodology. I have no doubt that these systems are designed to enable housing delivery forecasts to be accurate, robust, flexible and up to date. **But nevertheless, it is clear from the NPPF and PPG that, until sites achieve detailed planning permission, they should not be treated as deliverable, unless the evidence clearly demonstrates that this status is justified.**
23. **For a number of the disputed sites, the Council's evidence is founded on site-specific SCGs which have been agreed with the developer or landowner of the site in question. I appreciate that the PPG refers to SCGs as an admissible type of evidence, and I have had full regard to that advice. But nevertheless, the evidential value of any particular SCG in this context is dependent on its content. In a number of cases, the SCGs produced by the Council primarily record the developer's or landowner's stated intentions. Without any further detail, as to the means by which infrastructure requirements or other likely obstacles are to be overcome, and the timescales involved, this type of SCG does not seem to me to demonstrate that the development prospect is realistic. In addition, most of the site-specific SCGs are undated, thus leaving some uncertainty as to whether they represent the most up-to-date position.**

Disputed sites

24. Only one of the disputed sites has any kind of planning permission. That site is Strode Farm (Site No 4 on the disputed sites list), which has outline permission for 800 dwellings. In the 2019 HLSS, the Council forecasts 190 dwelling completions within the relevant 5-year delivery period, 2019-24. A legal challenge to the outline permission has only recently been resolved, and to that extent it is not surprising that there has been no apparent progress towards an application for reserved matters. But even so, there is no clear evidence of any other kind to show deliverability. An SCG has been agreed with the site's promoter, but it appears that a development partner is to be appointed, and there is no indication that that party has been involved in the SCG. The timings and build rates suggested are not supported by any detailed programme, or explanation of how the timing would be achievable. The development is apparently to include major road infrastructure, both on-site and offsite (albeit now reduced from what was originally sought), and there is no evidence as to how this may affect the timing or viability. The evidence therefore does not demonstrate that the site is deliverable within the terms of the NPPF definition.
25. Five of the disputed sites are the subject of current outline or hybrid applications or appeals. One of these is the site known as South Canterbury (Site No 1). The overall outline scheme, supported by an allocation in the CDLP, is for 4,000 dwellings. The Council resolved in 2016 to grant a hybrid permission, including full permission for the first 140 dwellings, and outline for the remainder. In the 2019 HLSS, the site is forecast to produce 550 completions in the relevant delivery period. However, the permission has not yet been granted. Since 2016, further environmental information has been submitted, which has not been the subject of any further resolution. In

addition, Kent County Council (KCC) has requested an increase of over £7m in the education contribution. There is no information as to what effect this will have. The development also requires major infrastructure works, including on- and off-site highway works, sewer diversions, and the removal of pylons. Conditions relating to archaeology and contamination, amongst others, are proposed. The SCG from the site promoter contains no programme to show how the timescales for all the necessary approvals, advance works and site preparation can be accommodated. At the inquiry, the Council's witness admitted that the Council does not have this information. Without that kind of detail, on a site of such a scale and complexity, the SCG is unconvincing. I have little doubt that the necessary permission is likely to be granted at some point, but the critical factor is likely to be the lead-in time after that occurs, and on this the evidence is entirely lacking. On the evidence submitted therefore, the South Canterbury site cannot realistically be counted as deliverable at this stage.

26. In the same category is the allocated site known as Sturry/Broad Oak (Site No 2). This site is currently the subject of two planning applications, by different developers, totalling 1,106 dwellings. One of these is a hybrid, which seeks full permission for some of the dwellings. The Council forecasts 440 dwellings in the 5-year period. However, no decisions have yet been made on the current applications. As noted earlier, Natural England has raised an objection relating to the effects on the Stodmarsh SAC. The development as a whole is bound up with the proposed Sturry Relief Road, and although contributions to this have been agreed in principle, further funding is needed and is yet to be fully secured. KCC is said to be considering the phasing of the housing in relation to the new road, but this has not yet been agreed. The potential effects of this phasing on the scheme's overall viability are not yet known. From the evidence available, it is not clear how this may affect the scheme. The development also involves the provision of other local infrastructure, but there is no evidence of any binding agreement between the various parties as to how the costs are to be apportioned. Nor is there evidence of any detailed programme for the necessary approvals, site works and other works necessary prior to any house completions. In the face of so many unresolved issues, it seems to me that the prospect of any housing completions on the Sturry/Broad Oak site within the relevant 5-year period is far from certain. The site therefore cannot be classed as deliverable.
27. The next site in this category is Land at Hillborough (Site No 3), which is allocated in the CDLP for 1,300 dwellings, and is in three parcels. Two of the are the subject of current applications totalling 1,080 units. In the 2019 HLSS, the site is forecast to deliver 195 dwellings in the relevant 5-year period. However, the applications are undetermined. The Council's evidence highlights the complex nature of the issues relating to access and road infrastructure, and the apportionment of costs between the owners or developers of the different land parcels. In addition, it appears that these costs may now rise as a result of recent decisions which have reduced the amount that will be contributed by the Strode Farm site. It is said that discussions about viability and costs are continuing. However, there is no evidence as to how the admitted complexities can be overcome, or within what timescale. None of the evidence produced amounts to clear and realistic evidence that the site will deliver housing completions within five years.

28. The site known as Greenhill (Site No 5) has no planning permission, but is the subject of a current outline application. The site is said to have no major infrastructure requirements, and the Council expects it to produce 150 dwellings in the relevant 5-year period. However, the current planning application is for 450 dwellings, which exceeds the CDLP allocation for 300 units, by some 50 per cent. The principle of the site being developed on this scale is therefore unsupported by the Local Plan, and it cannot be regarded as certain that the current application will be found acceptable. Nor can it be assumed that an alternative, policy-compliant scheme would necessarily come forward within the relevant timescale. There is therefore no certainty as to whether any permission will be forthcoming to allow the development to proceed in its present form. As such, the development cannot currently be regarded as deliverable.
29. The only other site with a current proposal awaiting determination is the site known as Grassmere (Site No 9), where there is a current appeal for a hybrid scheme of 300 dwellings. The site is allocated in the CDLP, and is expected by the Council to produce 70 completions, in the 2019 HLSS. At the time of the present inquiry, the Council hoped to be able to withdraw its opposition to the appeal scheme, but had not done so yet. As long as the appeal is contested by the Council, there is clearly no certainty as to the outcome. If the appeal is dismissed, it may still be possible for an acceptable alternative scheme to come forward within the relevant five-year period, but there is no evidence to show that this would be likely, let alone that such a scheme would qualify as a realistic prospect. Consequently, while the appeal remains undetermined, the site cannot be treated as deliverable.
30. None of the other disputed sites is the subject of any current planning application. The largest of these other sites is Land North of Hersden (Site No 7), which is allocated in the CDLP for 800 dwellings, and has been the subject of pre-application discussions. The Council sees it as delivering 160 completions in the relevant 5-year period. But there is no evidence of any firm progress towards a planning application, or any site assessment work. Contractual negotiations between the landowners and the prospective developer appear to be still on-going. The site is likely to be required to make a contribution in excess of £5m to the Sturry Relief Road. The SCG, although involving the developer, contains no details of how the development would be delivered within the relevant timescales, or whether the required contribution would be viable. The evidence does not demonstrate a realistic prospect of completions being achieved within the five years, and the site therefore does not come within the definition of deliverable.
31. The disputed sites at Canterbury West Station (Site No 11), and Rosemary Lane car park (Site No 12), have been allocated for housing since the previous Local Plan, in 2006. Between them, these two small sites are forecast in the HLSSs to deliver a total of 40 dwellings in the relevant 5-year period. But both are currently in active use as Council car parks. Although they may be freed up from that use in February 2020, when a new multi-storey park is completed, this means that they are not available now. From the evidence presented, it also seems that no formal decision has yet been taken by the Council regarding any future development. The sites are therefore not currently deliverable.
32. The site known as Land at Rough Common Road (Site No 17) was likewise allocated in the 2006 CDLP, and is now forecast to produce 16 dwellings in the

relevant period. Pre-application discussions have been held. But there is no evidence of any further progress towards the submission of an application. The site therefore does not qualify as deliverable.

33. The final disputed site is Land North of Thanet Way (Site No 6), which has outline permission for 400 dwellings, and a current reserved matters application for 138 of these units. In the 2019 HLSS the site is forecast to deliver 297 completions in the relevant five years. The site is not challenged by the appellants on grounds of deliverability, but on timing and build rates. Given the involvement of a Registered Provider as lead developer, I consider the forecast in the 2019 document reasonable. I therefore make no further adjustment in respect of this site.

Conclusion on housing land supply

34. In the light of the above, I conclude that the disputed sites numbered 1, 2, 3, 4, 5, 7, 9, 11, 12 and 17 should all be excluded from my assessment of the deliverable supply. In all these cases, this is because there is insufficient clear evidence to show that they meet the NPPF's definition of deliverable. Sites which are not deliverable cannot be counted as part of the supply for the purposes of meeting the 5-year requirement.
35. In total, these 10 non-deliverable sites are relied on in the 2019 HLSS to deliver 1,811 housing completions in the period 2019-24. The effect of excluding these sites is that the supply for that period is reduced to 4,644 units, which represents a shortfall of 157 against the Council's requirement figure of 4,801 units. On this basis, the deliverable supply is 4.8 years.
36. For completeness, if the calculations were instead based on the 2018 HLSS, the effect of deleting the same sites from the Council's supply figures for 2018-23 would be to reduce the supply for that period by 1,760 units. The result in terms of the years' supply would then be very slightly lower, at just under 4.7 years. However, for the reasons that I have explained, I consider the use of the 2019-based figures to be more appropriate. In any event, the difference in the outcome is not significant.
37. For the reasons set out above, I conclude that the Council has been unable to demonstrate a 5-year supply of deliverable housing land. In the circumstances, the provision of up to 140 dwellings in the appeal proposal, including 30% affordable, would be a substantial benefit of the scheme.

Traffic and highway safety

Existing traffic conditions

38. Even though the inquiry took place during the summer holiday period, I was able to see on my visits to Sturry that the village suffers from a combination of factors that make it particularly prone to traffic problems. The coming together of the A28 and A291, at the centre of the village, funnels traffic from two main routes into one. The sharp bend, and the lack of signal controls, makes it difficult for traffic from the A291 to emerge at the uncontrolled junction. The gated railway crossing, directly adjacent, causes extensive queuing on the A28, which blocks the road junction and compounds the problems. The only practical alternative route involves a network of minor roads and narrow lanes, which are unsuited to through traffic.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ms Isabella Tafur	Of Counsel (instructed by the Principal Solicitor to the Council)
She called:	
Ms Shelley Rouse MA MRTPI	Principal Planner
Mr John Etchells MA BPhil CMLI	Consultant Landscape Architect
Ms Elizabeth Johnson BA MSc IHBC(Affiliate)	Senior Heritage Officer
Mr Colin Finch BTech MIPROW	Principal Transport and Development Officer, Kent County Council
Mr Chris Pragnell LLB	Principal Planning Officer

FOR THE APPELLANT:

Mr John Barrett	Of Counsel (instructed by Ms Richardson of the appellants)
He called:	
Mr Desmond Dunlop BA(Hons) MRTPI	D2 Planning
Ms Silke Gruner Ba(Hons) LArch CMLI	CSA Environmental
Ms Gail Stoten BA(Hons) MCIFA FSA	Pegasus Group
Mr Benjamin Jackson BEng(Hons) MSc MCIHT	Ashley Helme Associates
Ms Diana Richardson BA(Hons) MA MRTPI	Gladman Developments Ltd

INTERESTED PERSONS:

Ms Ann Davies	Local resident and Sturry Parish Councillor
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Appendix 7 Extracts from Appeal Decision Letter Ref: APP/Y0435/W/19/3234204, Rectory Farm, Woburn Sands Road, Bow Brickhill, Milton Keynes

Relevant passages highlighted. Full appeal decision can be accessed here:

<https://acp.planninginspectorate.gov.uk/ViewDocument.aspx?fileid=37279353>



Appeal Decision

Inquiry held between 25 February and 28 February 2020

Site visit made on 12 March 2020.

by Louise Nurser BA (Hons) Dip UP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 April 2020

Appeal Ref: APP/Y0435/W/19/3234204

Rectory Farm, Woburn Sands Road, Bow Brickhill, Milton Keynes MK17 9JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Gill (Gill Hudson Homes Ltd) against the decision of Milton Keynes Council.
 - The application Ref 18/01372/FUL, dated 18 May 2018, was refused by notice dated 7 June 2019.
 - The development proposed is demolition of 2 no. outbuildings to create access and construction of 28 no. 2, 3, 4, and 5 bedroom residential dwellings and all ancillary works at Rectory Farm, Woburn Sands Road, Bow Brickhill, MK17 9JY.
-

Decision

1. The appeal is dismissed.

Preliminary/ procedural matters

2. Prior to the Inquiry it came to my notice that there were some inconsistencies with the plans, with particular reference to Plot 17. These were addressed by the appellant and amended copies provided to all relevant parties. Following the Wednesbury principles, no parties were prejudiced by my acceptance of the amended plans: PL-16- A3, PL-17 A3- dated February 2020.
3. The fourth reason for refusal relates to the failure to provide any financial contributions to offset the impact of the development. However, prior to the Inquiry I was provided with an executed Unilateral Undertaking (UU) relating to the provision of affordable housing, education facilities, leisure recreation and sports facilities, social infrastructure requirements, carbon neutrality requirements and the promotion of public transport. The Council considers this UU to have overcome this reason for refusal. I refer to this elsewhere in my decision letter.

Main Issues

4. From what I have seen, read and heard I consider the main issues in this appeal are: a) whether the proposed development would be consistent with the settlement strategy of the development plan; b) the effect of the proposed development on the character and appearance of the wider area; c) the effect of the proposed development on the living conditions of residents of no 59 Station Road, and future occupants of plot numbers 17 and 18, with particular

regard to overlooking; and d) whether the Council is able to identify a five year supply of deliverable housing land.

Reasons

Spatial Strategy

5. Bow Brickhill is a third tier settlement, as set out within the adopted Plan:MK 2016-2031, adopted 2019 (Plan:MK). The plan's strategy is that development is directed chiefly to Milton Keynes City, as well as the three key settlements of Newport Pagnell, Olney and Woburn Sands. Development at the villages and rural settlements such as Bow Brickhill, is permitted within defined settlement boundaries and in compliance with neighbourhood plans. In setting the hierarchy for the strategy for the distribution of growth within the Local Plan, matters such as access to public transport, including the availability of bus and train services at Bow Brickhill will have been considered.
6. As part of the recent review of the local plan, settlement boundaries have been updated¹, including that of Bow Brickhill. It is agreed between the parties that, with the exception of the access road, which lies within the up to date settlement boundary, the bulk of the appeal site lies within open countryside as defined by the Policies Map of Plan MK.
7. There is nothing within the adopted policy text which differentiates development which falls directly outside of a settlement boundary from that which sits some way off. The plan is explicit that all development outside of a settlement boundary is considered to fall within open countryside. Such a policy approach has been found sound through the recently adopted Plan:MK and I see no conflict with the 2019 version of the Framework, nor any evidence that the Council is implementing this policy as if it were equating this with a Green Belt policy.
8. Therefore the proposed development, with the exception of the access from Woburn Sands Road, sits outside the settlement boundary and therefore the proposed housing conflicts with the settlement strategy, set out within policies DS1, DS2 of Plan:MK. Moreover, as it falls within land defined as open countryside, and it is no part of the appellant's argument that it falls within any of the exceptions set out in policy DS5, it also conflicts with policy DS5.
9. My attention has been drawn to recent residential schemes which have been granted planning permission. However, the policy circumstances in which the schemes have been permitted differ to that of the appeal before me. For example, the Tilbrook Farm and original Blind Pond Lane schemes were permitted when the Council considered that it was unable to demonstrate a five year supply of housing. Moreover, the recently permitted schemes have been integrated into the village through changes to the defined settlement boundary. I am aware that the site known as Blind Pond Farm 2² whilst falling outside of the settlement boundary, mostly lies on land where the principle of development had been established through a previous outline permission.
10. There is no neighbourhood plan for the settlement of Bow Brickhill and in the short term, there appears to be little appetite or prospect of a neighbourhood

¹ CD5.7

² ID6

25. Similarly, the privacy of the occupants of no 59 Station Road would be adversely affected by the perception and reality of direct overlooking from the proposed properties when moving around the dressing room and master bedroom when the blinds were not pulled down. I also consider that the ground floor bedroom could be overlooked from the first and second floor bedrooms of the proposed dwelling on plot 18.
26. In coming to this conclusion, I have been aware of the existing situation relating to the proximity of the footpath to the property and that it is within the gift of the occupants of no 59 to increase their levels of privacy at ground floor level by increasing the depth and height of the screening within their garden. Indeed, on my site visit I was able, when walking along the footpath, to clearly glimpse occupants pottering about within the ground floor accommodation of no 59 Station Road. I also noted as the footpath runs parallel to the property, the baffle boards make it difficult to obtain direct views into the first-floor rooms.
27. However, I consider that there is a substantive difference between the transitory impact of walkers going past a property and the impact of housing development in such close proximity which would result in a substantial loss of privacy in bedrooms.
28. Therefore, the proposed development would have an adverse impact on the living conditions of existing and future occupants of both 59 Station Road and the proposed dwellings at plot numbers 17 and 18, and thereby conflict with both policy D5 of the Plan:MK, and the guidance contained with the SPD.

Housing supply

29. The main parties agreed through the Statement of Common Ground that the Council is required to demonstrate a five year supply of deliverable housing sites of 10,087 dwellings as of April 1, 2019. This figure includes the shortfall and a 5% buffer to ensure choice and competition in the market for land.
30. I note that the appellant expressed concerns relating to the use of the April 1 base date. However, this was agreed within the Statement of Common Ground, and I am content with this approach. Moreover, no additional sites were included by the Council following this base date. Where I have made any amendments to the contribution to the housing supply from individual sites, these have been reductions.
31. Therefore, I have taken into account the most up-to date evidence before me in relation to the five year housing land supply, consistent with the NPPG. Where sites did not demonstrate the clear evidence required to demonstrate at the base date that the sites had a realistic prospect of completions within the five year period, then these sites have not been included within the supply.
32. I have not taken a hard and fast approach to the use of pro forma which I consider in some cases to be the clear evidence required by Annex 2 of the Framework and equivalent in status to the Statement of Common Grounds referred to within the NPPG, albeit, that of course, this is guidance, and the list should not be taken as exhaustive. Moreover, I note that the Council does not take these at face value and will alter the trajectory where it considers it to be overly ambitious. The weight which I have accorded to the status of the individual pro forma has varied depending on the specific circumstances

relating to the individual sites. This has meant that in some instances, the pro forma can be considered to be the clear evidence required by the NPPG, whilst in others they equate to nothing more than an informed guess. Similarly, whilst I have been specifically referred to potential issues relating to the role of the MKDP I have not taken a blanket approach to the significance of its involvement in the deliverability of sites and any impact on time scales. Instead, I have considered each site on its merits.

33. The Council considers it has a gross supply of 13,610 deliverable dwellings⁶. However, in the context of this appeal, the Council has reduced by 10 % the contribution from sites where development is forecast to be taking place in year 5⁷. Although, I note that moving forward the Council does not intend to apply a discount.
34. The appellant does not dispute that the Council can demonstrate 9,947 units as part of its supply. However, the appellant discounts this figure by 15.3%⁸ to arrive at an uncontested supply of 8,425 dwellings.
35. The parties have helpfully identified which sites they consider to be in dispute. I have considered the quantum of deliverable housing with a realistic prospect that housing will be delivered with 5 years on the basis of the specific evidence before me, in the context of this particular inquiry, and informed by planning judgment. I have taken into account conclusions drawn by other inspectors, in relation to specific sites, notably those involved in the Globe and Hanslope appeals and the Local Plan Inspector who had the benefit of a wider range of participants which is not available in the context of a S78 inquiry. Nonetheless, I have come to my own planning judgement on the basis of the evidence before me, and in the context of the 2019 Framework and the relevant guidance within the NPPG.

Disputed sites: allocations

36. The most recent national planning guidance makes clear that the onus is on the Council to demonstrate clear evidence that housing completions will begin on allocated sites within 5 years.
37. In common with the Globe Inspector, I agree that there is a clear intention that housing should be delivered on the Campbell Park Northside allocation. Preferred developers have been selected, a development brief adopted, and a programme of hybrid applications produced.
38. I have taken into account the appellant's concerns, relating to the realism of the proposed programme for development of some Council developments and have excluded them from the supply where appropriate. Nonetheless, I consider that there is the clear evidence to demonstrate a realistic prospect of delivery. These include the Berwick Drive site, and the Lake Estate Neighbourhood Plan sites, together with the Phelps Road and Southern Windermere site.
39. In the case of the Lake Estate Neighbourhood Plan sites, I am aware of the need to rehouse existing residents of Serpentine Court. However, there is a

⁶ In cross examination the Council accepted the loss of the Galleon Wharf site.

⁷ See Council's position re methodology

⁸ This is the same discount used by the Inspector within the Hanslope appeals CD6.4

development programme which appears to be robust and to have shown firm progress towards the submission of an application, albeit a hybrid one. There is commitment to implementation, including a successful estate wide referendum and an adopted Neighbourhood Plan. Moreover, I note that the Council has taken a conservative approach to the amount of housing which could be delivered.

40. The Berwick Drive site benefits from an adopted development brief and the most recent programme is to bring forward development rather than for it to slip back, albeit I note that it is proposed to reduce marginally the contribution of the site.
41. The remaining sites are supported by a variety of evidence which, in the context of the individual sites, is the clear evidence which is required. This includes, inter alia, development briefs for the sites, pre application discussions, preferred developers linked with sites or controlling them. In the case of Daubeney Gate, a Planning Performance Agreement has been entered into, whilst a full planning application has been submitted for land at Hindhead Knoll. Whilst both of these took place since the base date, they are consistent with the evidence that had informed the 2019 housing supply figure.
42. Therefore, taking into account the round table discussions, I consider that there is clear evidence to support the Council's approach of including the following allocations at: Campbell Park Northside, Berwick Drive, Redbridge, Rowle Close, Lake Estate Neighbourhood Plan sites, Phelps Road, Windermere Drive, land north of Vernier Crescent, Manifold, Daubeney, and Hindhead Knoll.
43. I note that there is no guarantee that any planning application that comes forward on these allocations will necessarily be approved. The evidence supporting the sites, may not always directly mirror that set out within paragraph 7 of the NPPG. However, this list is not a closed list of relevant examples, and I have carefully considered each of the sites. Nonetheless, in my judgment, the evidence put forward to support the inclusion of these sites meets the high bar set out within the Framework and NPPG. As a consequence, there is a realistic prospect of housing completions beginning within the five year period on these sites.
44. Development may well be delivered, within the five-year period, on the sites set out below: South-East Milton Keynes (SEMK), Agora, Harrowden, Hendrix Drive, Singleton Drive, Greenleys Rugby Club, Reserve site 3- Westcroft and Tickford Fields. However, taking into account the high bar set in the Framework and the NPPG, I was not convinced there was the requisite clear evidence that housing completions will begin on these sites so as to enable me to conclude that there was a realistic prospect of housing being delivered. Consequently, I could not include them within the five year supply.
45. For example, there was uncertainty over the delivery of the large greenfield sites, such as Tickford Fields and SEMK. Tickford Fields is a large site which is in the full ownership of the MKDP. An agent has been appointed to market the site. An outline application was submitted in January of this year. However, the inclusion of the site within the five year supply appears to be based on an educated guess rather than clear evidence. This position is reinforced by the complications relating to the delivery of a school, and the slippage in the timetable, which has already taken place, since the examination of the MK:Plan. This is underlined by the comment within the pro forma box: *'MKC to*

*decide how to take the site forward for development which is why details are not available*⁹.

46. The SEMK site makes a modest contribution to the housing supply. However, notwithstanding the Statement of Common Ground between the Council and developers, and initial preparatory work that has taken place, it is unclear how the delay to the announcement on the route of the proposed Expressway might impact on the delivery of housing.
47. The smaller allocation at the Harrowden site, whilst part of the Council's programme to provide Council housing seems to have little corroborating evidence that it in fact, will begin to deliver within the five year period. Similarly, I am not convinced that there is the clear evidence to include the following sites owned by MKDP: Hendrix Drive, Singleton Drive and Reserve Site 3.
48. There may be a clear intention that brownfield allocations, such as the Agora site, be redeveloped for housing. In progressing the Agora site there has been continued engagement with the Council. This has included a revised timetable set out within the pro forma, the removal of the risk of listing, and latterly formal pre application discussions and permission to demolish the former shopping centre. However, in this case, the potential barriers to development, such as viability matters and physical constraints such as the demolition of the shopping centre which has yet to take place, cumulatively, cast doubt that there is the clear evidence to enable me to conclude that there is a realistic prospect that housing completions will begin on site within five years.
49. Similarly, the Greenleys site is well advanced with a development partner identified. Nonetheless, the time scale set out within the pro forma is predicated on a start date in June 2020 and there has already been slippage in the programme, such as the exchange of contracts. An application has yet to be submitted, and planning obligation matters relating to the provision of a replacement rugby pitch and changing room will require agreement. Therefore, whilst I am aware that pre application discussions and consultation have taken place, in this instance, the timetable set out within the pro forma does not appear to have the status, consistent with that suggested within paragraph 7 of the NPPG.
50. Consequently, I conclude that of the disputed sites which have allocations, there is a realistic prospect that they will provide a contribution of 657 dwellings.

Disputed sites: outline permissions

51. As with allocations, the onus is on the Council to demonstrate clear evidence to support including outline planning permissions within its five year supply of housing.
52. In my judgment, Tattenhoe Phases 4 and 5, Towergate Farm, the Western Expansion Area remainder site 10, Eagle and Church Farms, and Eaton Leys, should be considered deliverable.

⁹ Page 652 of Appendix 6 of JW PoE.

53. Both Tattenhoe sites, Phases 4 and 5, form part of a large outline permission. Site wide conditions have been discharged, site wide infrastructure has been delivered and a primary school is now open. Delivery on the wider site has been consistent with previous anticipated start and build-out rates. Homes England have provided pro forma for Phases 4 and 5 which clearly set out anticipated start and build- out rates. Phase 4 now has a developer on board. Moreover, Homes England who controls the site has a remit to increase the pace and delivery of housing. Consequently, there is the requisite evidence to include the proposed housing within the supply.
54. Similarly, Tower Gate is owned by Homes England. Firm progress, including the selection of a preferred developer, has been made with the site consistent with the timetable set out within the pro forma.
55. I note that the strategic infrastructure is in place for all of the sites programmed to be delivered within the projected five-year supply at the Western Expansion Area (WEA) (remainder of site 10). In the past, multiple housebuilders have been able to deliver the site leading to very high completion rates. Nonetheless, I accept that the availability of serviced sites should not, in isolation, necessarily equate to a conclusion that development will be forthcoming in the next five years, and that interest in development, in itself, may not be enough.
56. The Disposal Strategy published in December 2019, sets out a timetable for disposal of the remaining land, and development of the sites. I am aware that there was a temporary hiatus in the disposal of sites to market, with land disposals expected to resume in June 2020, and that at the later end of the period the disposal programme sits tightly with the need to apply for reserved matters. However, I draw comfort from a recently approved REM application¹⁰, which took just over half a year from submission to completions on site.
57. Previous housing delivery has been consistent with the pro forma provided by the lead developer. Therefore, on the basis of the evidence before me, notwithstanding that it is not known who the housebuilders will be on the remaining sites, and that there are no pending reserved matter applications at the moment, it is my judgment that there is sufficient evidence to include both sites within the housing supply. However, in this particular instance rather than accepting the figures put forward by the Council in the table of disputed sites, within the Addendum to the agreed Housing Statement of Common Ground, I have used the conservative figure of 492, made up of the anticipated start and build- out rates, derived from the Disposal Strategy. In the interests of clarity had the Disposal Strategy not been published, I would have still concluded that the site should remain within the supply.
58. In relation to the remainder of WEA site 11, given the Council's suggested reduction in housing delivery following the publication of the Disposal Strategy, which I consider to be sensible, there is little difference between both parties at 317 and 324 dwellings respectively. Therefore, I have excluded the contribution of this site from the disputed sites.
59. The developer who is currently building on the first phase of the Eagle Farm site, and has an option on the disputed site, has set out in an email that they

¹⁰ 19/013330/REM

'guess' that the reserve matter application for the site will be submitted in the summer of 2020. However, given that they are already operating on the wider site and that the infrastructure has already been delivered, irrespective of the informal nature of the evidence, I consider that this is enough to demonstrate a realistic prospect that the housing will begin within five years.

60. The developer for Church Farm has been working with the Council to be able to be in a position to submit a reserved matters application. Progress has been made and the recently submitted PPA request set out a timetable consistent with the pro forma which informs the housing supply position. I do not consider the comment relating to being, '*in the hands of MKC*', to undermine the realistic prospect of delivery of the site.
61. A Planning Performance Agreement for the Eaton Leys site had been agreed between Barratts and David Wilson Homes (BDW) and the Council before the base date. Reserved matters have been granted for all site wide infrastructure and all the site wide conditions have been discharged. I am aware that at the time of the inquiry, there were outstanding highway objections relating to a reserved matters application that had been submitted in May 2019. However, this delay in the approval of the reserved matters does not persuade me that there is not a realistic prospect that housing of around 308 units will be delivered on the site within 5 years, particularly given that access works to the site are underway and the onsite infrastructure is being delivered.
62. Nonetheless, there is sufficient doubt in relation to the Ripper, Wolverton Railway Works, Timbold Drive, Walton Manor and Tilbrook Farm sites, for me, in the context of this particular appeal, to exclude these from the supply of deliverable sites.
63. Consequently, I conclude that of the disputed sites which have outline permissions, there is a realistic prospect that they will provide a contribution of 1370 dwellings.

Conclusion on housing supply

64. In sum, there is clear evidence to enable me to conclude that there is a realistic prospect that 2,027 of the 3,677 disputed housing completions will begin on site within five years. When added to the stock of undisputed sites, this equates to a housing supply of around 5.9 years. Of course, this is not to say that all sites will be delivered, rather that there is a realistic prospect that they will be. Accurate monitoring of housing delivery will establish whether this is the case, and depending on the outcome, the Council will be required to respond appropriately. Indeed, the Council is doing so through its Housing Delivery Action Plan¹¹.
65. There is nothing within the 2019 Framework and associated NPPG which requires that discounts be applied to an individual site's contribution to the five year supply. I note that the Hanslope Inspector concluded that the application of the appellant's discount of 15.3% was appropriate, and that this judgment had been challenged unsuccessfully¹². I am also aware that a greater discount

¹¹ CD3.13

¹² CD7.6

- had been applied by the Inspector within the Woburn Sands IR, and that the Secretary of State did not demur from this approach¹³.
66. However, I also note other examples that have been drawn to my attention of the Secretary of State, and other inspectors not applying a discount¹⁴. Also, I am aware that for the purposes of this particular inquiry, that the Council has taken a precautionary approach by applying a discount of 10% on all sites where the forecast delivery suggests that an element of the site will be delivered in the fifth year.
67. In the past, as illustrated in Mr Dix's evidence, there appears to have been a mismatch between the Council's assessment of the deliverability of a site and the actual historic delivery of housing on the ground. However, recently, there has been a significant increase in delivery consistent with the housing requirement. Such spikes in development may be short lived and associated with the construction of apartments. However, last year the Council exceeded its annual requirement, and so far, the Council is on course to meet this year's required, and projected completions with a number of developments delivering with multiple developers on site. Moreover, three quarters of the way through this year, units under construction should provide 100% of next year's requirement¹⁵. This gives me confidence that, on the whole, the Council is not including sites within the supply which do not have a realistic prospect of delivery.
68. The plan led supply of housing sites has diversified so as to boost housing delivery, with less reliance on large strategic sites, through the Site Allocation Plan (2018) and Plan:MK (2019). A minimum target for housing has been set within the plan. However, the housing allocations in locations consistent with the plan's strategy provide the capacity for an additional 18% more dwellings¹⁶ over the plan period.
69. The same advocate and housing witness attended the Hanslope hearings and this inquiry. However, I note that my conclusion differs from that of the Hanslope appeals inspector and is consistent with that of the Globe Inspector. I am aware that different evidence was presented at both hearings and that different witnesses were involved. I struggle to understand how evidence submitted by the Council at two different hearings, which took place in the same month would be substantively different. However, I understand that the evidence at the later Globe appeal had been presented in a more, *'timely, clear and coherent manner'*¹⁷.
70. Nevertheless, for the purposes of this appeal, I have undertaken a rigorous consideration of the contribution of the individual housing sites and the evidence before me, consistent with the Annex 2 definition of deliverable and guided by the advice set out within paragraph 7 of the NPPG, and the legal cases to which I have been referred. This assessment has resulted in my excluding 14 of the disputed sites from the supply, where in my judgment there is no clear evidence that housing completions will begin within 5 years.

¹³ CD6.2

¹⁴ CD6.11

¹⁵ Paragraph 5.4 of the J Williamson's PoE

¹⁶ CD5.2 paragraphs 144 and 148

¹⁷ JW PoE para 4.10.2

71. Therefore, in the absence of national policy or guidance requiring me to apply a discount, I have not included either discount within my final calculations. Nonetheless, even if I were to have concluded that the application of a discount was appropriate on the basis of an optimism bias, and had applied the discount of 15.3%, the Council would still, on the basis of the evidence before me at this inquiry, be able to demonstrate a supply of just over five years of housing. As a consequence, I conclude that the Council is able to demonstrate a five year supply of housing with a realistic prospect of delivery.

Other matters

72. The appellant has provided an executed UU. However, with the exception of the affordable housing element these matters relate to the mitigation of the impact of the scheme, to which I accrue no benefit. Nonetheless, the UU does provide for affordable housing which would weigh in favour of the development. I conclude that the affordable housing element is necessary and at 32% is consistent with policy HN2 of Plan:MK and the provisions of the recently adopted Affordable Housing Supplementary Planning Document. As such the contribution is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.

73. Milton Keynes has not been able to deliver the significant uplift in affordable housing required to meet its targets and already has experienced a deficit of 41%¹⁸ over the plan period. The policy wording of HN2(A) attributes strong support to the provision of affordable housing over and above the 31% requirement. Nonetheless, in the particular circumstances of a relatively small scheme which, as mathematical necessity must either provide less than the 31% requirement or more, I accord the provision of a contribution of 32% affordable housing no greater weight than I would otherwise. Nonetheless, given the pressing need for additional affordable housing, I consider this to be a significant benefit of the proposed development.

74. The appeal site is located close to the village facilities and has access to public transport. However, this would equally apply to other sites including those within the village settlement. Therefore, I accord this benefit little weight in favour of the proposed development. Nonetheless, the appeal scheme is a small site under the control of a local builder. It would provide a mix of market housing and has the potential to be built out relatively quickly, to which I adduce moderate weight.

75. The proposed development would result in the demolition of two buildings associated with the builders' yard. However, as I have previously set out, I do not consider that these, in themselves, detrimentally impact on the street scene and therefore, their demolition would not in itself result in a positive benefit.

76. I have found that the Council is able to demonstrate a five year supply of deliverable sites.

¹⁸ CD5.13

Planning balance

77. I have found that the Council is able to demonstrate a five year supply of deliverable housing, therefore the tilted balance is not engaged. Consequently, I must determine the appeal on the basis of its compliance with the development plan.
78. As set out above, I have found that the appeal proposal would conflict with policies DS1, DS2, DS5 of Plan:MK in relation to the development strategy of the plan. I have also found that the appeal proposal would conflict with policies D1, D2 and D5 of Plan:MK and the New Residential Development Design Guide, SPD in relation to the impact on the character and appearance of the wider area and impact on the living conditions of residents of no 59 Station Road and future occupants of plots numbers 17 and 18. As such, I consider that the proposal is contrary to the development plan as a whole. I accord this conflict very significant weight.
79. The positive benefits of the scheme include affordable and market housing, which could be delivered quickly. Cumulatively, I accord these benefits significant weight. I have accorded the location of the proposed development little weight and consider that the demolition of the existing buildings on the site would have a neutral impact and therefore would not weigh in favour of the proposal.
80. Cumulatively, I consider that the appeal proposal's benefits would not provide material considerations that would overcome the conflict with the plan taken as a whole. A decision other than in accordance with the development plan would not be justified. Even, had I come to the conclusion that the Council was unable to demonstrate a five year housing land supply, the harm that I have identified would be sufficient to lead me to dismiss the appeal on the basis that the adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

81. For the reasons set out above I dismiss the appeal.

L. Nurser

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Matthew Henderson	Instructed by Sharon Bridglalsingh, Director Law and Governance, Milton Keynes Council.
He called	
Mr James Williamson BA (Hons) MSc, MRTPI	Senior Planning Officer, Milton Keynes Council
Mr Paul Keen MA MRTPI	Area Team Leader, Milton Keynes Council

FOR THE APPELLANT:

Mr Peter Goatley, assisted by Mr James Corbet Burcher	Instructed by Smith Jenkins Town Planning
He called	
Mr Samuel Dix MA (Hons), MSc, MRTPI	Associate, Smith Jenkins T
Mrs Jennifer Smith BSc (Hons) Dip TP, MRTPI	Managing Director, Smith Jenkins Town Planning

INTERESTED PERSONS:

Mr Chris Barrington	Local resident
Ms Sue Malleson	Local resident

DOCUMENTS

I1	Appearances on behalf of the appellant.
I2	Opening statement on behalf of the appellant.
I3	Opening statement on behalf of the Council with appearances appended.
I4	Site visit plan.
I5	Updated list of Core Documents.
I6	Blind Pond Farm Officer Report 19/03437/FUL delegated decision 18/02/2020.
I7	Amended plans plot 17: PL-16- A3, PL-17 A3- dated February 2020
I8	Photographs provided by Mr Barrington.
I9	Landscape Sensitivity Study to Residential Development in the Borough of Milton Keynes and Adjoining Areas: Milton Keynes Council, October 2016.
I10	Site photos: Land north of Blind Pond Lane (Blind Pond Farm 2) Ref. 19/03437/FUL provided by the appellant.
I11	Accommodation schedule with drawing numbers/ core document references.
I12	Updated list of application drawings numbers and documents.
I13	Further photographs provided by Mr Barrington.

Appendix 8 Extracts from Appeal Decision Letter Ref: APP/E2001/W/18/3207411, Land to the south of Williamsfield Road, Hutton Cranswick

Relevant passages highlighted. Full appeal decision can be accessed here:

<https://acp.planninginspectorate.gov.uk/ViewDocument.aspx?fileid=32702430>



Appeal Decision

Inquiry held on 2 - 9 April 2019

Site visit made on 8 April 2019

by Phillip J G Ware BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th June 2019

Appeal Ref: APP/E2001/W/18/3207411

Land to the south of Williamsfield Road, Hutton Cranswick YO25 9BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Williamsfield Developments Ltd against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/17/03880/STOUT/STRAT, dated 14 November 2017, was refused by notice dated 26 January 2018.
 - The development proposed is the erection of up to 67 dwellings.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The proposal is in outline, with all matters reserved aside from the access to the site.
3. A Unilateral Planning Obligation¹ was submitted in draft form, discussed at the Inquiry and subsequently finalised. I have taken it into account.

Main Issues

4. Two matters cited in the reasons for refusal were not subsequently pursued by the Council². These relate to issues concerning isolated dwellings in the countryside and the proximity of a public right of way (no.14).
5. The proposed access from the north, through a development under construction, has not been the subject of objection by the Council or the local highway authority. Residents' concerns related to highway and drainage matters were comprehensively addressed in the Transport and Drainage Assessments³, and I have no reason to disagree with the conclusions therein.
6. With that background, there are two main issues in this appeal:

¹ Document 9

² Statement of Common Ground Section 7

³ Statement of Common Ground paragraphs 6.2 – 6.5

- Whether the site is suitable for development, in the light of the locational policies in the development plan and other material considerations, including the housing land supply position.
- The effect of the proposal on the character and appearance of the area.

Reasons

7. The appeal site is around 3.6 ha in extent and is a broadly level field lying to the south of a new housing development (partly still under construction) – Phases 1 and 2 of the Williamsfield Road scheme⁴. The field is generally bounded by mature hedgerows and trees on three sides, with the new housing development to the north. That part of the Phase 2 development closest to the current appeal site is to be laid out as open space.
8. To the northeast and northwest, on either side of the Williamsfield Road development, are existing dwellings fronting Station Road, which typify the characteristic ribbon development of much of the settlement. There is more recent development at Sheepman Lane to the northeast and, beyond the railway line to the west, at Beech View and Laburnum Avenue. A footpath runs along the southern boundary of the site, and across the railway line. There is a level crossing on Station Road.
9. The proposal is accompanied by an indicative layout⁵ showing the retention of the hedgerow boundaries, two areas of public open space, structural planting and works to habitats.

Planning policy background

10. The development plan includes the East Riding Local Plan Strategy Document (LPSD) (April 2016) and the East Riding Local Plan Allocation Document (LPAD) (July 2016).
11. The appeal site is outside the development limits as set out in the LPSD and is not identified as a housing allocation in the LPAD. The site was apparently promoted by the appellant as a potential housing site through the LPAD process, but it was rejected as it was considered to be poorly related to the main body of the settlement and to be an intrusion into the countryside.
12. The approach of LPSD Policy S3 is to focus development within the defined settlement network - including Rural Service Centres (RSC) such as Hutton Cranswick. LPSD policy S4 defines land outside the settlement limits such as the appeal site as being countryside – within which only certain types of development will be supported. None of these types of development are argued in this case and the appellant accepts that the proposal is contrary to these policies.
13. Hutton Cranswick has a housing requirement of 170 dwellings (LPAD Policy S5), which is intended to accommodate growth within the development limits. To this end the LPSD identifies five allocated Hutton Cranswick housing sites (not including the appeal site). The appellant's position is that LPAD policy S5 is failing in that insufficient housing is being provided, and that it will continue to fail if policies S3 and S4 are applied.

