Plymouth and South West Devon Joint Local Plan Examination

Response to Inspectors’ Matters Issues and Questions for the Examination Hearings

JLP Councils

Matter 3 Housing

JLP Councils : 8 January 2018
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Evidence Base

Documents referred to in answers to Issue 3.1:

- Strategic Housing Market Assessment Part 1: The Housing Market Area and Updating the Objectively Assessed Need (HO13)
- Strategic Housing Market Assessment Part 2: Objectively Assessed Need for Affordable Housing (HO13A)
- Gypsy, Traveller and Travelling Showpeople Accommodation Assessment: Final Report (HO14)
- Establishing The Objectively Assessed Need (HO17)
- Assessment of Employment Forecasts (EC8)
- Duty to Cooperate Statement (SUB12)
- Housing Topic Paper (TP3)
- Revised Housing Topic Paper (TP3(REV))
- Employment Topic Paper (TP4)

Documents referred to in answers to Issue 3.2:

- Strategy Topic Paper (TP5)
- Strategic Housing Market Assessment Part 1: The Housing Market Area and Updating the Objectively Assessed Need (HO13)
- Revised Housing Topic Paper (TP3(REV))
- Appendix IV: Plymouth and South West Devon Local Plan Integrated Assessment: Assessment of Reasonable Alternatives for Growth (SUB9B)
- Employment Topic Paper (TP4)
- Plymouth and South West Devon Joint Local Plan: Assessment of Employment Forecasts (EC8)
- Housing Distribution Topic Paper (TP1)
- Vision for Plymouth (O1)
- Appendix V: Plymouth and South West Devon Local Plan Integrated Assessment: Assessment of Reasonable for the Distribution Strategy SUB9E
- Plymouth and South West Devon Joint Local Plan Habitat Regulation Assessment: Submission HRA (SUB10)
- Landscape Impact Assessment of Potential Housing and Employment Sites Across The Thriving Towns and Villages (EN32)
- A Landscape Character Assessment for South Hams and West Devon (EN33)
- Plymouth and South West Devon Joint Local Plan: Baseline Transport Conditions Report (T18)
- Plymouth and South West Devon Joint Local Plan Viability Study (O5)
• Plymouth and South West Devon Infrastructure Needs Assessment: Main Report (O9)
• Plymouth Strategic Housing Land Availability Assessment Main Report (HO2)
• Strategic Housing Land Availability Assessment Final Report (HO4)

