

HEARING STATEMENT

MATTER 8: THE SUPPLY AND DELIVERY OF HOUSING LAND

**ON BEHALF OF NICKOLLS PROPERTIES LTD AND CAMLAND HYTHE
LTD**

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

Prepared by: Matthew Good

Reviewed by: Kate Holden



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Registered Office: Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire, GL7 1RT

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1.0 Introduction

- 1.1 This hearing statement is provided on behalf of Nickolls Properties Ltd and Camland Hythe Ltd. It is made in respect of 'Matter 8: The Supply and Delivery of Housing Land'. Responses are made solely to questions which are directly relevant to our client's site and previous submissions made on their behalf.
- 1.2 Our client wishes to ensure that the Folkestone and Hythe District Council Core Strategy Review (CSR) is prepared in a robust manner that passes the tests of soundness contained in paragraph 182 of the NPPF, namely that the plan is:
- Positively Prepared;
 - Justified;
 - Effective; and
 - Consistent with national policy.
- 1.3 The CSR also needs to be legally compliant and adhere to the Duty to Cooperate.
- 1.4 Camland Hythe Ltd is a significant landowner in Hythe and is responsible for the development of the major development site at Nickolls Quarry (also known as Martello Lakes) for a mixed use development of up to 1,050 dwellings and commercial uses including significant new B1 space.
- 1.5 To date, detailed planning consent has been granted for 400no. dwellings, these are currently under construction by Barratt Homes. The timeframe to submit Reserved Matters applications expired in May 2020. However, following the Government announcement on 22nd June 2020 setting out measures to assist the development industry in light of COVID-19, this is now likely to be extended until 1st April 2021. At the time of writing, the Business and Planning Bill 2019-2021 is being heard in the House of Commons with a view to rapid enactment.
- 1.6 Prior to the announcement by Government our client submitted a further outline permission for the remaining elements of the site (including up to 650no. dwellings and commercial uses) without detailed consent (ref: Y19/1492/FH). At the time of writing the decision remains pending. Our client

remains committed to delivering this site in full.

- 1.7 The Inspectors have identified that the main issue to be addressed in this matter is whether the approach towards the supply and delivery of housing land is positively prepared, justified, effective and consistent with national policy.
- 1.8 Our client supports many of the policies within the CSR and believes that with amendments the plan should be found sound. We welcome the opportunity to comment on the Inspector's Matters, Issues and Questions and provide the following responses to selected questions in so far as they relate to our previous representations.

2.0 Inspectors Questions

2.1 The following provides our client's response to specific questions identified by the Inspectors. The omission of a response to a specific question should not be construed as our client having nothing further to add. Our client reserves the right to respond not only to the questions identified in this hearing statement but others as deemed necessary during the hearing session(s).

2.2 The questions are taken in order of publication within the Matters, Issues and Questions document (ref: FHDC EX010).

Question 1) What is the estimated total supply of new housing in the plan period 2019/20-2036/37?

2.3 Appendix 1 to the Council's 'Response to the Inspectors' Letter' (ref: FHDC EX004) identifies the total supply over the plan period to be 13,476 dwellings. An extract is included below.

2.4 It is impossible to comment accurately on the robustness of the Council's trajectory as the detailed breakdown of delivery by site is not provided, and we would urge the Council to present this evidence in advance of the hearings to help justify its position.

Figure 1: Extract from FHDC EX004

Core Strategy Review housing trajectory – year-by-year figures

YEAR	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35	35/36	36/37	TOTAL
Windfall allowance	0	0	0	95	95	95	95	95	95	95	95	95	95	95	95	95	95	95	1425
Planning Permission and Sites Under Construction (31 March 2019)	595	554	573	394	343	281	234	288	259	131	168	76	76	76	76	76	76	38	4,314
Core Strategy (without planning permission)	0	0	19	33	33	52	50	50	50	18	0	0	0	0	0	0	0	0	305
Places and Policies Local Plan (without planning permission)	0	41	115	221	221	378	366	141	24	0	0	0	0	0	0	0	0	0	1,507
New Garden Settlement	0	0	0	325	325	325	400	400	400	400	400	400	400	400	400	450	450	450	5,925
Total	595	595	707	1068	1017	1131	1145	974	828	644	663	571	571	571	571	621	621	583	13,476

Question 2) What is the estimated supply from each source for the plan period? What is the evidence to support this and are the estimates justified?

- 2.5 The extract at figure 1 highlights the contribution from the various sources of supply. It is, however, unclear from the trajectory and supporting information which sites make up the various sources of supply and the likely rate of development from these sites. The Council should publish its full evidence base identifying which sites are being relied upon and at what rate for each year of the supply. This would enable a full assessment as to whether the Plan would be 'Effective' and is therefore 'Sound'.
- 2.6 It is notable that the Council's '*Core Strategy Review: Revised Housing Need and Supply*' evidence paper (ref: EB 03.10) identifies that Nickolls Quarry will deliver 364 dwellings in the five-year period from 1st April 2019¹. It can therefore be reasonably assumed that whilst not directly allocated through a site specific policy, the remaining dwellings at Nickolls Quarry have been included in the Council's calculations for delivery from extant planning permissions and the site remains a key element of the Council's strategy.
- 2.7 Our client is supportive of the inclusion of Nickolls Quarry. However, at this stage the site is not directly allocated through a site-specific policy. Given the strategic nature of this site and its importance to the Hythe Strategy² we consider that it should be identified as an allocation.
- 2.8 We can confirm that the site will be delivered in full during the plan period. The trajectory is identified in figure 2 below.
- 2.9 It should be noted that this trajectory excludes Phase 1 (192 homes, which have been and are being built out), but includes the remaining parcels with reserved matters consent (208 homes) plus those which are the subject of outline consent (650 homes) – hence totalling 858 units.
- 2.10 The proposed trajectory, whilst dependent upon the timely approval of the current outline application (ref: Y19/1492/FH), is realistic and identifies full

¹ Table 3, EB 03.10

² See our Matter 5 statement.

delivery by 2028.

Figure 2: Site trajectory Nickolls Quarry

Year	2021	2022	2023	2024	2025	2026	2027	2028	Total
Dwellings	60	92	132	129	111	168	138	28	858

2.11 Notwithstanding the likely extension of the extant planning permission until April 2021, at the time of writing the current outline application is well progressed towards determination following ongoing liaison with the local planning authority in line with a Planning Performance Agreement.

2.12 Once outline planning permission is granted, typically development on such sites will be delayed due to the following:

- Site preparation and infrastructure requirements;
- Discharge of planning conditions; and
- Approval of reserved matters application.

2.13 However, because the site benefits from an extant permission, these matters are already being addressed.

2.14 First, in terms of site preparation, the remediation strategy for the site has been approved through the discharge of the site-wide condition on the extant permission; the phased decontamination/remediation of the site is now underway and land raising for the next phase of development is well advanced. Moreover, the design of the roundabout has been approved by discharge of the relevant condition, and the developer is well progressed in the s278 process.

The developer has also negotiated an odour mitigation strategy with southern water for the waste water treatment works and corresponding condition 9 is under consideration by FHDC.

2.15 Second, in addition, a number of the other pre-commencement conditions which have been discharged in relation to the extant permission also apply to the current application. For example, the detailed flood risk and drainage strategy for the 650no. homes was already developed and agreed for the whole site as part of the extant permission.

2.16 Finally, the reserved matters for Phase 3 – which will be the first phase of the new outline consent – has been validated and is currently being assessed by FHDC.