⁴ Approved on appeal 2009 and 2011 (SOCG Section 4)

⁵ Statement of Common Ground paragraph 3.5

14. The appellant therefore considers that there is a tension between Policy S5 and Policies S3/4. I do not agree. Policy S5 provides for a minimum 170 dwellings over the plan period (i.e. to 2029), but there is no policy or guidance which suggest any particular trajectory for the delivery of housing. The necessary development could therefore come forward at any time during the plan period – although I recognise that common sense dictates that, the closer one gets to the end of the plan period without approaching the housing target, the less likely it is to be achieved. However the position is far from that point at present. I also appreciate that some of the LPSD allocated sites, most notably CRA-C, have been allocated for a significant period of time. However the Council produced evidence of a flow of housing coming forward in the settlement, albeit that most of this has been on windfall sites rather than on allocations.
15. In any event, even if I were to accept that there has been a slow rate of housing delivery in Hutton Cranswick, there is no settlement specific delivery test. I am not persuaded that there is support in the development plan for housing outside the settlement limit.
16. On that basis, I am not persuaded that there is any tension between the policies, rather it seems to me that they are intended to provide a balance between the delivery of housing to meet defined needs and the protection of the countryside. This approach has been followed in a number of appeal decisions⁶.
17. There was also a suggestion by the appellant that LPAD policy A3, dealing with the general approach within the sub area, could be used to (in effect) overcome the restrictive approach of policies S3 and S4. However it is clear to me that policy A3 sets overall goals, which are intended to be delivered through other plan policies – including S3, S4, S5 and allocations in the LPAD. I do not consider that policy A3 works against or reduces the weight to be accorded to the other policies.
18. I will deal with landscape policies in a later section, and at this stage I only note that LPSD policies ENV1 and ENV2 (a) are agreed to be material. They deal with the appearance of the area and the wider context, and the need for development to integrate into the existing landscape. Other policies in the development plan are listed in the Statement of Common Ground⁷.
19. For completeness, I understand that the East Riding Local Plan Review is in preparation, and is estimated to be adopted by 2022. However, given the very early stage which this has reached no party suggested that it be accorded weight at this time.
20. Overall the proposal does not conform to the relevant locational policies of the development plan, as the site is outside the settlement limit and is in the open countryside in policy terms. I now turn to the housing land supply position, which is capable of being a material consideration to outweigh this policy conflict.

⁶ Appellant's Closing Paragraphs 7 and 9

⁷ Paragraphs 5.4 and 5.5

The provision of general needs and affordable housing

21. An initial point is that the provision of general needs housing and a policy compliant level of affordable housing is to be welcomed in terms of local and national policies aimed at boosting the supply of housing. This is a significant benefit of the proposal.
22. However the importance of the extent of the housing land supply relates particularly to paragraph 11 of the National Planning Policy Framework (the Framework). The Council's claimed ability to demonstrate a five-year supply of deliverable housing is disputed by the appellants. The primary consequence of any failure to maintain this level of supply is to render policies for the provision of housing out-of-date in accordance with the Framework, and thereby trigger the so-called 'tilted balance'.
23. The parties agreed a range of matters, most particularly the relevant requirement figure, gross versus net completions, the current shortfall and the need to make up the deficit within 5 years and the use of a 5% buffer. The key issue between the parties is whether the Council's supply figures are reasonable in the light of the Framework and Planning Policy Guidance (PPG). This dispute focusses around whether a number of the Council's claimed supply sites are deliverable. The appellants confirmed at the Inquiry that this was their underlying concern.
24. During the course of the Inquiry, and particularly during the round table session on housing land supply, the parties moved closer together – but they remained just below and above the 5 year supply point at 4.5 and 5.1 (rounded figures) respectively⁸. The issue relates not so much to the details of individual sites but to a number of general criticisms by the appellants of the Council's overall approach. I will deal with these in turn below.
25. Before turning to these general criticisms, it is important to note that the housing land supply position has been considered three times in the relatively recent past – as part of the local plan examination and in relation to the two appeals concerning Williamsfield Road Phases 1 and 2⁹. In each case, although I do not have details of the material before those Inspectors, it was concluded that the Council had a five year supply. In addition, it is noteworthy that the appellant did not suggest that, even were there to be a shortfall in housing land supply, that would in itself justify allowing the appeal in the event of a conflict with locational and landscape policies.
26. Although I have sufficient material to come to a conclusion on the general extent of the supply, the proper forum for determining the precise position is as part of the development plan process. In that forum a full range of all interested parties' views can be taken into account, which I cannot replicate in the context of a s78 appeal with inevitably more limited evidence.
27. I will now turn to the general themes related to the appellant's criticisms of the Council's position, as discussed at the Inquiry. These can be summarised as follows:

⁸ The appellant's position is that, setting the bar as per the Council's highest case, there is still a shortfall in the 5 year supply – 4.9 years

⁹ As set out at Council's closing Paragraph 29.

- The authority did not seek any formal Statements of Common Ground (SOCG) between those in control/with knowledge of the sites and the Council. Instead there was, in most instances, an ostensibly less formal exchange of correspondence and the completion of a proforma. The appellant considers that this approach reduces the reliability of the results. Although PPG refers to the use of a SOCG, this approach is not mandatory and other mechanisms are not discouraged. I fail to see any fundamental difference between the way the Council has approached the collation of information and a slightly more formal SOCG. The site specific evidence was produced using a robust methodology and the Council, in a number of instances, did not automatically accept the results of the exercise at face value – for example in some cases the authority assumed a longer lead in time. Although the Council could have adopted the SOCG approach, it is far from clear that this would have resulted in significantly different results.
- The appellant's position is that the Council did not adopt an approach to deliverability in line with the definition in the Glossary to the Framework. This states that (amongst other matters) for housing sites to be considered deliverable, they should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. The definition includes the need for clear evidence. The 2019 Framework has 'raised the bar' related to deliverability in comparison with earlier Framework iterations and other national advice. However there is no definition of what constitutes 'clear evidence' of future delivery and, as the appellant accepted, there is no defined minimum criterion. In my view, the appellant – in using a 'highly likely' test - has raised the bar significantly above that advised in national policy and guidance. This would make it difficult for any recently adopted plan to survive an appeal against a s78 refusal based on five year housing land supply. In contrast, I find that the Council's approach is soundly based on national policy and guidance.
- The appellants criticised some of the Council's supply sites on the basis that they were not under the control of a housebuilder, but of a land promoter. I appreciate that this puts the sites one step further away from actual development, but it is clearly in land promoters' interests to sell rapidly to housebuilders. Their business model would require this, as without a rapid sale they cannot obtain a speedy return on their investment. The involvement of promoters is recognised in national guidance, and there is no implication that such sites are less likely to come forward during the first five year period. The fact that the responses to the Council's enquiries came from different participants in the process does not necessarily lead to an automatic reduction in the weight to be attributed to some replies.
- In some cases there was no response to the Council's enquiry as to potential delivery. In such cases the authority used the judgement and expertise of its officers to assess the likelihood of delivery, using a careful methodology. It is noteworthy that the Council did not include all such 'nil-return' sites.

28. For these reasons, I find the Council's approach to the assessment of the supply side of the equation to be robust and in line with national policy and

guidance. Under these circumstances, there is no need to interrogate the sites in individual detail as the criticism of the inclusion of contested sites fall very largely within the ambit of the above matters. On the evidence before me, I conclude that the Council has a five year supply of deliverable housing sites, and the 'tilted balance' does not apply.

29. In conclusion on the first main issue, the site is not suitable for development, in the light of the locational policies in the development plan and other material considerations, including the housing land supply position.

The effect on the character and appearance of the area

30. Although national policy recognises the intrinsic character and beauty of the countryside, the appeal site and its surroundings are not a designated or valued landscape in terms of the Framework. The land to the east of the site is Hutton Cranswick Meadow, which is a candidate local wildlife site.
31. The appellant accepted that the proposal conflicts with LPSD policies ENV1 and ENV2, and it is common ground that the difference between the parties centres on the extent of the conflict and the weight to be accorded to it. There are two landscape character areas surrounding Hutton Cranswick¹⁰, but a more localised assessment is necessary in this case.
32. The site is a long and relatively narrow finger of land projecting south of the existing Phase 1 and 2 developments into open countryside. To the east, west and south of the appeal site are open fields, whose generally long narrow form has a degree of local significance, as was discussed at the Inquiry. Beyond the immediate fields there are some housing areas. This is especially the case in relation to Beech View and Laburnum Avenue, to the west beyond the railway line, within an area which apparently grew up around a historic link to a manor. However, from the evidence and from my site visit, it is clear that there is a considerable degree of separation between this part of the existing settlement and the appeal site, even allowing for the occasional intrusion of passing trains.
33. On that basis, the proposal would not relate well to the existing settlement pattern but would represent an extension of the settlement into largely open and undeveloped countryside. The development would impact on several key characteristics of those fields. In my opinion, the area has a high-medium sensitivity to change, and the proposal would result in a high-medium magnitude of change. Overall I agree with the Council's assessment that the effect would be substantial adverse.
34. I am conscious that the appeal decisions which allowed Phases 1 and 2 to the north dealt with the 'rounding off' of the existing settlement. However this is not an argument which can be applied to the appeal proposal due to the lack of any significant relationship with existing development. Nor would the appeal proposal appear as a logical continuation of Phase 2, as there would be an intervening public open space which would further emphasise the disconnect between the appeal scheme and existing development.
35. In coming to my conclusions on landscape impact, I have carefully considered the differences between the professional landscape witnesses on a range of

¹⁰ LCT 16 and LCT 16E

matters, including landscape and scenic quality. A number of these are matters of professional opinion. In addition there are some areas of the appellant's approach which were explored at the Inquiry and which the Council maintained weakened the appellant's position. I do not agree in a number of respects. These matters include an acknowledged error in Table 1 of the LVIA relating to the current use of the site, and the approach towards the role of visibility of the landscape.

36. However there are two matters which, taken together, do materially detract from the appellant's landscape position and add weight to my conclusion regarding the negative landscape impact:
- The first step in an assessment of a proposal's effect must be to assess the benchmark position and the susceptibility of the landscape. However, as accepted by the appellant's landscape witness, this was not an exercise undertaken in the LVIA.
 - Perhaps the most important issue stems from the apparently contradictory approach adopted by the appellant's LVIA and Inquiry evidence. The LVIA did not consider the effect of the proposal beyond the site boundary, for no clear reason. Especially given the broadly level nature of the surrounding countryside, there must logically be an effect beyond the site itself, but its magnitude and consequences were not considered. In contrast, the appellant's evidence at the Inquiry addressed the settlement landscape aside from the appeal site. The Council characterised this as a 'polo mint effect' as it omitted the effect on the character of the area including the appeal site. The two different approaches, neither of which provides a full analysis of the effect of the proposal, were not satisfactorily explained and this weakens the appellant's position.
37. Overall, I consider that the proposal would harm the character and appearance of the area, and conflict with LPSD policies ENV1 and ENV2 (a).

Other matters

38. The Unilateral Planning Obligation deals with a range of matters, including the provision, future management and maintenance of open space and the provision of a policy compliant level of affordable housing. In addition, a contribution towards enhancements to the railway footpath crossing and road signage is included. It was confirmed at the Inquiry that the impact of the proposal on the vehicular and pedestrian crossings have been discussed with Network Rail, who have agreed the amounts and the delivery of the works.
39. These matters are directly related to the proposal and are necessary to make the development acceptable in planning terms. Therefore I consider that the Obligation meets the policy in paragraph 56 of the National Planning Policy Framework and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010. However, aside from the provision of affordable housing (to which I attach significant weight), the provisions are essentially intended to mitigate the effect of the development - although they could be of some benefit to the wider public, and I have therefore given them very limited weight.

Planning balance and conclusion

40. For the reasons set out above, the proposal conflicts with the locational and landscape policies in the development plan. The evidence before me leads to the conclusion that the authority has a five year housing land supply, and therefore as the proposal conflicts with an up-to-date development plan permission should not usually be granted.
41. The material considerations in this case which weigh in favour of the grant of permission are the provision of housing, especially affordable housing, along with the very limited benefit of some other elements included in the obligation. However these matters taken together do not come close to outweighing the policy and landscape harms. The fact that the site is agreed to be in a sustainable location in relation to the provision of facilities and related to accessibility is welcomed, but this is essentially neutral in the planning balance and could be repeated in other sites within and close to the settlement.
42. For the reasons given above I conclude that the appeal should be dismissed.

P. J. G. Ware

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:	
Mr C Banner QC and Mr M Henderson of Counsel	Instructed by the Head of Legal Services
They called	
Mr W Blackledge BA DIPLA CMLI	Managing Director, 2B Landscape Consultancy Ltd
Mr O Robinson MA MRTPI	Principal Planning Officer
Ms S Hunt BA(Hons) MA MRTPI	Planning (Development Management)

FOR THE APPELLANT:	
Mr A Williamson	Consultant, Walker Morris solicitors, instructed by Mr G Whiteford (Walker Morris)
He called	
Mr M Steel BA DipLD CMLI	Mark Steele Consultants Ltd
Mr R Boulton BSc (Hons) MRTPI	Senior Director, DLP Planning Ltd
Mr S Sadler BA(Hons) TP MRTPI	Head of Planning, Walker Morris Planning Consultancy

DOCUMENTS

1	Appeal at Bures Hamlet (APP/Z1510/W/18/3207509)
2	Appeal at Ginton (APP/J0540/W/18/3204584)
3	Landscape context plan
4	Timetable for the preparation of Development Plan Documents
5	Appeal at Station Road, Hutton Cranswick (APP/E2001/W/18/3218477)
6	Consultation on Annual Position Statement 2018 draft methodology
7	Closing statement on behalf of the Council
8	Closing statement on behalf of the appellant
9	Planning Obligation dated 12 April 2019

Appendix 9 Extracts from Appeal Decision Letter Ref: APP/Y0435/W/17/3169314, Land to the East of Newport Road and to the East and West of Cranfield Road, Woburn Sands

Relevant passages highlighted. Full appeal decision can be accessed here:

<https://acp.planninginspectorate.gov.uk/ViewDocument.aspx?fileid=38017165>



Ministry of Housing,
Communities &
Local Government

Timothy Waller
Waller Planning Ltd
Suite A, 19-25 Salisbury Square
Old Hatfield
Hertfordshire
AL9 5BT

Our ref: APP/Y0435/W/17/3169314

25 June 2020

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY WAVENDON PROPERTIES LTD
LAND TO THE EAST OF NEWPORT ROAD AND TO THE EAST AND WEST OF
CRANFIELD ROAD, WOBURN SANDS, BUCKINGHAMSHIRE MK17 8UH
APPLICATION REF: 16/00672/OUT**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC, who held a public local inquiry from 14 - 23 January 2020 into your client's appeal against the decision of Milton Keynes Council to refuse your client's outline application, with all matters except the means of access reserved for subsequent approval, for residential development of up to 203 dwellings, a doctor's surgery, open space and landscaping, together with pedestrian, cycle and vehicular access from Newport Road and Cranfield Road and supporting infrastructure, in accordance with application ref: 16/00672/OUT, dated 20 July 2016.
2. On 31 October 2017, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.
3. The Secretary of State initially issued his decision in respect of the above appeal in his letter dated 5 December 2018. That decision was challenged by way of an application to the High Court and was subsequently quashed by order of the Court dated 14 June 2019. The appeal has therefore been redetermined by the Secretary of State, following a new inquiry into this matter. Details of the original inquiry are set out in the 5 December 2018 decision letter.

Inspector's recommendation and summary of the decision

4. The Inspector recommended that the appeal be dismissed.
5. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and agrees with his recommendation. He has decided to dismiss the appeal.

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A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Matters arising since the close of the inquiry

6. On 18 May 2020, the Secretary of State wrote to the main parties to afford them an opportunity to comment on a letter from Milton Keynes Council dated 12 May 2020 which included a recent appeal decision relating to Rectory Farm, Woburn Sands Road, Bow Brickhill, Milton Keynes, MK17 9JY. A list of the representations received in response to this letter is at Annex A. These representations were circulated to the main parties on 27 May 2020 and 3 June 2020. The Secretary of State is satisfied that all representations received have been given full and due consideration, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. Copies may be obtained on written request to the address at the foot of the first page of this letter.
7. In his letter of 16 August 2019, confirming the reopening of the inquiry, the Secretary of State explained that one change in circumstance he considered material to the redetermination was the announcement by Highways England, in September 2018, that corridor B (central option) had been selected as the preferred corridor for the Oxford-Cambridge Expressway (IR1.16). The Secretary of State has noted that, in March 2020 Highways England announced that work had paused on the Oxford-Cambridge Expressway while they undertook further work on other potential road projects that could support the government ambition on the Oxford-Cambridge Arc (<https://highwaysengland.co.uk/project-update-12-march-2020/>). The Secretary of State has also noted that none of the parties have made representations to him on this announcement. The Secretary of State does not consider the pausing of the work raises any matters that would require him to refer back to the parties for further representations prior to reaching his decision on this appeal.

Policy and statutory considerations

8. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
9. In this case the development plan consists of Plan:MK 2016-2031 (Plan:MK), Woburn Sands Neighbourhood Plan 2014 (WSNP) and Site Allocations Plan 2018 (SAP). The Secretary of State considers that relevant development plan policies include those set out at IR3.3-3.9.
10. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance').
11. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals or their settings, or any features of special architectural or historic interest which they may possess.

Main issues

Housing Land Supply

12. The Secretary of State has considered the Inspector's analysis at IR12.4-12.64. For the reasons given at IR12.8-12.12 the Secretary of State agrees with the Inspector that it is acceptable that the evidence can post-date the base date provided that it is used to support sites identified as deliverable as of 1 April 2019 (IR12.11). Like the Inspector, the Secretary of State does not consider it necessary to apply a 1 October 2019 base date (IR12.12). For the reasons given at IR12.13-12.15, the Secretary of State agrees with the Inspector that a proforma can, in principle, provide clear evidence of a site's deliverability (IR12.14). The Secretary of State also agrees with the Inspector that it would not be appropriate to automatically disregard all the sites owned by Homes England and Milton Keynes Development Partnership (IR12.15). For the reasons given at IR12.16-12.25 the Secretary of State agrees with the Inspector that there is no reason to apply a greater discount than the Council's rate (IR12.19). The Secretary of State agrees with the approach the Inspector has taken to prior approval sites in this case (IR12.22).
13. The Secretary of State has noted that the Globe and Castlethorpe Road appeal decisions came to different conclusions on whether the Council could demonstrate a 5-year housing land supply (HLS) (IR12.23), but he agrees that, as the Inspector's conclusions in this case are based on the evidence before him, this should be regarded as being sufficient to explain any difference from the findings of the Castlethorpe Road or Globe Inspectors (IR12.25).
14. The Secretary of State has considered the Inspector's assessment of disputed sites at IR12.26-12.60. For the reasons given, the Secretary of State agrees with the Inspector that the Council can demonstrate a HLS of 5.5 years for the base date of 1 April 2019 (IR12.61). The Secretary of State has also noted that the Inspector finds that, for a base date of 1 October 2019, there would be a 5-year HLS of 5.99 years (IR12.62). However, as already indicated in paragraph 12 above, the Secretary of State agrees with the Inspector that it is not necessary to apply a 1 October base date. The Secretary of State also agrees with the Inspector that the Council's Scenarios 2 and 3 do not affect his findings on HLS (IR12.63-64).
15. Overall, the Secretary of State agrees with the Inspector's conclusion at IR12.65 that the Council can demonstrate a 5-year supply of deliverable housing sites whichever approach is taken in terms of the base date, and even with the application of the Council's lapse rate.
16. The Secretary of State has noted that, in their correspondence of 26 May 2020 and 12 June 2020, the appellant has referred to the potential impact of the current Covid-19 pandemic on house building. He has also noted that the appellant submitted a document with their correspondence of 26 May 2020 issued by the Council entitled 'Rectory Farm decision and the Implications for Five-Year Housing Land Supply', published on 29 April 2020. The Secretary of State considers that, as the quantification in that document is based on the appellant's modelling using a past event and they have not put forward specific evidence about the deliverability of individual sites, it does not affect his judgement in this case.

12. Conclusions

12.1. The numbers in square brackets refer back to earlier paragraphs which are relevant to my conclusions.

Main Considerations

12.2. The main considerations for the reopened Inquiry were informed by the previous decision letter, notwithstanding submissions by both main parties on the extent to which specific sections of that letter remain a material consideration. Nevertheless, it was broadly accepted that those sections which did not form part of the High Court judgment to quash the first decision, or have not been overtaken by circumstances such as the adoption of Plan:MK, remain relevant to this redetermination. **[7.1-7.4 and 8.2-8.4]**

12.3. The main considerations were narrowed down at the pre-Inquiry meeting¹²⁴. At the start of the Inquiry the main parties confirmed that the effect on the character and appearance of the landscape was no longer a main consideration. It was agreed that the main considerations now are as follows¹²⁵:

- (a) whether or not the Council can demonstrate a 5 year supply of deliverable housing sites;
- (b) whether the proposed housing would be in an appropriate location having regard to the development plan and national policies, as well as routes of potential new transport infrastructure;
- (c) the acceptability of the proposed housing density; and
- (d) the overall planning balance in relation to the economic, social and environmental dimensions of sustainable development.

Housing Land Supply

12.4. A number of overarching themes were debated at the Inquiry which are discussed below before turning to an assessment of specific sites and whether the Council can demonstrate a 5 year HLS.

The definition of deliverability

12.5. The 2019 revision to the NPPF definition of deliverable retains reference to “a realistic prospect that housing will be delivered on the site within five years” as it did in the original 2012 version of the NPPF. The Court of Appeal judgment in *St Modwen* found that realistic prospect did not mean a site’s deliverability must necessarily be certain or probable. It also noted the distinction between deliverability and delivery in that a deliverable site does not necessarily have to be delivered. **[8.23-8.24]**

12.6. The more recent Court of Appeal judgment in *East Bergholt* noted that a decision maker could adopt a more cautious view when assessing a “realistic prospect”. It went on to say that the assessment of realistic prospect falls

¹²⁴ CD10.44

¹²⁵ It was agreed by the main parties at the start of the inquiry that the effect of the development on the character and appearance of the landscape and surrounding area was no longer a main consideration

within the realms of policy and planning judgment rather than a legal concept. The judgment did not seek to take a different view on the distinction between deliverability and delivery. Therefore, I consider that the *St Modwen* and *East Bergholt* approaches are broadly compatible and there is no need to favour one over the other when assessing deliverability. **[7.21, 8.25]**

- 12.7. Nevertheless, the 2019 revision to the NPPF resulted in a more precise approach to the assessment of deliverability, with two specific categories (a) and (b) and the need to provide clear evidence in both. This necessitates a site specific assessment to determine whether a site is deliverable.

The base date and timescale of the evidence

- 12.8. The Council uses a base date of 1 April 2019 for the purposes of calculating its 5 year HLS position. It published its assessment in June 2019 with the housing trajectory in Appendix 1 containing notes on deliverability. Proformas were sent out by email on 20 May 2019 asking for a reply by 7 June 2019. Where no response was received, this was followed up. It was accepted by the Council that the amount of evidence predating 1 April 2019 that informed the assessment was limited. **[7.26]**
- 12.9. However, there is nothing in the NPPF or PPG that stipulates that all of the documentary evidence for a 5 year HLS has to be available at the base date itself. **Instead, the PPG advocates the use of the latest available evidence. A local planning authority can prepare and consult on an APS after the 1 April base date before submission to the Planning Inspectorate by 31 July. While not directly applicable here, this indicates that evidence can be produced and tested after the base date.** The HLS position statements in Babergh and Mid Suffolk for the 2019-2024 period were published in September 2019 and included data to justify supply that was only known about after 1 April. **[7.25, 8.16, 8.17, 8.19, 8.20]**
- 12.10. **The Council has avoided adding new sites after the base date to prevent the skewing of supply in line with the Woolpit decision. While the Woolpit Inspector criticised the retrospective justification of sites after the publication of the Annual Monitoring Report, the Inspector at Darnall School Lane permitted additional evidence to support sites identified as deliverable at the base date which was a position accepted by the SoS in that case. The Longdene and Colchester Road Inspectors took a similar approach. In terms of Milton Keynes appeals, the Castlethorpe Road and the Globe Inspectors took into account the proformas used by the Council to inform its June assessment of 5 year HLS. [7.23, 7.24, 8.18, 8.21]**
- 12.11. **Therefore, I consider it acceptable that the evidence can post-date the base date provided that it is used to support sites identified as deliverable as of 1 April 2019.**
- 12.12. The appellant argues for a 1 October 2019 base date in order to take into account the Council's June assessment and quarterly monitoring data. This would result in a necessary adjustment of the 5 year supply period to 30 September 2024. There is little in national policy or guidance that advocates such an approach and it would appear to go against efforts to create greater certainty in the planning process. I concur with the Council that such an approach would mean having to argue HLS at every appeal, rather than having

a fixed base date. Moreover, the quarterly monitoring data is not intended to be an updated assessment of supply¹²⁶. Thus, I do not consider it necessary to apply a 1 October base date. Nevertheless, if the SoS disagrees on this point, my assessment of specific sites below includes an assessment of the 5 year HLS supply position using a 1 October base date. **[7.27, 8.22]**

The proformas

- 12.13. The appellant's criticisms of the Council's use of proformas focused on whether they provided sufficient written evidence in line with the guidance in the PPG 68-007 and, in some cases, whether the reliance on information provided by bodies such as Homes England and the MKDP on sites in public ownership was appropriate. **[7.28, 7.30]**
- 12.14. Dealing with the former, the Council clarified at the Inquiry that the proformas included a covering letter explaining their purposes for assessing 5 year HLS. Representatives of each site were asked to confirm or amend the Council's trajectory for each site. Although relevant boxes were not always ticked, the proformas were signed and returned with a covering email in many cases. While a SOCG or MOU could provide more information, they offer no more of a commitment to the deliverability of homes than a proforma. Therefore, I consider that a proforma can, in principle, provide clear evidence of a site's deliverability. Additional evidence to support a proforma can also be taken into account subject to its specific content and timing. **[8.11, 8.21, 8.36]**
- 12.15. Turning to the latter, it is apparent that some publicly owned sites have not come forward as quickly as anticipated such as Tattenhoe Park. However, the evidence linking slow delivery to unreliable forecasting from the bodies responsible for managing the disposal of these sites is not conclusive. Although representatives of Homes England and MKDP form part of the group that assesses the proformas, there is little to suggest that their responses to their own proformas is misleading or inaccurate in principle. Therefore, it would not be appropriate to automatically disregard all of their sites. **[8.35]**

Past forecasts and the application of discount rates

- 12.16. The first Inspector for this appeal noted the uncertainty, slippage and failure in the Council's forecasts of housing delivery and that reasonable adjustments would clearly reduce the HLS to less than 5 years. Evidence presented to this Inquiry has noted the historic under-delivery of housing against forecasts of around 28-30%. While delivery is not the same as deliverability, it is apparent that past forecasting has not been particularly accurate. However, recent evidence in terms of housing delivery has shown that the Council met its annual delivery requirement from Plan:MK for 2018/19 and is set to do so again for 2019/20. The number of units under construction is at a high rate. **[7.31, 7.32, 8.8].**
- 12.17. The Plan:MK Inspector found the plan sound in terms of housing delivery rates and considered the higher delivery to be realistic with minimal risk of non-delivery. I accept that the Inspector examined the plan under the

¹²⁶ LPA3 paragraph 2.9

2012 NPPF definition of deliverable and it should not be assumed that because the plan was found sound that a 5 year HLS can be demonstrated now. There is a need to review sites on the basis of the 2019 NPPF definition. Indeed, the Council has removed sites in the Plan:MK supply for completion by 31 March 2024 where it no longer considers they meet the new definition. **[7.16, 8.9, 8.13]**

12.18. Nevertheless, the appellant has not applied a discount of 28-30% to their assessment of the Council's 5 year HLS as they have carried out a site by site assessment. Moreover, the appellant accepted that for the purposes of establishing whether a 5 year HLS exists, it is only necessary to apply a 5% rather than a 20% buffer in Milton Keynes due to rates of delivery. **[8.26, 8.28]**

12.19. The Council has historically applied a lapse rate to its forecasting of HLS for sites with delivery in Year 5, where a 10% discount is applied across the 5 years for those sites. Given that the Council has moved to a site by site assessment, it considers that such a discount is no longer necessary. However, for robustness and consistency with the Plan:MK trajectory, the discount has been applied to this appeal by the Council. Therefore, I have taken into account the Council's lapse rate as part of my HLS assessment. Based on recent delivery rates and Plan:MK, I see no reason to apply a greater discount than the Council's rate **[8.27, 8.29]**

Build-out rates

12.20. National reports¹²⁷ are helpful in identifying previous maximum average built-out rates over 5 years for large strategic sites like Brooklands (268 dwellings per annum). However, they can only be a guide and consideration should be given to evidence relating to specific sites as set out below. **[7.29, 8.37, 8.39]**

Prior approval sites

12.21. Prior approval sites are not mentioned in categories (a) or (b) of the NPPF definition of deliverable. However, I am persuaded by the Council's argument that where Article 3 of the GPDO grants planning permission for development in Schedule 2, that is within the definition of planning permission in the TCPA 1990. Such approvals are designed to provide a boost to new housing and are required to be implemented within 3 years. The PPG at 68-029 only refers what can count as a completion for the purposes of calculating HLS. It refers to new build, conversions and changes of use, but only in the context of where housing has been completed. Nevertheless, the PPG and NPPF do not explicitly exclude prior approval sites from housing supply. The Inspector and SoS at the Hanging Lane decision found that such sites can be taken into account as part of a 5 year HLS assessment. **[7.74, 8.30-8.34]**

12.22. Thus, I consider that prior approval sites can be regarded as having detailed planning permission and can form part of the supply of deliverable sites within category (a). The onus is on the appellant to demonstrate clear

¹²⁷ Such as CD11.1

evidence that such sites do not have a realistic prospect of being delivered within 5 years.

Consistency with previous appeal decisions in Milton Keynes

12.23. The Globe and the Castlethorpe Road appeal decisions dated 5 and 26 September respectively came to different conclusions on whether the Council could demonstrate a 5 year HLS. The former said it could and dismissed the appeal whereas the latter said it could not and allowed both appeals. Both had regard to the most up to date evidence including the proformas and both noted the recent improvement in housing delivery. The Castlethorpe Road decision found that reliance on past rates of delivery to be inappropriate, but nevertheless applied an optimism bias to the supply at a point midway between the appellants and the Council. The decision also considered that clear evidence for at least 2,717 houses had not been shown.

12.24. The Castlethorpe Road decision was challenged by the Council, but permission to apply for statutory review was refused by the High Court. Nevertheless, it would be wrong to afford Castlethorpe Road more weight than the Globe on the premise that it was more legally robust as the Globe has not been tested in the same way. Likewise, while the Castlethorpe Road Inspector explains in paragraph 65 why he has come to a different view on HLS to the Globe Inspector, this is largely on the basis of the nature and manner in which evidence was presented to him rather than any criticism of the Globe decision. **[7.33, 8.10-8.13]**

12.25. Therefore, it is not possible to say that one decision should be preferred over the other. There is a need for consistency in appeal decisions along with clear explanations of any divergence in views from another Inspector. This report is based on the evidence before me, and where necessary, it will explain any difference in findings to the Castlethorpe Road or Globe Inspectors.

Assessment of disputed sites

12.26. The following assessment is based on the disputed sites set out in the appellant's proof of evidence for HLS (APP2/3), specifically in Table 23 and Appendix 3, along with the HLS SOCG (SOCG1), specifically Table 3. The appellant's rebuttal proof updated Appendix 3 and included at Appendix 3a summarising the main parties' positions on each site (APP4/5/6). Following the roundtable session, the appellant produced an errata document (RID20/RID36) that updates Table 23 in the proof of evidence and Table 3 in the SOCG. The errata document also contains updates to Tables 21 and 22 in the appellant's proof setting out the contended land supply positions at 1 April and 1 October 2019. Appendix 6 of the Council's proof of evidence on HLS (LPA2) contains the primary source of evidence for each site.

Strategic sites - Brooklands (Site 1) [7.35-7.37, 8.40]

12.27. Brooklands has detailed planning permission for all of its remaining parcels. While the projected completions are high, the rate of delivery over the past 4 years has been high at an average of 247dpa. There have been 267 completions in 2019/20 up to 1 January 2020 against a projection of 182. While one parcel did not submit a proforma response, the Council's projections are based on delivery across the wider site and the phasing methodology. The

appellant's criticisms in terms of the limited number of developers, local experience, past rates of delivery and national reports do not match the current build out rates since 2015/16. Therefore, there is a realistic prospect that the projected housing will be delivered in the 5 year period with no clear evidence to the contrary. This applies to the April and October base dates.

Strategic sites – Tattenhoe Park (Site 2) [7.38-7.39, 8.41]

12.28. The projected completions on Phases 2-5 at Tattenhoe Park were considered deliverable by the Council in the June HLS assessment, based on proformas returned that month. The completions were taken into account by the Globe Inspector and rejected by the Castlethorpe Road Inspector, both based on the above proformas. The 2018 tender documents for Phases 2 and 3, which were provided to the Council in November 2019, are an indication that Homes England is actively seeking to facilitate delivery of housing (including lead-in times and build out rates). Both phases now have detailed permission via reserved matter applications granted in October and November 2019. While the Castlethorpe Road Inspector found the evidence to be lacking, the additional information provides clear evidence that there is a realistic prospect of housing delivery in the 5 year period for Phases 2 and 3. This applies to both the April and October base dates. Conversely, no additional information has been put forward for Phases 4 and 5 and so there is an absence of clear evidence of their delivery. Thus, these phases are removed from both the April and October base dates (delete 195 units from Site 2)

Strategic sites – Western Expansion Area (Site 3) [7.40-7.41, 8.42]

12.29. The Western Expansion Area in terms of disputed elements consists of Area 10 Remainder and Area 11 Remainder. Both areas are covered by outline planning permission apart from one parcel that now has reserved matters approval for 152 units. The Council highlights the rate of completions for Area 10 since delivery began in 2015/16 which are now up to 300dpa. For Area 11, completions are up to 288dpa and have exceeded projections already for 2019/20. Site wide infrastructure is in place for the plots expected to deliver in the 5 year period. The Globe decision took the Council's projections into account whereas the Castlethorpe Road decisions did not. However, it is not evident that the latter had the benefit of the proformas dated 10 July 2019 given this was the same date as the hearing. A disposal strategy from the landowners dated December 2019 has been added to the evidence for both areas which sets out further evidence of projected completions. Based on the lack of land disposals since March 2019, this has led to the Council revising down its 5 year trajectory by 306 units for Area 10 and 229 units for Area 11 as a worst case scenario. Nevertheless, apart from these reductions, I consider that there is clear evidence of a realistic prospect of housing delivery for the remaining units in the 5 year period for either April or October (delete 535 units from Site 3).

Strategic sites – Strategic Land Allocation (Site 4) [7.42-7.44, 8.43]

12.30. The Strategic Land Allocation is divided into a number of large outline sites with several developers. There are 5 parcels that only had outline permission as of 1 April 2019. No proforma was submitted for the Ripper Land parcel and the only evidence is an email from the landowner who highlights

access issues. In line with the Castlethorpe Road Inspector, there is a lack of clear evidence regarding the deliverability of this site (delete 85 units).

- 12.31. No proforma has been submitted for the Land West of Eagle Farm South parcel but this has reserved matter approval. The appellant has queried the build-out rate alongside the other two Eagle Farm parcels with reserved matter approvals, but all 3 parcels have started delivering in line with or ahead of projections. As such, there is no clear evidence to indicate that Land West of Eagle Farm South will not deliver the projected housing in the 5 year period.
- 12.32. The remaining Eagle Farm parcel for 125 units has outline permission only with no proforma returned. An email from October indicates a reserved matter application in the summer of 2020, but it provides little else in the way of clear evidence that the projected number of units will be delivered within the 5 years (delete 125 units).
- 12.33. The proforma for the remaining outline permission at Glebe Farm was submitted after the June HLS assessment but indicates a strong rate of delivery of units. Two parts of the remaining outline permission now have reserved matters approvals from September and October 2019 for a total of 366 units. This surpasses the 310 projection in the 5 year supply and with two developers operating the build-out rates appear realistic. A proforma from one of the developers in November supports these rates. Although this evidence post-dates 1 April 2019, it clearly demonstrates there is a realistic prospect of delivering the projected amount of housing within the 5 year period.
- 12.34. The Council's projection of 180 units for the Golf Course Land was based on the proforma dated May 2019. Since then, reserved matters approval was granted on 1 November 2019. This additional information provides clear evidence of deliverability within the 5 year period.
- 12.35. The proforma for Church Farm indicates a reserved matters application by late 2019. The Globe decision found this to be sufficient information whereas the Castlethorpe Road decision considered it fell short. Further information indicates that the application submission has now slipped to Easter 2020 with issues regarding road to be agreed. This continues to fall short of the clear evidence to demonstrate a realistic prospect of delivery (delete 90 units).

Outline or pending permissions as at 1 April 2019

- 12.36. The June 2019 proforma for Newton Leys (Site 5) indicates the delivery of 80 units, which has been reinforced by reserved matters approval in September 2019. The Globe decision considered the site was deliverable and I consider there is clear evidence and a realistic prospect of delivery at either base date.
- 12.37. The June 2019 proforma for Campbell Park Remainder (Site 6) indicates the delivery of 300 units in the 5 year period. The Globe and Castlethorpe Road decisions came to opposite conclusions on the deliverability of this site. There is now further information in the form of email correspondence from December 2019 that outlines progress towards starting on site in 2021. This represents clear evidence of deliverability and as such there is a realistic prospect of the projected numbers coming forward for either base date.

- 12.38. The June 2019 proforma for Wyevale Garden Centre (Site 9) noted a resolution to grant planning permission. This was granted in July 2019. This supports clear evidence of the site being deliverable, while the build-out rates of 150 and 130 units in 2021/22 and 2022/23 appear achievable given that the development relates to apartments that can be delivered in larger numbers at one time. Therefore, there is a realistic prospect of the projected numbers coming forward for either base date.
- 12.39. Planning permission for the Agora redevelopment (Site 13) has lapsed and the June 2019 proforma noted viability issues and a pending decision on whether to list the existing building. The Castlethorpe Road decision found clear evidence to be lacking. Further information from November 2019 notes that the listing request was turned down and there has been progress towards planning permission and building demolition in 2020. While viability issues remain over S106 contributions, this does not appear to be a significant constraint. Based on the above, clear evidence of deliverability has been demonstrated and as such there is a realistic prospect of the projected numbers coming forward for either base date.
- 12.40. At the inquiry, the Council accepted that Galleon Wharf (Site 14) is not deliverable. I have no reason to disagree (delete 14 units).
- 12.41. The Railcare Maintenance Depot (Site 15) has outline permission, but the June 2019 proforma provides no information on progression towards approving reserved matters. The appellant also notes that part of the site has now been developed for a supermarket. Based on the lack of clear evidence, it has not been demonstrated that a realistic prospect of delivery exists for either base date (delete 175 units).
- 12.42. Eaton Leys (Site 16) has outline permission but no proforma was submitted in June 2019. However, a reserved matter application was pending and due to be determined by January 2020. A proforma was provided by the developer in December 2019 updating projections which appear achievable for the size of development and a major housebuilder. Thus, there is clear evidence of deliverability and as such a realistic prospect of the projected numbers coming forward for either base date.
- 12.43. The June 2019 proforma for Timbold Drive (Site 26) provides limited information on the delivery of the site notwithstanding an existing outline permission. The Council notes in its proof that a new outline permission is being sought. There is a lack of clear evidence of progress towards a reserved matters approval and a realistic prospect of delivery within 5 years has not been demonstrated (delete 130 units).
- 12.44. The June 2019 proforma for Land at Walton Manor (Site 33) provides little information on delivery. The site had an application for outline permission as at 1 April 2019 which was granted in November 2019. However, there is little information on start times and build out rates. Thus, clear evidence is lacking and a realistic prospect of delivery in 5 years has not been demonstrated (delete 115 units).
- 12.45. The June 2019 proforma for Land at Towergate (Site 34) notes marketing in the summer of 2019 and a start date of January 2021. Progress has been made in terms of discharging conditions, but there is limited

information on progress towards approving reserved matters. Thus, clear evidence is lacking and a realistic prospect of delivery in 5 years has not been demonstrated (delete 150 units).

- 12.46. For High Park Drive (Site 36), no proforma was submitted in June 2019. However, a reserved matters application was submitted in November 2019 along with applications to discharge conditions. A proforma from November 2019 indicates a start date of autumn 2020. Thus, there is clear evidence of deliverability and as such a realistic prospect of the projected numbers coming forward for either base date.
- 12.47. For Land East of Tillbrook Farm (Site 40), the anticipated reserved matters application in the summer of 2019 did not materialise but a January/February 2020 application was indicated in further information. Thus, there is clear evidence of deliverability and as such a realistic prospect of the projected numbers coming forward for either base date.
- 12.48. The June 2019 proforma for Land West of Yardley Road (Site 42) indicated the submission of a reserved matters application in July. The Globe decision found the site was deliverable. The application was delayed until November 2019, but this still demonstrates progress towards securing detailed permission. Thus, there is clear evidence of deliverability and a realistic prospect of the projected numbers coming forward for either base date.

Sites with prior notification approval as at 1 April 2019

- 12.49. Based on the above reasoning, Maybrook House (Site 37), Mercury House (Site 38) and Bowback House (Site 39) can be considered as having detailed planning permission based on their prior notification approval to convert from officers to residential. No proformas have been submitted for these sites, but the assumption should be that there is a realistic prospect of delivery unless clear evidence indicates otherwise. All 3 sites had prior notification granted in 2018 and so as of 1 April 2019 there was still ample time to implement. While the sites may not be fully vacated now and being marketed for office use, there was a realistic prospect of delivery as of 1 April 2019 with no clear evidence to the contrary. Therefore, all 3 sites can be included within the 5 year supply.

Allocated sites as at 1 April 2019

- 12.50. No evidence for the South East Milton Keynes Strategic Growth Area (Site 7) was presented to the Castlethorpe Road Inspector and so it was discounted. However, the Council note that the projection is based on the Plan:MK trajectory and the SOCG to the plan examination. There is the uncertainty of whether the route of the Oxford to Cambridge Expressway will go through the site, delaying progress with delivering housing. However, the Plan:MK Inspector referred to a modest output by 2023/24. Although there have been delays to announcements on the preferred route of the Expressway, progress is being made towards a planning application for a smaller part of the site and a wider Development Framework is being prepared. Therefore, clear evidence of a realistic prospect of delivering 50 units on the site has been demonstrated.

