

Medway Local Plan Examination

Matter 3 Hearing Statement on behalf of Richborough

Issue - Whether the housing growth identified in the Plan is justified and deliverable.

3.6 Does the Plan clearly set out the expected, 'planned-for' sources of housing supply to meet the identified housing requirement?

3.8 How does the Plan demonstrate that the housing trajectory is deliverable across the Plan period, including on strategic sites?

- 1.1 Richborough does not consider the housing land supply, as stated at paragraph 1.3.6, to meet the tests of soundness as there is an insufficient housing land supply to meet the minimum requirement and the Local Plan would not be effective, justified or positively prepared.
- 1.2 Paragraph 1.3.6 establishes the Local Plan housing land supply as 24,540. This figure comprises 1,762 pipeline sites (with planning consent, not completed or allocated), 21,194 Local Plan allocations and 1,584 Windfall sites.
- 1.3 The Local Plan supply figure within the document therefore incorporates no buffer and plans only for the minimum possible housing requirement, as established by the Standard Method figure.
- 1.4 However, it is notable that Table 7 of the Land Availability Assessment refers to a buffer of 203 dwellings (see extract below).

Table 7: Components of Housing Supply

Component of housing supply	Dwellings
<i>Total need (15 years x 1,636 p/a)</i>	24,540
Windfall	1,584
Large sites under construction as at March 2024 to be delivered during plan period	1,524
Large sites permitted, but not allocated	128
Small sites permitted (130 less 15% lapse rate)	110
<i>Required yield of allocated sites</i>	21,194
<i>Yield of allocated sites to be delivered during plan period</i>	21,397
<i>Buffer/Surplus</i>	203

- 1.5 The Housing Delivery Topic Paper (Examination Ref Doc: B22.5) dated December 2025 updates the position based on the addition of a sixteenth year to the requirement, as well as updated figures in regard to supply. The extract below updates the position in regard to the buffer, which it is claimed stands at 150 dwellings.

Table 2: Components of Housing Supply

Component of housing supply	Dwellings
<i>Housing requirement</i>	26,176
Windfall	1,703
Large sites under construction as at March 2025 to be delivered during plan period	2,489
Large sites permitted, but not allocated	238
Small sites permitted (229 less 17% lapse rate)	190
<i>Required yield of allocated sites</i>	21,556
<i>Yield of allocated sites to be delivered during plan period</i>	21,706
<i>Surplus</i>	150

- 1.6 Richborough is of the view that the buffer is insufficient, and the Local Plan cannot be found sound as it is not positively prepared. For the avoidance of doubt, a figure of 150 dwellings equates to a buffer of around 0.5% over the plan period to 2041.
- 1.7 The claimed Local Plan supply should be seen in the context that Medway Council has persistently failed to maintain an up to date Local Plan and has also failed the HDT in every year since its inception. The existing Local Plan was adopted in 2003, which pre-dates the first iteration of the NPPF and therefore the Council have failed to allocate any land for housing over the past 23 years. Between 2016-2018 Medway undertook three Regulation 18 consultations prior to abandoning that version of the Plan. There have subsequently been a further two Regulation 18 consultations as part of this current plan-making process. Medway Council now propose a Local Plan that does not seek to increase the housing requirement in line with any economic projections, nor does it incorporate any supply buffer and proposes the reallocation of land that has been 'available' since 2003.
- 1.8 Table 3 of the Housing Delivery Topic Paper identifies the annual distribution of housing supply and claims that 8,352 dwellings will be completed in the first five years of the plan period. This equates to an average of around 1,700 dwellings in each year, and it is estimated that nearly 2,000 will be delivered in 2027/28, which will be the first year post adoption. The most recent Annual Monitoring Report confirms that up to March 2025, just 634 dwellings had been delivered in the previous year and only 5,068 dwellings had been delivered over the previous five years, which equates to an average of 1,113 dwellings per annum. There is limited evidence to justify such a significant and sustained increase in supply from the beginning of the plan period.
- 1.9 Appendix G of the LAA includes a site-specific annual housing trajectory. Richborough queries the suitability of a range of sites based on the available evidence. There is a total of seven sites in the LAA trajectory that have an expired residential planning permission (sites: W4, SW7, SNF30, SNF15, GS26, CCB39 and CCB30). These sites contribute a total of 429 dwellings to the supply. Richborough has questions regarding the availability and suitability of these sites as there is no explanation as to why the permission expired (e.g. potential viability reasons), or, what change in circumstance has taken place for the Council to now consider them developable.
- 1.10 Similarly, there are five sites within the trajectory where planning permission has been refused (sites: SR48, SR5, RN9, GN8 and AS2). Site Reference RN9 (Policy SA10 - Lower Rainham) is a draft allocation for 750 dwellings, despite being the subject of a dismissed called-in appeal, determined by the SoS¹. These sites contribute a total of 899 dwellings to the supply and there is no explanation

¹ Appeal Reference APP/A2280/W/20/3259868

provided as to why the sites are now considered developable and the Council's reasons for refusal can be overcome.