Documents referred to in answers to Issue 3.3

• Plymouth Strategic Housing Land Availability Assessment Main Report (HO2)
• Plymouth Strategic Housing Land Availability Assessment Appendix 1 (Plymouth SHLAA Viability Report) (HO2A)
• Plymouth Strategic Housing Land Availability Assessment Appendix 2 (sites with planning consent for housing as at 1 April 2016)(HO2B)
• Plymouth Strategic Housing Land Availability Assessment Appendix 3 (Plymouth lapse rate methodology) (HO2C)
• Plymouth Strategic Housing Land Availability Assessment Appendix 4 (correspondence with landowners/developers, availability/delivery rates and lead in times) (HO2D)
• Plymouth Strategic Housing Land Availability Assessment Appendix 5 (sites rejected at stage 1) (HO2E)
• Plymouth Strategic Housing Land Availability Assessment Appendix 6 (findings per Plymouth Plan area) (HO2F)
• Plymouth Strategic Housing Land Availability Assessment Appendix 7 (methodology, development lead in times) (HO2G)
• Plymouth Strategic Housing Land Availability Assessment, appendix 8 (methodology, delivery rates) (HO2H)
• Plymouth Strategic Housing Land Availability Assessment, appendix 9 (Plymouth student accommodation, methodology, student accommodation release) (HO2I)
• South Hams and West Devon Strategic Housing Land Availability Assessment Viability Report (HO3)
• Strategic Housing Land Availability Assessment Final Report (HO4)
• Site Information Packs (South Hams) A-D (HO4A)
• Site Information Packs (South Hams) E-L (including Sherford, Moreleigh and Ugborough) (HO4B)
• Site Information Packs (South Hams) M-R (HO4C)
• Site Information Packs (South Hams) S-T (HO4D)
• Site Information Packs (South Hams) U-Z (HO4E)
• Site Information Packs (West Devon) A-L (including Thrushelton) (HO4F)
• Site Information Packs (West Devon) M-Z (HO4G)
• Site Information Pack (Plymouth Urban Fringe) (HO4H)
• Plymouth Student Accommodation (HO16)
• Plymouth and South West Devon Joint Local Plan Viability Study (O5)
• Appendix VI: Plymouth and South West Devon Local Plan Integrated Assessment: Site Selection Methodology (SUB9F)
• Preliminary letter from the Planning Inspectors to the Councils (EXC2)
• JLP Authorities Response to EXC2 (EXC3)
• Reformatted Housing Trajectories (amalgamated pdf of three trajectories) (EXC3C)
• Summary of allocated and rejected sites (EXC3D)
• Joint Local Plan, Plymouth Policy Area and Thriving Towns and Villages Housing Trajectories updated to the March 2017 monitoring point (EXC9)
• Housing Topic Paper (Provision and Supply) (TP3)
• Joint Local Plan Area Housing Trajectory (TP3A)
• Joint Local Plan Area Housing Trajectory (TP3i)
• Plymouth Policy Area Housing Trajectory (TP3B)
• Plymouth Policy Area Housing Trajectory (TP3Bi)
• Thriving Towns and Villages Policy Area Housing Trajectory (TP3C)
• Thriving Towns and Villages Policy Area Housing Trajectory (TP3Ci)
• Joint Local Plan Area Housing Trajectory updated to the March 2017 monitoring point (TP3E)
• Plymouth Policy Area Housing Trajectory updated to the March 2017 monitoring point (referenced in paragraph 1.9 of EXC3) (TP3F)
• Thriving Towns and Villages Policy Area Housing Trajectory updated to the March 2017 monitoring point (referenced in paragraph 1.9 of EXC3) (TP3G)
• Plymouth Policy Area Housing Trajectory Agreement (referenced in paragraph 1.9 of EXC3) (TP3H)
• Thriving Towns and Villages Housing Trajectory Agreement (referenced in paragraph 1.9 of EXC3) (TP3I)
Matter 3 Housing

Main issues – Are the objectively assessed housing needs soundly based, supported by credible evidence and consistent with national policy? Are the housing requirements realistic, deliverable and justified by evidence? Does the JLP set out a positively prepared strategy for the delivery of housing within the plan area that is justified, effective and consistent with national policy?

Issue 3.1: Establishing the objectively assessed need (OAN) for housing

Question 3.1(i)
Has the Housing Market Area (HMA) adopted for the assessment of housing need been defined in accordance with the advice in Planning Practice Guidance (PPG)?

3.1 Yes. The approach used in the SHMA Part 1 (HO13) and set out at chapter 1 has followed the advice set out in paragraph 159 of the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) is clear at paragraph 2a-007 that “Local planning authorities should assess their development needs working with the other local authorities in the relevant housing market area.”

3.2 The first stage of any OAN assessment is correctly defining the housing market area. The NPPF and PPG advise that, where housing market areas (HMAs) extend beyond administrative boundaries, housing needs assessments should cover these wider areas rather than individual local authorities. The first step was to therefore test whether Plymouth, South Hams and West Devon formed a robust housing market area. The reality is that the extent of the housing market areas identified will vary, and many will in practice cut across various local planning authority administrative boundaries. These relationships are recognised within the SHMA at paragraphs 2.1.3, 2.6.4 and 2.9.1-2.9.7 and are considered in the Housing Topic Paper (TP3) at paragraph 3.8 and also in the Duty to Cooperate statement (SUB12).

3.3 As required by the PPG paragraph 2a-009 careful consideration has been given to a range of information and how the data relates to each other. The definition of the HMA within the SHMA Part 1 (HO13) has been prepared in accordance with
the advice in the PPG (2a-011) and supplemented by the PAS Advice Note, this was tested against three kinds of evidence:

- Migration – see paragraphs 2.4.1 –2.4.7 and for commuting 2.5.1 - 2.5.10 of the SHMA Part 1 (HO13);
- House prices and rates of change in house prices – see paragraphs 2.7.1 – 2.7.4 and associated figures 10 and 11 of SHMA Part 1 (HO13);
- Contextual data – see paragraphs 2.8.1-2.8.2 of the SHMA Part 1 (HO13).