- 12.51. Berwick Drive (Site 8), Food Centre (Site 10), Redbridge and Rowle Close (Sites 11 and 12), Land off Hampstead Gate (Site 19), Land off Harrowden (Site 20), Hendrix Drive (Site 22), Kellan Drive (Site 23), Singleton Drive (Site 24), the former Milton Keynes Rugby Club (Site 25), Land north of Vernier Crescent (Site 28), Manifold Lane (Site 29), Daubney Gate (Site 30), Springfield Boulevard (Site 31), Reserve Site Hindhead Knoll (Site 32), Reserve Site 3 (Site 35) and Tickford Fields (Site 41) are all allocated sites where the June 2019 proformas gave little information on the delivery of these sites and the Castlethorpe Road decision found clear evidence to be lacking.
- 12.52. For Site 8, Site 23 and Site 31 there is further information from the Council's property team dated November 2019 setting out a specific timetable for delivery by 2021, albeit with a revised number of dwellings. For Site 10, there is now a planning performance agreement for the site, and hybrid planning applications have been submitted following positive public consultation events for a significantly larger number of units overall. The Council's June assessment projected 298 units delivered in the 5 years, although this has been revised down to 200 units based on the further information. For Site 19, Site 29, Site 30, Site 32 and Site 41 there is further information in the form of emails setting out the timetable for an application and construction. For Site 25, land disposal has been agreed and plans prepared. Based on the above, clear evidence of deliverability has been demonstrated and as such there is a realistic prospect of the projected numbers coming forward for either base date.
- 12.53. For Sites 11 and 12, an updated proforma and letter from November 2019 confirms that the sites have passed through a neighbourhood plan examination with increased unit numbers. However, there is no clear evidence of a timetable for submitting planning applications and starting on site (delete 19 + 18 units). For Sites 20, 22, 24, 28 and 35 there is no further information provided meaning that there is still a lack of clear evidence to demonstrate a realistic prospect of delivery for either base date (delete 25 + 10 + 22 + 14 + 22 units).
- 12.54. The Lakes Estate Neighbourhood Plan site allocations (Site 17 as well as Site 18 Phelps Road and Site 27 Southern Windermere Drive) gave limited information on firm progress towards the submission of an application and the Castlethorpe Road decision found clear evidence to be lacking. Further information and timings have been submitted in November 2019 providing greater detail on progress towards submitting the application and starting on site. The development would deliver a net total of 398 dwellings allowing for the demolition of existing Council homes. Phase A will involve the construction of 110 new homes, with further new homes in Phase B only once demolition has taken place in early 2022. Therefore, there is a realistic prospect of delivering the 130 units projected by the Council over the 5 year period, with clear evidence to support this for either base date.
- 12.55. The self-build plots at Broughton Atterbury (Site 21) form part of an allocated site with the wider site subject to detailed planning permission. However, the June 2019 proforma provides little information on the delivery of this site and no further information has been provided on this matter or evidence of demand for such plots. Thus, there is a lack of clear evidence to

demonstrate a realistic prospect of delivery for either base date (delete 6 units).

New sites between 1 April and 1 October 2019

- 12.56. In the event that a 1 October 2019 base date is preferred, there are a few sites that could be included in the 5 year supply, although the appellant disputes their inclusion. Omega Mansions (Site 43) and Chancery House (Site 45) are prior notification approvals for office to residential granted in July and August 2019 respectively. There is no clear evidence to indicate these sites with detailed permission will not deliver within the 3 years of their approval. Therefore, they can be included for an October base date. Cable House (Site 44) is a duplication with Mercury House and so has not been included. The appellant has also referred to a prior notification site at Station Road Elder Gate (Site 48) although I have little information on this site including any projected numbers. As such, it makes no difference to the supply either way.
- 12.57. Land south of Cresswell Lane (Site 46) was an allocated site as of 1 April 2019 but gained detailed permission for 294 flats in July 2019. A proforma from November 2019 indicates delivery within the 5 years which is achievable for two blocks of flats. There is no clear evidence to suggest there is not a realistic prospect of delivery and so the site can be included for an October base date.
- 12.58. The Castlethorpe Road decisions (Site 47a/b) granted outline permission for 50 units on one site (a) and detailed permission for 51 units on the other site (b). For the latter, there is no clear evidence to indicate non-delivery in the next 5 years. For the former, there is no clear evidence to demonstrate progress towards reserved matters approval. Therefore, I can include Site 47(b) for an October base date but exclude Site 47(a) (delete 50 units).

Sites potentially delivering between 1 April and 30 September 2024

- 12.59. If the base date is shifted to 1 October 2019, this would necessitate moving the end date to 30 September 2024 in terms of the 5 year period. Based on the June 2019 assessment, there are 13 sites currently in Year 6 (2024/25) that are shown as starting to deliver in that year. At the Inquiry, the Council only sought to argue that 4 of them have a realistic prospect of delivery. The amount for each site would be half of that shown in Appendix 1 of the June assessment for 2024/25 given that 1 April to 30 September is 6 months.
- 12.60. The sites at the rear of Saxon Court (Site 49), the rear of Westminster House (Site 50), Site C4.2 (Site 51) and the Cavendish site (Site 52) within the Fullers Slade regeneration project are all allocations in Plan:MK. There is little evidence of progress towards applications for any of these sites. Site 49 has had a development brief prepared but there is no other information. The regeneration project has been through a referendum and a development programme agreed. While an application could be submitted in late 2020 and delivery commence in the 5 year period for Site 52, there is little evidence to support this position. Therefore, it has not been shown that there is a realistic prospect of delivery for these 4 sites and they should not form part of the 5 year supply for a 1 October 2019 base date (delete 20 + 15 + 22 + 9 units).

Conclusion on housing land supply

- 12.61. For the 1 April 2019 base date, the Council considers it has a surplus of 2,845 units with a lapse rate applied to the supply (removing 678 units) in Scenario 1 above **[8.44]**. The appellant's closing statement reports the Council's contended surplus to be 2,844 which is one unit lower **[7.19]**. The discrepancy is not clear, but I have used the lower surplus figure just in case. The above assessment deletes a number of units from specific sites coming to a total of 1,750 units deleted for a 1 April base date. This would reduce the surplus to 1,094 units and result in a supply of 11,181 units (12,931 – 1,750). Set against an agreed 5 year requirement of 10,087 units this would result in a HLS of 5.5 years. Bearing in mind that the lapse rate has only been applied to ensure robustness, I am satisfied that the Council can realistically demonstrate a 5 year HLS for this base date.
- 12.62. For a 1 October 2019 base date position, the Council's surplus based on its monitoring data and its approach to assessing deliverability is 3,859. The reduction in units set out above, including those sites purported to be in a 5 year supply between 1 October 2019 and 30 September 2024, comes to a total of 1,866 units deleted. The effect on the surplus would reduce it to 1,993 units and result in a supply of 12,083 units (13,949 – 1,866). Set against a 5 year requirement of 10,091 units, this would result in a 5 year HLS of 5.99 years for this base date.
- 12.63. I have had regard to the Council's Scenario 2 **[8.45]** which includes all of the adjustments in paragraph 4.62 of the Council's proof (LPA1) except paragraph 4.62.11 along with the removal of Site 14 at Galleon Wharf. This scenario sees an overall reduction in supply by 330 units from Scenario 1 but still provides a 5 year HLS of 6.25 years. My assessment above has already applied the adjustments to the sites in paragraphs 4.62.1 and 4.62.2 and deleted all or part of the sites in paragraphs 4.62.6, 4.62.12 and 4.6.13. It has not applied the adjustments in the remaining paragraphs, but even if it did, this would result in a minor overall addition of 95 units to the supply for the April base date. Thus, Scenario 2 does not affect my findings on HLS.
- 12.64. Scenario 3 is the same as Scenario 2 **[8.46]** but without the Council's lapse rate applied. I have decided that it would be prudent to apply the lapse rate and so this scenario also does not affect my findings on HLS.
- 12.65. In conclusion and based on the evidence before me, I find that the Council can demonstrate a 5 year supply of deliverable housing sites whichever approach is taken in terms of the base date, and even with the application of the Council's lapse rate. In the event that the SoS finds that a 5 year supply cannot be demonstrated, I deal with this scenario and its implications below.

The Location of the Development

The Development Plan – Plan:MK

- 12.66. The appellant accepts that the proposal conflicts with Policies DS1, DS2 and DS5 of Plan:MK due its location in the open countryside outside of the development boundary for Woburn Sands. While adjacent to this key settlement, the proposal does not meet any of the 13 criteria set out in Policy

ANNEX 2: APPEARANCES

FOR THE APPELLANT

Peter Goatley and James Corbet Burcher of Counsel instructed by Stephen Webb of Clyde and Co LLP.

They called:

Roland Burton BSc (Hons) MRTPI	DLP (Planning) Limited
Tim Waller BA (Hons) DipTP MRTPI	Waller Planning
Julian Hudson MA (Oxon) MSc MSc MCIHT	Scott White and Hookins
Stephen Webb	Clyde and Co LLP

FOR THE LOCAL PLANNING AUTHORITY

Reuben Taylor QC and Matthew Henderson of Counsel instructed by Sharon Bridglingsh of Milton Keynes Council.

They called:

James Williamson BA (Hons) MSs MRTPI	Milton Keynes Council
Niko Grigoropoulos BSc (Hons) MA MRTPI	Milton Keynes Council
Paul Van Geete	Milton Keynes Council
Nazneen Roy	Milton Keynes Council

INTERESTED PERSONS WHO SPOKE AT INQUIRY

Councillor Jacky Jeffries	Woburn Sands Town Council
Councillor David Hopkins	Danesborough and Walton Ward Councillor (Milton Keynes Council) and Chairman of Wavendon Parish Council
Judith Barker	Local resident
Jenny Brook	Local resident

Appendix 10 Extracts from Appeal Decision Letter Ref: APP/P1425/W/15/3119171, Land at Mitchelswood Farm, Allington Road, Newick

Relevant passages highlighted. Full appeal decision can be accessed here:

<https://acp.planninginspectorate.gov.uk/ViewDocument.aspx?fileid=41154870>



Ministry of Housing,
Communities &
Local Government

Joseph Carr
David Lock Associates Ltd
50 North Thirteenth Street
Central Milton Keynes
MK9 3BP

Our ref: APP/P1425/W/15/3119171
Your ref:

16 February 2021

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY DLA DELIVERY LTD
LAND AT MITCHELSWOOD FARM, ALLINGTON ROAD, NEWICK, EAST SUSSEX BN8
4NH
APPLICATION REF: LW/14/0703**

1. I am directed by the Secretary of State to say that consideration has been given to the report of John Felgate BA(Hons) MA MRTPI, who held a public local inquiry on the basis of a written format which closed on 10 August 2020 into your client's appeal against the decision of Lewes District Council to refuse your client's application for outline planning permission for up to 50 residential dwellings (including affordable housing), open space and landscaping, new vehicular and pedestrian accesses, and car parking, in accordance with application Ref. LW/14/0703, dated 9 September 2014.
2. In May 2016, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.
3. The Secretary of State initially issued his decision in respect of the above appeal by way of his letter dated 23 November 2016. That decision was challenged by way of an application to the High Court and was subsequently quashed by order of the Court dated 4 August 2017. The appeal has therefore been redetermined by the Secretary of State, following a new inquiry into this matter. Details of the original inquiry are set out in the 23 November 2016 decision letter.

Inspector's recommendation and summary of the decision

4. The Inspector recommended that the appeal be dismissed.
5. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation. He has decided to dismiss the appeal and refuse planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Ministry of Housing, Communities & Local Government Email: PCC@communities.gov.uk
Andrew Lynch, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Procedural matters

6. As set out in IR2.9, the Secretary of State has considered the scheme on the basis of the amendments made at the first inquiry. He agrees with the Inspector for the reasons set out in IR2.11 and Inquiry Document PINS-12 that the inclusion of an element of self-build or custom-build housing in the proposed development was admissible, and that no additional consultation was necessary. The Secretary of State does not therefore consider that these issues raise any matters that would require him to refer back to the parties for further representations prior to reaching his decision on this appeal, and he is satisfied that no interests have thereby been prejudiced.

Matters arising since the close of the inquiry

7. The Secretary of State has considered the post-inquiry exchange of correspondence mentioned at IR2.5. On 19 January 2021, the Housing Delivery Test: 2020 measurement was published. The measurement for Lewes DC changed from 93% (action plan) to 100% (no action needed). The Secretary of State is satisfied that neither of these issues affect his decision, and no other new issues have been raised which warrant further investigation or necessitate additional referrals back to parties.

Policy and statutory considerations

8. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
9. In this case the development plan consists of the Lewes District Local Plan (LLP) Part 1: Joint Core Strategy (adopted May 2016), Part 2: Site Allocations & Development Management Policies (adopted February 2020) and the Policies Map, together with the Newick Neighbourhood Plan (made July 2015). The Secretary of State considers that relevant development plan policies include those set out at IR3.3-3.14.
10. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the East Sussex County Landscape Assessment (2016), and the National Character Area 121 Low Weald (2013).

Main issues

Location of housing

11. For the reasons given in IR9.3-9.20, the Secretary of State agrees with the Inspector that in terms of policies relating to the location of new housing, the appeal proposal would involve a clear and direct conflict with LLP2 Policy DM1 (IR9.8). He further finds that, while there are no specific conflicts with NNP policies in terms of housing location policies, the lack of positive accord with the NNP's general aims and strategy (IR9.19 and IR11.2) carries limited weight against the scheme. He agrees for the reasons set out in IR11.3 that Policy DM1 should carry moderate weight.

Effects on the character and appearance of the landscape

12. For the reasons given in IR9.21-9.28, the Secretary of State agrees with the Inspector that the landscape of this part of the Low Weald is one of relatively high quality, justifying

some degree of protection (IR9.24), that the landscape in the vicinity of the appeal site possesses some local significance in terms of its value (IR9.26), and that the existing landscape around the appeal site is one of relatively high quality, and of some local value to the district (IR9.28).

13. With regard to the appeal site itself, the Secretary of State agrees with the Inspector for the reasons given in IR9.29-9.37 that while northern part of the site plays only a limited role in the local landscape, and as such, its value to the setting of the village is equally limited (IR9.29), in all other respects, the appeal site, and in particular its central and southern sections, forms an integral part of the attractive and high-quality Low Weald landscape, and that as such, these parts of the site seem highly sensitive to built development (IR9.37).
14. For the reasons given in IR9.38-9.45, the Secretary of State agrees with the Inspector that the development's effect would be to cause substantial visual harm to the character and appearance of the landscape and village setting. He attaches substantial weight to this harm (IR9.85). He also finds that the proposal would be in conflict with national policy in the Framework (NPPF 170) in terms failing to recognise the intrinsic character and beauty of the countryside, and in the loss of woodland. He considers this should attract moderate weight.
15. With regard to the other matters relating to landscape and visual impact, the Secretary of State agrees with the Inspector for the reasons given in IR9.46-9.58 that they do not change or add anything of significance to his conclusions with regard to the present appeal proposal in terms of its effects on the character and appearance of the landscape and village setting (IR9.52). He agrees with the Inspector that the proposed development would fail to conserve or enhance the District's natural environment or its distinctive landscape qualities, and that it would fail to respect the landscape's character, or to blend well with the local built environment (IR9.53-54). He further agrees in IR9.58 that the proposed development would have a seriously damaging impact on the character and appearance of the local landscape, resulting in conflict with Policies CP10(1) and EN1.

Housing

16. For the reasons given in IR9.59-9.80, the Secretary of State agrees with the Inspector that the Council has been unable to show a 5-year supply of deliverable sites, and that this triggers the tilted balance under NPPF paragraph 11(d) (IR9.80). In reaching his conclusions on housing, the Secretary of State has taken into account that the District's housing policies leave a sizeable part of the OAN unmet, and that it would provide opportunities for self or custom-build housing (IR9.81-9.84, IR9.88-9.91 and IR11.4).
17. The Secretary of State has also taken into account the Inspector's assessment of the need for and provision of affordable housing at IR9.85-9.87 and IR11.6. However, as the Inspector notes in IR9.86, none of the circumstances set out in IR9.85 is particularly unusual, and the amount of affordable housing proposed is what would be expected from any other development of the same size; i.e. it is no more than required by policy. He agrees that in the light of the genuine need for affordable housing, the provision of 20 affordable units is a benefit of the scheme, and considers that overall the housing benefits of the appeal scheme command significant weight.

Effects on Ashdown Forest

18. The Secretary of State notes that the August 2020 Unilateral Undertaking precludes any residential development within the part of the site that falls within the 7km Zol (IR9.93). For the reasons given in IR9.92-9.117, the Secretary of State agrees with the Inspector that the proposed development, either alone or in combination with any other plans or projects, would not be likely to have any significant effect on the Ashdown Forest SPA or SAC, or on the conservation objectives for either of those areas or their qualifying features and species. The Secretary of State therefore concludes that in this respect the scheme would not conflict with any development plan policies, and that none of the offered contributions to SANG or SAMM are necessary (IR9.116-117).

Other matters

19. The Secretary of State agrees with the Inspector for the reasons given in IR9.118-9.120 that the economic benefits of the scheme attract limited weight (IR9.118), the play area attracts modest weight in favour (IR9.119) and the proposed open space little weight (9.120). He further agrees for the reasons set out in IR9.121-126, that there is no basis on which the possibility of a biodiversity gain can be given weight (IR9.121), that the appeal site is not unsustainable in terms of its accessibility to everyday services and facilities (IR9.122), and that there is no substantiated evidence to support objection on the basis of pressures on schools, health facilities and other local services (IR9.123), highway safety and traffic (IR9.124). He considers that external lighting or construction traffic could be controlled by condition (IR9.126).

Planning conditions

20. The Secretary of State has given consideration to the Inspector's analysis at IR10.1-10.13, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 55 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for dismissing this appeal and refusing planning permission.

Planning obligations

21. The Secretary of State has had regard to the Inspector's analysis at IR2.14-2.20, IR9.91 and IR9.119-120, the Section 106 agreement dated 11 August 2020, the Unilateral Undertaking dated 16 August 2020, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended. The Secretary of State agrees with the Inspector's conclusion for the reasons given in IR2.16 that, with the exception of the contributions to suitable alternative natural greenspace (SANG), strategic access management and monitoring (SAMM), the agreement and undertaking comply with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework. However, the Secretary of State does not consider that the agreement and undertaking overcome his reasons for dismissing this appeal and refusing planning permission.

22. For the reasons set out in IR2.17, and given his findings in paragraph 18 of this letter, the Secretary of State has found that none of the offered contributions to SANG or SAMM are necessary. He has therefore not taken them into account in reaching his conclusions.

Planning balance and overall conclusion

23. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with Policies DM1, CP10(1), and EN1 of the development plan, and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
24. As the Secretary of State has concluded that the authority is unable to demonstrate a five year housing land supply, paragraph 11(d) of the Framework indicates that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.
25. The proposed development would have a seriously damaging impact on the character and appearance of the local landscape, and there would be substantial visual harm to the character and appearance of the landscape and village setting. This harm carries substantial weight. The conflict with national policy in the Framework (NPPF 170) in terms of failing to recognise the intrinsic character and beauty of the countryside, and in the loss of woodland carries moderate weight, and the lack of positive accordance with the NNP's general aims and strategy carries limited weight against the scheme.
26. The housing benefits of the scheme carry significant weight, the economic benefits attract limited weight, and the play area attracts modest weight, and the proposed open space little weight.
27. The Secretary of State considers that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. Overall, he considers that the material considerations in this case indicate a decision in line with the development plan – i.e. a refusal of permission.
28. The Secretary of State therefore concludes that the appeal should be dismissed and planning permission refused.

Formal decision

29. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for up to 50 residential dwellings (including affordable housing), open space and landscaping, new vehicular and pedestrian accesses, and car parking, in accordance with application Ref. LW/14/0703, dated 9 September 2014.

Right to challenge the decision

30. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

31. A copy of this letter has been sent to Lewes District Council and to Mr Patrick Cumberlege and Baroness Julia Cumberlege, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Andrew Lynch

Andrew Lynch

This decision was made by the Secretary of State and signed on his behalf



Report to the Secretary of State

by **John Felgate** BA(Hons) MA MRTPI
an Inspector appointed by the Secretary of State

Date 17th November 2020

TOWN & COUNTRY PLANNING ACT 1990

LEWES DISTRICT COUNCIL

APPEAL BY DLA DELIVERY LIMITED

PROPOSED DEVELOPMENT AT

MITCHELSWOOD FARM, ALLINGTON ROAD, NEWICK

Inquiry conducted by written submissions, 1 May – 10 August 2020

Land at Mitchelswood Farm, Allington Road, Newick, Sussex BN8 4NH

File Ref(s): APP/P1425/W/15/3119171

- 9.54. For the same reasons, I also find that it would fail to respect the landscape's character, or to blend well with the local built environment, as sought by NNP Policy EN1.
- 9.55. Other than with regard to the HLS position, there is no evidence to suggest that either of these policies is out of date or inconsistent with the NPPF.

Differences from first Inspector's findings on landscape matters

- 9.56. My findings and conclusions on these matters relating to landscape and visual impact differ from those of Inspector Birkinshaw. On one particular point, the difference between us relates to a matter of fact, in that Mr Birkinshaw considered that the site did not fall within the Low Weald³⁴⁵, whereas I have found that it does, based on the NCA. All other differences between us are ones of opinion or interpretation.
- 9.57. In arriving at my findings, as indicated earlier, I have had the benefit of new evidence which was not available to the first inquiry. In particular, this includes the evidence of Mr Russell-Vick, which highlights some matters to a greater degree than previously, including the differences in character between the various parts of the site, the landscape value of the woodland, and the effects on views from the southeast. I have also had the benefit of the appellants' correction to the photomontage. In all cases, the conclusions that I have drawn from the evidence are my own.

Conclusion on effects on character and appearance

- 9.58. I conclude that the proposed development would have a seriously damaging impact on the character and appearance of the local landscape, resulting in conflict with Policies CP10(1) and EN1.

Five-year housing land supply

Housing requirement

- 9.59. There is no dispute that the relevant five-year period is 1 April 2019 to 31 March 2024. There is also no disagreement as to the buffer or the windfall allowance. Based on the 2019 Position Statement, the housing requirement for this period is 1,750 units [5.24, 6.25].
- 9.60. The Council's claimed supply of 1,958 units, or 5.59 years, would mean a surplus of 208 units.

Inclusion of updated information

- 9.61. To ensure consistency of approach, it seems to me that the assessment should be based on the 2019 Position Statement as far as possible. Where the position has changed, or updated information is available that sheds new light on the assumptions about sites that are already included in the assessment, then I see no reason why that information should not be taken into account. However, this cannot in my view extend to the introduction of new sites that were not included in the 2019 supply [5.26, 6.26, 6.27].

³⁴⁵ RD 2.6: First Inspector's report, para 179

- 9.62. I appreciate that where new sites have come forward since April 2019, they may be capable of contributing to housing delivery within the period under consideration, to March 2024. But that possibility is taken into account by way of the windfall allowance. In any event, the better way to deal with new sites in my view is by including them in the next 5-year assessment, based on the position at 1 April 2020 or some subsequent date.
- 9.63. I have therefore confined my consideration primarily to the Council's 'Scenario 1', whilst also having regard for the latest available information about the disputed sites, as contained in the evidence from both sides.

Disputed sites

- 9.64. With regard to the Reprodex House site [5.27, 6.34], although the site benefits from a resolution to grant outline permission, subject to the necessary legal agreement, that resolution appears to date from April 2017. As at the close of the present inquiry, the negotiations had not been completed and no permission had been granted. The Council remains optimistic for a resolution in the near future, but no foundation for that view is evident. The scheme is said to involve mixed uses and the demolition of a large warehouse, which suggests some degree of complexity. No housebuilder appears to be involved at this stage. Given the length of the delay that has already occurred, the evidence before me does not provide any apparent basis for confidence that the development will be able to proceed in its present form. There is therefore not the clear evidence that the NPPF requires of any realistic prospect of housing completions within the relevant period. I therefore consider that the site cannot currently be counted as deliverable, and for the purposes of this appeal, these 80 units should be discounted.
- 9.65. The Newhaven Marina site [5.27, 6.35] has a live planning application which, at the time of the inquiry remained under consideration. The principle of development has been established through allocations in the 2003 Local Plan and LLP2, and through an earlier planning permission in the mid-2000's. Clearly though, a great deal of time has passed since then. A local developer is now said to be involved, but the site is evidently not an easy one. From the evidence before me, the current scheme is for a mix of uses that includes a hotel, offices and retail as well as marina facilities and 259 apartments. There are existing uses on the site which are to be accommodated and relocated. In view of the coastal location, there are also a range of technical and environmental issues. Overall it seems to me that the prospects for achieving any housing on this site, within the 5-year period, currently rest on being able to deliver a more than usually complex scheme, within a relatively short timescale, on a site with a history of failure. In this context, the evidence before me does not amount to clear evidence that this prospect is realistic. I therefore again find that the site cannot be considered deliverable, and that the 75 units that are included in the Council's 5-year supply should be discounted.
- 9.66. The Woods Fruit Farm site [5.27, 6.34] is allocated for 38 dwellings in the NNP, and is in the hands of an experienced local housebuilder. A scheme is currently being pursued through the planning process, with one application subject to appeal, and a duplicate under consideration by the Council. There

are said to be no technical objections. However, these current proposals are for a substantially larger development than that proposed in the NPP, on greenfield land that extends well beyond the allocated land. There appears to be no current proposal that corresponds to the 38 dwellings that the Council relies on in its 5-year supply statement. It is possible that the appeal may be allowed, but no reliance can be placed on that possibility. Alternatively it is possible that a further application may be made which accords more closely with the NNP allocation. But that is a matter of conjecture. As things stand, there is no evidence of progress on any scheme that is supported by current policies. In the absence of such a scheme, or a planning permission, there is no clear evidence of a realistic prospect that any dwellings will be delivered within the relevant period. These 38 units should therefore be discounted.

- 9.67. With regard to the Springfield Industrial Estate [5.27, 6.34], although the site has previously had an outline permission for residential development, that permission expired over 18 months ago. It is also over a year since pre-application discussions were held regarding a new scheme. In the light of this apparent lack of progress, the fact that the site is allocated in a neighbourhood plan, and is in the hands of an experienced social housing developer, is not sufficient to demonstrate a realistic prospect that completions will be achieved within the 5 years. The site therefore cannot be counted as deliverable. This results in the loss of a further 30 units.
- 9.68. The Harbour Heights site [5.28, 6.36] has been allocated for development since the 2003 Local Plan. A hybrid application was submitted in May 2019, following extensive site assessment work. However, the application was subsequently withdrawn, and no further application appears to have been received. The withdrawn scheme was for a mixed-use development including 431 residential units. Relocation of existing uses will be needed. The Position Statement anticipates 125 units within the 5-year period, but the Council accepts that this should now be reduced to 75. Based on the evidence presented, the scheme appears to be large and complex, and the site is another that has failed to deliver over many years. Although some progress has been made, this does not amount to clear evidence that any units will be delivered within the relevant period. Nevertheless, in the present appeal, the appellants have sought only a reduction of the figure to 35 units, rather than the deletion of the site altogether. In the circumstances, I see no basis for assuming any figure other than this. For the purposes of my calculations therefore, I propose to reduce the expected delivery for this site to 35 units, resulting in the loss of a further 90 units compared to the Position Statement.
- 9.69. The Nuggets site [5.28, 6.36] had a resolution to grant in June 2019, for 22 units, but negotiations appear to have stalled. There is as yet no planning permission, and no sign that one will be forthcoming in the near future. Given the stage reached, there is a reasonable prospect that these issues can be resolved in due course, but based on the evidence available, this seems most likely to be towards the end of the 5-year period. I agree with the appellants that it would be unrealistic to expect more than about one year's completions within that time, amounting to 10 units. This is a reduction of 12 units from the Council's figure.

- 9.70. Of the remaining disputed sites [5.27, 6.34, 6.35], most are relatively small. Given my findings on the sites discussed above, it is not necessary for me to examine these smaller sites in any great detail. Neaves House has a long-standing resolution in its favour, since April 2019. But the allocation is for affordable housing only, whereas the present scheme is for a mix of tenures. There is no evidence that this scheme has a realistic prospect that that any housing will be delivered. I have therefore discounted the site, with the loss of these 6 units. The land at South of Valley Road has been allocated since 2003, and an application has been undetermined since March 2019. The problem appears to relate to the ownership of the land required for access, and there is no clear evidence that this is likely to be resolved in the near future. These 9 units are therefore discounted. The Strawlands site is allocated, but an outline application has remained undetermined since April 2019. No developer appears to be involved. There is no clear evidence of deliverability, and I have discounted these 12 further units. The Valley Road 1&2 site is not allocated, and as yet no application of any kind appears to have been made. There is no evidence to support its inclusion in the supply, and I have discounted the site, with the loss of 6 units. At Elm Court, the Council appears to have accepted that the site is no longer deliverable, and I agree. This results in the loss of a further 9 units. In total, the deletion of these five small sites reduces the supply by 42 units.
- 9.71. The Parker Pens and Newlands School sites [5.28, 6.36], for 145 and 150 units, both have full permission, and there is no clear evidence that they will not be delivered. The lead times and build rates for these sites appear realistic. I therefore make no adjustments in respect of these two sites.
- 9.72. Overall, the net result from these considerations is a deduction of 367 units from the Council's supply figure. This reduces the deliverable supply to 1,591 units, or 4.5 years.

Liverpool or Sedgefield

- 9.73. The PPG makes it clear that the question of how a past shortfall should be made up is to be dealt with in the plan-making process. In the present case, the Liverpool method was accepted by the Inspectors at the LLP1 and LLP2 examinations, and I see no exceptional need for this to be revisited for the purposes of this appeal [5.25,6.28]. In any event, this would not change my finding, that the Council has not demonstrated a 5-year supply.

Covid-19 impact

- 9.74. I appreciate that in the early days of the lockdown period, construction was halted on many sites, and transactions were slowed or paused. Subsequently, construction has resumed, and the housing market has recovered to some extent, but prospects for the immediate future are uncertain. However, there is no evidence before me to suggest that any sites that were previously deliverable have become undeliverable. Nor is there any site-specific evidence as to the effects on delivery rates on particular sites. In this respect the situation in the present appeal appears similar to that in the Farnham case, where the SoS declined to make any across-the-board adjustment [5.30, 6.32].

- 9.75. In any event, a general adjustment would not change the position with regard to my finding on the 5-year supply, as set out above. I therefore propose to make no such adjustment in this case.

Scenarios 2 and 3

- 9.76. For the reasons already explained [9.61 – 9.63], I consider the most appropriate method of assessing the 5-year supply for the purposes of this appeal to be based on the Council's Scenario 1 [6.25]. However, in the light of my findings on the disputed sites, there would still not be a 5-year supply, on the basis of either Scenario 2 or Scenario 3 [6.26, 6.27]. It is therefore unnecessary for me to explore these alternative approaches any further.

Timing of housing delivery at the appeal site

- 9.77. Although the appeal site is said to have no physical or other impediments to early development, there are reasonable grounds for doubt in that regard [5.32, 6.37, 7.7]. The changes made to the site's boundaries in 2016 have left it awkwardly-shaped, and difficult to develop efficiently. It is not known whether the land deleted from the site at that time might eventually become available for development again. The exclusion of the appeal site's two corner areas, through the undertaking, appears as something of a temporary expedient. There is nothing to stop further alternatives to this arrangement from being explored in any future application. The reasons for the exclusion of the 'blue land' from the present application are unknown, but there is nothing to suggest that that land would not be potentially available to assist in delivery of a more comprehensive scheme.
- 9.78. From a developer's or landowner's perspective therefore, as well as from a planning point of view, a permission based on the present appeal proposal would potentially fail to make the best or most economic use of the land. Consequently, in the event of this appeal being allowed, it seems to me quite probable that some efforts would first be made to resolve these outstanding issues, potentially involving further land assembly negotiations as well as further planning applications, rather than proceeding to the earliest possible commencement.
- 9.79. For these reasons, I consider there is a degree of uncertainty as to whether the development now proposed would be likely to contribute to the housing supply within the period of the present 5-year supply calculation, or to what extent. But equally, there is no clear evidence that it could not. In any event, the site would be able to contribute in the medium or longer term.

Conclusions on the 5-year supply

- 9.80. I conclude that the Council has been unable to show a 5-year supply of deliverable sites. As a result, the potential benefits of providing 50 dwellings through the appeal scheme command significant weight. Although there is uncertainty as to the timing of implementation, to my mind this does not significantly reduce the weight that attaches to the potential delivery of housing on the site, given the proven need. In any event, the lack of a 5-year supply triggers the tilted balance under NPPF paragraph 11(d).

Other matters relating to housing

ANNEX 1: MAIN CONTRIBUTORS IN RELATION TO THE SECOND INQUIRY

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Newick Parish Council

Newick Village Society

CPRE Sussex

The Ramblers

Natural England

Appendix 11 Natural England Advice on Nutrient Neutrality for New Development in the Stour Catchment in Relation to Stodmarsh Designated Sites (Nov 2020)

**Advice on Nutrient Neutrality for New Development in the Stour
Catchment in Relation to Stodmarsh Designated Sites
- For Local Planning Authorities**

November 2020



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Nesting Bittern

SECTION 1 INTRODUCTION

- 1.1 The water environment within the Stour catchment is one of the most important for water dependant wildlife in the United Kingdom. The Stodmarsh water environment is internationally important for its wildlife and is protected under the Water Environment Regulations¹ and the Conservation of Habitats and Species Regulations² as well as national protection for many parts of the floodplain catchment³. There are high levels of nitrogen and phosphorus input to this water environment with sound evidence that these nutrients are causing eutrophication at part of these designated sites. These nutrient inputs are currently thought to be caused mostly by wastewater from existing housing and agricultural sources, though recycling of nutrients within the lake habitats cannot be ruled out. The resulting nutrient enrichment is impacting on the Stodmarsh designated sites' protected habitats and species. The area covered by this advice is described in Appendix 1.
- 1.2 There is uncertainty as to whether new growth will further deteriorate the designated sites. This uncertainty is one reason that the wastewater treatment works discharging into the River Stour and surroundings are subject to an investigation of their impacts and connection with Stodmarsh designated sites under the Environment Agency Water Industry National Environment Programme (WINEP) that will report in 2022. This WINEP investigation has been initiated to investigate links between the Stour and the Stodmarsh lakes systems, then propose appropriate, possible and cost effective solutions to any identified impacts. Until this work is complete, the uncertainty of new growth's impacts on designated sites remains, therefore there is potential for future housing developments across the Stodmarsh catchment to exacerbate the existing impacts thereby creating a risk to their potential future conservation status.
- 1.3 One way to address this uncertainty and subsequent risk, until any solutions are implemented to remove the current adverse effects on Stodmarsh, is for new development to achieve nutrient neutrality. Assessing and mitigating nutrients is a means of ensuring that development does not add to existing nutrient burdens and this provides certainty that the whole of the scheme is deliverable in line with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations') and in light of relevant case law.
- 1.4 This report sets out a practical methodology for calculating how nutrient neutrality can be achieved. This methodology is based on best available scientific knowledge, and will be subject to revision as further evidence is obtained. It is Natural England's advice to local planning authorities (LPAs) to take a precautionary approach in line with existing legislation and case-law when addressing uncertainty and calculating nutrient budgets.

¹ The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017

² Conservation of Habitats and Species Regulations (England and Wales) Regulations 2017 (as amended)

³ Including Wildlife and Countryside Act 1981 as amended, Countryside and Rights of Way Act 2000, Natural Environment and Rural Communities Act 2006

- 1.5 This report includes a brief summary of the planning and environmental context for this nutrient neutral approach, the detailed methodology and advice on mitigation. Further information and guidance is included in the Appendices.

SECTION 2 PLANNING CONTEXT

- 2.1 Since June 2019 Natural England has been advising that housing, mixed use and tourist development including all EIA development is likely to contribute to a significant effect, in combination, on the Stodmarsh designated sites in terms of water quality. We recommend a nutrient budget is calculated for such development with an attempt to achieve nutrient neutrality as part of an appropriate assessment. Early consideration of the issues ensures that any potential risks are addressed at the outset and provides the applicant with confidence that the development is deliverable subject to other material considerations being addressed.
- 2.2 During 2017/18 a review of the condition of the Stodmarsh lake units against the newly agreed lake water quality targets was undertaken (see Appendix 3). The best available up-to-date evidence has identified that some of the designated site units are in unfavourable condition due to existing levels of nutrients (both phosphorus and nitrogen) and are therefore at risk from additional nutrient inputs. There is no, or limited, water quality data for some of the units that are currently thought to be at favourable condition and this lack of monitoring will be addressed in the WINEP investigation.
- 2.3 It is Natural England's view that a likely significant effect on the internationally designated Stodmarsh sites (Special Protection Area, Special Area of Conservation and Ramsar site) cannot be ruled out due to the increases in wastewater from new developments coming forward in the Stodmarsh catchment.
- 2.4 The uncertainty about the impact of new development on designated sites needs to be recognised for all development proposals that are subject to new planning permissions and have inevitable wastewater implications. These implications, and all other matters capable of having a significant effect on designated sites in the Stodmarsh catchment, must be addressed in the ways required by Regulation 63 of the Habitats Regulations.
- 2.5 LPAs and applicants will be aware of CJEU decisions⁴ regarding the assessment of elements of a proposal aimed toward mitigating adverse effects on designated sites and the need for certainty that mitigating measures will achieve their aims. The achievement of nutrient neutrality, if scientifically and practically effective and achievable, is a means of ensuring that development does not add to existing nutrient burdens.

⁴ For example Cooperatie Mobilisation for the Environment UA and College van gedeputeerde staten van Noord-Brabant ([Case C-293/17](#) and [C294/17](#)) People Over Wind and Peter Sweetman v Coillte Teoranta.(Case [C-323/17](#)).

- 2.6 Natural England is working with water companies, LPAs, stakeholders and the Environment Agency to try to ensure the Habitats Regulations are met. Further information on the planning context and joint working of competent authorities is provided in Appendix 2.

SECTION 3 ENVIRONMENTAL CONTEXT

Designated sites interest features

- 3.1 Stodmarsh is a Special Protection Area (SPA), a Ramsar site, a Special Area of Conservation (SAC), a Site of Special Scientific Interest (SSSI) and some parts are a National Nature Reserve (NNR). The site is of national and international importance for a range of water-dependant habitats including lakes and the wildlife that relies upon these habitats. The designations and features are described in Appendix 3 table A3.1 along with links to key documents of interest.

Designated sites water quality target review

- 3.2 The water quality targets for the Stodmarsh SPA/ SAC/ SSSI lakes were agreed with the Environment Agency in 2017 (and 2019 for Hersden Lake). These targets are based on national water quality standards for [freshwater habitats](#) and are in the published supplementary advice to the conservation objectives for the designated sites underpinning habitat. These targets include standards for nitrogen and phosphorus, as an excess of both nutrients can impact lake habitats which underpin the designated sites national and international interest features. The details of how these standards were assessed and site condition are provided in Appendix 3.
- 3.3 Detailed assessments of other features are available on Defra's [Magic Map](#) and condition assessments are not solely based on water quality standards. Table 1 sets out the agreed lake nitrogen and phosphorus standards and whether these standards are met, failed or if this is unknown due to lack of data (based on an amalgam of the Environment Agency and Natural England data for the WINEP investigation). Appendix 1 includes a map of SSSI unit condition. The information from the WINEP investigation will be used to inform a review of these lakes condition assessments with regards to the water quality attributes, including but not limited to nitrogen and phosphorus standards.

Other Water Quality targets

- 3.4 Other targets in addition to those shown in Table 1 exist. "Chlorophyll a" for all lakes should be at Water Framework Directive (WFD) High Ecological Status. All other pollutants and measurements are set at WFD Good Ecological Status. The Hersden Lake has mainly bird interest features only. The nationally agreed guidance on water quality standards for 'wintering bird lakes' (i.e. lakes which are not notified as a lake habitat in their own right or for macrophytes/ invertebrates in their own right, or to support sensitive nesting birds) says that in lakes mainly used by birds feeding on benthic invertebrates or fish severe eutrophication should be avoided.

Table 1 Summary of water quality targets and compliance with targets if known

CSMG targets were agreed with Environment Agency in 2017 and 2019 for Hersden Lake. Total Phosphorous WFD standard of 49 micrograms per litre to get Good Ecological Status (GES) and Total Phosphorous CSMG of 50 micrograms per litre for favourable condition are similar. The CSMG target for Total Nitrogen for favourable condition is provided with the newly agreed Total Nitrogen standard to get Good Ecological Status shown in brackets.

Lake name	SSSI UNIT	WFD ID	Compliance P/F/U (Pass / fail/ Unknown)		Natural England database (CSMI) 2018 update
			No colour = no data		/ threat nature
			TP Target ug/L	TN Target mg/L	
Reserve Lake/Stodmarsh Nature Reserve Pool	UNIT 10	GB30743087	F 49	F 1.5 (1.07)	Unfavourable Water Quality (WQ)
Collards Lake/Great Puckstone Lake	UNIT 7	GB30743097	F 49	F 1.5 (1.07)	Unfavourable WFD EA Assessment for 2016 MODERATE - unit fails nationally agreed WQ targets
Westbere Lake/s	UNIT 1	GB30743127	U 49	P 1.5 (1.07)	Unfavourable recovering Other reasons
The Fordwich Lakes/Fordwich Lake East	UNIT 2	GB30743156	U 49	U 1.5 (1.07)	Favourable WQ
The Fordwich Lakes/Fordwich Lakes	UNIT 2	GB30743164	U 49	P 1.5 (1.07)	Favourable WQ
Hersden (tidal) Lake	UNIT 5	n/a (tidal so part of the main transitional and coastal water body)	U 100	P 2.0	Favourable WQ

SECTION 4 NUTRIENT NEUTRALITY APPROACH FOR NEW DEVELOPMENT

Introduction

- 4.1 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. This practical methodology provides advice on how to calculate nutrient budgets and options for mitigation, should this be necessary.
- 4.2 There is evidence that inputs of both phosphorus and nitrogen influence eutrophication of the water environment. There are different forms of nutrients and concentrations vary according to exactly what is measured. These differences should be recognised when calculating nutrient budgets. The nutrient standards for the designated sites are for total nitrogen and total phosphorus as that is what is available for growth. Further information on the different forms of nutrient is provided in Appendix 3.