- 1.11 Our Regulation 19 representations also highlighted the significant difficulties experienced in delivering historic allocations within the Chatham Centre and Waterfront area, which has been the subject of a Development Brief since 2008. In the event Medway Council proceed to adoption of the Local Plan with these retained allocations, there is a strong likelihood that this element of the Council's housing supply will not be delivered either within the estimated timescales, or worse, fail to be delivered due to poor market interest in this location. Many of these sites also currently appear to be in alternative uses with no certainty they will come forward at all. There does not appear to have been any consideration of implications for current uses and whether the land is available for development.
- 1.12 The shortfalls in housing delivery is a consequence of not having an up to date Local Plan and the supply of housing land has not been flexible enough to ensure that land is brought forward at sufficient pace. Consequently, this failure to deliver a sufficient number of homes has led to issues in respect of affordability of housing and Richborough considers there to be a need for additional flexibility to be built into the emerging land supply.
- 1.13 Furthermore, given the level of infrastructure which is required to deliver the proposed allocations, combined with the poor track record of the supply trajectory, Richborough is of the view that the supply resilience buffer should be 20% (resulting in the need to identify land for an additional 5,235 homes). This is in addition to a non-implementation discount which should be considered for sites in the urban area and those on the Hoo Peninsula, which are potentially constrained by viability given the need for significant levels of infrastructure.
- 1.14 Richborough is of the view that Medway Council should also designate reserve sites, as well as additional allocations, to ensure land for housing could be released if monitoring continued to show under delivery. This would enable the issue to be addressed promptly, without the need for a full or partial review of the Plan.
- 1.15 Richborough is of the view that a new Policy should be drafted which establishes that if monitoring shows that the Plan is not delivering housing as required, then Medway Council will grant permission for additional housing; release reserve sites; and undertake other actions to help bring schemes forward, in that order. The Policy wording should also set strict deadlines for publication of monitoring information each year and failure to do so would trigger the contingencies. The end of the calendar year is a reasonable time frame for monitoring data to be collected and published and should be identified as the deadline within the Policy. It is important for any under-delivery of housing to be addressed as soon as possible.
- 1.16 Windfall sites make up 6.5% of the Council's supply (based on the figures within the Local Plan) and has been calculated using the 10-year average completions on small sites; large site completions from conversions; and large site completions from prior notifications. Within Table 3 of the Housing Delivery Topic Paper, the windfall allowance of 131 dpa has been applied from year three (2028/29) and results in a plan period windfall allowance of 1,703 dwellings.
- 1.17 Richborough consider there to be a degree of double counting with commitments, as it is usually the case that where a windfall allowance is included (where there is compelling evidence that it will provide a reliable source of supply²), this is done so from year four. Furthermore, the calculation of

² Paragraph 75, NPPF

windfall sites fails to acknowledge that Medway hasn't had an up to date Local Plan for over twenty years (without a five year supply for much of that time), which has inflated the delivery of windfall sites. With an adopted Local Plan in place, this source may not be reliable.

- 1.18 There is also a significant outlier within the completions data for the past 10 year period in respect of large site completions from prior notifications (Table 3 of the Land Availability Assessment). The 2023/24 year included completions of 308 dwellings, whilst the previous nine years averaged only 17 dwellings. The second highest completions figure for prior notifications is 60.
- 1.19 Richborough consider it necessary for the windfall allowance to be reduced significantly, but at the very least to 103 dpa to reflect the removal of the anomalous completions figure within the 2023/24 monitoring year.
- 1.20 Richborough also object to the inclusion of the windfall allowance from 2028/2029 due to potential double counting with the committed supply and the lack of compelling evidence that it will provide a reliable source of supply. This should be pushed back to 2029/30, at the earliest, as proposed in the LAA. Medway Council therefore need to allocate land for at least an additional 467 dwellings (calculation: $1,236 - (103 \times 12)$) to account for the reduction in the windfall allowance, notwithstanding the other comments made in regard to the soundness of the supply within this Statement.

Contact

Mike O'Brien
mike@pinnacleplanning.co.uk