Approach to calculating nutrient budgets

- 4.3 For those developments that wish to pursue neutrality, Natural England advises that a nutrient budget is calculated for new developments that have the potential to result in increases of nitrogen or phosphorus entering the international sites. A nutrient budget calculated according to this methodology and demonstrating nutrient neutrality is, in our view, able to provide sufficient and reasonable certainty that the development does not adversely affect the integrity, by means of impacts from nutrients, on the relevant internationally designated sites. This approach must be tested through the 'appropriate assessment' stage of the Habitats Regulations Assessment (HRA). Further information on the HRA process is available [here](#).
- 4.4 The nutrient neutrality calculation includes key inputs and assumptions that are based on the best available scientific evidence and research. It has been developed as a pragmatic tool. However, for each input there is a degree of uncertainty. For example, there is uncertainty associated with predicting occupancy levels and water use for each household in perpetuity. Also, identifying current land/ farm types and the associated nutrient inputs is based on best available evidence, research and professional judgement and is again subject to a degree of uncertainty.
- 4.5 It is our advice to local planning authorities to take a precautionary approach in line with existing legislation and case law when addressing uncertainty and calculating nutrient budgets. This should be achieved by ensuring nutrient budget calculations apply precautionary rates to variables and adding a precautionary buffer to the total nitrogen (TN) and total phosphorus (TP) calculated for developments. A precautionary approach to the calculations and solutions helps the local planning authority and applicants demonstrate the certainty needed for their assessments.
- 4.6 By applying the nutrient neutrality methodology, with the precautionary buffer, to new development, the competent authority may be satisfied that, while margins of error will inevitably vary for each development, this approach will ensure that new development in combination will avoid significant increases of nutrient load to enter the internationally designated sites.

Location of development

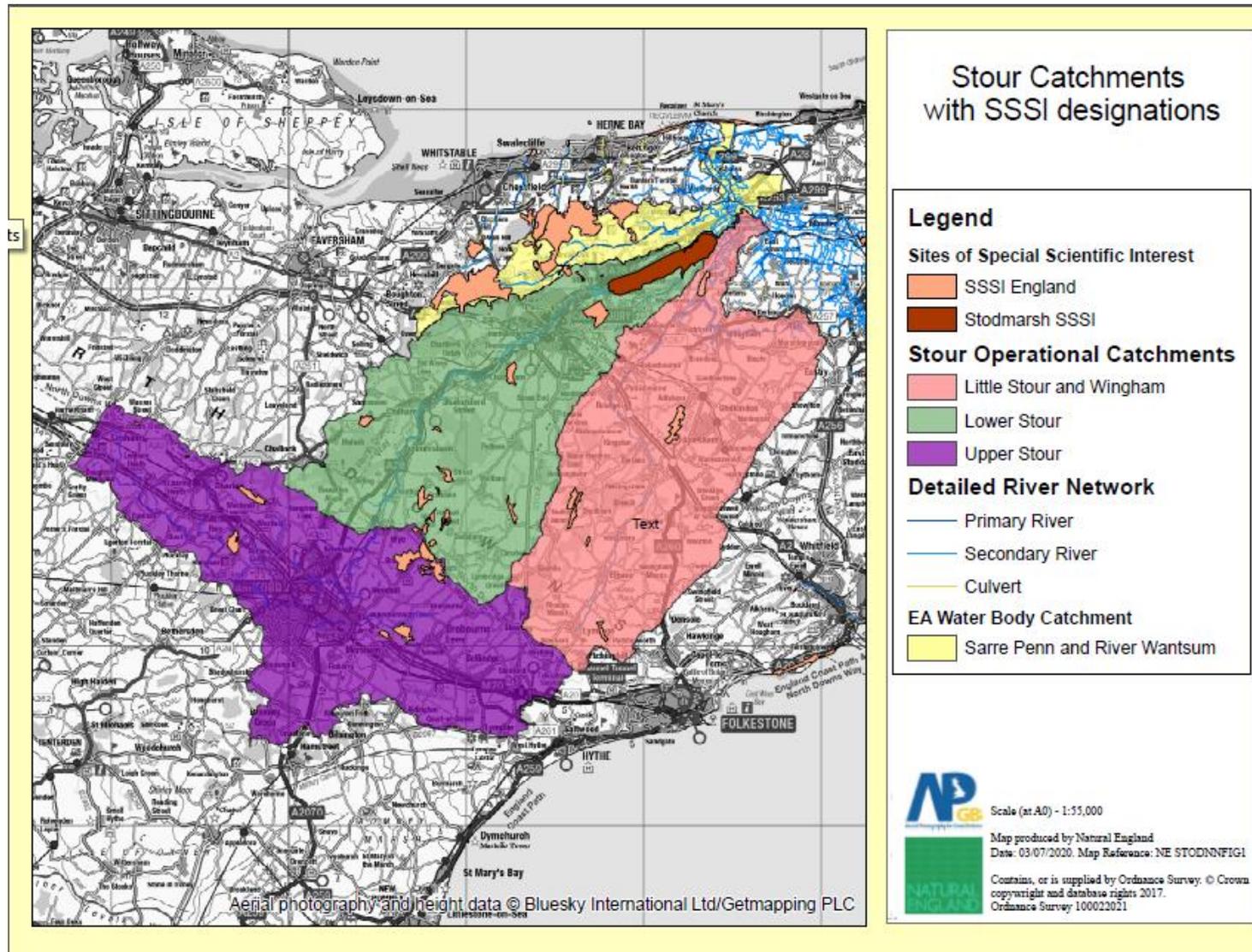
- 4.7 The nutrient neutrality approach only applies to developments where the treated effluent discharges into or can impact (via tidal or storm overtopping) Stodmarsh designated sites or any water body (surface or groundwater) that subsequently discharges into such a site. The catchment area is shown on Figure 1 and described in more detail in Appendix 1. Table A1.2 in Appendix 1 lists the Wastewater Treatment Works (WwTW) which discharge into the areas shown in Figure 1. If development is within the areas shown in Figure 1 and discharges into a works listed in Appendix A1.2 all the stages of methodology A apply. If a development is outside the Figure 1 boundary but discharges into a WwTW that is listed in Table A1.2 then only Stage 1 and addition of the precautionary buffer from Stage 4 of the methodology A apply.
- 4.8 This approach may be refined if greater understanding of the eutrophication issue is gained through new research or updated modelling.

Type of development

- 4.9 This methodology is for all types of development that would result in a net increase in population served by a wastewater system, including new homes, student accommodation, tourism attractions and tourist accommodation. This development will have inevitable wastewater implications.
- 4.10 Other commercial development, not involving overnight accommodation will generally not be included unless it has other (none sewerage) water quality implications. It is assumed that anyone living in the catchment also works and uses facilities in the catchment, and therefore wastewater generated by that person can be calculated using the population increase from new homes and other accommodation. This removes the potential for double counting of human wastewater arising from different planning uses.
- 4.11 Tourism attractions and tourism accommodation are exceptions, as these land uses attract people into the catchment and generate additional wastewater and consequential nutrient loading on the Stodmarsh designated sites. This includes self-service and serviced tourist accommodation such as hotels, guest houses, bed and breakfasts and self-catering holiday chalets and static caravan sites. Other applications will be considered on their individual merits, for example conference facilities that generate overnight stays.
- 4.12 There may be cases where planning applications for new commercial or industrial development such as waste management facilities, road schemes or changes in agricultural practices could result in the release of additional nitrogen and/ or phosphorus into the system. In these situations, a case-by-case approach will be adopted. Early discussions with Natural England via our chargeable Discretionary Advice Service (DAS) are recommended.

Figure 1 Surface water of Stodmarsh Catchment to which this advice applies

Note developments outside of these boundaries may drain to WwTWs inside these boundaries. See also table A1.1 and A1.2 and notes in Appendix 1 for more detail.



SECTION 5 METHODOLOGY

- 5.1 A decision tree for application of the methodology is given in Figure 2. The initial stage is to determine whether the development will drain to the mains network or to a non-mains facility e.g. an on-site package treatment plant.
- 5.2 The methodology for development that drains to the mains network is in **Section A**. Please go to **Section B** if the new development is not on the mains network.

Section A

Stage 1 Calculate Total Nitrogen (TN) and Total Phosphorus (TP) in kilograms per annum derived from the development that would exit the Wastewater Treatment Works (WwTW) after treatment

Stage 1 Step 1 Calculate additional population

- 5.3 New housing and overnight accommodation can increase the population as well as the housing stock within the catchment. This can increase the nutrient in discharges. To determine the additional population that could arise from the proposed development, it is necessary that sufficiently evidenced occupancy rates are used. Natural England recommends that as a starting point local planning authorities should consider using an occupancy rate of 2.4, as calculated by the [Office for National Statistics \(ONS\)](#) figure, as this can be consistently applied across local authority areas in the Stour catchment.
- 5.4 However, competent authorities may choose to adopt bespoke calculations tailored to the area of a scheme, rather than using national population or occupancy assumptions, where they are satisfied that there is sufficient evidence to support this approach. Conclusions that inform the use of a bespoke calculation need to be capable of removing all reasonable scientific doubt as to the effect of the proposed development on the international sites concerned, based on complete, precise and definitive findings. The competent authority needs to explain clearly why the approach taken is considered to be appropriate. Calculations for occupancy rates will need to be consistent with others used in relation to the scheme (e.g. for calculating open space requirements), unless there is clear justification for them to differ.

Stage 1 Step 2 Confirm water use

- 5.5 Determine the water use/ efficiency standard for the proposed development to be defined in the planning application and, where relevant, the Environmental Statement. The nitrogen and phosphorus load is calculated from the scale of water use and thus the highest water efficiency standards under the building regulations will minimise the increase in nutrients from the development where this goes to a treatment works with a relevant permit limit.

5.6 It is recommended that each local planning authority impose a planning condition on all planning permissions for one or more net additional new dwellings requiring construction to the optional requirement⁵ under G2 of the Building Regulations 2010.

5.7 A model condition is set out below:

“The dwellings shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per person per day has been complied with.”

5.8 The water use figure is a proxy for the amount of wastewater that is generated by a household. New residential development may be able to achieve tighter water use figures, with or without grey water recycling systems, and this approach is supported from a water resource perspective (for example in support of Southern Water’s Target 100 litres per person per day). However, the key measurement is the amount of wastewater generated by the development that flows to the wastewater treatment works.

5.9 If tighter water use restrictions are used in the nutrient calculation – with or without grey water recycling systems – these restrictions must reflect the wastewater expected to be generated for the lifetime of the development. There is a risk that when kitchen and bathroom fittings are changed by occupants over the years, less water-efficient models could be installed. It is Natural England’s view that it would be difficult to evidence and secure delivery of tighter restrictions at this time, to provide certainty for the lifetime of the development. However, if sound evidence can be provided, this will be considered on a case-by-case basis.

5.10 It is Natural England’s view that while new developments should ideally be required to meet the 100 litres per person per day standard, the risk of standards slipping over time and the uncertainty inherent in the relationship between water use and sewage volume should be addressed by the use in the calculation of 110 litres per person per day figure.

Stage 1 Step 3 Confirm WwTW and permit level

5.11 Identify the wastewater treatment works (WwTWs) that the development will use and identify whether the WwTW has a TN or/ and TP Permit.

5.12 For most planning applications the WwTW provider is not confirmed until after the planning permission is granted. The nutrient calculation should be based on the permit levels of the most likely WwTW. In any cases where the WwTW changes a reassessment of the nutrient calculation will be required to ensure the development is nutrient neutral.

⁵ The optional requirement referred to in G2 requires installation and fittings and fixed appliances for the consumption of water at 110 litres per person per day.

WwTW with TN and TP permit

- 5.13 Identify the permit concentration limit for total nitrogen (TN) and total phosphorus (TP) at the WwTW. If the WwTW will have a tightened permit concentration limit for total nitrogen / total phosphorus under the company's water industry Asset Management Plan for confirmed delivery by 2024 then use this tightened value. If a new WwTW is proposed, obtain a determination from the Environment Agency on the permit limit for Total Nitrogen / Total Phosphorus that would apply to the works and when they are likely to be built. Further information on permit limits of some existing WwTW is provided in Appendix 1.
- 5.14 Where there is a permit limit for total nitrogen/ total phosphorus, the load calculation will use a worst case scenario that the WwTW operates at 90% of its permitted limit. A water company has the option of operating the works as close to the consent limit as practicable without breaching the consent limit. Natural England and the Environment Agency have agreed in the Solent to take 90% of the consent value as the closest the water company can reasonably operate works without breaching the consent limit and Natural England accepts this can be extended into other Southern Water WwTW outside the Solent including those in the Stour and its tributaries.

WwTWs without a TN/TP permit

- 5.15 For developments that discharge to WwTWs with no phosphorus and / or nitrogen permit level, best available evidence must be used for the calculation. The wastewater provider should be contacted for details of the nitrogen and phosphorus effluent levels monitored at the specific WwTW. However Southern Water have confirmed that they do not routinely monitor N or P in effluent discharge where there is no permit in the Stour catchment. Where monitored data is not available robust evidence may be available to derive a value for nitrogen and/ or phosphorus in the wastewater stream based on the type of wastewater treatment at the works.
- 5.16 For example, in the Southern Water WwTW in the Solent an average of 27 mg/l for Nitrogen is used and Southern Water have confirmed this may be used in the Stour catchment. This average figure may change if new evidence becomes available. Southern Water have advised they would assume an approximate upper figure of 8 mg/l TP for works without a P permit in the Stour catchment for planning purposes though further evidence to support this figure is awaited and it may be subject to change. Evidence supporting any different chosen value for TP or TN must be included with any application. It is not possible to apply the 90% correction in these cases as these WwTWs are not regulated by a total nitrogen or/ and total phosphorus consent limit.

Relationship between TN/TP and water use**Works with a TN and TP permit limit without headroom**

- 5.17 For WwTWs with a TN or/ and TP consents that operation at the permit concentration or close to it i.e. 90% of the permit values, there is a direct relationship between TN/TP and water use. For example, for WwTWs with a permit of 9 mg/l TN and 2 mg/l TP, it can be calculated that for each litre of water that passes through the works, 8.1 mg of nitrogen and 1.8 mg phosphorus (90% of permit values) could be

released into the water environment. If a household uses 150 litres, this equates to 1215 mg of TN and 270 mg of TP; if water use is reduced to 100 litres this equates to release of 810 mg of the TN and 180 mg of TP. As there is this clear relationship it is therefore possible to calculate the effect of applying water efficiency measures to existing development and therefore this can be considered as potential mitigation in these circumstances.

- 5.18 Water companies often use chemical dosing to achieve permit limits on nutrients in particular phosphorus. They can dose the influent to achieve permit compliance, therefore when influent becomes less concentrated they can simply reduce the chemical dosing. For this reason mitigation that reduces the influent concentration at a works (such as sending to a package plant before sending to mains) does not have a guaranteed nutrient reduction in the corresponding effluent discharged and therefore is not certain as a mitigation measure.

Works with a TN and TP consent limit with permit headroom

- 5.19 Some wastewater treatment works operate considerably below 90% of their existing permit limits for TN/TP i.e. there is permit headroom. Where there is permit headroom reducing water consumption of existing developments to offset the proposed development does not necessarily reduce nutrient loading from the works to designated sites as there is the ability to increase the concentration of the discharge within permitted concentration. It is likely that where the influent concentration to a WwTWs increases, then there could be an increase in the concentration of the WwTW effluent. For this reason applying water efficiency measures to existing properties that discharge to works with permit headroom has uncertain or potentially no mitigating / offsetting benefit for new development. For new development the calculation should use the same approach as for works with a TN and TP permit and use 90% of the permit value along with the water usage, as this will represent the maximum loading, and therefore already allows for the increase in the effluent concentration up to the permit limit that might occur.

Works without a TN or/and TP limit

- 5.20 For WwTWs without a TN/TP consent level the relationship between water use and TN/TP in the effluent is more complex, but applying the same methodology for nutrient neutrality using the actual discharge concentration (without the 90% correction) for new development is considered appropriate provided the development is not considered likely to increase the influent concentration to the works above current average. Any error due to marginal increases in TN or TP concentration with increases in population served by a particular WwTW will be covered by the precautionary 20% buffer provided the influent concentration is not considered likely to increase.
- 5.21 Please note that due to the likely increase in influent concentration caused by water efficiency measures at existing properties, the use of measures designed to reduce water consumption as a means of offsetting mitigation of TN/TP are not appropriate due to uncertainty in what reductions, if any, they may provide in areas served by WwTWs without an N or/and P permit.

- 5.22 For developments with high water efficiency measures that are large in relation to the population serviced by existing works or for other reasons are likely to increase the influent concentration in areas served by works without a TN or TP limit a bespoke calculation is required. The advice of the likely sewerage provider should be sought as to whether the influent concentration is likely to increase from the proposed development in areas supplied by works without a TN/TP limit.

Stage 1 Step 4 Calculate Total Nitrogen (TN) and Total Phosphorus (TP) in kg per annum that would exit the WwTW after treatment derived from the proposed development

- 5.23 The total nitrogen/total phosphorus load is calculated by multiplying the water use of the proposed development by the appropriate concentration of total nitrogen/ total phosphorus after treatment at the WwTW.
- 5.24 In the nutrient neutral methodology for Solent sites a discount is made for amount of N that would be present in the groundwater and river water if they were in a more natural condition and an amount considered at this stage to be likely to meet the restoration objectives for the Solent international sites. In part this is due to the absence of a numeric targets for nutrients for the Solent and in part it is due to likelihood that a proportion of the nitrogen in a groundwater catchment would eventually reach the sea.
- 5.25 The acceptable load of nitrogen and phosphorus levels in the Stour catchment are taken into account in the numeric nutrient standards for the lakes. The WINEP investigation will calculate values of N and P in the Stour that are acceptable in the determination of the existing treatment works effects on Stodmarsh designated sites. For these reasons Natural England do not consider it is appropriate to discount groundwater background values from the Stodmarsh nutrient neutral calculations.

Worked example of a nutrient budget calculation for discharge to a WwTW using methodology

- 5.26 The following worked example calculates the total nitrogen and phosphorus loads of a development of 1000 dwellings based on a WwTW with a consent limit for Total Phosphorus of 2 mg/l but without a consent limit for total Nitrogen. In this theoretical example the company agreed the development proposal was small in proportion to the works population equivalence and was not likely to increase the influent and the base average discharge is assumed to be 27 mg/l.
- 5.27 Where residential developments also include other overnight accommodation such as tourist accommodation and attractions, the associated water use from these additional land uses will need to be included in the calculation. These rates should be based on empirical evidence from similar developments or published literature and will be assessed on a case by case basis.

Table 2 – Calculating wastewater Total Nitrogen/ Phosphorus load from proposed development

STAGE 1 - WORKED EXAMPLE TO CALCULATE TOTAL NITROGEN (TN) and (TP) LOAD FROM DEVELOPMENT WASTEWATER				
Step	Measurement	Value	Unit	Explanation
Development proposal	Development types that would increase the population served by a wastewater system	1000	Residential dwellings	
Step 1	Additional population	2400	Persons	Uses an average household size of 2.4 x 1000 dwgs (greenfield site)
Step 2	Wastewater volume generated by development	264,000	litres/day	2400 persons x 110 litres ⁶
Step 3	Receiving WwTW Average TN discharge confirmed with company as unlikely to change as result of development	27	mg/l TN	27 mg/l TN confirmed average
	Receiving WwTW permit limit for TP assume discharge to be at 90%	1.8	mg/l TP	90% of the consent limit is 1.8 mg/l TP
Step 4	TN discharged after WwTW treatment	7,128,000	mg TN/day	Step 2 x step 3 = 27 mg/l TN x 264,000
	TP discharged after WwTW treated	475,200	mg TP/day	= 1.8 mg/l TP x 264,000
	Convert mg TN to kg TN per day	7.128	kg TN/day	Divide by 1,000,000
	Convert mg TP to kg TP per day	0.4752	kg TP/day	
	Convert kg/TN per day to kg/TN per year	2,601.72	kg TN/yr	Multiply by 365 days
	Convert to kg/TP/SRP per day to kg/TP per year	173.45	kg TN/yr	
Wastewater Total nutrient load		Total Nitrogen	2,602 kg TN/yr	
		Total Phosphorus	173 kg TP/yr	

⁶ Where relevant, deduct wastewater volume of population displaced by the proposed development

Stage 2 *Adjust Nitrogen/ Phosphorus load to offset existing nitrogen from current land use*

- 5.28 This next stage is to calculate the existing nutrient losses from the current land use within the redline boundary of the scheme. The nitrogen/ phosphorus loss from the current land use will be removed and replaced by that from the proposed development land use. The net change in land use will need to be subtracted from or added to the wastewater total nitrogen/ total phosphorus load.
- 5.29 Nitrogen–nitrate/ phosphorus loss from agricultural land has been modelled using a Farmscoper model run for the Stour Management Catchment for Stodmarsh. This model has been used to estimate the loss of nutrients from different farm types in relevant catchments and these are provided in table 3. Further details on farm classification used in the Farmscoper model are included in Appendix 4.
- 5.30 If the proposed development area covers agricultural land that clearly falls within a particular farm type used by the Farmscoper model then the modelled average nitrate-nitrogen and phosphorus loss from this farm type should be used.

Table 3 Farm types and average nitrogen-nitrate loss

AVERAGE NUTRIENT LOSS PER FARM TYPE IN STOUR MANAGEMENT CATCHMENT AREA (kg/ha/yr)		
	Nitrate- Nitrogen (kg/ha/yr)	Phosphorus (kg/ha/yr)
Cereals	27.3	0.36
Dairy	58.3	0.49
General Cropping	27.9	0.28
Horticulture	18.5	0.18
Pig	60.3	0.34
Lowland Grazing	12.2	0.24
Mixed	31.5	0.27
Poultry	60.3	0.34
Average for catchment area	23.5	0.28

- 5.31 If the proposed development area covers several or indeterminate farm types then the average nitrate-nitrogen and phosphorus loss across all farmland may be more appropriate to use. The average figure is also included in table 3.
- 5.32 The figures in table 3 are taken from a Farmscoper V4 run for the Stour management catchment in September 2019 and are based on leachate kg/ha N and P for each of the individual farm types with prior mitigation measures taken up at national levels. These may be updated from time to time as land use and agricultural practice to control nutrient losses change.
- 5.33 For maize farms, it is recommended that the general cropping nitrogen leaching rate is used in the calculation. For sites that are in use as allotments, it is recommended

that the most appropriate farm type for allotments is the average rate of the catchment land use. For sites that are currently in use as horse paddocks, it is recommended that the lowland grazing figure should be used in the calculation. If evidence can be provided to support an alternative figures, then this information will be reviewed by the local planning authority and Natural England.

- 5.34 It is important that farm type classification is appropriately precautionary. It is recommended that evidence is provided of the farm type for the last 10 years and professional judgement is used as to what the land would revert to in the absence of a planning application. In many cases, the local planning authority, as competent authority, will have appropriate knowledge of existing land uses to help inform this process.
- 5.35 There may be areas of a greenfield development site that are not currently in agricultural use and have not been used as such for the last 10 years. In these cases, there is no agricultural input into the land. If these sites are in private ownership and they are not subject to unmanaged recreational use (such as dog walking), these areas should be given a baseline nutrient leaching value of 5 kg N/ha/yr and 0.14 kg P/ha/yr for nitrogen and phosphorus respectively. These figures cover nitrogen and phosphorus loading from atmospheric deposition, pet waste and nitrogen fixing legumes.
- 5.36 Where development sites include existing wildlife areas, woodlands, hedgerows, ponds and lakes, that are to be retained, these areas should be excluded from the calculation as there will be no change in the nitrogen and phosphorus input onto this land, or included with the same nitrogen leaching rate in stage 2 and 3. This approach assumes that if they are adopted as green infrastructure or a wildlife area in the new development appropriate management can be secured with any planning permission (see next section) to restrict nitrogen and phosphorus loading.
- 5.37 A similar approach can also be taken for the redevelopment of urban land as the nitrogen and phosphorus leaching rates would be 14.3 kg N/ha/yr and 0.83 kg P/ha/yr in stage 2 and 14.3 kg N/ha/yr and 0.83 kg P/ha/yr in stage 3. If there is no change in site area, these areas can be excluded from the calculation.
- 5.38 For sites where existing land use is not confirmed, it is Natural England's advice to local planning authorities and applicants to take a precautionary approach in line with existing legislation and case law. It is important that only land that currently drains into, or is upstream or in other way effect the designated sites is used for offsetting. If the development land is within a different catchment to the waste water treatment works (WwTW) that are receiving the waste and contributing to the existing failures then this land cannot be used to mitigate the development wastewater. Where land straddles catchments a pro-rata calculation should be made. A worked example to calculate the nitrogen and phosphorus load from existing land use is set out in table 4.

Table 4 Calculating nitrogen/ phosphorus load from current land use

STAGE 2 - WORKED EXAMPLE TO CALCULATE NITROGEN AND PHOSPHORUS LOAD FROM CURRENT LAND USE				
Step	Measurement	Value	Unit	Explanation
1	Total area of existing agricultural land	40	Hectares	This is the area of agricultural land that will be lost due to development
2	Identify farm type and confirm nutrient loss from table 2. (example based on cereals)	27.3 0.36	kg N/ha/yr kg P/ha/yr	The developable area is mainly laid to cereals. Reference Appendix 2 and Table 2
3	Multiply area by nitrate/ phosphorus loss	1,092 14.4	kg N/yr kg P/yr	40 ha x 27.3 kg N/yr 40 ha x 0.36 kg P/yr
Nitrogen load - current land use		Nitrogen Phosphorus	1,092 kg N/yr 14.4 kg P/yr	

Stage 3 *Adjust nitrogen/ phosphorus load to account for land uses with the proposed development*

- 5.39 This stage is to add in the nitrogen and phosphorus loads that will result from new development that is not received by a WwTW i.e. the nutrients that arise from the new land use. This includes the nitrogen and phosphorus load from the new urban development and from the new open space including any Suitable Alternative Natural Greenspace (SANG), Nature Reserves or Bird Refuge Areas as identified within the redline boundary of the scheme.
- 5.40 The calculation only includes the areas of the site where there will be a change in land use, for example from agricultural land to new urban development or agricultural land to SANG/ open space. Where there is no proposed change to land use, this land should be excluded from the nutrient budget as there will be no change to the nutrient load from this area. Where land does not drain to the designated site catchment it should be excluded from the calculation.

Urban development

- 5.41 The nitrogen/ phosphorus load from the new urban development results from sewer overflows and from drainage that picks up nutrient sources on the urban land. Urban development includes the built form, gardens, road verges and small areas of open space within the urban fabric. These nutrient sources include atmospheric deposition, pet waste, fertilisation of lawns and gardens and inputs to surface water sewers. The

nitrogen leaching from urban land has been estimated to equate to 14.3 kg/ha/yr⁷. The phosphorus leaching from urban land has been estimated to equate to 0.83 kg/ha/ yr⁸. These figures are proxy figures from best available data however if locally robust catchment specific data is available this can and should be used. Appendix 5 sets out some of the scientific research and literature in relation to these figures.

Open Space and Green Infrastructure

- 5.42 Nutrient loss draining from new designated open space or SANG should also be included. The nitrogen leaching from this land has been estimated to equate to 5 kg/ha/yr for Solent sites and this is used as a proxy for the Stour valley. The phosphorus leaching from SANG land has been estimated to equate to 0.14 kg/ha/yr. Appendix 6 sets out the scientific research and literature in relation to these figures. These figures can also be used where new nature reserves or bird refuge areas are created and for new woodland planting areas.
- 5.43 The competent authority will need to be assured that this open space will be managed as such and there will be no additional inputs of nutrients or fertilisers onto this land for the duration of the development. Appropriate planning conditions or other legal measures may be necessary to ensure it will not revert back to agricultural use, or change to alternative uses that affect nutrient inputs in the long term. It is therefore recommended that the 5 kg/ha/yr for Nitrogen and 0.14 kg/ha/yr for phosphorus rate applies to areas of designated open space on-site of around 0.5 hectares and above. These sites will also need long term management to ensure the provision of dog bins and that these are regularly emptied.
- 5.44 Small areas of open space within the urban fabric, such as road verges, gardens, children's play areas and other small amenity areas, should not be included within this category. The urban development figure is appropriate for these land uses as they are already taken account in the figures chosen.

Community food growing provision

- 5.45 For any areas of the site that are proposed for community food growing provision, such as allotments, it is recommended that the average farm type rate is used (see table 3).
- 5.46 A worked example is shown in the table below. This is based on a developable area of 30 hectares covering land in a mix of farm types with the removal of 10 hectares of agricultural land to create SANG.

⁷ Supplementary Planning Document – Achieving Nitrogen Neutrality in Poole Harbour

⁸ From relevant Water framework directive export coefficient for urban and suburban land 2006 [Final Report: Updating the estimate of the sources of phosphorus in UK waters](#)

Table 5 – Adjust Nitrogen and Phosphorus Load to account for future land uses

STAGE 3 - WORKED EXAMPLE TO CALCULATE NITROGEN/PHOSPHORUS LOAD FROM FUTURE LAND USES				
Step	Measurement	Value	Unit	Explanation
1	New urban area	30	Hectares	Area of development that will change from agricultural land to urban land use
2	Nitrogen/ Phosphorus Load from future urban area	429	kg N/yr	30 ha x 14.3 kg N/yr
		24.9	kg P/yr	30 ha x 0.83 kg P/yr
3	New SANG / open space	10	Hectares	Area of development that will change from agricultural land to SANG / open space
4	Nitrogen/ Phosphorus load from SANG/ open space	50	kg N/yr	10 ha x 5.0 kg N/yr
		1.4	kg P/yr	10 ha x 0.14 kg P/yr
5	Combine Nitrogen load from future land uses	479	kg N/yr	429 kg N/yr + 50 kg N/yr
	Combine Phosphorus load from future land uses	26.3	kg P/yr	24.9 kg P/yr + 1.4 kg P/yr
Nutrients from Proposed future land uses		Nitrogen	479 kg TN/yr	
		Phosphorus	26.3 kg TP/yr	

Stage 4 Calculate the net change in the Total Nitrogen and Total Phosphorus load that would result from the development

- 5.47 The last stage is to calculate the net change in the total nitrogen and total phosphorus load to the Stodmarsh catchment with the proposed development. This is derived by calculating the difference between the total nitrogen/ phosphorus load calculated for the proposed development (wastewater, urban area, open space etc.) and that for the existing land uses.
- 5.48 It is necessary to recognise that all the figures used in the calculation are based on scientific research, evidence and modelled catchments. These figures are the best available evidence but it is important that a precautionary buffer is used that

recognises the uncertainty with these figures and in our view ensures the approach, with reasonable certainty, that there will be no adverse effect on site integrity. Natural England therefore recommends that a 20% precautionary buffer is built into the calculation.

- 5.49 There may be instances where it is the view of the competent authority that an alternative precautionary buffer should be used based on a site-specific basis where sufficient evidence allows the legal tests to be met. Table 6 sets out a worked example of stage 4.

Table 6 Nitrogen/ Phosphorus Load Budget

STAGE 4 - WORKED EXAMPLE TO CALCULATE THE NET CHANGE IN NITROGEN AND PHOSPHORUS LOAD FROM THE DEVELOPMENT				
Step	Measurement	Value	Unit	Explanation
1	Identify Nitrogen load from wastewater (stage 1)	2602	kg N/yr	See Table 1
	Phosphorus load from wastewater (stage 1)	173	kg P/yr	
2	Calculate the net change in Nitrogen and Phosphorus from land use change - subtract existing land uses Nitrogen/Phosphorus load (stage 2)	-613	kg N/yr	479 - 1,092 kgN/yr
	from future land uses Nitrogen/Phosphorus load (stage 3)	11.9	kg P/yr	26.3 - 14.4 kgP/yr
3	Determine Nitrogen/ Phosphorus Budget – Step 1 plus step 2 of this table (the latter figure may be positive ie the change in land use will generate more nitrogen, or negative ie the change in land use will generate less Nitrogen/ Phosphorus)	1,989	kg N/yr	2602 kg N/yr (step 1) + (- 613)(step 2)
		184.9	kg P/yr	173 kg P/yr (step 1) + 11.9 (step 2)
4	Nitrogen/ Phosphorus Budget without buffer	1,989	kg N /yr	
		184.9	kg P/yr	
5	Divide Nitrogen/ Phosphorus Budget without buffer by 5 (Do not apply buffer if step 4 is a negative figure)	397.8	kg N /yr	1,989 kg N/yr divide by 5
		36.98	kg P/yr	184.9 divide by 5
6	Identify Nitrogen/ Phosphorus Buffer with 20% buffer	2,386.8	kg N /yr	Add step 4 to step 5 of this table
		221.88	kg P/yr	
Nutrient Budget with 20% buffer		2,386.8 kg N /yr 221.88 kg P/yr		

Section B

Methodology for calculating TN and TP budgets for package treatment plants (PTPs)

- 5.50 The Environment Agency has a presumption against private sewage treatment works in seweraged areas and will always seek connection to the mains sewer where possible and practicable. A principle concern relates to the failure rates of package treatment plants (PTPs) and the lack of review and periodic upgrades via regulatory systems that apply to mains. There will be site specific factors (e.g. in proximity to watercourses, soil saturation levels, etc.) that would need to be considered when evaluating this risk.
- 5.51 Further advice from the Environmental Agency on the use of PTP may be found at - <https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits>. Additional guidance may also be available via local planning authorities. The following advice is only provided in relation to nutrient neutrality and is provided on the basis that the developer and/or planning authority have ensured that the Environment Agency is satisfied that a PTP is appropriate for the proposed development.
- 5.52 Where development proposals include use of PTPs, or similar, it is recommended that the TN and TP level is calculated on a per person basis. On average each person produces sewage containing 0.0035 tonnes of nitrogen per year (3.5 kilograms)⁹ and 0.99 kg of P¹⁰. The TN prior to treatment = number of additional population x 3.5 kg = kg TN/yr . The TP prior to treatment = number of additional population x 0.99 kg = kg TP/yr.
- 5.53 The percentage reduction of TN and TP that may be applied as result of treatment will depend on the efficiency of the treatment processes employed and must be assessed on a case-by-case basis. The evidence supporting the efficiency of PTPs should include the test result documents from the lab (in English) and/ or measured effluent concentrations from real world applications, not just the covering certificate. Information will also need to be provided on the long term monitoring and management of these installations and this will need to be secured.
- 5.54 Bespoke calculations of the TN/TP load may be possible for larger PTPs in instances where sufficient evidence of the performance of the system in removing nitrogen and phosphorus is provided. In addition to the above, the evidence will need to include, as a minimum, a full year of operation and supporting information to ensure that the concentration of total nitrogen and phosphorus within the effluent can be reliably predicted. In these cases, early consultation with Natural England, through our charged advice service, and the competent authority is recommended.

⁹ [Nitrogen reduction in Poole Harbour Supplementary Planning Document](#). If data more suitable to the Stour is available these figures can be used

¹⁰ Taken from upper range values quoted in for human excreta (1.7g/dy) plus detergents (1.0g/dy) x 365 days in Natural England 2015 [The impact of phosphorus inputs from small discharges on designated freshwater sites \(NECR170\)](#)

5.55 Table 7 sets out a worked example for Stage 1. Stages 2, 3 and 4 of the above methodology can then be applied.

Table 7 Alternative Stage 1 methodology for package treatment plants (PTPs)

STAGE 1 - WORKED EXAMPLE TO CALCULATE TOTAL NITROGEN (TN) AND TOTAL PHOSPHORUS (TP) LOAD FROM DEVELOPMENT WASTEWATER WITH AN ON-SITE PTP (prior to treatment)				
Step	Measurement	Value	Unit	Explanation
Development proposal	Development types that would increase the population served by a wastewater system	100	Residential dwellings	
Step 1	Additional population	240	Persons	Based on average household size of 2.4
Step 2	TN prior to treatment Based on 3.5 kg TN per person per year	840	kg TN /yr	240 (step 1) x 3.5 kg TN per person per yr
	TP prior to treatment Based on 0.99 kg TP per person per year	237.6	kg TP/ yr	0.99 kg TP per person per yr
Step 3	Receiving PTP TN reduction efficiency	70	%	Efficiency of PTP used must be evidenced this is just illustrative example.
	Receiving PTP TP reduction efficient	80	%	
Step 4	TN discharged after PTP treatment	252	kg TN /yr	30% of 840
	TP discharge after PTP treatment	47.52	kg TP/yr	20 % of 237.6
Stage 4 (included as example where no land use change has occurred)	Apply 20% precautionary buffer	302.4		120% of step 4
		57.02		1.2x252 1.2 x 47.52
PTP Total Nutrient Load (including Stage 4 20% Buffer)		Nitrogen	302.4 kg TN / Yr	
		Phosphorus	57.02 kg TP/Yr	

SECTION 6 MITIGATION

Introduction

- 6.1 If there is a nitrogen and/ or phosphorus surplus (a positive figure), then mitigation is required to achieve nutrient neutrality. If the calculation identifies a deficit (a negative figure), no additional mitigation is required. In the worked example described in the methodology, the nitrogen budget with 20% buffer is 2,386.8 kg TN/yr and the phosphorus budget is 221.88 kg TP/yr. Neutrality would therefore require appropriate mitigation measures that would remove a minimum of 2,387kg TN/yr and 222 kg TP/yr.
- 6.2 Mitigation can be through direct measures, e.g. interceptor wetlands that prevent nutrient from entering the site or 'indirect' by taking land out of nitrogen/ phosphorus intensive uses, e.g. crops or intensive livestock systems that result in an excess of nitrogen or phosphorus lost to the water environment. This indirect mitigation can be referred to as offsetting.
- 6.3 The purpose of the mitigation measures is to avoid impacts on the designated sites rather than compensating for the impacts once they have occurred. Avoiding impacts is achieved by neutralising the additional nutrient burden that will arise from the proposed development, achieving a net zero change at the designated sites in a timely manner.
- 6.4 To ensure it is effective mitigation, any scheme for neutralising nitrogen and/ or phosphorus must be certain at the time of appropriate assessment as part of the HRA, so that no reasonable scientific doubt remains as to the effects of the development on the international sites. This will need consideration of the delivery of mitigation, its enforceability and the need for securing the adopted measures for the duration of the development's effects, generally 80-125 years.
- 6.5 Schemes that are being delivered by other sectors (for example water industry and agricultural sector) for the purpose of meeting the necessary conservation measures designed for the international sites and to take appropriate steps to avoid the deterioration of the international sites should not also be used as mitigation for plans and projects, as this would compromise the original purpose and would be unlikely to meet the legal tests of the Habitats Regulations.
- 6.6 Further information has been included in this section on recommended mitigation measures. Each mitigation scheme will be assessed on its own merits and on a case by case basis, based on the submitted evidence. We recommend applicants to discuss options with local planning authorities and Natural England through our [charged advice service](#), at the earliest opportunity. However, it is ultimately the decision of the local planning authorities, as competent authorities, to determine the suitability of the proposed mitigation scheme in line with the legal tests in the Habitats Regulations.

Types of mitigation

Conversion of agricultural land for community and wildlife benefits

- 6.7 Permanent land use change by converting agricultural land with higher nitrogen/ phosphorus loading to alternative uses with lower nitrogen/ phosphorus loading, such as for local communities, wildlife, and under schemes for flood management or to deliver the UK Government's Net Zero greenhouse gas emissions target by 2050ⁱ, is one way of neutralising nutrient burdens from development. It is important to retain the best and most versatile agricultural land in food production, particularly food crop production. However, there are a number of reasons to support conversion of agricultural land where the land is less economic to farm. There may also be a wide range of incidental benefits for the local community and wildlife from this change, as well as delivery of wider planning policy objectives and climate emergency pledges.

On-site options

- 6.8 One option is to increase the size of the SANGs and Open Space provision for the development on agricultural land that reduces the nitrogen/ phosphorus loss from this source. This can be secured as designated open space or by other legal mechanisms.

Off-site options

- 6.9 Another option is to acquire, or support others in acquiring, agricultural land elsewhere within the Stour river catchment area. By changing the land use in perpetuity (e.g. to woodland, heathland, saltmarsh, wetland or conservation grassland), this reduces the nutrient loss from this source.
- 6.10 Mitigation land should be appropriately secured to ensure that at the time of the appropriate assessment it is certain that the benefits will be delivered in the long term. Natural England advises that this can be achieved through an appropriate change of ownership to a local planning authority or non-government organisation. However, it is recognised that there may be other legal mechanisms available to the competent authority to ensure deliverability and enforceability of a mitigation proposal. These can be considered on a case-by-case basis.
- 6.11 Such land use change should deliver multiple public benefits that can incidentally meet other government targets. There are wildlife and biodiversity benefits by enhancing ecological corridors and key sites identified in the Local Nature Partnership network or which form part of the nature recovery network. This land can buffer existing nature reserves and ancient woodland. It can also create priority habitats such as heathland, saltmarsh, wetland or conservation grassland.
- 6.12 Small scale developments are encouraged to consider opportunities for providing local small scale mitigation measures that deliver multiple benefits. Possible options include the creation of local wetlands, local nature reserves, community orchards (without nutrient inputs), or copse. Another example is to turn a strip (in excess of 10m width) of agricultural land immediately adjacent to a public footpath into a greenway. This could be demarcated by hedges or woodland planting for both public and wildlife benefits.

Woodland planting

- 6.13 Woodland planting on agricultural land is a means of securing permanent land use change without necessitating land purchase. It can be evidenced easily by aerial photography and site visits. The minimum level of woodland planting required to be considered land use change is 20% canopy cover at maturity. In very broad terms, this equates to 100 trees per hectare, although this is dependent on the type of trees planted and there are also options that this can be achieved by natural regeneration, especially if adjacent to existing native woodland. In the Stour Valley this should be achieved by use of native broadleaf species of local provenance, to secure wider biodiversity gains and reduce risk of non-native species and disease spread to the existing internationally protected woodland in the valley. A nitrogen leaching rate from semi-natural native woodland planting is likely to equate to 5 kg/ha/yr and phosphorus of 0.02 kg/ha/yr.
- 6.14 In a relatively short time, the woodland planting would require a felling licence and woodland removal would also be covered by the EIA Regulations where woodland is planted as mitigation for internationally designated sites. There are therefore a number of layers of security for the competent authorities to ensure this mitigation is being delivered effectively. Planted woodland does require management for the first decade in terms of plug fencing and maintenance until the canopy has reached above browsing height, thereafter management is relatively minimal though some thinning is preferable to enable mature trees to develop.
- 6.15 Woodland planting would secure carbon capture, biodiversity and recreational benefits. The established woodlands could also be used for wood fuel production or coppice timber production.

Wetlands

- 6.16 Wetlands receiving nutrient-rich water can remove a proportion of this nitrogen/ phosphorus through natural processes. Wetlands can be designed as part of a sustainable urban drainage (SUDs) system, taking urban runoff/ stormwater; discharges from WWTWs can be routed through wetlands; or the flow, or part of the flow, of existing streams or rivers can be diverted through wetlands though alteration of natural drainage channels should be discouraged.
- 6.17 Wetlands deliver incidental wildlife and biodiversity benefits, with possible drainage and flood defence benefits (by reducing risk of harm from natural hazards). Further possible benefits arise from increased infiltration into groundwater and these systems can help make communities more climate change resilient. If the wetlands can be accessible, through the provision of boardwalks, then there will also be benefits for wellbeing. It is essential that wetlands and SUDs are maintained to provide ongoing nutrient removal. Provisions for resourcing the ongoing maintenance of SUDs will need to be secured with any planning permission. Further information on the potential for nitrogen and phosphorus mitigation using wetlands is included in Appendix 7.

Wastewater Treatment Work Upgrades

- 6.18 Mitigation options at WwTWs theoretically include the agreement with the wastewater treatment provider that they will maintain an increase in nitrogen or phosphorus removal at the WwTW. Upgrades to WwTW that are managed by the water sector are undertaken through a specific water industry regulatory process. Securing upgrades to WwTW can only be achieved via this regulatory process.
- 6.19 There may also be opportunities to progress a wetland at a WwTWs, at the final stage of the process, once the permit consents have been met. It is possible to discharge the WwTWs outfall through wetlands, prior to release into the wider environment. Further details of this option are included in Appendix 7.

Size of mitigation land

- 6.20 The mitigation land must be sufficient to ensure the legal tests in the Habitats Regulations can be met. For some types of mitigation, for example wetlands, there can be minimum sizes for nutrient removal processes to be effective (see Appendix 7).
- 6.21 Larger schemes create more opportunities for other sources of funding. Land that is taken out of agriculture for nutrient mitigation could also qualify for additional funding for future management to meet other legislative and policy requirements. For example, with additional management and infrastructure, this land may qualify as SANG to relieve recreational pressure on international designated sites. Furthermore, larger schemes have the potential to deliver wider community and biodiversity benefits and these options should be encouraged where possible.
- 6.22 Smaller schemes will also be acceptable where the legal tests in the Habitats Regulations are met so there is certainty around these measures, for example, their deliverability, enforceability and long term use.

Location of mitigation

- 6.23 The location of the mitigation site will also influence the effectiveness of the measure. The appropriate location for mitigation land firstly depends on the catchment of the development and location of the WwTWs outfall. Consideration then needs to be given to site specific factors such as geology, hydrology and topography.

Identifying the catchment for mitigation land

- 6.24 The fluvial catchment for the Stodmarsh internationally designated sites is shown on Figure 1.
- 6.25 A key objective is to ensure mitigation land is situated in the most effective location. If interception of WwTW stream is required, then mitigation should be situated as close to the works as possible. The mitigation should be in the same sub-catchment as the discharge location.

Drain to ground

- 6.26 For developments that drain to ground via a package treatment plant (PTP), septic tank or mains WwTWs, it is appropriate for mitigation land to be within the same catchment as the outfall location of the PTP or WwTW.

Temporal principles

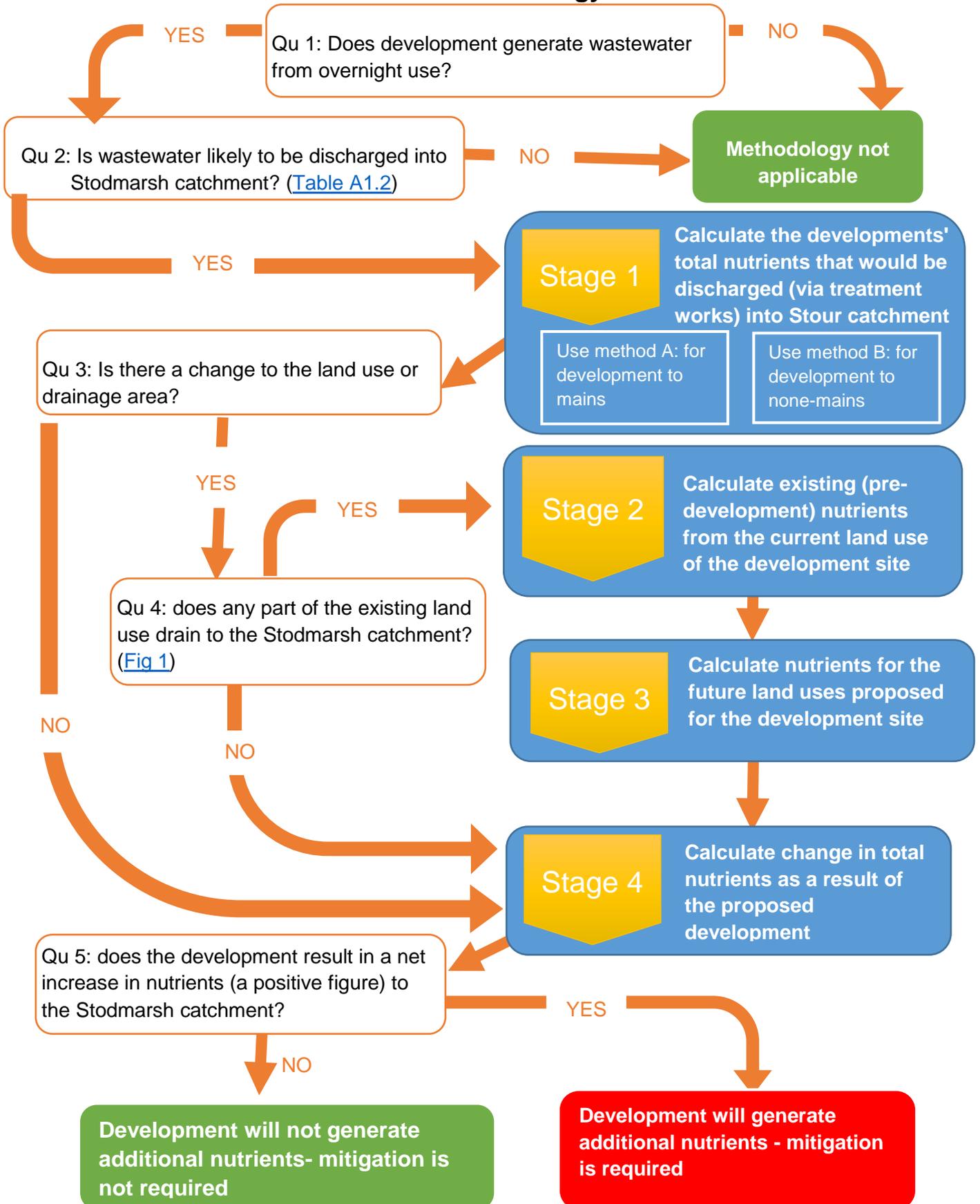
- 6.27 Within chalk geology where the nitrogen or phosphorus discharge is to ground and remote from watercourses there is likely to be a considerable delay or it may be significantly attenuated. In such circumstances mitigation measures that take effect quickly may not need to be implemented immediately. We advise that these issues are examined on a case by case basis in consultation with the relevant local planning authority or authorities and Natural England.
- 6.28 Sites that are downstream of the WwTWs and upstream of the designated sites are ideally located to reduce the nutrient load reaching the designated sites. It is our preference that mitigation sites are prioritised within the lower fluvial catchment and close to but upstream of the Stodmarsh site. Sites that are located on tertiary geology or clay are preferred or sites that are located on the break of slope onto chalk bedrock. These sites reduce the time lag between the nutrient benefits of changes to land use within the catchment and the benefits to the designated sites.
- 6.29 For mitigation sites located on the upper fluvial catchment of the Stour on the chalk bedrock, without any water course in close proximity, there may be a time lag for consideration. It is our advice that the depth of the chalk groundwater is considered. For sites where the groundwater is more than 5m below ground level, then this land is unlikely to be appropriate for mitigation for short term development. Although it may be appropriate for development that is phased over more than 5 years, provided the mitigation land is delivered straightaway.
- 6.30 There may be sites where there is evidence of a short time lag between nutrient reduction at the mitigation site and the designated sites, or where the mitigation site is located on a geology or in an area that will result in additional benefits for nutrient removal, over and above the change in land use at the site itself. These options will be considered on a case-by-case basis.

Strategic Solutions

- 6.31 It is appreciated that achieving nutrient neutrality may be difficult for smaller developments, developments on brownfield land, or developments that are well-progressed in the planning system. Natural England is working closely with local planning authorities to progress Borough/ District/ City wide and more strategic options that achieve nutrient neutrality and enable this scale of development to come forward.
- 6.32 Further information will be available on the local authority websites in due course. Natural England can provide further advice on the methodology and mitigation options through our [chargeable services](#) (DAS).

Figure 2

Nutrient Assessment methodology – Decision Tree



Notes for Decision Tree

Question 1 – This includes housing development and tourist development. This is covered in [type of development section](#)

Question 2 –The wastewater treatment works to which this advice applies are listed in Table A1.2 and the land drainage area to which this advice applies is shown in [Figure 1](#). See Appendix 1 for further details on location.

Question 3 – If the development is converting an existing urban use that does not generate overnight stays (such as office accommodation or employment land) to other urban use then this is not considered a change of land use for offsetting purposes. If urban land is being converted to a park or greenspace this should be included in the land use calculation. Further information on this is contained [the stage 2 and 3 calculation](#) of the methodology

Question 4 - if the land use does not drain to the catchment its existing nutrients are not contributing to the failures or risk of failures of the designated sites water quality standards and cannot be used to offset the nutrients from wastewater. If the existing site drains into two catchments only the area that currently (before proposed development) drains into the Stodmarsh catchment (within the lower Stour) can be used for offsetting.

Question 5 - This is covered in [stage 4](#) of the methodology.

Appendix 1

Spatial Extent Covered by this Advice

- A1.1 The Environment Agency’s Water Industry National Environment Programme (WINEP) investigation scope has agreed the water company assets that are to be part of the investigation into impacts on Stodmarsh designated sites (June 2020).
- A1.2 At this time Natural England cannot rule out on objective evidence a likely significant effect on Stodmarsh European sites of development land drainage or effluent from works that discharge upstream in the Stour and downstream (for the tidal lake and during overtopping). Figure 1 in the main document shows the main rivers in the Stodmarsh area. Stodmarsh sits in the Environment Agency [Stour](#) management catchment, Figure A1.1 shows the environmental designations in the Stour Catchment. Links to Environment Agency maps and details of the operational management catchments within the Stour management catchment are listed in the table A1.1 below.
- A1.3 Natural England recommend that an appropriate assessment of water quality impacts on the designated sites is undertaken for developments that are within, or discharge to, WwTW that are within those catchments mapped in Figure 1 and/ or listed in table A1.1 and table A1.2. Developments where the effluent and drainage goes to works in the operational catchments listed as excluded are not considered to have a hydrological connection to Stodmarsh designated sites. The WwTW listed are those existing Southern Water continuous discharge assets that are in the WINEP investigation, however if discharge from new development goes to an asset in the catchment but not owned by Southern Water, or a new asset is proposed then that should also be assessed.

Table A1.1 Stour Operational Catchment Links

Stour Operational Catchments INCLUDED in the Stodmarsh Advice	Stour Operational Catchments EXCLUDED from the Stodmarsh Advice
<p>Stour Lower</p> <p>Stour Upper</p> <p>Little Stour and Wingham</p> <p>Kent East Coast TRaC (Part only see Figure 1 and list of WwTW)</p> <p>Oyster Coast Brooks (Part only see Figure 1 and list of WwTW)</p> <p>Stour Marshes (Part only see Figure 1 and list of WwTW)</p>	<p>Dour</p> <p>North and South Streams</p> <p>Oyster Coast Brooks (Part only see Figure 1)</p> <p>Kent East Coast TRaC (Part only see Figure 1 and list of WwTW)</p> <p>Stour Marshes (Part only see Figure 1 and list of WwTW)</p>

Table A 1.2 Waste Water Treatment Works covered by this Guidance

Southern Water Waste Water Treatment Works Continuous Discharges considered as part of WINEP investigation * (waterbody/ catchment into which it discharges in brackets)	TP Limit current (planned permit by 2024 in brackets)	TN Limit current	Population Equivalent (2020)
Ashford (Bybrook)WwTW (Stour -Ashford Wye)	0.5 mg/l OSM**	None	115,149
Canterbury WwTW (Stour A2 to West Stourmouth)	2 mg/l	None	72,498
Charing Wwtw (Upper Great Stour)	1 mg/l (OSM only) (0.5 mg/l by 2024)	None	2,057
Chartham Wwtw (Stour Wye –A2)	None	None	6,966
Chilham (Stour Wye- A2)	None	None	946
Dambridge (Wingham)	2 mg/l (0.25 mg/l by 2024)	None	21,347
Lenham Wwtw (Upper Great Stour)	1 mg/l (OSM only) (0.5 mg/l by 2024)	None	3,206
May St (Herne Bay) WwTW (Oyster coast brooks)	2 mg/l (0.3 mg/l by 2024)	None	43,025
Newnham valley WwTW (Little Stour)	None (1 mg/l by 2024)	None	7,372
Sellindge WwTW (East Stour)	1 mg/l OSM annual mean (0.5 mg/l by 2024)	None	5,443
Westbere WwTW (Stour A2 to West Stourmouth)	None	None	6,503
Wye (Stour –Ashford Wye)	None	None	2,135
Good intent cottages WwTW	None	None	15
Nats Lane Brook WwTW	None	None	308
Westwell WwTW	None	None	216

*Natural England have excluded Minster WwTW from this advice as we have objective evidence that there is no pathway to Stodmarsh for inputs below Plucks Gutter on the Stour.

** This works has an UWWTD annual mean figure of 1 mg/l but the OSM figure is sufficiently certain to be used for planning purposes.

Figure A1.1 Designations in the Stodmarsh River Catchment

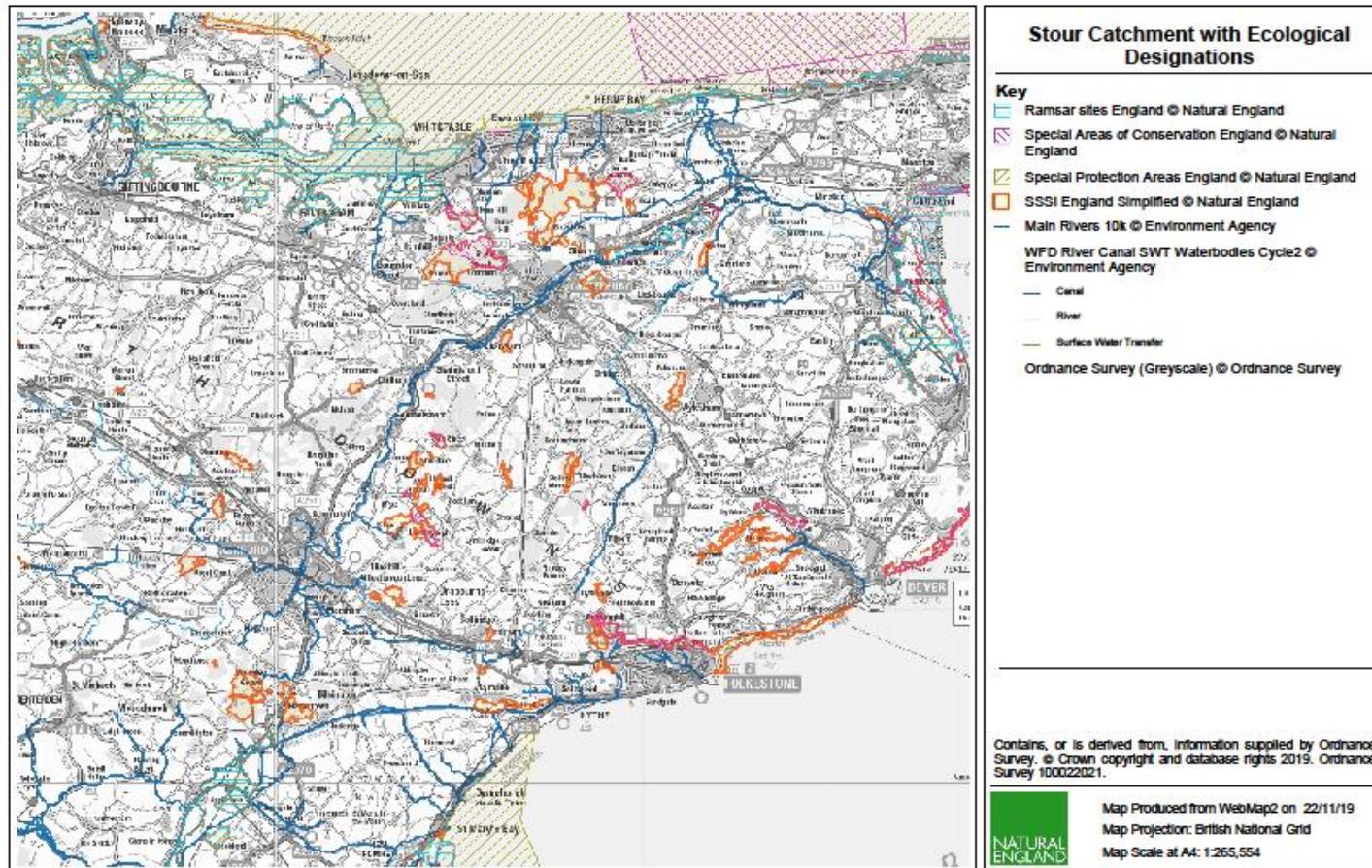
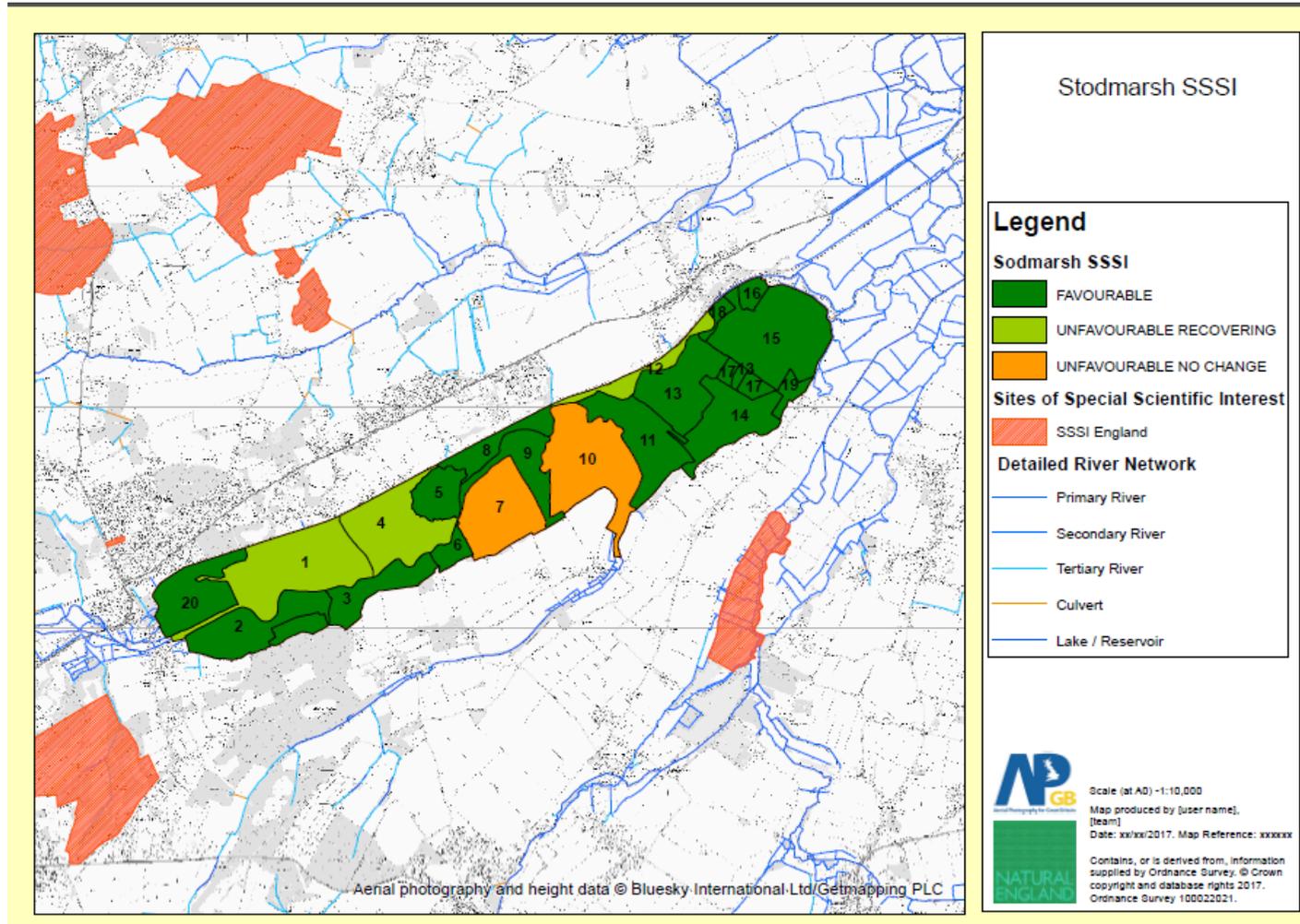


Figure A1.2 Stodmarsh SSSI unit condition



Appendix 2

PLANNING CONTEXT

Natural England's Position

- A2.1 It is Natural England's view that there is a likely significant effect on several internationally designated sites in the Stour Valley (Special Protection Area, Special Area of Conservation and Ramsar site) due to the increase in wastewater from the new developments coming forward.
- A2.2 The uncertainty about the impact of new development on designated sites needs to be recognised for all development proposals that are subject to new planning permissions and have inevitable wastewater implications. These implications, and all other matters capable of having a significant effect on designated sites in the Stour Valley, must be addressed in line with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).
- A2.3 Where there is a likelihood of significant effects (excluding any measures intended to avoid or reduce harmful effects on the European site), or significant effects cannot be ruled out, a competent authority should fully assess (by way of an "appropriate assessment") the implications of the proposal in view of the conservation objectives for the European site(s) in question. Appropriate assessments cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned. The Local Planning Authority, as competent authority, may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the international sites.
- A2.4 Natural England advises that the impacts of wastewater on designated sites from new development, in the interim until the WINEP investigation reports and any identified solutions are implemented, are examined within appropriate assessments and that the existing nutrient and conservation status of the receiving waters be taken into account.
- A2.5 LPAs and applicants will be aware of recent CJEU decisions regarding the assessment of elements of a proposal aimed toward mitigating adverse effects on designated sites and the need for certainty that mitigating measures will achieve their aims. The achievement of nutrient neutrality, if scientifically and practically effective, is a means of ensuring that development does not add to existing nutrient burdens.
- A2.6 LPAs have duties to conserve and enhance Sites of Special Scientific Interest (SSSIs) consistent with the proper exercise of their functions and to exercise those functions in a way that prevents deterioration of habitats and birds and has regard to the achievement of favourable conservation status for international sites. The LPAs should give consideration if application of neutrality would hinder the ability to restore the sites conservation objectives.

Joint working

- A2.7 Natural England is working with water companies, local planning authorities, stakeholders and the Environment Agency to try to ensure the Habitats Regulations are met.
- A2.8 Natural England will be working closely with local planning authorities to progress options that achieve nutrient neutrality. It is appreciated that this may be difficult for smaller developments, developments on brownfield land or developments that are well-progressed in the planning system.
- A2.9 Natural England will be advising affected local planning authorities to set up authority-wide or strategic approaches that developments can contribute to thereby ensuring that this uncertainty is addressed in so far as is reasonably practicable by all applications and will be working closely with affected local planning authorities to help address this issue.
- A2.10 All queries in relation to the application of this methodology to specific applications or development of strategic solutions will be treated as pre-application advice and therefore subject to chargeable services.

Appendix 3

Environmental Context

Designated sites interest features

- A3.1 Stodmarsh is a Special Protection Area (SPA), a Ramsar site, a Special Area of Conservation (SAC), a Site of Special Scientific Interest (SSSI) and some parts are a National Nature Reserve (NNR). The site is of national and international importance for a range of water-dependant habitats including lakes and the wildlife that relies these habitats. The designations and features are described in table A3.1 (below) along with links to key documents of interest.

Designated sites water quality target review

- A3.2 The water quality targets for the Stodmarsh SPA/ SAC/ SSSI lakes were agreed with the Environment Agency in 2017 (and 2019 for Hersden Lake). These targets are based on national water quality standards for [freshwater habitats](#) and are in the published supplementary advice to the conservation objectives for the designated sites underpinning habitat. These targets include standards for nitrogen and phosphorus as an excess of both nutrients can impact lake habitats which underpin the designated sites national and international interest features. Once the standards were agreed, Natural England assessed the available data for water quality in the Stodmarsh lakes using the Environment Agency catchment data explorer and any available data against the newly agreed standards and if no data was available to Natural England the existing condition remained based on previous site data. Where the site condition was correctly identified in terms of water quality (e.g. unit 10) the existing condition remained. Subsequently as part of the WINEP programme the Environment Agency assessed their data against the lake standards and incorporated this into the measures specification form (scope) for the WINEP investigation.

- A3.3 Detailed assessments of other features are available on Defra's [Magic Map](#) and condition assessments are not solely based on water quality standards. Table 1 in the main document sets out the agreed lake nitrogen and phosphorus standards and whether these standards are met or failed or if this is unknown due to lack of data (based on an amalgam of the Environment Agency and Natural England data for the WINEP investigation). Appendix 1 includes a map of SSSI unit condition. A brief summary of the condition classes follows. The information from the WINEP investigation will be used to inform a review of these lakes condition assessments with regards to the water quality attributes, including but not limited to nitrogen and phosphorus targets.

Favourable – high risk

- A3.4 Some Stodmarsh lakes are in favourable condition as they are meeting the nutrient targets or, where data is not available to complete the assessment, the officer judgement has historically viewed them as having no significant signs of water quality impacts at last visit (though this may be significantly out-of-date). These units are all considered to be at risk of elevated nutrients due to lack of information on their nutrient status. Lakes in this category include Fordwich East and main Fordwich lake

(unit 2) and Hersden lake (Unit 5). The tidal lake (Hersden lake) is only notified for bird features that are feeding on the benthic muds and therefore has less stringent water quality targets than the other lakes. Risks are described as “threats” on the Natural England designated sites database (CSMI).

Unfavourable recovering

- A3.5 The Westbere lake (unit 1), passed the total phosphorus standard (based on Environment Agency Assessment of WFD status) but it is considered unfavourable for other reasons and is considered recovering on the basis of management measures to address the other impacts. It has a threat recorded due to the absence of adequate water quality data for lake assessments.

Unfavourable no change

- A3.6 The main NNR lake and Collards lake are failing both the total phosphorus and total nitrogen standards based on Environment Agency assessment of WFD status. Since the sources of elevated nutrients have not been removed the lakes are not considered to be recovering. The condition assessment of the NNR lake (unit 10) already identified the water quality issues and was therefore not changed in 2018. Unit 10 condition assessment states “Study of Aufwuchs (prompted by algae bloom and fish kill events) indicates high nutrient levels in main NNR lake. (Total Phosphorus (TP) at 1 mg/l = 1000 ug/l ...the target for SSSI lakes is [49]ug/l. More research is required to understand hydrological regime and water quality of input sources (Great Stour and Lampen Stream)”.

Joint working - Catchment work

- A3.7 The high levels of nitrogen and phosphorus input to the water environment in the Stour catchment generally is currently caused by wastewater from existing housing and agricultural sources, though some local and within site process can occur in lake habitats and there are suspected mine waste contamination in some areas of the Stour. There are a number of mechanisms already in place to reduce the amount of nutrient inputs within our river and lake catchments and coastal waterbodies. Within the river Stour catchment; both Defra and partnership funded Catchment Sensitive Farming (CSF) programmes work with agriculture to reduce diffuse agricultural sources of pollution such as fertiliser and slurry run-off. One of the aims of this work is to deliver environmental benefits from reducing diffuse water pollution. To achieve these goals the CSF partnership delivers practical solutions and targeted support which should enable farmers and land managers to take voluntary action to reduce diffuse water pollution from agriculture to protect water bodies and the environment. The Stour has been a priority catchment under CSF since phase 1 (2006).
- A3.8 Although catchment wide advice has been provided, often through newsletters and events, 1:1 advice and grant support; engagement has always been geographically focused based upon where the risks and issues are most apparent or where multiple issues overlap, and in order to make the most of available resources. Geographic targeting has been primarily focused around surface waterbodies although CSF have always tried to make provision for some sector specific targeting, for example dairies or large horticultural enterprises where direct point pollution or significant surface water flow may occur. The catchment contains numerous spring fed streams which

flow over permeable chalk, sandstones and clays. Most of the farm land along the Stour has a brick earth element that can contribute to often rapid run-off of surface waters to the water courses. Current concerns in general waterbodies in the Stour catchment are nitrates and pesticide levels, as well as heightened sediment loads in streams in winter. Agricultural phosphorus is not considered to require separate consideration in the Stour catchment, and many measures primarily aimed at addressing agricultural nitrogen will also help reduce agricultural diffuse phosphorus.

- A3.9 In addition, the wastewater treatment works (WwTW) that enter into the catchment of Stodmarsh are the subject of an investigation under Water Industry National Environment Programme (WINEP) which will determine the extent of the connection of WwTW and sewerage assets to the Stodmarsh lakes and to what extent the existing WwTW discharges and other company assets are contributing to the existing water quality failures and risk of failures. The investigation will take account of the need to reconnect some of the lakes more closely to the main river Stour in future to ensure sufficient water for the designated sites in the face of climate change and in light of recent experience of NNR staff of insufficient water for the conservation management of the site in hot dry summer of 2018. The primary objective of the WINEP investigation to assess what improvements are required (if any) to the water company assets needed to enable the achievement of the agreed lake standards.

Type of nutrient inputs to designated sites

- A3.10 There is evidence that inputs of both phosphorus and nitrogen influence eutrophication of the water environment. The principal nutrient that tends to drive eutrophication in the marine environment is nitrogen, the principal nutrient that drives eutrophication in flowing freshwaters is phosphorus. In still freshwaters and many estuaries both phosphorus and nitrogen can result in eutrophication (called co-limitation). In reality the picture is more complicated than this. For Stodmarsh lakes the principal nutrients are: phosphorus and nitrogen based on the water quality standards in [Common Standards Monitoring Guidance](#) for the appropriate designated sites features and the Supplementary Advice to the Conservation Objectives (SACOs) for the [SPA](#) and [SAC](#) which also cover the Ramsar site.
- A3.11 The best available evidence is for focus in the Stodmarsh/ Stour catchment to be on both nitrogen and phosphorus. However, this approach may be refined if greater understanding of the eutrophication issue is gained thorough new research or updated modelling or the WINEP investigation.
- A3.12 The nutrient budget in this report calculates levels of nutrient from development however both phosphorus (P) and nitrogen (N) come in different forms and it is important to understand which is relevant to the designated site features in this methodology.

Phosphorus

- A3.13 The forms of phosphorus need to be recognized when calculating nutrient budgets. The key measure for still and very slow flowing waters such as lakes or ditches is total phosphorus (TP) (plus in most cases total nitrogen) because this is available for algae and plant growth. For rivers the designated sites standards are for Soluble

Reactive Phosphorus (SRP) as both an annual and a growing season mean. The relationship between SRP and TP is not straight forward and can vary between, and even within catchments (e.g. [River Avon catchment](#)). Modern WwTW permits usually have values for total phosphorus and the Environment Agency guidance on technically achievable limit (TAL) is for total phosphorus. Total phosphorus (TP), has been chosen for the current methodology as it is applicable to the lake habitats at Stodmarsh. Farmscoper reports provide amount of farm total phosphorus and this is the default setting. Though there is some uncertainty from these different forms of phosphorus, this is taken into account at the end of the methodology by the addition of a correction factor.

Nitrogen

- A3.14 The different forms of nitrogen need to be recognized when calculating nutrient budgets. The key measurement is total nitrogen (TN), i.e. both organic and inorganic forms of nitrogen, because this is what is available for plant growth. TN is the sum of the inorganic forms - nitrate-nitrogen (NO₃-N), nitrite-nitrogen (NO₂-N), ammonia, and organically bonded nitrogen.
- A3.15 Total nitrogen is measured by WwTW where there is a permit with a TN limit consent. However, for WwTWs without permits, measurements could be inorganic nitrogen (nitrate + nitrite + ammoniacal N) or TN or a mix. Most river/coastal quality monitoring by the Environment Agency only records the inorganic N forms. Farmscoper reports measure nitrate-nitrogen not TN. Nitrate is normally the largest component of TN but quantities of organic N can be significant. For example in the Test catchment dissolved organic nitrogen has been found to comprise 7% of the potential biologically available nitrogen in the river and 13% of that in the estuary (Purdie, 2005¹¹). Thus, the land use change element of this methodology will underestimate TN leaching. We therefore advise that this uncertainty is recognised and the recommended precautionary buffer approach is adopted.

¹¹ Purdie, D., Shaw, P., Gooday, A. and Homewood, J. (2005) Dissolved Organic Nitrogen in the River Test and Estuary, University of Southampton

Table A3.1 Designate Sites Interest Features

Designation	Links to Conservation Advice or equivalent	Interest features and links to citation or equivalent
Stodmarsh Site of Special Scientific Interest (SSSI)	Favourable condition tables (FCTs)	<p>The interest features of the SSSI are described in full in the citation and are summarised below:</p> <ul style="list-style-type: none"> • Wetland habitats including Swamp, fen and reedbed communities. • Standing waters- lake and ditch habitats • Desmoulin’s whorl snail • Assemblage of Breeding Birds • Aggregations of rare Breeding Birds: • Aggregations of non-breeding birds • Assemblage of vascular plants • Assemblage of invertebrates (W211 open water on disturbed sediments and W314 permanent wet mire and rich fen communities)
Stodmarsh Special Protection Area	Conservation Objectives Supplementary Advice	<p>The interest features of the SPA are described in full in the citation but are summarised below:</p> <ul style="list-style-type: none"> • Great bittern (Non- Breeding) • Gadwall (Breeding and Non-Breeding) • Northern Shoveler (Non-Breeding) • Hen Harrier (Non-Breeding) • Waterbird Assemblage • Breeding Bird Assemblage
Stodmarsh Ramsar Site	The SACOs for the SPA and SAC and the FCTs for the underpinning SSSI for the SPA and SAC are considered to cover these features	<p>The interest features of the Ramsar site are described in full in the Ramsar Information Sheet and are summarised below:</p> <p>Ramsar Criterion 2:</p> <ul style="list-style-type: none"> • Assemblage or British Red Data book invertebrate species, • Assemblage of rare and scarce plans species • A diverse assemblage of rare wetland birds
Stodmarsh Special Area of Conservation (SAC)	Conservation Objectives Supplementary Advice	<p>The interest features of the SAC are described in full in the citation and are summarised below:</p> <ul style="list-style-type: none"> • Desmoulin’s whorl snail

Source Apportionment

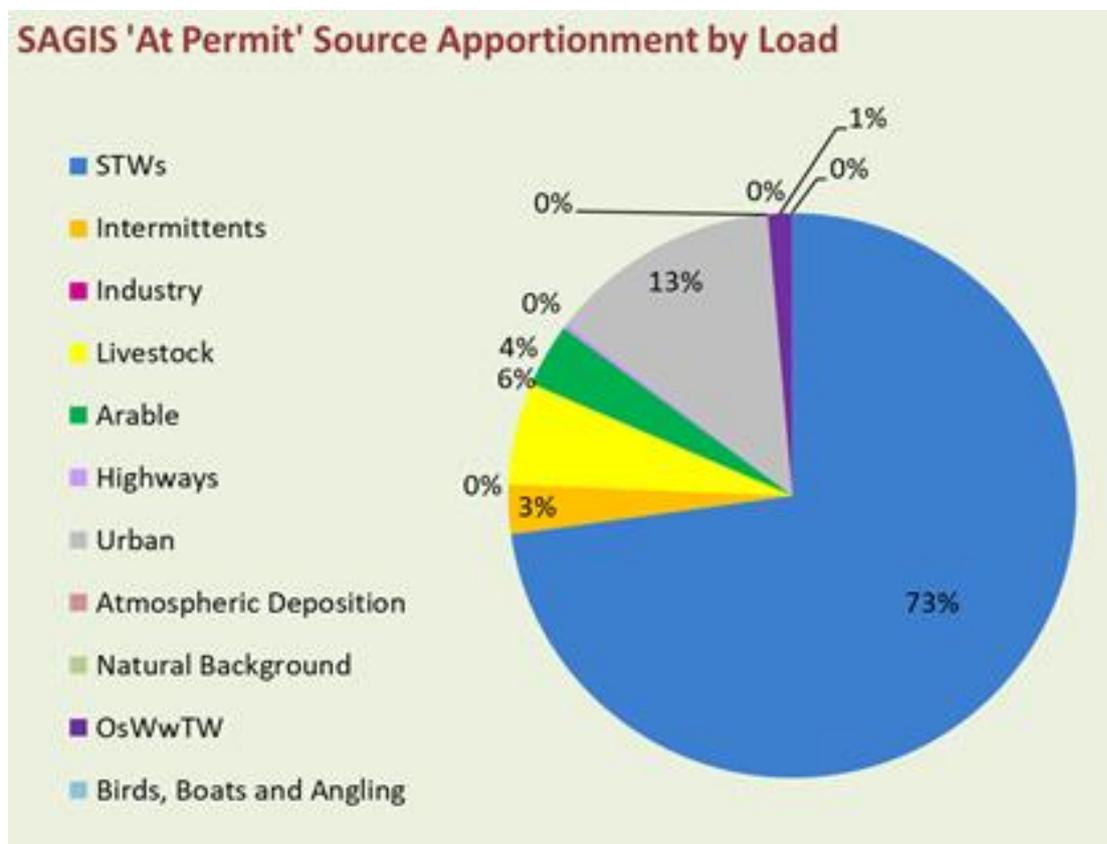
A3.16 The relative proportion of nutrients from difference sources is referred to as source apportionment. The standard industry models used by Environment Agency and water sector are SIMCAT and SAGIS. Figure A3.1 below, shows the phosphorus source apportionment provided by the Environment Agency from their PR19 planning work, estimating the permitted source apportionment by load at the bottom of the freshwater Stour downstream of the Canterbury WwTW at the closest sampling reference point to the Stodmarsh designated sites.

A3.17 The dataset was produced from a SAGIS model calibrated by the Environment Agency using SAGIS vs6a, Simcat data file Calibration SERBD v6 @permit model (Cal_Diff6_pit.dat 03417). The agricultural sources are from the ADAS PSYCHIC model based on the 2010 farm census. The WwTW flows and quality were based on observed data from 2010 to 2012.

A3.18 The majority of the phosphorus load at permit is from WwTWs and urban diffuse pollution in the catchment is larger than the total combined phosphorus loading from farming sources.

Figure A3.1 Permitted Source Apportionment in Stour nearest sluice into Stodmarsh

Though the SAGIS model has been calibrated it has not yet been validated. As such the values provided should be treated as estimates of the source apportionment at any given point. Permitted source apportionment is as if the WwTWs were operating at full permit capacity



Appendix 4 – Farm Types

A4.1 The following definition of farm types comes from the [UK farm business survey guide](#) to the farm business survey which underpins the Farmscoper model. The UK system is based on weighting the contributions of each enterprise in terms of their associated outputs. The weights used (known as ‘Standard Outputs’ or SOs) are calculated per hectare of crops and per head of livestock and used to calculate the total standard output associated with each part of the Farm Business.

Cereals

A4.2 Holdings on which cereals, combinable crops and set-aside account for more than two thirds of the total SO and (pre-2007) where set-aside alone did not account for more than two thirds of the total SO. (Holdings where set-aside accounted for more than two thirds of total SO were classified as specialist set aside and were included in “other” below.)

General cropping

A4.3 Holdings on which arable crops (including field scale vegetables) account for more than two thirds of the total SO, excluding holdings classified as *cereals*; holdings on which a mixture of arable and horticultural crops account for more than two thirds of their total SO excluding holdings classified as *horticulture* and holdings on which arable crops account for more than one third of their total SO and no other grouping accounts for more than one third.

Horticulture

A4.4 Holdings on which fruit (including vineyards), hardy nursery stock, glasshouse flowers and vegetables, market garden scale vegetables, outdoor bulbs and flowers, and mushrooms account for more than two thirds of their total SO.

Specialist Pigs

A4.5 Holdings on which pigs account for more than two thirds of their total SO.

Specialist Poultry

A4.6 Holdings on which Poultry account for more than two thirds of their total SO.

Dairy

A4.7 Holdings on which dairy cows account for more than two thirds of their total SO.

Lowland Grazing Livestock

A4.8 Holdings on which cattle, sheep and other grazing livestock account for more than two thirds of their total SO except holdings classified as *dairy*. A holding is classified as lowland if less than 50 per cent of its total area is in the Less Favoured Area (LFA).

Mixed

A4.9 Holdings for which none of the above categories accounts for more than 2/3 of total SO. This category includes mixed pigs and poultry farms as well as farms with a mixture of crops and livestock (where neither accounts for more than 2/3 of SOs).

Appendix 5 – Leaching of nitrogen/ phosphorus from urban areas

Urban leaching of Nitrogen

- A5.1 The average total nitrogen leaching rate from an urban area used in this report is taken from the work done for the Solent Nutrient Neutral methodology which is explained below with comparison to and inclusion of local Stodmarsh/ Stour catchment data where available. Evidence that was sufficiently robust to justify significant deviation from this figure has not been identified. If locally specific values for urban land use nitrogen export have been calculated based on sound local evidence then these can replace the value given below.
- A5.2 The original Solent value (14.3 kg/ha/yr) comes from values for hydrologically effective rainfall (478mm - precipitation minus losses from evapo-transpiration) and the nitrogen concentration of leachate (3 mg/l) given in Bryan *et al* (2013) the latter figure derived from an AMEC report. The value for nitrogen concentration is similar to one quoted in House *et al* (1993) who give a mean event concentration of 3.2 mg/l for total nitrogen (with this value derived from other sources) with a range of 0.4-20 mg/l. Thus although it is not specified by Bryan *et al* (2013), it is probably reasonable to take the 3 mg/l to be total nitrogen especially since the organic component of N from urban areas is likely to be relatively small.
- A5.3 Mitchell (2001) gives the following event mean concentrations in mg/l total N from urban areas; Urban Open 1.68; Ind/Comm 1.52; Residential 2.85; Main roads 2.37. It is recognised that the datasets that produced these figures are not large (n = 14 in this case), a good deal of uncertainty remains and that further sampling is needed to validate models of pollutant effects from urban runoff (Leverett *et al* 2013).
- A5.4 Typical nutrient concentrations in urban storm water runoff in the U.S. are 2.0 mg/l for total N (TN) (Schueler 2003). Population densities seem to be less in the most studied urban catchments (eg Groffman *et al* 2004 in Baltimore, Hobbie *et al* 2017 in Minnesota) than those in the UK but this does not necessarily lead to an increase in the rate of nitrogen leaching from the catchment as the factors affecting this value are complex. Thus although there will clearly be variation between different urban areas, there is insufficient knowledge to be able to predict N leaching from the different characteristics of these areas. And for practical purposes an overall N leaching figure is needed; nothing found in the literature indicates that another value would be more representative than 3 mg/l.
- A5.5 An N leaching figure can also be derived by using the relationship between mean stream and river flow rate and catchment area. The ratio for the gauging station on the River Meon at Mislingford is 0.014m³/sec/km² and, with a TN concentration of 3 mg/l, this equates to a TN leaching rate of 13.2 mg/l, similar to the value obtained when hydrologically effective rainfall is used.
- A5.6 Comparison can also be made with direct measurements of TN urban outputs from studies in the USA (Hobbie *et al* 2017, Groffman 2004). The values in the Hobbie paper for urban catchments in Minnesota varied from 12.5-27.2 kg/ha/yr with a mean of 17.3 kg/ha/yr. The outputs measured by Groffman (2004) were smaller (between 5.5 and 8.6 kg/ha/yr) but these were less urbanised catchments, several including areas of old growth forest where nitrogen retention was very high. Thus these values are broadly of the same order as the 14.3 kg/ha/yr leaching figure initially calculated.

A5.7 Nitrogen inputs in these studies come predominantly from three sources - atmospheric deposition, pet waste and lawn fertilisation. N deposition was slightly lower in both Baltimore and Minnesota than values from APIS in the around the Solent (23.8 kg/ha/yr for hedgerows or woodland, 14.7 kg/ha/yr for grassland) and those in the Stodmarsh area (23.52/ha/yr hedgerows and 13.44 kg/ha/yr neutral grassland). No UK studies have been found to compare with the US ones for N inputs in urban areas from pet waste or from lawn fertilisation. Should evidence of a more appropriate value be provided or derived Natural England will update this figure.

Urban leaching of Phosphorus

A5.8 No Stodmarsh/ Stour management catchment specific information was found for urban land and Farmscoper does not cover urban land. Therefore the urban/suburban export coefficient was taken from White and Hammond 2006 (0.83 kg/ha/yr.) This is the coefficient used for calculating the relative source apportionment in the first river basin cycle to UK river Basin Districts (RBD). Stodmarsh sits in the South East RBD and this was shown to have the highest relative contribution of phosphorus from households (both effluent and urban diffuse) compared to other sectors, with agriculture only contributing 21.8% of the South East RBD phosphorus load during the first river basin cycle (White and Hammond 2006). Though this export coefficient is from an older study, more recent studies have used values of a similar range for example Bryan (2015) uses 0.7 kg of P per hectare for urban areas in the River Avon Nutrient Management Plan modelling though this figure was based on studies mainly in Scotland.

A5.9 Duan *et al* (2012) found small urban catchments exported values of between 0.245 to 0.837 kg/ha/yr compared with much lower values from forested and very low density residential catchments (0.028 to 0.031 kg/ha/yr). The large range in Duan *et al* was explained by the relative density of roads and built structures in the existing catchments. The importance of housing and roads density but also proportion of impermeable surface in urban land was also reflected in a study by HR Wallingford commissioned by Natural England that looked at impacts of urban run-off of designated wetlands using a range of models (Natural England 2018). For new developments using the approach taken in this study the urban land is separated from SANGS and parks so the use of the higher end of these urban coefficients is relevant due to the relative density, though density in the Duan *et al* study were lower than the average UK value even in their higher density urban catchments.

A5.10 Phosphorus is made available in solution through a combination of physicochemical (adsorption/desorption and precipitation/dissolution) and biological/biochemical (mineralization/immobilization) processes. Geology is important in influencing the movement of nutrients through groundwater as it influences the minerals, pH (acidity/alkalinity) and the oxygen content of the waterbody. For example in chalk aquifers, a large proportion of the soluble reactive phosphorus (SRP) is removed from groundwater (as well as most other forms of P from agricultural sources) following a chemical reaction that results in the precipitation of phosphorus in the form calcium phosphate and adsorption (adhesion) to the rock matrix requiring regular soil testing (e.g. Mclaughlin *et al* 2011). Similar processes occur with phosphorus reacting with other minerals such as magnesium and iron. These reactions can be reversed with phosphorus moving back in to solution where the mineral content of groundwater and pH change in urban development. However recent evidence from China

suggests the original soil type is still critical in urban phosphorus leaching (e.g. Wei *et al.*, 2019) provided sufficient permeable surface remains.

- A5.11 Phosphorus is thought to be highly conserved in natural catchments (e.g. Verry and Timmons 1982, May *et al* 1996) but urban catchments have less phosphorus retention with the rate of retention being linked to the permeability of the urban environment and soil type (e.g. Duan *et al* 2012, Natural England 2018).
- A5.12 Atmospheric deposition including from vehicles, leaching roads, fertilising gardens and parks including pet urine and waste have all been shown to be a significant source of P in urban catchments (e.g. Hobbie *et al* 2017). Bryan, 2015 quotes several studies which examined levels of P in urban runoff in terms of Event Mean Concentrations (EMCs) as part of a wider project to develop a screening tool for Scotland and Northern Ireland to identify and characterise diffuse pollution pressures. The use of pulsed concentrations is relevant to urban land as the areas of impermeable surfaces tend to result in higher concentrations during rainfall events. Ockenden *et al* (2017) looks at the efficacy of different models including those that use export coefficients on predicting run-off of TP. This study found that temporal resolution of the underpinning rainfall data used in models was critical because “storm” events are so central to phosphorus transport. Few if any urban catchments have this level temporal resolution of data and therefore these models cannot be derived with any accuracy for the Stour catchment at this time.

Conclusion on urban P

- A5.13 Based on the information above there is insufficient evidence to move away from 0.83 kg/ha for urban P leaching. Even though soils in the Stour valley are likely to show a high degree of P retention much export from urban land is from the impermeable surfaces and during high flow events therefore urban run-off has very little attenuation by soils so export coefficients towards the upper end of those observed are justified. Should evidence of a more appropriate value be provided or derived Natural England will update this figure.

Built Design to reduce phosphorus export from urban land

- A5.14 Most studies have noted that the export of N and P from urban systems differ. Most P appears to export through high flows via surface drainage. Planning applications to reduce phosphorus should be designed to:
- Maximise permeable surfaces
 - Implement Sustainable urban drainage schemes extensively based on larger wetlands (not ponds or detention basins) (see Appendix 5)
 - Minimise composting of garden waste direct to catchment surfaces (though composting in structures should be encouraged)
 - Maximise pet waste collection though this does nothing to address pet urine

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Appendix 6 - Estimating the leaching of total nitrogen (TN) and Phosphorus (TP) from natural greenspace (SANG)

- A6.1 The value used in this methodology is based on work from the Solent Nutrient Neutral methodology and is set out below, APIS values for the Stodmarsh area have been used for the N deposition value which is the only change from the Solent methodology. However, if locally specific data on SANGS is available and evidenced this figure can be replaced by a locally derived figure, provided it is sufficiently well evidenced.
- A6.2 A number of assumptions must be made about the management of the SANG to allow an estimate of TN/TP leaching to be made. These are as follows:
- The vegetation of the SANG would be predominantly permanent grassland but with an element of tree and scrub cover (this will of course vary for different SANGS but a 20% average figure is used here). The degree of tree and scrub cover will not greatly affect the result as both permanent grassland and woodland/scrub exhibit a high degree of N and P retention. It matters most because of the differences in the rate of atmospheric N and to a much lesser extent P deposition between the two habitats.
 - The grassland would be permanent (ploughing will release large amounts of N/P) and is not fertilised either with artificial fertiliser or manures. It may be ungrazed or grazed very lightly (<0.1LU/ha/yr) with no supplementary feeding (even without supplementary feeding, grazing can increase N and to a much lesser extent P leaching because N retention is lower when N is delivered in the form of cattle urine and dung [Wachendorf *et al* 2005]).
 - The grassland may be cut with the cutting regime dependent on other factors. Cuttings may be left or removed from site as the case may be but should not be gathered and composted in heaps on site. Any gorse within the scrub should be controlled so it is no more than rare across the mitigation area since a significant amount of nitrogen fixation occurs within gorse stands.

Nitrogen leaching

- A6.3 A generic leaching value for N concentration from AMEC Poole Harbour study for 'rough grazing', quoted in Bryan *et al* (2013), is 2 mg/l. Using this concentration together with a value of 478mm for the hydrologically effective rainfall (HER) gives a leaching value for N of 9.6 kg/ha/yr. A similar value (8.8 kg/ha/yr) is obtained if the relationship between mean stream flow and catchment area (0.014 cumecs/km² which is the ratio for the gauging station on the nearby River Meon at Misingford) is used instead, keeping the same N concentration of 2 mg/l. It is not clear whether these AMEC Poole Harbour concentrations are for total nitrogen or for inorganic nitrogen.
- A6.4 The particular grassland management regime for which the 2 mg/l N concentration applied is not known. However, even though studies of N leaching from natural unfertilised grasslands are rare in the literature (most are of agricultural grasslands with fertiliser inputs of some sort) it seems likely that this value is higher than might be expected from a natural grassland with no fertiliser inputs such as a SANG. Thus for example TN leachate concentrations were between 0.44 and 0.67 mg/l in an extensively managed montane grassland (that still had one slurry application per year) and the equivalent mean TN loss was 1.0, 2.6 and 3.1 kg/ha/yr for three different areas (Fu *et al* 2017).

- A6.5 Adjusting for a SANG with 20% woodland/scrub, using the AMEC woodland generic leaching value of 0.5 mg/l (Bryan *et al* 2013) for the woodland/scrub component, results in an N output of 8.1 kg/ha/yr.
- A6.6 The 0.5 mg/l value is also much higher than the very low nitrate concentrations in streams from purely forested catchments (Groffman 2004) and from those reported by for a large sample of forested streams by Mulholland *et al* 2008 where the mean nitrate-N concentrations were <0.1 mg/l. All but a few of the samples from an unfertilised suburban lawn had nitrate-N concentrations below the detectable limit of 0.2 mg/l (Gold *et al* 1990). The same was true for a forest plot and the average nitrate-N losses from both home lawn and the forest plots averaged 1.35 kg/ha/yr over 2 years. These studies of both grassland and woodland nutrient cycling suggest that the N output of 9.6 kg/ha/yr from Amec quoted in Bryan is too high when applied to a SANG.
- A6.7 Despite there being no direct N fertiliser inputs on a SANG, N inputs will still occur from three main sources. These are atmospheric deposition, pet waste and N fixation from legumes and estimating the contribution of each of these sources, together with the proportion of N retained, is an alternative method of working out the N contribution from a SANG.

N deposition

- A6.8 The following are typical values taken from APIS for TN deposition in the Stodmarsh Area Grid reference TR214613 from Stodmarsh citation used (Solent area in brackets for comparison).
- Improved grassland 13.44 (14.7) kgN/ha/yr; Arable horticultural 13.44 (14.7) kgN/ha/yr; Neutral grassland 13.44 (14.7) kgN/ha/yr
 - Hedgerows 23.52 (23.8) kg N/ha/year; Broadleaved, Mixed and Yew Woodland 23.52 (23.8) kg N/ha/year
 - Using the value for hedgerows and woodland for the 20% scrub component of the hypothetical SANG and the neutral grassland value for the rest results in a deposition rate of $10.75 + 4.70 = 15.45$ ($11.76 + 4.76 = 16.52$) kg/ha/yr.

N and Pet waste

- A6.9 SANGs are specifically designed to attract increased levels of public access particularly dog walkers so the potential inputs of N from dog waste are likely to be significant. Hobbie *et al* (2017) give a figures for TN inputs from this source for entire urban areas and these vary between 3.56 and 21.2 kg/ha/yr for 7 urban catchments with a median of 6.9 kg/ha/yr. A figure of 17 kg/ha/yr can be gleaned from Baker 2001 which was worked out using information on pet numbers, nutritional needs, pet weights etc; 76% of this was from dogs.

- A6.10 The heavy use of SANGS by dogs suggests that N inputs would most likely be higher than these figures averaged over the whole urban area. Nevertheless, inputs to the SANG from this waste means that it is not deposited elsewhere in the urban area where N may anyway end up in the same receiving water.
- A6.11 TN retention in grasslands will also be higher than the average over other parts of the urban area but the characteristics of the inputs from dogs is likely to lower the amount of TN retained because the concentrated patchy nature of the input will reduce the proportion of TN retained compared with more evenly spread inputs, as mentioned above.
- A6.12 Picking up dog faeces will obviously reduce the input from but not remove inputs from urine. Dog urine has a high N content.
- A6.13 In these circumstances there is clearly uncertainty about the level of input from this source the highest figure from Hobbie *et al* 2017 (21.2 kg/ha/yr) has been used but adjusted downwards because not all of this will be from dogs resulting in an overall value of 16.1 kg/ha/yr.
- A6.14 This has also been done on the basis that funding, together with a binding commitment, is provided for in perpetuity collection of dog waste and enforcement of pick up rather than relying on direct LA resources which could stop at any time.

TN fixation

- A6.15 Hobbie *et al* (2017) give a value for this of 17.5 kg/ha/yr from direct investigation of unfertilised urban parks and this is the value used. Fixation would only be in the grassland part of the SANG which reduces the figure to 14 kg/ha/yr.

TN retention

- A6.16 A number of studies have shown high TN retention in urban areas (eg 80% Hobbie *et al* 2017) thought to be mainly attributable to TN retention in urban grasslands and lawns which may be in turn related to high carbon within organic matter in the soils. The release of large quantities of N when permanent grassland is ploughed illustrates the capacity of these grassland for N storage (eg Howden *et al* 2011).
- A6.17 Direct measurements of total N outputs from urban grasslands in the Groffman *et al* (2009) studies in Baltimore also show high N retention in urban grassland but there are difficulties in applying these results directly to SANGs partly because the plots were either quite heavily fertilised or may have had unmeasured N inputs from neighbouring land. Nitrate-N losses from an unfertilised home lawn averaged 1.35 kg/ha/yr over 2 years (Gold *et al* 1990). Generally the complex processes and uncertainties about how the management of these grasslands might affect the degree of TN retention and TN output makes estimation of the proportion retained difficult. Nevertheless a value of 90% given in Groffman *et al* (2009), and supported by a number of references given there, would seem reasonable considering also that overwatering and over fertilising, neither of which would happen on a SANG, seem to be factors that lead to more leaching.

A6.18 *Woodland and scrub*. N retention measured in forest plots in Baltimore was very high (95%) Groffman (2004). N percolation losses measured by Gold *et al* 1990 in forest plots were low and similar to those in unfertilised lawn. However, it is probably not valid to equate a scrub/woodland part of a SANG with the forest plots measured in the Groffman studies in Baltimore for these were old growth well established forests. Nevertheless there is still likely to be high N retention in these areas even if not as much as 95%.

A6.19 Given all of the above, a 90% TN retention rate over the SANG as a whole has been used in the calculation below

Inputs

A6.20 Solent specific APIS value in brackets

- N Deposition (APIS) = 15.45 (16.5) kg/ha/yr
- Pet waste 16.1 kg/ha/yr
- N fixation 14 kg/ha/yr
- Total = 45.55 (46.6) kg/yr
- Watershed retention of TN 90%

- Total TN output = 4.55 (4.66) kgN/ha/yr

Conclusion for Nitrogen

A6.21 The question of estimating TN outputs from a SANG has been approached from different angles. These investigations all indicate that the value used previously – 13 kg/ha/yr is too high. Instead a TN output of 5.0 kg/ha/yr is considered to be close to the true value but still sufficiently precautionary.

Phosphorus

A6.22 Export coefficients for phosphorus for different land cover classes were assessed and compiled by White and Hammond (2006) for the first River Basin Cycle source apportionment. They note the extremely low coefficient from natural land use such as woodland and unfertilised grassland; both habitats are given an export coefficient of 0.02 kg/ha/yr based on the rough grazing value of Jonnes 1996. Similar low phosphorus from natural habitats have been recorded from many other studies including more recent studies in the USA (e.g. Hobbie *et al* 2017, Duan *et al* 2012).

A6.23 These export coefficients take account of atmospheric deposition but are for natural habitats unlike SANGS which, although ecologically functioning as natural habitats, are designed to be used for informal recreation including dog walking. It is therefore reasonable to assume that pet waste and urine *into* SANGs will be equivalent to urban areas. Hobbie *et al* 2017 found that household nutrient inputs from pet (dog) waste contributed up to 76% of total P inputs in American catchments due to high pet ownership in urban environments - values of inputs for Phosphorus in Hobbie *et al* for dog waste were from 2.7 kg/ha/yr to 0.46 kg/ha/ yr with a mean of 1.21 kg/ha/yr. However P *output* from SANGS is likely to be significantly less as phosphorus is highly conserved in the natural land uses and the high contribution of pet waste to export coefficients of urban systems is partly due to the relative lack of permeability

of the surfaces onto which the pet urine and waste are frequently deposited. In addition (as explained in Appendix 3) phosphorus is highly conserved on the types of soils found in the Stour valley. Using the mean rate of dog waste from Hobbie *et al* 2017 to be precautionary but assuming a high retention in any SANGS in the Stour valley of 90% gives a value as follows:

A6.24 Mean TP loading from pet waste to urban sites - 1.21 kg/ha/year

- Mean Catchment retention TP = 90%
- = TP 0.12 kg/ha/Yr
- +0.02 kg/ha/year - natural land export coefficient from Johnes 1996

= 0.14 kg TP/ha/yr

Conclusion for phosphorus

A6.25 Based on best available evidence SANGS value for Stour catchment of 0.14 kg TP/ha/yr has been estimated.

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Appendix 7– Potential for Nutrient (N&P) mitigation using wetlands

- A7.1 Where N and or P budget calculations indicate that N and/ or P outputs from proposed developments are greater than pre development conditions, the use of new constructed wetlands to retain some of the N and P output is one mitigation option.
- A7.2 There are a number of possibilities for different types of constructed wetland. Wetlands can be designed as part of a sustainable urban drainage (SUDs) system, taking urban runoff stormwater; discharges from Wastewater Treatment Works (WwTWs) can be routed through wetlands; or the flow, or part of the flow, of existing streams or rivers can be diverted through wetlands provided this does not adversely alter the ecological status of the river and does not increase flood risk. Environment Agency advice should always be sought in design of any wetland creation scheme.
- A7.3 Wetlands receiving nutrient-rich water can remove a proportion of this nutrient through processes sedimentation, sorbing nutrients to the sediment, plant growth and process such as denitrification some of which were reviewed in Fisher and Acreman (2004) and numerous studies. A recent systematic review of the effectiveness of wetlands for N and P removal (Land *et al* 2016) used data from 203 wetlands worldwide of which the majority were free water surface (FWS) wetlands (similar in appearance and function to natural marshes with areas of open water, floating vegetation and emergent plants). The median removal rate for wetlands that were included in this review was 93g/m²/yr TN and 1.2 g/m²/yr TP (or just under a tonne/ha/year TN and 12 kg/ha/yr TP). The proportion of N removed is termed the efficiency and the median efficiency of wetlands TN removal included in the Land review was 37%. Median removal efficiency for TP in the same review was 46 % with a 95 % confidence interval of 37–55 %.
- A7.4 Many factors influence the rate of nutrient removal in a wetland the most important for being hydraulic loading (HLR - a function of the inlet flow rate and the wetland size), inlet N or P concentration and temperature and for TP the Area of the wetland. Together inlet N or P concentration and flow rate partially determine the amount of N or P that flows through the wetland which ultimately limits the amount of N or P saving that can be achieved.
- A7.5 The rate of removal can also be expressed in terms of the amount of N or P removed per unit wetland area. This removal rate will typically increase as the inlet N or P concentration increases, at least within the normal range of inlet N or P concentrations. Thus wetlands that treat the N or P rich discharges, for example from WwTWs, or water in rivers where the N or P concentrations are high, will remove more N or P per unit area than say, wetlands treating water in a stream where water quality is very good and the N or P concentration is low. Thus if space is at a premium, and the goal is to remove as much N or P as possible, it makes sense to site wetlands where N or P concentrations are high in other words as close to WwTW as possible.
- A7.6 For wetlands to work well, specialist design input based on sound environmental information will be necessary. There will be a need for consultation with relevant statutory bodies. These processes are likely to be easier where wetlands are an integral part of a larger development. Wetlands do offer additional benefits above offsetting but will also require ongoing monitoring, maintenance and adjustments beyond any particular developments

completion. Consideration of the long term security of facilities and their adoption at an early stage is advisable.

- A7.7 There are a number of publications which advise about constructed wetlands. For example, Kadlec and Wallace (2009) is a comprehensive source of information covering all stages related to the implementation of different types of constructed wetland. The many papers relating the results from detailed monitoring over many years of the performance of two constructed wetlands in Ohio, USA are also instructive (eg Mitsch *et al* 2005, 2006, 2014).

Stormwater/ flood wetlands

- A7.8 These are what is termed event-driven precipitation wetlands with intermittent flows. There will normally be baseflow and stormwater / flood water components to the inputs.
- A7.9 For such wetlands Kadlec and Wallace state that:-
'A typical configuration consists of a sedimentation basin as a forebay followed by some combination of marshes and deeper pools'
- A7.10 However, ponds are usually less effective at removing N and P (Newman *et al* 2015) than shallow free water surface constructed wetlands (FWS wetlands) so the emphasis here should be on the latter although a small initial sedimentation basin is desirable since this is likely to reduce the maintenance requirement for sediment removal in the FWS wetland. One advantage of this type of wetland is that it can be designed as an integral part of SUDs for the development and therefore is subject to fewer constraints.
- A7.11 Some wetlands with intermittent flows are prone to drying out and may need provisions for a supplemental water source. In some circumstances, this may be possible through positioning the wetland bottom so that there is some connection to groundwater. However many varieties of wetland vegetation can withstand drying out although there may be a small reduction in water quality improvement (Kadlec and Wallace 2009). Nevertheless base and stormwater flows to each wetland should be worked out to ensure that it is viable and will not add to the water resource issues of the relevant catchment. Initial flush of Phosphorus from soils on former intensively agricultural land was noted in the Land study and this may reduce the short and potentially even long term efficacy of such restored wetlands. Release of phosphorus associated with iron complexes under anaerobic conditions can also contribute to low or negative removal rates, as suggested by Healy and Cawley 2002 as an explanation for the observed low TP removal rates.
- A7.12 Wetlands need to be appropriately sized taking into account the HLR and N or P loading rates. To give a general idea of the areas involved, a wetland 1ha in area would serve a development area of about 50 ha for Nitrogen but given the increased importance of area a larger area would be required for TP reduction from the same development. The Land *et al* review noted the inconsistency of TP reduction was particularly acute at wetlands below 2 hectares in size with wetlands below this size more likely to be net exporters of TP especially if they were created on former intensively farmed agricultural land.
- A7.13 Calculating the potential N or P retention in such wetlands involves first determining the proportion of the hydraulic load that will pass through the wetland because a percentage of the water carrying N and P will go directly into groundwater, bypassing storm drains and

SUDs and the constructed wetlands. This percentage will depend on such factors as the proportion of hard surface within the development and the geology. Then, assuming the inlet TN concentration is 3 mg/l, a proportionate reduction of 37% can be used to work out the amount of N retained and using 37% is also reasonable for P due to the larger variation of P retention shown in the Land study and this is the bottom end (and therefore precautionary) of the 95% confidence interval for TP retention.

- A7.14 Provision is needed to control tree and scrub invasion, for wetlands with emergent vegetation medium height such as Typha and reed had higher rates of denitrification than those dominated by trees and woody shrubs (Alldred and Baines 2016). Phosphorus uptake and amount partitioned to roots and shoots differs between different wetlands species but as a general rule tall rapidly growing emergent species are the most likely to retain P in vegetation with *Juncus effusus* having the highest percentage of retained P in the leaf litter of 5 tall emergent species in a comparative study (Kao *et al* 2003).
- A7.15 Other critical aspects of design are the water control structures - inflow and outflow arrangements with water level control – and the need or otherwise for a liner. This last issue is related to soil permeability. A variety of emergent wetland plants, not only reed, can be effective within wetlands. Wetlands with a number of different plant species, rather than monocultures, are desirable both for biodiversity reasons and because they are more resilient against changes in environmental conditions; different species will have different tolerances. Guidance concerning planting can be found in Kadlec and Wallace (2009); allowance should be made in planting ratios and densities for different rates of expansion of different species. Another approach is to use material containing wetland plant seeds from a nearby wetland with a species composition similar to the one preferred. However, unless the donor site is carefully monitored, this would obviously increase the risk of importing unwanted alien plants.
- A7.16 Sedimentation will eventually compromise some aspects of the wetland's function and rejuvenation measures will be necessary (Kadlec and Wallace 2009). The same authors indicate a sediment accretion rate in the order of 1 or 2cm/yr and give examples of rejuvenation after 15 and 18 years but other wetlands have not needed any significant restoration in similar timespans. Various different options for the management of sediment accumulation are given by Qualls and Heyvaert (2017). There of course needs to be provisions to ensure that appropriate maintenance and restoration measures, guided by monitoring, are periodically carried out.
- A7.17 Other sources of information about stormwater wetlands include Wong *et al* (1999, available on line). The papers about a stormwater wetland in the Lake Tahoe Basin in California are also useful (Heyvaert *et al* 2006, Qualls and Heyvaert 2017).

Constructed wetlands taking discharges from WwTW

- A7.18 Many of the considerations discussed above for stormwater wetlands apply equally here. There will obviously be constraints on the location and size of such a wetland because of land availability in the area of the WwTW. The flow from the WwTW together with the N and P concentration in the discharge are needed to determine the approximate size of a wetland. We would recommend a wetland area that gives an N loading of about 500 g/m²/yr or lower.

Since many of the discharges from WwTW have a high N and very high P concentration the potential for N and P retention in such wetlands is also high. The concentration of N and P in the outflow will be variable but the purpose of such wetlands is to retain N and P overall rather than to provide a specific constant standard of water quality in the outflow.

Wetlands associated with streams and rivers

- A7.19 Diverting part of the flow of a stream or river through a wetland, with the outflow returning to the watercourse, provides another opportunity for N and P saving. For obvious reasons such wetlands would mostly need to be located on the river floodplain. The inlet flow rate can be controlled so it is appropriate for the size of the wetland created and so that the ecology of the watercourse is not compromised in the section affected.
- A7.20 There can be other concerns in relation to the potential effects on the stream or river. An abstraction licence will almost certainly be required and this may have implications for the ecological status – any such proposals should always be discussed in detail with the Environment Agency.

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ⁱ <https://www.theccc.org.uk/publication/land-use-policies-for-a-net-zero-uk/>

Appendix 12 Ashford Borough Council, Nutrient Neutrality Information for Developers

What are you looking for?

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/ [Nutrient Neutrality information for developers](#)

Nutrient Neutrality information for developers

This webpage contains a summary of the information needed to accompany applications which are affected by nutrient neutrality.

All the information on this webpage should be [read in conjunction with the Natural England Advice \[pdf\] 1422KB](#).

What information do I need to submit with my application?

If your application site is located in the Stour catchment and your development is required to demonstrate nutrient neutrality you will need to submit the following information:

- Nutrient calculations undertaken in accordance with the [methodology set out in the related \(Natural England\) \(NE\) Advice \[pdf\] 1422KB](#).
- Where the calculations identify a net increase in nutrients, details of how it is intended to mitigate the impact of the additional nutrients generated.

Once all this information has been submitted to the council, we will conduct an Appropriate Assessment to determine whether the development proposal demonstrates nutrient neutrality.

Nutrient calculations

In order to calculate the total nutrients generated by a development, the council has prepared a calculator for public use.

The calculator is based on the methodology adopted by Natural England and can be used to calculate the nutrients generated from development that is connected to both mains drainage (Method A) and non mains drainage (Method B).

[Download the nutrient calculator \[xlsx\] 69KB](#)

To assist with using the calculator, the council has set out average occupancy rates for specific types of developments, such as flats or hotels. These values can be used in the nutrient calculations.

Accommodation type	Population (per bedroom)	Population (per unit)
Dwelling - house		2.4
Dwelling - flat		1.75
Hotel / B&B	1.75	
House of Multiple Occupation (HMO)	1.75	

Any applicant wishing to deviate from these values will be required to provide robust evidence in support of their application in order to justify their approach.



Non-mains drainage

If the development does not connect to the mains sewer network, the nutrient calculations should be completed using the methodology for 'Non-mains drainage' (Method B) of the Natural England Advice and nutrient calculator.

For development proposals that connect to non-mains drainage, information about the type, location and efficiency of Package Treatment Plant (PTP) must be provided, together with details of the monitoring and maintenance of the PTP(s).

Evidence to support the PTP efficiencies could include:

- Test result documents from the lab
- Measured effluent concentrations from real world applications

What counts as mitigation?

Mitigation, for nutrient neutrality, acts to reduce the overall nutrients released from development.

Examples of mitigation include:

- Wetlands
- Sustainable Urban Drainage Systems (SUDs)
- Taking land out of agricultural land use

For any mitigation proposal, information should be given to show the design, location and efficiency of any mitigation and how this results in the development achieving nutrient neutrality.

Wetland mitigation

The effectiveness of wetlands at removing nutrients is highly dependent on the design and maintenance.

Natural England sets out that wetlands must:

- Be at least 2ha in size
- Have a permanent input of water
- Have a detailed design of the proposed wetland to accompany the planning application
- Calculate wetland specific Nitrogen and Phosphorus removal rates
- Include details of the monitoring and maintenance of the proposed wetlands in perpetuity (minimum 80 years)

Borough Mitigation Strategy

For development proposals, which can't mitigate on-site, the Council is preparing a borough Mitigation Strategy. This Mitigation Strategy will be a series of short, medium and long term solutions.

Work is currently ongoing to prepare the Mitigation Strategy.

In the interim, should you choose to submit an application that relies upon the borough Mitigation Strategy, please continue to prepare the nutrient calculations and provide these together with any additional information required (in accordance with the guidance above) and submit these as part of the planning application. Please also confirm in a covering letter that you intend to wait for the borough Mitigation Strategy.

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Appendix 13 Ashford Borough Council Update on Boroughwide Mitigation (July 2021)

What are you looking for?

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Wetland scheme to mitigate effects of new housing developments

Published: 30/07/2021



The first steps to mitigating the issue of water quality degradation at Stodmarsh Lakes, which has impacted new housing development in the Ashford borough, is set to start with Ashford Borough Council's Cabinet agreeing that land acquisition options for new wetland areas should now be explored and pursued as a matter of urgency.

In July 2020, Natural England (NE) issued Advice to Ashford Borough Council requiring new housing development (and other overnight accommodation) in the Stour Catchment to demonstrate 'nutrient neutrality'.

The Advice was issued in response to studies of Stodmarsh Lakes (a European protected site located in Canterbury district) which showed water to be in an unfavourable condition with the potential to further deteriorate.

Recent case law, covering case examples elsewhere, has tied new development to the harmful generation of nitrogen and phosphorus in the water as a contributing factor to deterioration of water quality.

Since the Advice was issued the Council have been unable to grant planning permission for new housing within the Stour Catchment, unless the proposal can show it can achieve 'nutrient neutrality' (a particular issue for small-scale housing proposals).

The Council are currently working with expert consultants on a 'Stodmarsh Mitigation Strategy' and the emerging findings are very clear that the only realistic, and deliverable, solution that could be utilised is the creation of new wetland areas in the borough.

New wetlands would provide the opportunity to generate nitrogen and phosphorus "credits" which can then be applied to development proposals (current and future) to achieve 'nutrient neutrality'. Similar credit-based schemes are already in place in the Solent region.

Other News you may be interested in

- [First Public Art Sculpture Unveiled at Conningbrook Lakes Development](#)
- [One You Kent Supports Better Health Smoke Free Campaign](#)
- [Ashford's Festival and Event Framework gets green light](#)



What are you looking for?

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Cllr Neil Bell, Portfolio Holder for Planning said:

‘The issues at Stodmarsh Lakes were presented to the Council with little warning, but the severity of the advice cannot be underestimated. We have faced, and continue to face, a significant impediment to the granting of planning permissions for new housing development in highly sustainable locations which have been carefully and diligently identified through our Local Plan 2030, following a rigorous independent examination process.

To now face uncertainty over the delivery of this housing growth, for an issue which was not known to us as the Council progressed our Local Plan 2030, is a significant challenge. There are a number of implications from not being able to grant planning consent for otherwise suitable housing proposals, ranging from the inability to collect S106 money to support much needed community infrastructure to risking the Council’s ability to maintain parity with housing land supply tests and the housing delivery test in the future. In doing so, other parts of our borough – which are far less suitable for new housing growth – are potentially at risk from speculative future housing proposals. This, in itself, carries different environmental concerns.

The Stodmarsh Mitigation Strategy is a means of trying to find a solution to the issue within our own border. It is progressing well, and the clear emerging outcome is that new strategic wetland areas are needed as the most optimum, deliverable and quickest solution. Failure to act would have far more serious implications. Whilst this is a financial burden that the Council should not have to face, given the nature of the issue, we need to move forward with seeking to acquire land for such purposes, as a means of solving the problem.

Now we can move forward and deliver the Local Plan aspirations that we worked so hard to achieve’.

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Appendix 14 Kent & Medway Economic Partnership Board Papers 25 November 2021 – ‘Unlocking housing development in East Kent Stodmarsh - Update report’

Thursday 25 November 2021, 4.30-7pm

Lecture theatre, Ground floor of the Verena Holmes Building, Christ Church University (CCCU),
North Holmes Road, Canterbury, Kent, CT1 1QU.

[Campus map here](#)

AGENDA

	Approx. time	Page
1. Arrival at site. Please report to the foyer of the Verena Holmes Building, and you will be directed to the lecture theatre.	4.30	-
2. Tour of the Kent & Medway Medical School and the Kent & Medway Engineering, Design, Growth and Enterprise (EDGE) Hub	4.30	-
There will be three tour groups, led by:		
<ul style="list-style-type: none"> • Professor Rama Thirunamachandran, CCCU Vice-Chancellor & Principal • Professor Mohamed Abdel-Maguid, Pro Vice-Chancellor (STEM) & Dean of Science, Engineering & Social Sciences • Professor Paula Kersten, the new Pro Vice-Chancellor & Dean, Faculty of Medicine, Health & Social Care 		
<i>KMEP has invested £9m of Local Growth Funding (LGF) to enable CCCU and the University of Kent to establish a brand-new Medical School.</i>		
<i>KMEP also invested £7.021m of LGF to create the EDGE Hub, which delivers technical, professional opportunities (from degree apprenticeships to doctoral programmes) in Engineering, Product Design and Technology.</i>		
3. Board meeting commences in the Lecture Theatre.	5.15	
4. Welcome by the KMEP Chairman	5.15	
5. Declaration of Interests	5.17	-
6. Minutes of previous meeting	5.18	3
7. AOB & matters arising	5.20	-
8. The progress achieved by the EDGE Hub in supporting local companies to innovate and adopt the latest research in a commercialised setting. <i>Presentation by Professor Mohamed Abdel-Maguid, Pro Vice-Chancellor (STEM) & Dean of Science, Engineering & Social Sciences</i>	5.25	Presentation

PTO

- | | | | |
|-----|---|------|--------------------------------------|
| 9. | Southern Water’s plans to upgrade the waste-water treatment facilities through the AMP process, and to ensure there is a resilient waste-water network that can cope with the predicted future demand caused by housing growth.
<i>Presentation by Ian McAulay, CEO of Southern Water, and Dr Toby Willison, Director of Environment & Corporate Affairs at Southern Water.</i> | 5.40 | Presentation |
| 10. | Progress Update of the Stodmarsh Nutrient Neutrality Work
<i>Presentation by Simon Thomas, Head of Planning at Canterbury City Council, and lead on nutrient neutrality regional strategy work.</i>

<i>There will be a joint Q&A on items 9 and 10, following the conclusion of Simon’s presentation.</i> | 6.00 | Presentation
& page 14 |
| 11. | South East Creative Economy Networks’ (SECEN) Statement of Intent
<i>Presentation by Sarah Dance, Vice-Chairman of the South East LEP & member of the SECEN working group.</i> | 6.30 | Presentation
& separate
report |
| 12. | Brief update on responses to KMEP survey re: meeting arrangements for 2022.
<i>Sarah Nurden (KMEP Manager) will rely the responses received so far and seek your agreement on proposed meeting arrangements during 2022.</i> | 6.50 | Verbal
update |

For information item:

- | | | |
|----|---|----|
| A. | KMEP Business Member Priorities for 2021. This is being used to identify possible future agenda topics, so if you feel something is missing, please do say. | 20 |
|----|---|----|

ITEM 10

Date: 25th November 2021

Subject: **Unlocking housing development in East Kent
Stodmarsh - Update report**

Report author: Simon Thomas, Head of Planning, Canterbury City Council

1. Introduction

1.1 This report is the latest update on the situation with the water quality at the Stodmarsh lakes and the approach that the affected councils are taking to find mitigation solutions along with a multi-agency strategic approach to allow Local Planning Authorities to issue planning permissions for new homes within the River Stour catchment.

2. Background

2.1 As a reminder, the issue is that Natural England has issued water quality advice that has had a significant impact on the ability of Local Planning Authorities to permit new homes or development with overnight accommodation e.g. some forms of tourism. The advice sets out that until the Stodmarsh protected site is restored to good condition, new developments cannot go ahead unless it can be shown that they will not contribute to any further deterioration of water quality at Stodmarsh. Developments need to show “neutrality” in terms of two nutrients - phosphorus and nitrogen - which, Natural England has found to be causing harm to the ecology at Stodmarsh due to eutrophication (excessive algae growth). In the absence of an agreed strategic solution being implemented, there will be a significant break in development activity in East Kent, which is the key growth area for the County.

2.2 KMEP last received an update report in March 2021 on the water pollution issues affecting the Stodmarsh lakes and the consequential impact on housing delivery in East Kent.

2.3 Subsequently in April 2021, a letter was sent by the East Kent Leaders, the Leader of Kent County Council, and the Chairman of KMEP, to the Secretaries of State for Housing and Local Government and Agricultural and Rural Affairs setting out the problem and requesting Government support to tackle the problem.

2.4 A series of meetings were held earlier this year arranged by the Planning Advisory Service, involving the affected Kent Authorities along with Natural England, Southern Water, Environment Agency, DEFRA and MHCLG where it was agreed that there is a need to develop a catchment-wide Mitigation Strategy and to seek upgrades to Canterbury WWTW much sooner than 2030.

- 2.5 The broader issue of development viability will also be at the heart of any solution. It is highly likely that any agreed mitigation scheme will have a relatively significant financial cost associated with it. The current position is that developers will be asked to find a solution. This will mean that where viability of a scheme is marginal then this itself could result in development not coming forward or any financial contributions from developers for community facilities and / or affordable housing will be reduced. The availability of grant or loan funding will therefore be an important consideration. The bottom line is that this isn't just about being able to deliver housing but it is about being able to deliver the types of schemes that serve the needs of local communities.
- 2.6 The various Councils and agencies continue to meet regularly to share information and to develop solutions to this issue. We are currently working together with the aim of establishing a joint strategic approach to deliver improvements that will bring the water quality at Stodmarsh back to favourable condition whilst facilitating the delivery of new homes.

3. Latest update on solutions

Nationally

- 3.1 The issue is one that now impacts on a number of areas throughout England and Wales and we are aware that there is significant discussion at Ministerial level to find solutions to the issue: to allow housing development to continue whilst ensuring that the Habitats Regulations are not breached.
- 3.2 The nature of the problem does vary throughout the Country where some areas only have a problem either with Phosphorus or with Nitrogen. Stodmarsh is an area with both freshwater and tidal waters and so is affected by both, which complicates finding a solution. Also, the opportunities for wetland creation and biodiversity gains are relatively limited by the availability of suitable land within the catchment, compared to some other parts of the country which are more rural and less populated.

Locally - Stodmarsh

- 3.3 Officers at each of the affected Councils are working to find appropriate solutions to address the issue and allow planning permissions to start being granted again.
- 3.4 There has been some success with finding solutions for large scale developments whilst the solution for smaller developments and brownfield/regeneration sites necessitates a coordinated strategic solution which is less straightforward. A more detailed update is set out below.

Strategic sites (over 300 dwellings)

- 3.5 There has been progress with establishing a solution for the strategic sites. The solutions to date have been in the form of on-site wastewater treatment plants along with environmental enhancements that together will achieve nutrient neutrality. There is however a cost associated with providing on site treatment works that is very roughly estimated to be in the region of around £1,500 per dwelling. The cost of mitigation can be borne by landowners for sites that are now coming forward. However, for sites that are now owned or with established options held by developers, the significant upfront cost of these works potentially will impact

on the viability of housing developments and not only risk a restriction in the supply of new homes but also, in some cases, could reduce the ability of developers to fund vital infrastructure such as schools and affordable housing.

- 3.6 On-site treatment works and biodiversity enhancements have been agreed with Natural England as solutions for two strategic sites in Canterbury District. A similar approach has been agreed for the Otterpool strategic site at Folkestone. For a strategic allocation at Lenham Heathlands, it is anticipated that there will be a combination of Sustainable drainage/Green Habitat blend, private package treatment and interceptor wetland though this strategy will depend on Lenham WWTW being upgraded as part of WINEP. These sorts of measures should enable very large sites to demonstrate that they are “nutrient neutral”.

Smaller sites

- 3.7 The Natural England advice recognises, however, that smaller sites and brownfield developments may be harder to mitigate. A coordinated strategic solution is required to remove nutrients from the water courses and as such to create headroom for new housing development by overall no worsening of the problem.
- 3.8 The districts most affected by the issue are Ashford and Canterbury and both Councils are actively investigating solutions to the problem across the catchment in the affected Districts, with a view to ensuring that a joined up strategic approach is taken to implementing mitigations schemes in order to unlock development within the wider east Kent.
- 3.9 Stodmarsh is impacted by both Phosphorus and Nitrogen. At this stage it is likely that the solutions for each will be different. In the following paragraphs is an update on where we currently are with finding solutions for each of those nutrients.
- 3.10 The Councils are currently in discussion with Natural England and the Environment Agency to agree a Framework Strategy. This framework strategy will be based upon the principles set out in section 3.0 of this report. The strategy will be set out in two Phases which will necessarily overlap. The First Phase will be to 2030 to deliver current Local Plans. The Second Phase will be developed through the new Local Plans being produced within the affected areas.
- 3.11 The Framework Strategy, by necessity will be a catchment-wide strategy. The reason for this amongst other things is that the Habitats Regulations require in-combination effects of the various plans or projects that would impact positively or negatively on water quality at the Stodmarsh lakes to be taken into account through Appropriate Assessments.
- 3.12 Both Ashford and Canterbury Councils have appointed the same consultant to carry out studies to develop a catchment wide strategy. The outcomes of these studies will be shared with the other affected areas to support and inform further studies within those Districts should they be necessary

Dealing with Phosphorus and Nitrogen

Phosphorus

- 3.13 Since the last update to KMEP, we have been working to establish a solution to the issue of Phosphorus. There are a number of planned upgrades to several Wastewater Treatment Works within the River Stour catchment, due to be implemented by 2023/4. These upgrades will remove a significant amount of phosphorus from the watercourse. As previously reported to KMEP, there was also agreement by Natural England that a strategic approach whereby nutrient “credits” from planned and potential projects in the catchment can be used as part of a long term strategy that will deliver housing in the short, medium and long term. Upgrades to the Canterbury Wastewater Treatment Works and a review of its Phosphorus permit, is currently expected to be implemented in the next investment period, 2025-30.
- 3.14 It would be unrealistic to expect upgrades to happen sooner than the 2025-30 period, given the process that needs to be followed and the necessary timescale for those. However, in the meantime as we are able to rely upon the headroom created by existing planned upgrades to various smaller works, there would be sufficient headroom created to allow for planning permissions for smaller and brownfield developments to be given on the basis that occupation of those homes will be restricted until 2023/4. This is the position regarding Phosphorus only.

Nitrogen

- 3.15 At this stage, no solution is in place to mitigate the impact of nitrogen on the Stodmarsh lakes for the smaller sites. It is clear the mitigation for nitrogen will need to involve a strategic approach. The two most realistic options that are currently being explored in detail are: the removal of agricultural land from agricultural use and the creation of wetlands to remove nitrogen from the catchment. The latter being significantly more land efficient than the former.
- 3.16 The option of removing agricultural land from agriculture requires a significant amount of land. It can require around 0.1 hectare of land to be removed from use to create headroom for a single home, although the amount of land required will depend upon the intensity of the current agricultural use. For example the removal of land from use as poultry or pig farms would require less land than removal of land from cereal production. By far the most land efficient of these two potential solutions is the creation of wetlands which can create headroom for several hundred homes per hectare.
- 3.17 There is therefore the opportunity for wetlands to be created, with the express purpose of mitigating housing development, should affected Councils adopt a catchment-wide mitigation strategy. There are however different requirements depending upon the proximity of the development site to the Stodmarsh lakes, so the amount per dwelling of offsetting land required for Canterbury sites will be likely to be greater than that required for sites in the Ashford District.

4. Mitigation options and the funding requirements

Strategic sites

- 4.1 The letter sent to Government in April 2021 was intended to raise the issue with Ministers and request their support in working towards a solution and to raise the issue of funding and the viability implications of the need to mitigate the problem. The letter also set out a request for upfront funding for the provision of on site Wastewater Treatment Works infrastructure for the strategic sites. The reason for the request is to maintain the viability of sites whereby

developers have purchased on the basis of connection to the main sewer and as such the land value has not reflected the additional cost of mitigation for the Stodmarsh. As yet there has been no response to that letter.

Non-strategic sites

- 4.2 Options for strategic wetland creation from agricultural land are being considered to deliver a catchment wide wetlands scheme to mitigate for the impacts of Nitrogen, so as to allow housing development to resume across all of the affected Districts.
- 4.3 Canterbury Council has potentially the largest land requirement of all the Districts for wetlands and is currently investigating potential sites for wetland within its administrative area. Ashford Council, which has identified areas of land which could be used to provide wetland to offset new development. Ultimately, a catchment wide solution will be necessary, which disregards administrative boundaries. The recent Ashford Cabinet report identified potential areas for wetland creation within Ashford District to be able to mitigate impacts on development across the wider catchment.
- 4.4 The letter sent to Government in April 2021 made a number of requests for funding support, including for support to fund the land purchase for wetlands and the costs of creating and maintaining the wetlands in perpetuity (80+ years).
- 4.5 The cost of the wetlands to address the issue of Nitrogen is not fully known although early rough estimates are that it could be greater per dwelling than the cost of the strategic site mitigation. The letter to Government sent by the East Kent Council leaders, the leader of KCC and the Chair of KMEP, requested support to forward fund the cost of the Councils agreeing a strategic approach to creating wetlands to deliver housing development on the non-strategic sites across East Kent. Wetland will also have some impact in terms of the removal of phosphorus from the watercourse, albeit that phosphorus removal requires a significantly greater amount of land per dwelling than does nitrogen removal.
- 4.6 In order to deliver the wetland solution, it is estimated that initial upfront costs will be significant and that scheme will need to include the cost of the scheme will also include long term maintenance and management costs.
- 4.7 There is also a broader question about the funding available to Southern Water to provide any necessary upgrades or mitigation. This will need agreement from the regulator Ofwat and it assumed (and can be posed in our subsequent letter to Government) that a discussion about what the water company should fund (raised through taxpayers bills) and what will then effectively be left to the developers to fund, if not grant or other subsidy is available, with the potential impact on viability of some developments.
- 4.8 To date no response has been received to this letter, although we understand that Ministers are aware of the issue and are currently looking at the issue at national level. It is considered unlikely that funding will be provided directly from the Government. The East Kent Leaders now intend to contact the new Secretary of State for the Department for Levelling Up, Housing and Local Government to highlight the matter and ask for his intervention to support us in securing a solution and to reiterate the ask for funding to support this.

5. Other initiatives to improve water quality at Stodmarsh

- 5.1 The overall reduction in nitrogen and phosphorus entering the water course will improve the water quality in the Stodmarsh lakes.
- 5.2 Natural England is responsible for the management and maintenance of the lakes. An example of this is that NE can carry out dredging to remove the phosphorus and nitrogen however, they have chosen not to take this action until such time that the source of the problem is addressed. The logic being that if the lakes are dredged and the other sources of pollution are not addressed, the problem will simply reoccur.
- 5.3 Natural England also has a wider role in coordinating initiatives that will result in improvement to the water environment. This work includes working with farmers to reduce run-off and also catchment improvement groups.

6. Next steps

- 6.1 All agencies will continue to work together to establish a Strategic Framework for resolving the issue to unlock development in the short, medium and long term.
- 6.2 The Councils, in conjunction with Natural England, will pursue all options for delivering strategic wetland solutions, as part of the Strategic Framework, as a matter of urgency. Kent County Council has agreed to take a coordinating role where necessary and appropriate.
- 6.3 A further letter will be sent from East Kent Leaders to Government Ministers with an update on the work going on in Kent and to seek the Government position with regard to the funding requests that have been made.

Appendix 15 Lichfields 'Start to Finish'

Start to Finish

What factors affect the build-out rates of large scale housing sites?

SECOND EDITION



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Executive summary

Lichfields published the first edition of Start to Finish in November 2016. In undertaking the research, our purpose was to help inform the production of realistic housing trajectories for plan making and decision taking. The empirical evidence we produced has informed numerous local plan examinations, S.78 inquiries and five-year land supply position statements.

Meanwhile, planning for housing has continued to evolve: with a revised NPPF and PPG; the Housing Delivery Test and Homes England upscaling resources to support implementation of large sites. Net housing completions are also at 240,000 dwellings per annum. With this in mind, it is timely to refresh and revisit the evidence on the speed and rate of delivery of large scale housing sites, now looking at 97 sites over 500 dwellings. We consider a wide range of factors which might affect lead-in times and build-out rates and have drawn four key conclusions.

In too many local plans and five-year land supply cases, there is insufficient evidence for how large sites are treated in housing trajectories. Our research seeks to fill the gap by providing some benchmark figures - which can be of some assistance where there is limited or no local evidence - but the averages derived from our analysis are not intended to be definitive and are no alternative to having a robust, bottom-up justification for the delivery trajectory of any given site.

We have drawn four key conclusions:

<p>1 Large schemes can take 5+ years to start</p>	<p>2 Lead-in times jumped post recession</p>
<p>Our research shows that if a scheme of more than 500 dwellings has an outline permission, then on average it delivers its first home in c.3 years. However, from the date at which an outline application is validated, the average figures can be 5.0-8.4 years for the first home to be delivered; such sites would make no contribution to completions in the first five years.</p>	<p>Our research shows that the planning to delivery period for large sites completed since 2007/08 has jumped compared to those where the first completion came before 2007/08. This is a key area where improvements could be sought on timeliness and in streamlining pre-commencement conditions, but is also likely impacted by a number of macro factors.</p>
<p>3 Large greenfield sites deliver quicker</p>	<p>4 Outlets and tenure matter</p>
<p>Large sites seem to ramp up delivery beyond year five of the development on sites of 2,000+ units. Furthermore, large scale brownfield sites deliver at a slower rate than their greenfield equivalents: the average rate of build out for greenfield sites in our sample is 34% greater than the equivalent brownfield.</p>	<p>Our analysis suggests that having additional outlets on site has a positive impact on build-out rates. Interestingly, we also found that schemes with more affordable housing (more than 30%) built out at close to twice the rate as those with lower levels of affordable housing as a percentage of all units on site. Local plans should reflect that - where viable - higher rates of affordable housing supports greater rates of delivery. This principle is also likely to apply to other sectors that complement market housing for sale.</p>

Key figures

180

sites assessed, with combined yield of 213k+ dwellings; 97 sites had 500+ homes

c.3yrs

average time taken from outline decision notice to first dwelling completions on sites of 500+ homes

8.4yrs

the average time from validation of the first planning application to the first dwelling being completed on schemes of 2,000+ dwellings

160 dpa

the average annual build-out rate for a scheme of 2,000+ dwellings (median: 137)

68 dpa

the average annual build rate of a scheme of 500-999 dwellings (median: 73)

+34%

higher average annual build-out rate on greenfield sites compared with brownfield sites

61 dpa

average completions per outlet on sites with one outlet, dropping to 51 for sites of two outlets, and 45 for sites with three outlets

O1 Introduction

This is the second edition of our review on the speed of delivery on large-scale housing development sites. The first edition was published in November 2016 and has provided the sector with an authoritative evidence base to inform discussions on housing trajectories and land supply at planning appeals, local plan examinations and wider public policy debates.

Over this period, housing delivery has remained at or near the top, of the domestic political agenda: the publication of the Housing White Paper, the new NPPF, an emboldened Homes England, a raft of consultations on measures intended to improve the effectiveness of the planning system and speed up delivery of housing. Of particular relevance to *Start to Finish* was the completion of Sir Oliver Letwin's independent review of build out ("the Letwin Review"), the inclusion within the revised NPPF of a tighter definition of 'deliverable' for the purposes of five-year housing land supply (5YHLS) assessment, and the new Housing Delivery Test which provides a backward looking measure of performance. The policy aim is to focus more attention on how to accelerate the rate of housing build out, in the context of the NPPF (para 72) message that the delivery of a large numbers of new homes can often be best achieved through larger scale development such as new settlements or significant extensions to existing villages and towns, but that these need a realistic assessment of build-out rates and lead in times of large-scale development.

This second edition of *Start to Finish* is our response to the latest policy emphasis. It provides the planning sector with real-world benchmarks to help assess the realism of housing trajectory assumptions, particularly for locations where there have been few contemporary examples of strategic-scale development. The first edition looked in detail at how the size of the site affected build-out rates and lead in times, as well as other factors such as the value of the land and whether land was greenfield or brownfield. We have updated these findings, as well as considering additional issues such as how the affordability of an area and the number of outlets on a site impacts on annual build-out rates.

We have also expanded the sample size (with an extra 27 large sites, taking our total to 97 large sites, equivalent to over 195,000 dwellings) and updated with more recent data to the latest monitoring year (all data was obtained at or before the 1st April 2019).



Our research complements, rather than supplants, the analysis undertaken by Sir Oliver Letwin in his Review. The most important differentiation is that we focus exclusively on what has been built, whereas each of the sites in the Letwin Review included forecasts of future delivery. Additionally, the Letwin Review looked at 15 sites of 1,500+ homes, of which many (including the three largest) were in London. By contrast, the examples in this research sample include 46 examples of sites over 1,500 homes across England and Wales, the majority of which are currently active. As with the first edition of our research, we have excluded London because of the distinct market and delivery factors in the capital.

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04	How quickly do sites build out?	9
05	What factors influence build-out rates?	14
06	Conclusions	18

O2

Methodology

180

sites

97

large sites of 500
units or more

27

additional sites
compared with our
2016 research

8

sites also included
in Sir Oliver Letwin's
review

The evidence presented in this report analyses how large-scale housing sites emerge through the planning system, how quickly they build out, and identifies the factors which lead to faster or slower rates of delivery.

We look at the full extent of the planning and delivery period. To help structure the research and provide a basis for standardised measurement and comparison, the various stages of development have been codified. Figure 1 sets out the stages and the milestones used, which remain unchanged from the first edition of this research. The overall 'lead-in time' covers stages associated with gaining an allocation, going through the 'planning approval period' and 'planning to delivery period', finishing when the first dwelling is completed. The 'build period' commences when the first dwelling is completed, denoting the end of the lead-in time. The annualised build-out rates are also recorded for the development up until the latest year where data was available at April 2019 (2017/18 in most cases). Detailed definitions of each of these stages can be found in Appendix 1. Not every site assessed will necessarily have gone through each component of the identified stages as many of the sites we considered had not delivered all dwellings permitted at the time of assessment, some have not delivered any dwellings.

Information on the process of securing a development plan allocation (often the most significant step in the planning process for large-scale schemes, and which – due to the nature of the local plan process – can take decades) is not easy to obtain on a consistent basis across all examples, so is not a significant focus of our analysis. Therefore, for the purposes of this research the lead-in time reflects the start of the planning approval period up to the first housing completion.

The 'planning approval period' measures the validation date of the first planning application on the site (usually an outline application but sometimes hybrid), to the decision date of the first detailed application to permit dwellings in the scheme (either full, hybrid or reserved matters applications). It is worth noting that planning applications are typically preceded

by significant amounts of pre-application engagement and work, plus the timescale of the local plan process.

The 'planning to delivery' period follows immediately after the planning approval period and measures the period from the approval of the first detailed application to permit development of dwellings and the completion of the first dwelling.

Development and data

Whilst our analysis focuses on larger sites, we have also considered data from the smaller sites for comparison and to identify trends. The geographic distribution of the 97 large sites and comparator small sites is shown in Figure 2 and a full list can be found in Appendix 2 (large sites) and Appendix 3 (small sites).

Efforts were made to secure a range of locations and site sizes in the sample, but there is no way of ensuring it is representative of the housing market in England and Wales as a whole, and thus our conclusions may not be applicable in all areas or on all sites. In augmenting our sample with 27 additional large sites, new to this edition of our research, we sought to include examples in the Letwin Review that were outside of London, only excluding them

Box 1: Letwin Review sites

1. Arborfield Green (also known as Arborfield Garrison), Wokingham
2. Ledsham Garden Village, Cheshire West & Chester
3. Great Kneighton (also known as Clay Farm), Cambridge (included in the first edition of this research)
4. Trumpington Meadows, Cambridge
5. Graven Hill, Cherwell
6. South West Bicester, Cherwell
7. Great Western Park, South Oxfordshire
8. Ebbsfleet, Gravesham and Dartford (included in the first edition of this research)

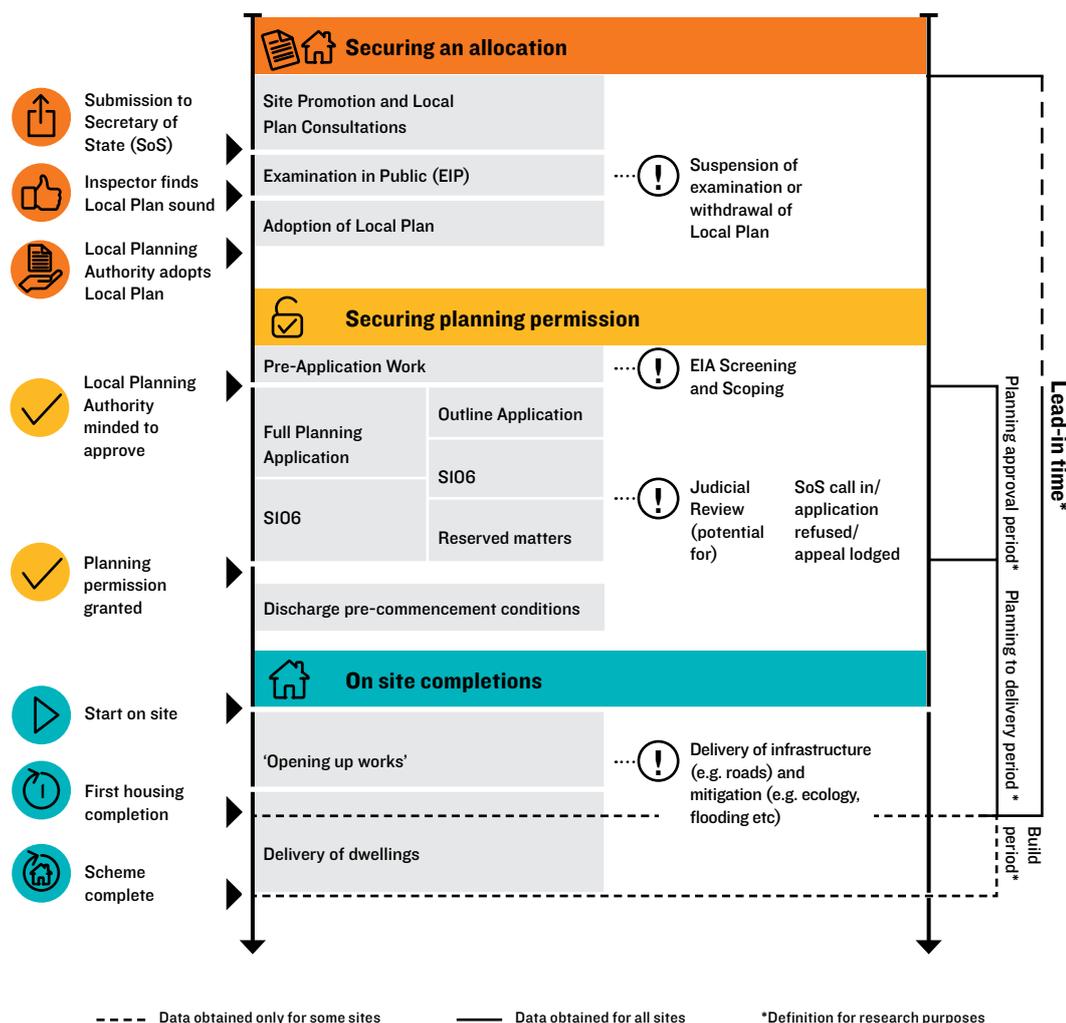
when it was difficult to obtain reliable data. The study therefore includes the Letwin Review's case studies listed in Box 1.

In most instances, we were unable to secure the precise completion figures for these sites that matched those cited in the Letwin Review. Sources for data Lichfields has obtained on completions for those sites that also appear in the Letwin Review are included at the end of Appendix 2.

The sources on which we have relied to secure delivery data on the relevant sites include:

1. Annual Monitoring Reports (AMRs) and other planning evidence base documents¹ produced by local authorities;
2. By contacting the relevant local planning authority, and in some instances the relevant County Council, to confirm the data or receive the most up to date figures from monitoring officers or planners; and
3. In a handful of instances obtaining/confirming the information from the relevant house builders.

Figure I: Timeline for the delivery of strategic housing sites



Source: Lichfields analysis

¹ Monitoring documents, five-year land supply reports, housing trajectories (some in land availability assessments), housing development reports and newsletters

196,714

units on large sites
of 500 or more
homes

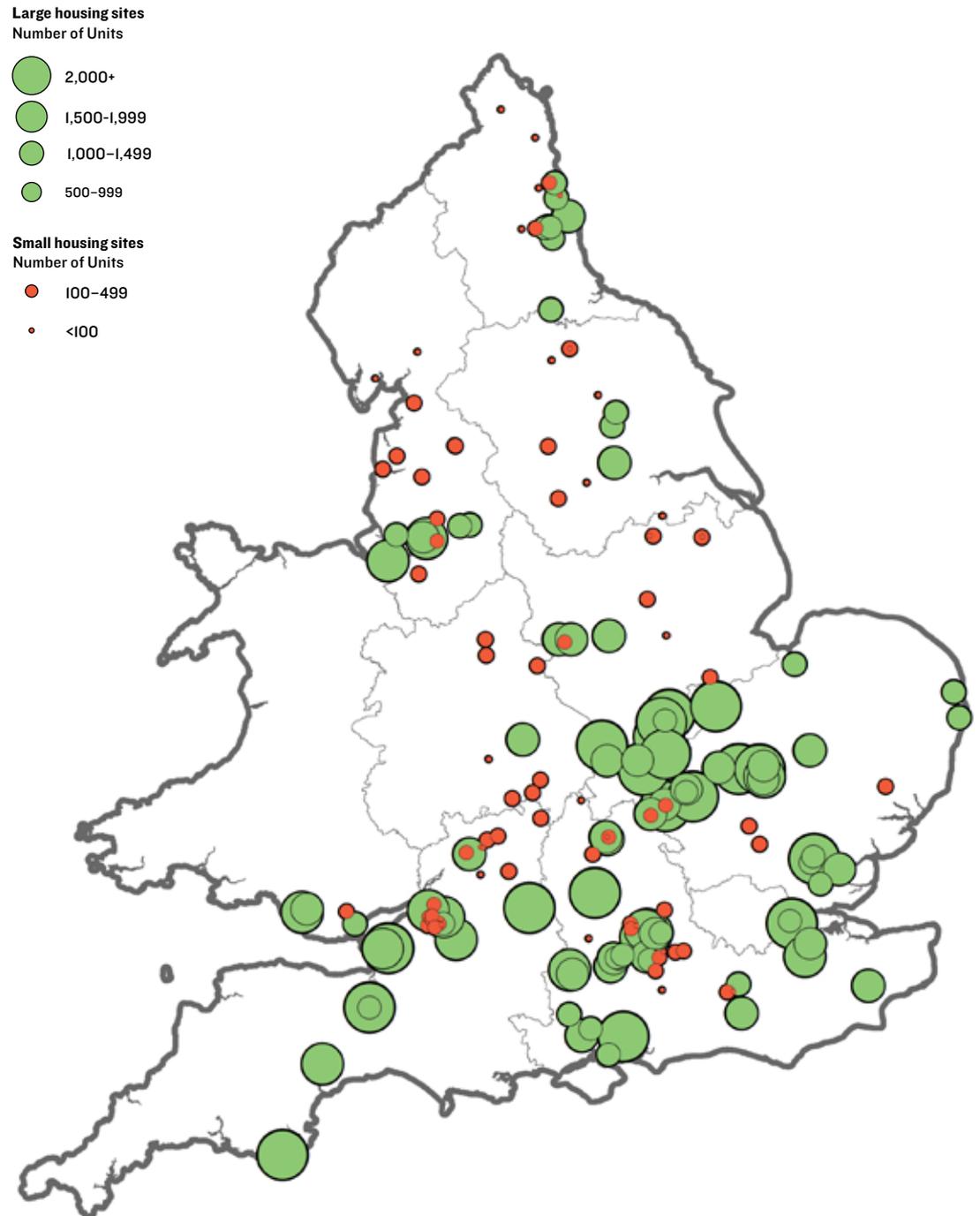
16,467

units on small sites
under 500 homes

35

sites of 2,000
homes or more

Figure 2: Map of site sample by size of site (total dwellings)



Source: Lichfields analysis

03 Timing is everything: how long does it take to get started?

In this section we look at lead in times, the time it takes for large sites to get the necessary planning approvals. Firstly, the changing context of what 'deliverable' means for development. Secondly, the 'planning approval period' (the time it takes for large sites to get the necessary planning approvals). And thirdly, the 'planning to delivery period' (the time from approval of the first detailed application to permit development of dwellings to the completion of the first dwelling).

The new definition of 'Deliverable'

The question of how quickly and how much housing a site can begin delivering once it has planning permission, or an allocation, has become more relevant since the publication of the new NPPF with its new definition of deliverable. Only sites which match the deliverability criteria (i.e. suitable now, available now and achievable with a realistic prospect that housing will be delivered on the site within five years) can be included in a calculation of a 5YHLS by a local authority. This definition was tightened in the revised NPPF which states that:

"sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be

considered deliverable where there is clear evidence that housing completions will begin on site within five years". (emphasis added)

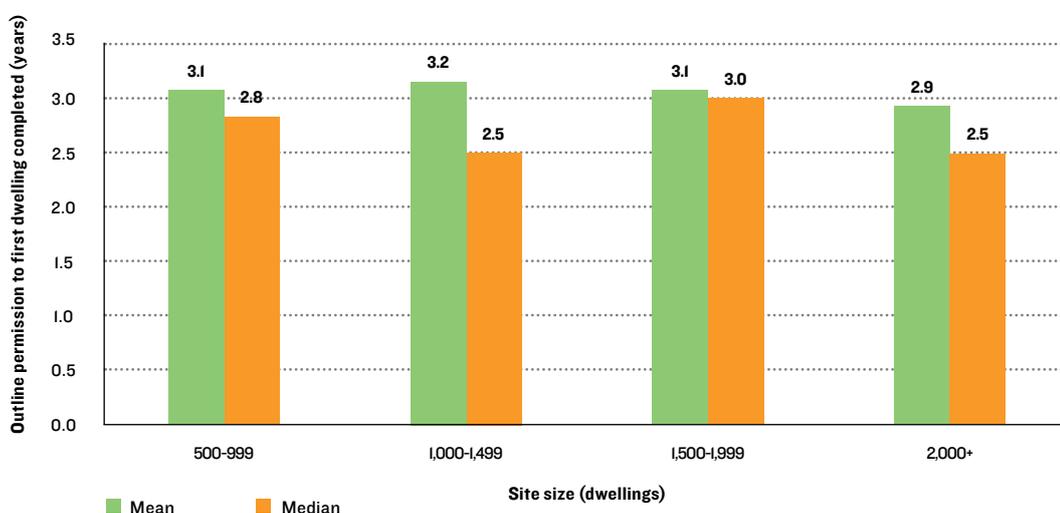
What constitutes 'clear evidence' was clarified in a number of early appeal decisions and in the Planning Practice Guidance² and can include information on progress being made towards submission of a reserved matters application, any progress on site assessment work and any relevant information about site viability, ownership constraints or infrastructure provision. In this context, it is relevant to look at how long it takes, on average, for a strategic housing site to progress from obtaining outline permission to delivering the first home (or how long it takes to obtain the first reserved matters approval, discharge pre-commencement conditions and open up the site), and then how much housing could be realistically expected to be completed in that same five-year period.

Based on our sample of large sites, the research shows that, upon granting of outline permission, the time taken to achieve the first dwelling is – on average c.3 years, regardless of site size. After this period an appropriate build-out rate based on the size of the site should also be considered as part of the assessment of deliverability (see Section 4). Outline planning permissions for strategic development are not

c.3 years

average time from obtaining outline permission to first dwelling completion on sites of 500+ homes

Figure 3: Average time taken from gaining outline permission to completion of the first dwelling on site (years), compared to site size



Source: Lichfeilds analysis

² Planning Practice Guidance Reference ID: 68-007-20190722



Only sites of fewer than 499 dwellings are on average likely to deliver any homes within an immediate five year period.

always obtained by the company that builds the houses, indeed master developers and other land promoters play a significant role in bringing forward large scale sites for housing development³. As such, some of these examples will include schemes where the land promoter or master developer will have to sell the site (or phases/parcels) to a housebuilder before the detailed planning application stage can commence, adding a step to the planning to delivery period.

Figure 4 considers the average timescales for delivery of the first dwelling from the validation of an outline planning application. This demonstrates that only sites comprising fewer than 499 dwellings are – on average – likely to deliver anything within an immediate five year period. The average time from validation of an outline application⁴ to the delivery of the first dwelling for large sites ranges from 5.0 to 8.4 years dependent on the size of the site, i.e. beyond an immediate five-year period for land supply calculations.

Comparison with our 2016 findings

Planning Approval Period

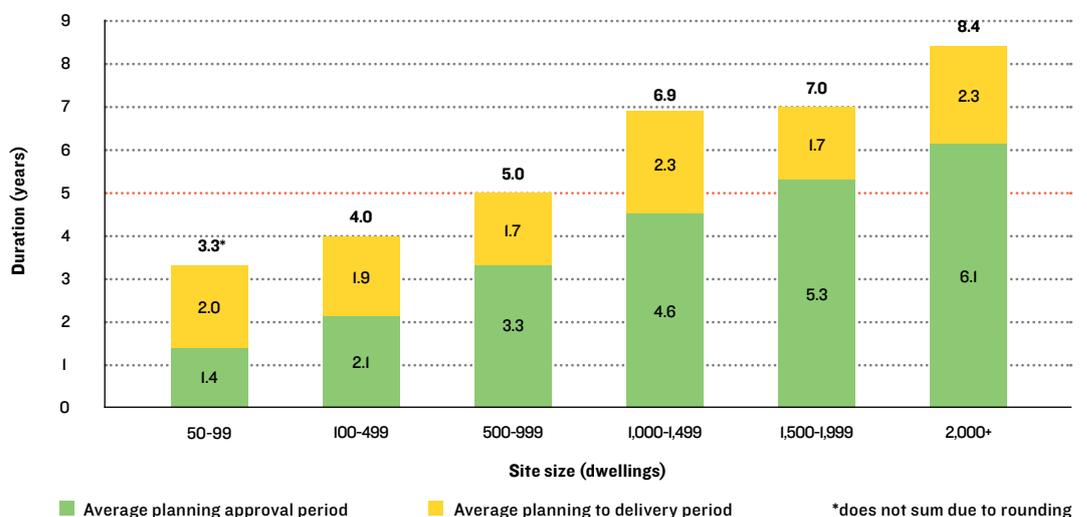
Our latest research reveals little difference between the average planning approval period by site size compared to the same analysis in the first edition (see Table 1). However, it is important to remember that these are average figures which come from a selection of large sites. There are significant variations within this average, with some sites progressing very slowly or quickly compared to the other examples. This is unsurprising as planning circumstances will vary between places and over time.

Table 1: Average planning approval period by size of site (years)

Site Size	1st edition research (years)	This research (years)
50-99	1.1	1.4
100-499	2.4	2.1
500-999	4.2	3.3
1,000-1,499	4.8	4.6
1,500-1,999	5.4	5.3
2,000+	6.1	6.1

Source: Lichfields analysis

Figure 4: Average timeframes from validation of first application to completion of the first dwelling



Source: Lichfields analysis

³ Realising Potential - our research for the Land Promoters and Developers Federation in 2017 - found that 41% of homes with outline planning permission were promoted by specialist land promoter and development companies, compared to 32% for volume house builders.

⁴ The planning approval period could also include a hybrid or full application, but on the basis of our examples this only impacts a small number of sites

Planning to Delivery Period

Although there is little difference between the average planning approval periods identified in this research compared to our first edition findings, the average lead-in time after securing planning permission is higher (Figure 5). It is this period during which pre-commencement planning conditions have to be discharged as well as other technical approvals and associated commercial agreements put in place.

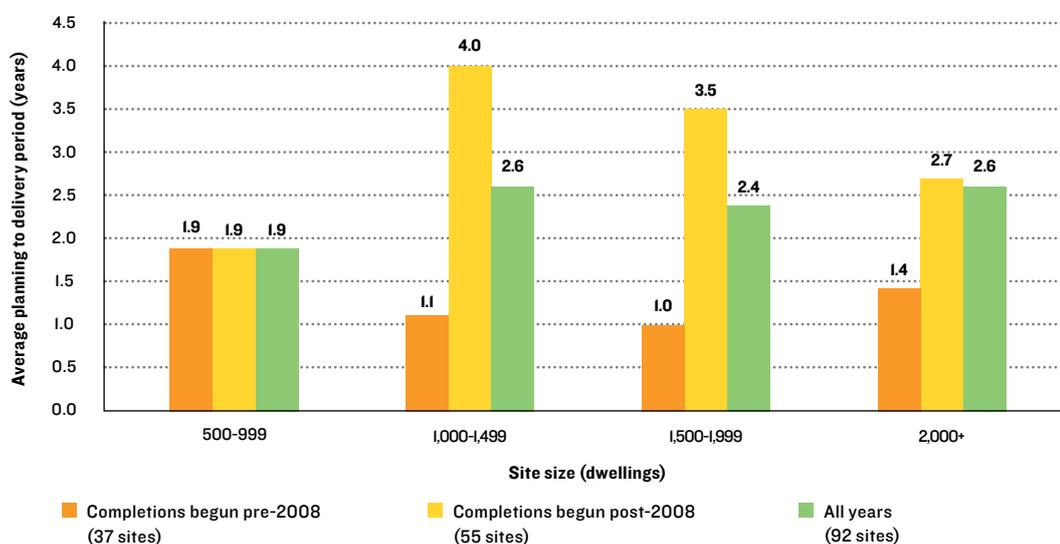
This is likely due to the inclusion of more recent proposed developments in this edition. Of the 27 new sites considered, 17 (63%) completed their first dwelling during or after 2012; this compares to just 14 (20%) out of 70 sites in the first edition of this research (albeit at the time of publication 8 of these sites had not delivered their first home but have subsequently). This implies that the introduction of more recent examples into the research, including existing examples which have now commenced delivery⁵, has seen the average for planning to delivery periods lengthening.

A similar trend is apparent considering the 55 sites that delivered their first completions after 2007/08. These have significantly longer planning to delivery periods than those where completions began prior to the recession. The precise reasons are not clear, but is perhaps to be expected given the slowdown in housing delivery during the recession, and the significant reductions in local authority planning resources which are necessary to support discharge of pre-commencement conditions. However, delays may lie outside the planning system; for example, delays in securing necessary technical approvals from other bodies and agencies, or market conditions.



Sites that delivered their first completion during or after the 2007/08 recession have significantly longer planning to delivery periods than sites which began before.

Figure 5: Planning to delivery period, total average, pre and post-2008



Source: Lichfields analysis

Figure 5: Five of the large sites examples do not have a first dwelling completion recorded in this research

⁵ Priors Hall has been amended since the first edition based on more recent data

In demand: how quickly do high pressure areas determine strategic applications for housing?

Using industry-standard affordability ratios, we found that areas with the least affordable places to purchase a home (i.e. the highest affordability ratios) tended to have longer planning to delivery times than areas that were more affordable. This is shown in Figure 6, which splits the large site sample into national affordability quartiles, with the national average equating to 8.72.

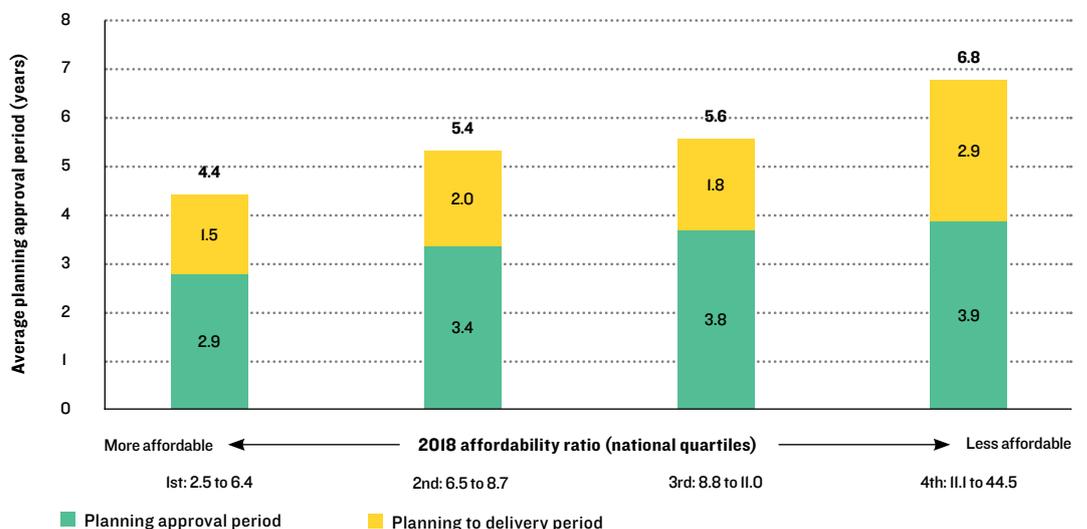
The above analysis coincides with the fact (Table 2) that sites in the most affordable locations (lowest quartile) tend to be smaller than those in less affordable locations (an average site size of c.1,150 compared to in excess of 2,000 dwellings for the three other quartiles). Even the least affordable LPAs (with the greatest gap between workplace earnings and house prices) have examples of large schemes with an average site size of 2,000+ dwellings. It may be that the more affordable markets do not support the scale of up-front infrastructure investment that is required for larger-scale developments and which lead to longer periods before new homes can be built. However, looking at the other three quartiles, the analysis does also suggest that planning and implementation becomes more challenging in less affordable locations.

Table 2: Site size by 2018 affordability ratio

Affordability ratio (workplace based)	Average site size
2.5 – 6.4	1,149
6.5 – 8.7	2,215
8.8 – 11.0	2,170
11.1 – 44.5	2,079

Source: Lichfields analysis

Figure 6: Planning approval period (years) by 2018 affordability ratio



Source: Lichfields analysis

04 How quickly do sites build out?

The rate at which new homes are built on sites is still one of the most contested matters at local plan examinations and planning inquiries which address 5YHLS and housing supply trajectories. The first edition of this research provided a range of 'real world' examples to illustrate what a typical large-scale site delivers annually. The research showed that even when some schemes were able to achieve very high annual build-out rates in a particular year (the top five annual figures were between 419-620 dwellings per annum), this rate of delivery was not always sustained. Indeed, for schemes of 2,000 or more dwellings the average annual completion rate across the delivery period was 160 dwellings per annum.

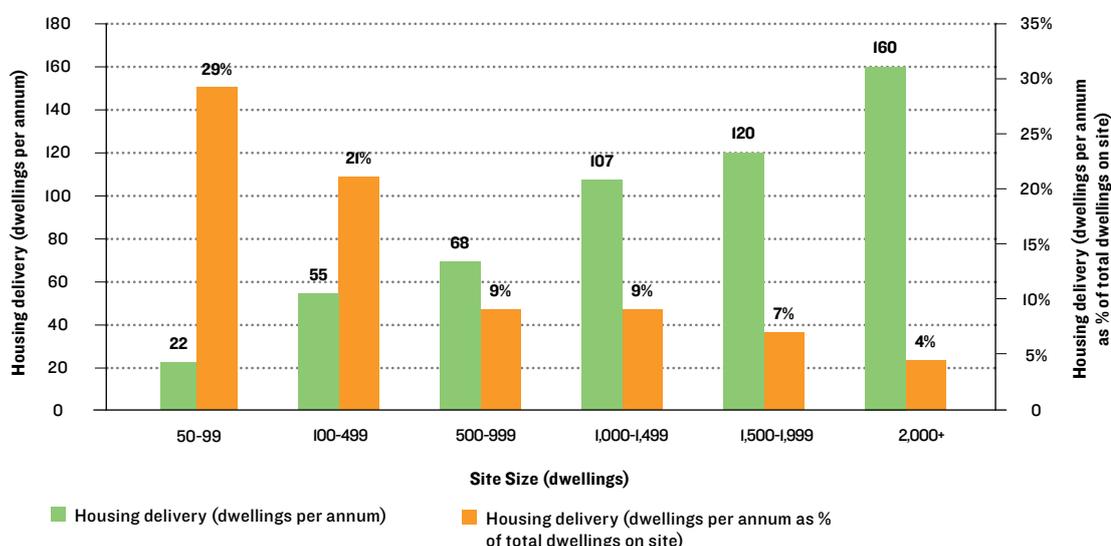
Average Annual Build-out rates

Figure 7 presents our updated results, with our additional 27 sites and the latest data for all sites considered. The analysis compares the size of site to its average annual build-out rate. Perhaps unsurprisingly, larger sites deliver on average more dwellings per year than smaller sites. The largest sites in our sample of over 2,000 dwellings, delivered on average more than twice as many dwellings per year than sites of 500-999 dwellings, which in turn delivered an average of three times as many units as sites of 1-99 units. To ensure the build-out rates averages are not unduly skewed, our analysis excludes any sites which have only just started delivering and have less than three years of data. This is because it is highly unlikely that the first annual completion figure would actually cover a whole monitoring year, and as such could distort the average when compared to only one other full year of delivery data.

160 dpa

the average annual build rate for schemes of 2,000+ dwellings

Figure 7: Build-out rate by size of site (dpa)



Source: Lichfields analysis

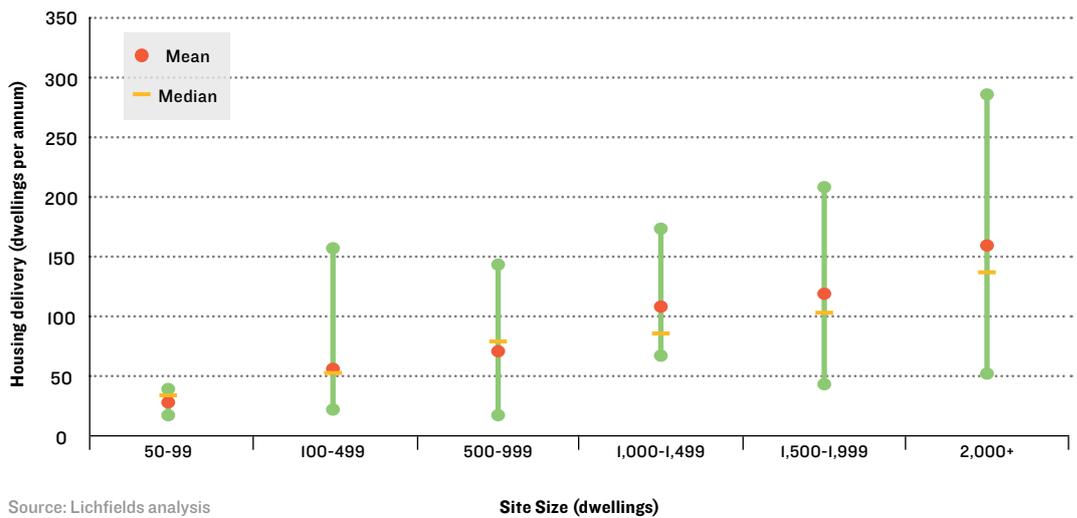


In most cases the median annual delivery rate is lower than the mean for larger sites.

We include the relevant percentage growth rates in this edition's analysis; this shows that the proportion of a site's total size that is build out each year reduces as site size increases.

Our use of averages refers to the arithmetic mean across the sample sites. In most cases the median of the rates seen on the larger sample sites is lower, as shown in Figure 8; this reflects the small number of sites which have higher delivery rates (the distribution is not equal around the average). The use of mean average in the analysis therefore already builds in a degree of optimism compared with the median or 'mid-point scheme'.

Figure 8: Minimum, mean, median and maximum build-out rates by size of site (dpa)



Source: Lichfields analysis

Table 3: Median and mean delivery rates by site size

Site Size	Number of sites	Median housing delivery (dwellings per annum)	Median delivery as % of total on site	Mean annual delivery (dwellings per annum)	Mean annual delivery as % of total units on site
50-99	29	27	33%	22	29%
100-499	54	54	24%	55	21%
500-999	24	73	9%	68	9%
1,000-1,499	17	88	8%	107	9%
1,500-1,999	9	104	7%	120	7%
2,000+	27	137	4%	160	4%

Source: Lichfields analysis

Comparison with our 2016 findings

Comparing these findings to those in the first edition of this research, there is very little difference between the averages observed (median was not presented) for different site sizes, as set out below. The largest difference is a decrease in average annual build-out rates for sites of 1,000-1,499 dwellings, but even then, this is only a reduction of 10 dpa or 9%.

As with the first edition of the research, these are averages and there are examples of sites which deliver significantly higher and lower than these averages, both overall and in individual years. Figure 8 shows the divergence from the average for different site size categories. This shows that whilst the average for the largest sites is 160 dpa and the median equivalent 137 dpa, the highest site average was 286 dpa and the lowest site average was 50 dpa for sites of 2,000+ dwellings. This shows the need for care in interpreting the findings of the research, there may well be specific factors that mean a specific site will build faster or slower than the average. We explore some of the factors later in this report.

Variations for individual schemes can be marked. For example, the 2,605 unit scheme South of the M4 in Wokingham delivered 419 homes in 2017/18, but this was more than double the completions in 2016/17 (174) and the average over all six years of delivery so far was just 147 dwellings per annum.

Even when sites have seen very high peak years of delivery, as Table 5 shows, no sites have been able to consistently delivery 300 dpa.



Site build-out rates for individual years are highly variable. For example, one scheme in Wokingham delivered more than twice as many homes in 2017/18 as it did in the year before.

Table 4: Mean delivery rates by site sizes, a comparison with first edition findings

Site size (dwellings)	2016 edition research (dpa)	2020 edition research (dpa)	Difference
50-99	27	22	-5 (-19%)
100-499	60	55	-5 (-8%)
500-999	70	68	-2 (-3%)
1,000-1,499	117	107	-10 (-9%)
1,500-1,999	129	120	-9 (-7%)
2,000+	161	160	-1 (-0.62%)

Source: Lichfields analysis

Table 5: Peak annual build-out rates compared against average annual delivery rates on those sites

Site	Site size (dwellings)	Peak annual build-out rate (dpa)	Average annual build-out rate (dpa)
Cambourne, South Cambridgeshire	4,343	620	223
Oakley Vale, Corby	3,100	520	180
Eastern Expansion Area, Milton Keynes	4,000	473	268
Clay Farm, Cambridge	2,169	467	260
South of M4, Wokingham	2,605	419	147
Cranbrook, East Devon	2,900	419	286

Source: Lichfields analysis

Table 5: Please note The Hamptons was included as an example of peak annual delivery in the first edition with one year reaching 520 completions. However, evidence for this figure is no longer available and as it was not possible to corroborate the figure it has been removed. The analysis has been updated to reflect the latest monitoring data from Peterborough City Council.

Longer term trends

This section considers the average build-out rates of sites which have been delivering over a long period of time. This is useful in terms of planning for housing trajectories in local plans when such trajectories may span an economic cycle.

In theory, sites of more than 2,000 dwellings will have the longest delivery periods. Therefore, to test long term averages we have calculated an average build-out rate for sites of 2,000+ dwellings that have ten years or more of completions data available.

For these sites, the average annual build-out rate is slightly higher than the average of all sites of that size (i.e. including those only part way through build out), at 165 dwellings per annum⁶. The median for these sites was also 165 dwellings per annum.

This indicates that higher rates of annual housing delivery on sites of this size are more likely to occur between years five and ten, i.e. after these sites have had time to ‘ramp up’.

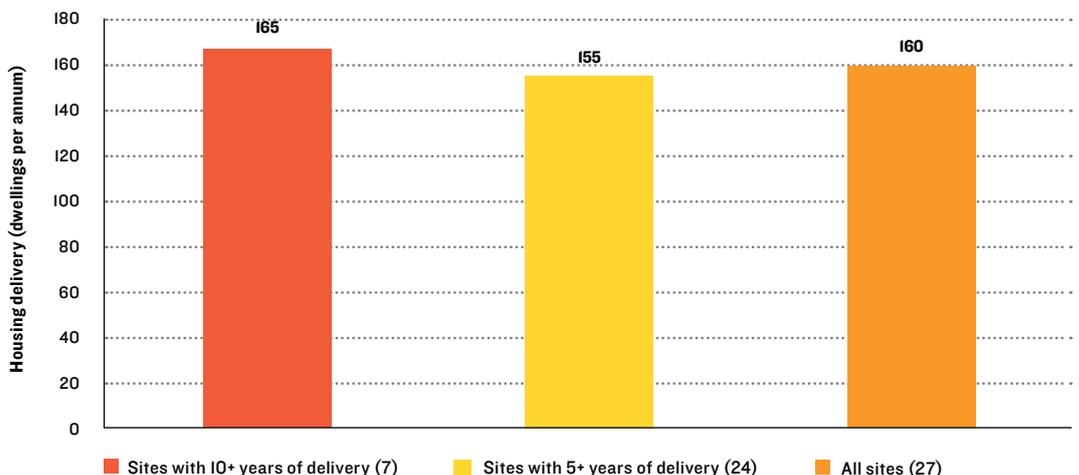
It might even relate to stages in delivery when multiple phases and therefore multiple outlets (including affordable housing) are operating at the same time. These factors are explored later in the report.

The impact of the recession on build-out rates

It is also helpful to consider the impact of market conditions on the build-out rate of large scale housing sites. Figure 10 overleaf shows the average delivery rate of sites of 2,000 or more dwellings in five-year tranches back to 1995/96. This shows that although annual build-out rates have improved slightly since the first half of the 2010’s, they remain 37% below the rates of the early 2000’s. The reasons for the difference are not clear and are worthy of further exploration – there could be wider market, industry structure, financial, planning or other factors at play.

In using evidence on rates of delivery for current/historic schemes, some planning authorities have suggested that one should adjust for the fact that rates of build out may have been affected by the impact of the recession. We have therefore considered how the average rates change with and without including the period of economic downturn (2008/09 – 2012/13). This is shown in Table 6 and it reveals that average build-out rates are only slightly depressed when one includes this period, but may not have fully recovered to their pre-recession peaks. We know that whilst the recession – with the crunch on mortgage

Figure 9: Average build-out rate for sites over 2,000 homes by length of delivery period (dpa)



Source: Lichfields analysis

⁶ This is based on the completions of seven examples, Chapelford Urban Village, Broadlands, Kings Hill, Oakley Vale, Cambourne, The Hamptons and Wixhams

availability – did have a big impact and led to the flow of new sites slowing, there were mechanisms put in place to help sustain the build out of existing sites.

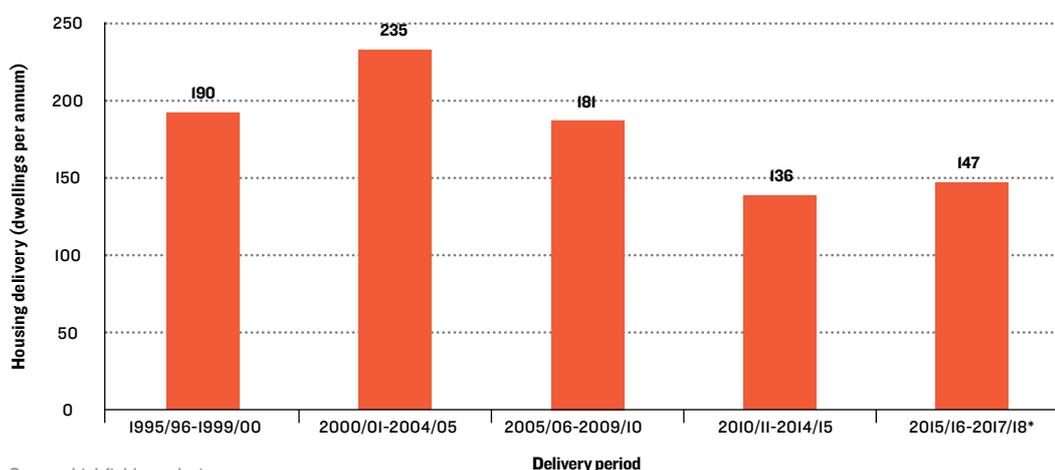
However, setting aside that stripping out the recession has a modest impact on the statistical averages for the sites in our sample, the more significant point is that – because of economic cycles - larger sites which build out over five or more years are inherently likely to coincide with a period of economic slowdown at some point during their build out. It therefore makes sense for housing trajectories for such sites to include an allowance for the prospect that, at some point, the rate of build out may slow due to a market downturn, albeit the effect may be smaller than one might suspect.

Table 6: Impact of recession on build-out rates

	Build-out rates in all years		Build-out rates excluding recession years (2008/9-2012/13)		Build-out rates pre-recession	
	Average rate	Sample size	Average rate	Sample size	Average rate	Sample size
All large sites 500+	115	77	126	68	130	21
All large sites 2,000+	160	27	171	25	242	6
Greenfield sites 2,000+	181	14	198	12	257	3

Source: Lichfields analysis

Figure 10: Average build-out rate by five year period for sites over 2,000 dwellings (dpa)



Source: Lichfields analysis

05 What factors can influence build-out rates?

+34%

higher average annual build-out rates on greenfield land compared with brownfield

Having established some broad averages and how these have changed over time, we turn now to look at what factors might influence the speed at which individual sites build out. How does housing demand influence site build out? What is the impact of affordable housing? Does it matter whether the site is greenfield or brownfield? What about location and site configuration?

In demand: do homes get delivered faster in high pressure areas?

One theory regarding annual build-out rates is that the rate at which homes can be sold (the 'absorption rate') determines the build-out rate. This is likely to be driven by levels of market demand relative to supply for the product being supplied.

This analysis considers whether demand for housing at the local authority level affects delivery rates by using (industry-standard) affordability ratios. Higher demand areas are indicated by a higher ratio of house prices to earnings i.e. less affordable. Whilst this is a broad-brush measure, the affordability ratio is a key metric in the assessment of local housing need under the Government's standard methodology. Figure 11 shows the sample of 500+ unit schemes divided into those where the local authority in which they are located is above or below the national median affordability ratio (8.72) for sites which have

delivered for three years or more. This analysis shows that sites in areas of higher demand (i.e. less affordable) deliver on average more dwellings per annum.

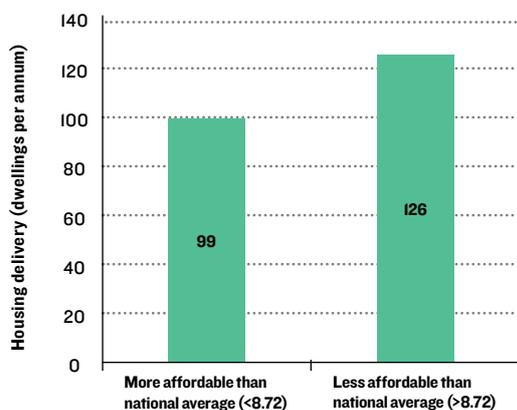
Our analysis also coincides with the fact that sites in less affordable areas are on average c.17% larger than those in more affordable areas. The average site size for schemes in areas where affordability is below the national average is 1,834 dwellings. For those delivered in areas where the affordability is greater than the national average, average site size is 2,145 dwellings. So, it is possible that the size of site – rather than affordability *per se* – is a factor here.

Do sites on greenfield land deliver more quickly?

The first edition of this research showed that greenfield sites on average delivered quicker than their brownfield counterparts. In our updated analysis this remains the case; large greenfield sites in our sample built out a third faster than large brownfield sites.

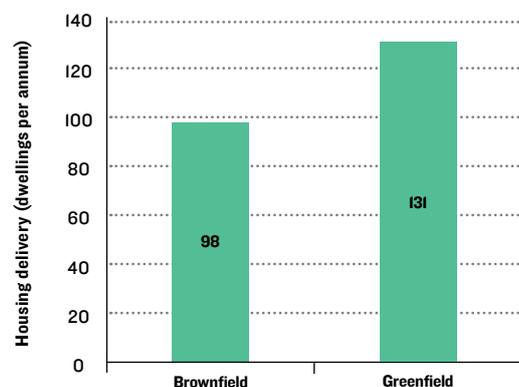
In the life cycle of a site, our data also shows that greenfield sites had shorter planning to delivery periods (2.0 years compared to 2.3 for brownfield sites), although on average, longer planning approval periods (5.1 years compared to 4.6 for brownfield sites).

Figure 11: Build-out rates by level of demand using national median 2018 workplace based affordability ratio (dpa)



Source: Lichfields analysis

Figure 12: Build-out rates on brownfield and greenfield sites (dpa)



Source: Lichfields analysis

Housing mix and variety

Among the more topical issues surrounding delivery rates on large-scale sites is the variety of housing on offer. The Letwin Review posited that increasing the diversity of dwellings on large sites in areas of high housing demand would help achieve a greater rate of build out. The report concluded that a variety of housing is likely to appeal to a wider, complementary range of potential customers which in turn would mean a greater absorption rate of housing by the local market.

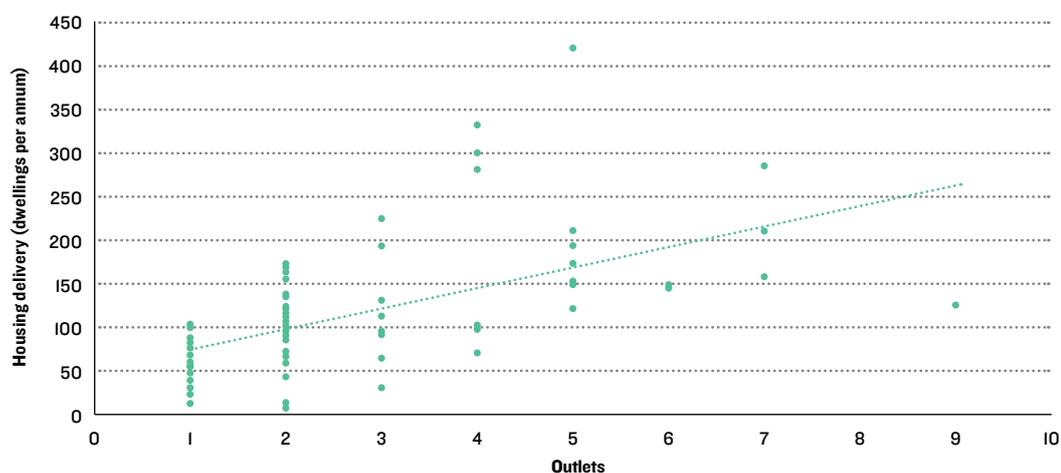
Consistent data on the mix of sizes, types and prices of homes built out on any given site is difficult to source, so we have used the number of sales outlets on a site as a proxy for variety of product. This gives the prospect of multiple house builders each seeking to build and sell homes for which there is demand in the face of 'competing' supply from other outlets (as revealed by the case study of Land South of the M4 in Wokingham). Letwin stated that "...it seems extraordinarily likely that the presence of more variety in these aesthetic characteristics would create more, separate markets"⁷. Clearly, it is likely that on many sites, competing builders may focus on a similar type of product, for example three or four bed family housing, but even across similar types of dwelling, there will be differences (in configuration, design, specification) that mean one product may be attractive to a purchaser in the way another might

not be. On this basis, we use the outlets metric as a proxy for variation. Based on the limited data available for this analysis, if two phases are being built out at the same time by the same housebuilder (e.g. two concurrent parcels by Bovis) this has been counted as one outlet with the assumption there is little variety (although it is clear that some builders may in reality differentiate their products on the same site). This data was derived from sites in a relatively small number of local planning authorities who publish information relating to outlets on site. It therefore represents a small sample of just 12 sites, albeit over many different years in which the number of outlets varied on the same site, giving a total of 80 data points i.e. individual delivery rates and number of outlets to compare.

Our analysis confirms that having more outlets operating at the same time will on average have a positive impact on build-out rates, as shown in Figure 13. However, there are limits to this, likely to be due to additional capacity from the outlets themselves as well as competition for buyers.

On a site-by-site basis, the average number of outlets open over the site's entire delivery lifetime had a fairly strong correlation with annual delivery, both as a percentage of total dwellings and in absolute terms, with a greater number of outlets contributing to higher levels of delivery. However, the completions per outlet did reduce with every additional outlet operating in that year.⁸

Figure 13: Build-out rates by number of outlets present (dpa)



Source: Lichfields analysis



Having more outlets operating at the same time will on average quicken build-out rates.

⁷ Letwin Review draft analysis report (June 2018) - final bullet of para 4.25

⁸ Average completions per outlet on site with one outlet was 61dpa, dropping to 51dpa for two outlets and 45dpa for three outlets.

Geography and Site Configuration

An under-explored aspect of large-scale site delivery is the physical opportunity on site. For example, some schemes lend themselves to simultaneous build out of phases which can have the impact of boosting delivery rates in that year, for example, by having access points from two alternative ends of the site. Other sites may be reliant on one key piece of infrastructure which make this opportunity less likely or impractical. In the first edition of this research we touched on this point in relation to Eastern Expansion Area (Broughton Gate & Brooklands) of Milton Keynes. As is widely recognised, the planning and delivery of housing in Milton Keynes is distinct from almost all the sites considered in this research as serviced parcels with the roads already provided were delivered as part of the Milton Keynes delivery model. Multiple house builders were able to proceed straight onto the site and commence delivery on different serviced parcels, with monitoring data from Milton

Keynes Council suggesting an average of c.12 parcels were active across the build period. In this second edition of this research the Milton Keynes examples remain some of the sites with the highest annual build-out rates.

Table 7: Parcels at Land South of M4, Wokingham

Parcel reference	Developers (active outlets)	Completions in 2017/18
SP1	Bellway (1)	59
SP2w	Bellway and Bovis (-)	None - parcel completed
SP3	Crest Nicholson (1)	47
SP4	Taylor Wimpey and David Wilson Homes (2)	140
SP9_I	Bloor, Bovis and Linden (3)	169
SPI0	Darcliffe Homes (-)	None - parcel completed
SPII	Taylor Wimpey (1)	4

Source: Lichfields analysis

Figure I4: Map of parcels at Land South of M4, Wokingham



Source: © Google Earth 2020/ Wokingham Local Plan

In this edition we look at the case study of Land South of the M4 in Wokingham. In 2017/18 the site achieved a significant 419 completions. Using the local authority's granular recording of delivery on the site to date, we have been able to consider where these completions were coming forward from within the wider 2,605 dwelling scheme. As shown in Figure 14, in that year new homes were completed on five separate parcels with completions ranging from 4 to 169 dwellings. On some of these parcels (SP9_1 and SP4) there were two or three separate housebuilders building out, and in total on the site there were seven different house building companies active (the impact of multiple outlets on build-out rates is explored later in this report). The parcels are located in separate parts of the site and each had their own road frontages and access arrangements which meant they are able to come forward in parallel. This can enable an increased build rate.

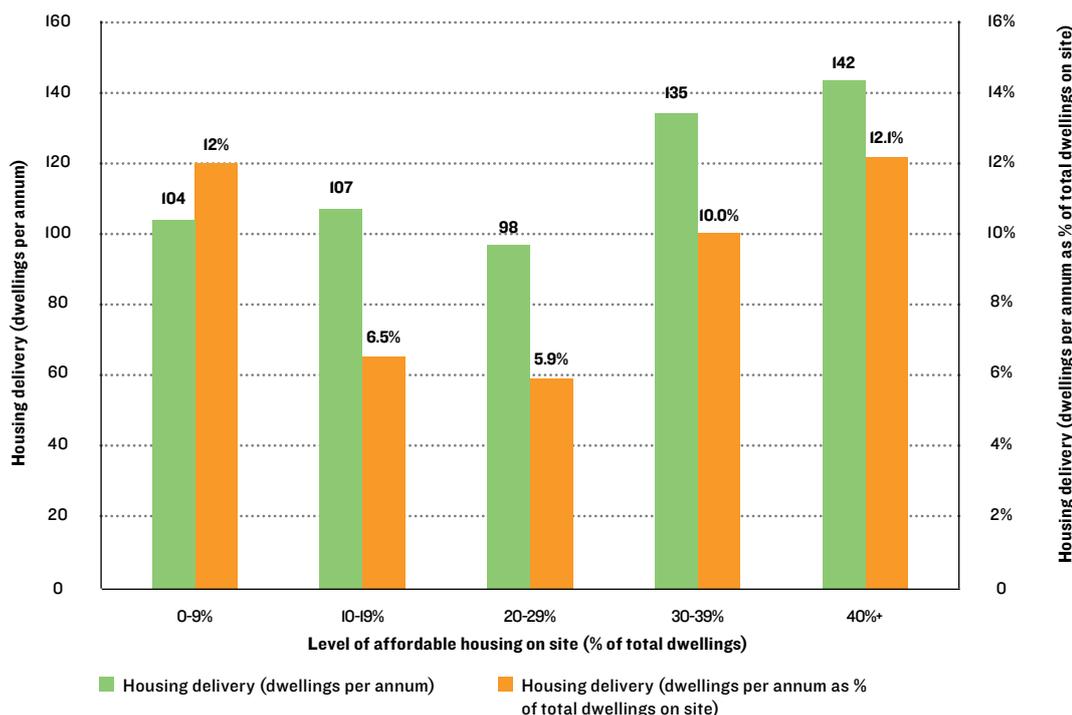
Affordable choices: do different tenures provide more demand?

Our findings on tenure, another form of 'variety' in terms of house building products, are informed by data that is available on about half the sites in our large site sample. From this the analysis shows schemes with more affordable housing built out at close to twice the rate as those with lower levels of affordable housing as a percentage of all dwellings on site. However this is not always the case. Schemes with 20-29% affordable housing had the lowest build-out rates, both in terms of dwellings and proportionate to their size.



Schemes with more affordable housing built out at close to twice the rates as those with lower levels.

Figure 15: Build-out rates by level of affordable housing (dpa and percentage)



Source: Lichfields analysis

06 Conclusions

Recent changes to national planning policy emphasise the importance of having a realistic expectation of delivery on large-scale housing sites, whilst local authorities now find themselves subject to both forward and backward-looking housing delivery performance measures. A number of local plans have hit troubles because they over-estimated the yield from some of their proposed allocations. Meanwhile, it is no longer sufficient for a 5YHLS to look good on paper; the Housing Delivery Test means there are consequences if it fails to convert into homes built.

To ensure local authorities are prepared for these tests, plan making and the work involved in maintaining housing land supply must be driven by realistic and flexible housing trajectories, based on evidence and the specific characteristics of individual sites and local markets. For local authorities to deliver housing in a manner which is truly plan-led, this is likely to mean allocating more sites rather than less, with a good mix of types and sizes, and being realistic about how fast they will deliver so supply is maintained throughout the plan period. Equally, recognising the ambition and benefits of more rapid build out on large sites, it may mean a greater focus on how such sites are developed.

Our research provides those in the public and private sector with a series of real-world benchmarks in this complex area of planning for large scale housing, which can be particularly

helpful in locations where there is little recent experience of such strategic developments. Whilst we present some statistical averages, the real relevance of our findings is that there are likely to be many factors which affect lead-in times and build-out rates, and that these - alongside the characteristics of individual sites - need to be considered carefully by local authorities relying on large sites to deliver planned housing.

In too many local plans and 5YHLS cases, there is insufficient evidence for how large sites are treated in housing trajectories. This research seeks to fill the gap with some benchmark figures - which can be of some assistance where there is limited or no local evidence. But the average derived from our analysis are not intended to be definitive and are no alternative to having a robust, bottom-up justification for the delivery trajectory of any given site. It is clear from our analysis that some sites start and deliver more quickly than the average, whilst others have delivered much more slowly. Every site is different. Therefore, whilst the averages observed in this research may be a good starting point, there are a number of key questions to consider when estimating delivery on large housing sites, based around the three key elements in the three-tier analytical framework at Figure 16.

Key findings:**1 Large schemes can take 5+ years to start**

In developing a local plan, but especially in calculating a 5YHLS position, it is important to factor in a realistic planning approval period dependent on the size of the site. Our research shows that if a scheme of more than 500 dwellings has an outline permission, then the average time to deliver its first home is two or three years. However, from the date at which an outline application is validated it can be 5.0 - 8.4 years for the first home to be delivered dependent on the size of the site. In these circumstances, such sites would make no contribution to completions in the first five years.

2 Lead-in times jumped post-recession

Whilst attention and evidence gathering is often focused on how long it takes to get planning permission, the planning to delivery period from gaining permission to building the first house has also been increasing. Our research shows that the planning to delivery period for large sites completed since 2007/08 has jumped compared to those where the first completion came before 2007/08. This is a key area where improvements could be sought on timeliness and in streamlining pre-commencement conditions, but is also likely impacted by a number of macro factors including the recession and reductions in local authority planning resources.

3 Large greenfield sites deliver quicker

Large sites can deliver more homes per year over a longer time period, with this seeming to ramp up beyond year five of the development on sites of 2,000+ units. However, on average these longer-term sites also have longer lead-in times. Therefore, short term boosts in supply, where needed, are likely to also require a good mix of smaller sites. Furthermore, large scale greenfield sites deliver at a quicker rate than their brownfield equivalents: the average rate of build out for greenfield sites in our sample was 34% greater than the equivalent figure for those on brownfield land. In most locations, a good mix of types of site will therefore be required.

4 Outlets and tenure matter

Our analysis suggests that having additional outlets on site has a positive impact on build out rates, although there is not a linear relationship. Interestingly, we also found that schemes with more affordable housing (more than 30%) built out at close to twice the rate as those with lower levels of affordable housing as a percentage of all units on site, but those with 20-29% had the lowest rates of all. Local plans should reflect that – where viable – higher rates of affordable housing supports greater rates of delivery. This principle is also likely to apply to other sectors that complement market housing for sale, such as build to rent and self-build (where there is demand).

Figure I6: Key questions for assessing large site build-out rates and delivery timelines



Appendices

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Appendix 1: Definitions and notes

The 'lead in'

Measures the period up to first completion of a house on site from the validation date of the first planning application made for the scheme. The lead-in time covers both the planning approval period and planning to delivery periods set out below. The lead-in time does also include the date of the first formal identification of the site as a potential housing allocation (e.g. in a LPA policy document), but consistent data on this for the sample is not available.

The 'planning period'

Measured from the validation date of the first application for the proposed development (be that an outline, full or hybrid application). The end date is the decision date of the first detailed application which permits the development of dwellings on site (this may be a full or hybrid application or the first reserved matters approval which includes details for housing). A measurement based on a detailed 'consent' was considered reasonable and proportionate milestone for 'planning' in the context of this research.

The 'planning to delivery period'

Includes the discharge of any pre-commencement and any opening up works required to deliver the site. It finishes on completion of the first dwelling.

The date of the 'first housing completion'

On site (the month and year) is used where the data is available. However, in most instances the monitoring year of the first completion is all that is available and in these cases a mid-point of the monitoring period (1st October, falling halfway between 1st April and the following 31st March) is used.

The 'annual build-out rate'

Each site is taken or inferred from a number of sources. This includes Annual Monitoring Reports (AMR's) and other planning evidence base documents produced by local authorities (see footnote 1), contacting the local planning authority monitoring officers or planners and in a handful of instances obtaining the information from housebuilders.

Due to the varying ages of the assessed sites, the implementation of some schemes was more advanced than others and, as a function of the desk-based nature of the research and the age of some of the sites assessed, there have been some data limitations, which means there is not a complete data set for every assessed site. For example, lead-in time information prior to submission of planning applications is not available for the vast majority of sites. And because not all of the sites assessed have commenced housing delivery, build-out rate information is not universal. The results are presented accordingly.

Appendix 2: Large sites tables

Site name	Local Planning Authority	Site size	Year of first housing completion	Year	Year	Year	Year	Year	Year	Year															
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Dwellings per annum																									
Ebbsfleet	Gravesham/Dartford	15,000	2009/10	127	79	55	50	44	40	60	141	312													
The Hamptons	Peterborough	6,320	1997/98	290.3	290.3	290.3	290.3	290.3	290.3	290.3	290.3	290.3	290.3	224	224	224	154	157	71	67	101	34	54	100	
Rugby Radio Station	Rugby	6,200	N/A																						
East of Kettering	Kettering	5,500	2016/17	43	93																				
Sherford	Plymouth	5,500	2016/17	7	106																				
Priors Hall	Corby	5,200	2011/12	56	21	59	87	170	155	273															
Wichelstowe	Swindon	4,500	2008/09	158	93	195	64	100	61	44	60	57													
Monkton Heatfield	Taunton Deane	4,500	2012/13	22	76	220	191	222	148																
The Mixams	Bedford	4,500	2008/09	8	190	160	138	113	109	109	44	37	47												
Cambourne	South Cambridgeshire	4,343	1989/2000	42	361	213	337	620	151	377	267	219	190	162	206	154	151	129	239	201	95	126			
Eastern Expansion Area (Broughton Gate & Brooklands)	Milton Keynes	4,000	2008/09	154	359	371	114	473	138																
Locking Parklands	North Somerset	3,700	2011/12	23	45	97	75	10	21	86															
Stanton Cross	Wellingborough	3,650	N/A																						
Beaulieu Park	Chelmsford	3,600	2015/16	40	110	262																			
Northampton North SUE	Daventry	3,500	2017/18	50																					
Great Western Park	South Oxfordshire	3,300	2011/12	110	204	232	392	237	274	78															
Oakley Vale	Corby	3,100	2001/02	35	89	289	258	346	487	520	233	174	159	107	96	103	51	40	9	70					
Kings Hill	Tonbridge and Malling	3,024	1996/97	140	140	140	140	140	126	219	104	237	166	281	300	224	93	55	90	84	108	91	74	41	31
North West Cambridge	Cambridge and South Cambridgeshire	3,000	2016/17	73																					
West of Waterloo	Havant and Winchester	3,000	2009/10	38	71	30	82	112	135	196	241														
Cranbrook	East Devon	2,900	2012/13	187	419	356	299	214	241																
West of Kempston	Bedford	2,760	2010/11	52	102	144	167	124	175	103	93														
South of the M4	Wokingham	2,605	2012/13	37	175	56	29	166	419																
Winterstoke Village	North Somerset	2,550	2014/15	132	185	242	161																		
Emersons Green East	South Gloucestershire	2,550	2014/15	274	197	318	280																		

Site name	Local Planning Authority	Site size	Year of first housing completion	Dwellings per annum																					
				Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20	Year 21	Year 22
Bolnere Village	Mid Sussex	1,358	2012/13	30	54	88	73	36	124																
Park Prewett Hospital	Basingstoke and Deane	1,341	1998/99	58	82	37	102	0	0	0	0	0	0	307	214	219	146	33	34	56	7	30	16		
Ashford Barracks (Repton Park)	Ashford	1,300	2005/06	83	0	124	14	64	58	155	103	49	70	67	138	90									
Oxley Park (East & West)	Milton Keynes	1,300	2004/05	52	166	295	202	115	91	75	163														
Kempshott Park	Basingstoke and Deane	1,252	2000/01	78	310	229	213	281	84	33	24														
Holborough Quarry	Tonbridge and Malling	1,211	2006/07	85	137	91	47	18	100	59	12	43	64	60	101										
Staynor Hall	Selby	1,200	2005/06	12	141	115	10	43	62	46	59	79	162	79	34	50									
Picket Twenty	Test Valley	1,200	2011/12	147	178	180	176	164	145	175															
Trumpington Meadows	Cambridge and South Cambridgeshire	1,200	2012/13	141	143	67	100	94																	
Broughton (Broughton & Atterbury)	Milton Keynes	1,200	2003/04	114	105	170	409	204	180	18															
Orchard Park	Cambridge	1,120	2006/07	100	290	148	103	95	56	34	15	75	39	30	2										
Valmead Farm	Hart	1,112	1989/90	1	104	193	89	101	52	101	113	130	74	102	48	4									
Cheeseman's Green (Finberry)	Ashford	1,100	2014/15	59	47	102	157																		
Zones 3 to 6, Omega South	Warrington	1,100	2017/18	15																					
Boulton moor	South Derbyshire	1,058	2014/15	22	96	96	116																		
Highfields Farm	South Derbyshire	1,056	2016/17	141	204																				
Monksmoor Farm	Daventry	1,000	2013/14	6	65	98	128	122																	
Northampton North of Whitehills SUE	Daventry	1,000	2016/17	108	100																				
Taylors Farm/Sherfield Park	Basingstoke and Deane	991	2004/05	56	79	81	86	88	51	143	141	88	91	75	0	12									
Queen Elizabeth II Barracks	Hart	972	2012/13	56	165	110	228	213	96																
Little Stanton	Corby	970	2009/10	106	116	74	121	102	93	89	86	26													
North of Popley	Basingstoke and Deane	951	2007/08	65	57	16	28	0	0	15	118	84	60												
Ingress Park	Darford	950	2002/03	184		275	100	74	0	119	0	0													
Nar Quse Millenium Community	Kings Lynn and West Norfolk	900	2007/08	32	77	0	0	0	0	30	22.5	22.5	68	0											
West Park	Darlington	893	2004/05	60	104	98	66	69	19	35	10	16	51	35	28	14	42								
South Bradwell	Great Yarmouth	850	2015/16	60.3	60.3	60.3																			

Sources for sites also found in the Letwin Review

Arborfield Green (Arborfield Garrison)	Five Year Housing Land Supply Statement and appendix on Strategic Development Locations at 31st March 2018 published 9th October 2018 http://www.wokingham.gov.uk/planning-policy/planning-policy-information/evidence-topics/
Ledsham Garden Village	Various Housing Land Monitor Reports https://consult.cheshirewestandchester.gov.uk/portal/cwc_ldf/mon/
Great Kneighton (Clay Farm)	Partly provided by Cambridgeshire County Council and included in numerous AMR's https://www.cambridge.gov.uk/annual-monitoring-reports
Trumpington Meadows	Included in numerous AMR's for Cambridge and South Cambridgeshire (site crosses boundaries) https://www.cambridge.gov.uk/annual-monitoring-reports and https://www.scambs.gov.uk/planning/local-plan-and-neighbourhood-planning/annual-monitoring-report/
Graven Hill	Various Annual monitoring reports https://www.cherwell.gov.uk/info/33/planning-policy/370/monitoring-reports
South West Bicester (Kingsmere Phase I)	Various Annual monitoring reports https://www.cherwell.gov.uk/info/33/planning-policy/370/monitoring-reports
Great Western Park	Housing Land Supply Statement April 2018 http://www.southoxon.gov.uk/sites/default/files/30.04.2018%20Housing%20Land%20Supply%20Statement%20FINAL%20(2)%20combined.pdf
Ebbsfleet:	First phase at Springhead Park and Northfleet South from Gravesham AMR's 2009/10 to 2012/13
2009-10:	127 completions https://www.gravesham.gov.uk/_data/assets/pdf_file/0010/69823/AMR2010.pdf
2010-11:	79 completions https://www.gravesham.gov.uk/_data/assets/pdf_file/0010/69814/AMR2011.pdf
2011-12:	55 completions https://www.gravesham.gov.uk/_data/assets/pdf_file/0009/92448/Gravesham-Authority-Monitoring-Report-2011-12-May-2013.pdf
2012-13:	50 completions https://www.gravesham.gov.uk/_data/assets/pdf_file/0010/92449/Gravesham-Authority-Monitoring-Report-2012-13-interim-May-2013.pdf
2013/14:	87 dwellings, based on total completions from Gravesham to 2012/13 of 311 and total completions to the start of 2014/15 in the Ebbsfleet Garden City Latest Starts and Completion Figures totalling 398.
2014/15 to 2017/18:	Ebbsfleet Garden City Latest Starts and Completion Figures: https://ebbsfleetdc.org.uk/tracking-our-performance/

Appendix 3:

Small sites tables

Site Name	Local Planning Authority	Size	Site Name	Local Planning Authority	Size	Site Name	Local Planning Authority	Size
Cookridge Hospital	Leeds	495	GCHQ Oakley - Phase I	Cheltenham	262	Auction Mart	South Lakeland	94
Stenson Fields	South Derbyshire	487	Hewlett Packard (Land Adjacent To Romney House)	Bristol, City of	242	Parcel 4 Gloucester Business Park	Tewkesbury	94
Horfield Estate Phase I	Bristol City Council	485	I28-134 Bridge Road And Nos 1 - 4 Oldfield Road	Windsor and Maidenhead	242	York Road	Hambleton	93
Farnborough Business Park	Rushmoor	476	Hoval Ltd North Gate	Newark and Sherwood	196	Land At Green Road - Reading College	Reading	93
Bickershaw Colliery	Wigan	471	Notcutts Nursery, I50 - I52 London Road	Cherwell	182	Caistor Road	West Lindsey	89
Farington Park, east of Wheelton Lane	South Ribble	468	Sellars Farm	Stroud	176	The Kylins	Northumberland	88
Bleach Green	Gateshead	456	Land South of Inervet Campus Off Brickhill Street, Walton, Milton Keynes	Milton Keynes	176	North East Area Professional Centre, Furnace Drive	Crawley	76
Kingsmead South	Milton Keynes Council	450	Queen Mary School	Fylde	169	Land at Willoughbys Bank	Northumberland	76
New Central	Woking Borough Council	445	London Road/ Adj. St Francis Close	East Hertfordshire	149	Watermead, Land At Kennel Lane	Tewkesbury	72
Land at former Battle Hospital	Reading Borough Council	434	Land off Gallamore Lane	West Lindsey	149	Land to the North of Walk Mill Drive	Wychavon	71
New World House	Warrington	426	Doxey Road	Stafford	145	Hawthorn Croft (Off Hawthorn Avenue Old Slaughterhouse Site)	West Lindsey	69
Radyr Sidings	Cardiff	421	Former York Trailers (two schemes - one Barratt, one DWH)	Hambleton	145	Land off Crown Lane	Wychavon	68
Luneside West	Lancaster	403	Bracken Park, Land At Corringham Road	West Lindsey	141	Former Wensleydale School	Northumberland	68
Woolley Edge Park	Wakefield	375	Land at Farnham Hospital	Waverley	134	Land at Lintham Drive	South Gloucestershire	68
Former Masons Cerement Works and Adjoining Ministry of Defence Land	Mid Suffolk	365	North of Douglas Road	South Gloucestershire	131	Springfield Road	South Kesteven	67
Former NCB Workshops (Portland Park)	Northumberland	357	Land to the east of Efflinch Lane	East Staffordshire	130	Land off Cirencester Rd	Stroud	66
Chatham Street Car Park Complex	Reading	307	Land to the rear of Mount Pleasant	Cheshire West and Chester	127	Land south of Pinchington Lane	West Berkshire	64
Kennet Island Phase I - H, M, T, UI, U2	Reading	303	Primrose Mill Site	Ribble Valley	126	Land at Prudhoe Hospital	Northumberland	60
Land at Dorian Road	Bristol, City of	300	Kennet Island Phase IB - E, F, O & Q	Reading	125	Oxfordshire County Council Highways Depot	Cherwell	60
Land at Fire Service College, London Road	Cotswold	299	Land between Godsey Lane and Towngate East	South Kesteven	120	Clewborough House School	Cherwell	60
Land at Badsey Road	Wychavon	298	Bibby Scientific Ltd	Stafford	120	Land at the Beacon, Tilford Road	Waverley	59
Land at Brookwood Farm	Woking	297	Land west of Birchwood Road	Bristol, City of	119	Land to Rear Of 28 - 34 Bedale Road	Hambleton	59
Long Marston Storage Depot Phase I	Stratford-on-Avon	284	Former Bewbush Leisure Centre Site	Crawley	112	Hanwell Fields Development	Cherwell	59
M & G Sports Ground, Golden Yolk and Middle Farm	Tewkesbury	273	Land south of Station Road	East Hertfordshire	111	Fenton Grange	Northumberland	54
Land at Canons Marsh	Bristol, City of	272	Poppy Meadow	Stratford-on-Avon	106	Former Downend Lower School	South Gloucestershire	52
Land off Henthorn Road	Ribble Valley	270	Weeton Road/Fleetwood Road	Fylde	106	Holme Farm, Carleton Road	Wakefield	50
Land Between A419 And A417	Cotswold	270	Former York Trailers (two schemes - one Barratt, one DWH)	Hambleton	96	Land off Elizabeth Close	West Lindsey	50
Hortham Hospital	South Gloucestershire	270	North East Sandylands	South Lakeland	94			

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What makes us different? We're not just independent but independent-minded. We're always prepared to take a view. But we always do that for the right reasons – we want to help our clients make the best possible decisions.

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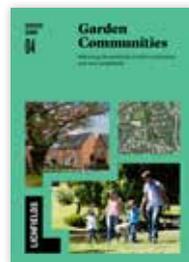
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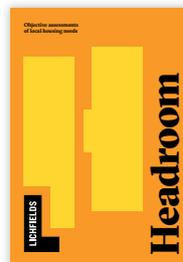
How does your garden grow?

A stock take on planning for the Government's Garden Communities programme



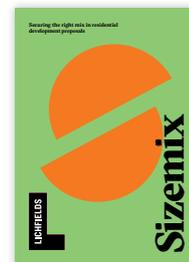
Garden Communities

Unlocking the potential of new settlements and urban extensions



Headroom

Objective assessments of local housing needs



Sizemix

Securing the right mix in residential development proposals

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