3.4 In summary the analysis of these factors as set out in the SHMA Part 1 (HO13) demonstrates that the housing market area, which includes the combined areas of Plymouth, South Hams and West Devon, almost meets the 70% containment threshold for migration and exceeds the 75% threshold for commuting and as such is far more self-contained as a whole than individually. Consequently, the evidence supports the decision that this is a pragmatic housing market area, however, it appropriately recognises that there are overlapping important cross boundary functional relationships which will need to be monitored and addressed going forward.

**Question 3.1(ii)**

*Is the requirement for 26,700 dwellings in Policy SPT3 (taking into account the provision in Dartmoor National Park (DNP) of 600 dwellings) based on an objective assessment of need using up to date, reliable evidence including the latest CLG household projections?*

3.5 Yes. The plan requirement is based directly upon an up to date objective assessment of population and household growth which is set out in the SHMA Part 1 (HO13) section 3 pages 22- 27 and detailed in the Devon County Council Local Modelling Report included at Appendix A of that report. In accordance with the PPG paragraph 2a-005 the assessment undertaken is thorough but proportionate and uses the most up to date evidence from existing information sources and has been informed by the latest available information in accordance with the guidance.

3.6 The approach follows the methodology set out in the PPG, uses most up to date data, reliable evidence and latest projections and is considered transparent and robust which is set out in
paragraph 3.4 of the housing Topic Paper (TP3). In summary, the SHMA Part 1 (HO13) uses the latest household projections as the demographic starting point (PPG 2a-015), then undertakes a sensitivity test and uses robust evidence to make an adjustment using a longer term 10-year migration trend and local projections produced by Devon County Council (PPG 2a-017). It considers the likely change in job numbers based on a robust and up to date economic forecast (PPG 2a-108) and takes account of the full range of appropriate market signals and suggests a positive, justified and reasonable uplift (PPG 2a-019/20). The consequence of this robust approach is a housing requirement for the HMA which is considerably higher than the official household projections.

3.7 It should be noted that the only data which has been updated since the publications of the SHMA Part 1 is the 2016 Mid-Year Estimates which are examined in the revised Housing Topic paper (TP3(REV) Appendix 1.2).

**Question 3.1(iii)**
Representations by a number of housebuilders refer to a study in 2016 which found a requirement for 30,300 dwellings across the 3 local authority areas. What is the basis for the reduction in the requirement to 26,700? Does the reduction result from the use of the 2014-based sub-national household projections?

3.8 The change in figures from 30,300 to 26,700 is a consequence of updating the Devon County Council local projections model using all the up to date inputs, as required to do by both the NPPF and PPG.

3.9 The first draft of the OAN note (HO17 Joint Local Plan – Plymouth, South Hams, West Devon: Establishing the Objectively Assessed Need) was undertaken in June 2016 by PBA and used up to date information available at that time which consisted of:

- the 2012 based household projections and household representative rates
- the 2014 based sub national population projections;
- and a 2014 Mid-Year Estimate.

3.10 As the SHMA was finalised it was updated to use the most up to date information in accordance with advice in the NPPF and PPG. Consequently, the latest and final SHMA Part 1 2017 version (HO13) was updated to take account of new information sources.
including:

- the 2014 based sub national household projections and household representative rates
- the 2015 Mid-Year Estimate

3.11 Both these updated data sources were incorporated into the Devon County Council local projections model to ensure that it includes the most up to date information and actual population data. As a consequence of using the most up to date evidence there is a reduction in the demographic projections. This reduction is largely due to the use of the 2015 Mid Year Estimate (MYE) which projects from a lower base; the actual population is 1,000 less people across the HMA compared with the projection. This is then compounded in the projections going forward due to the use of an extra year’s data in terms of migration flows, as well as fertility and mortality data inputs. It should be noted from the Revised Housing Topic Paper (TP3(REV)) that the 2016 MYE demonstrates that the actual population in 2016 is 877 less that projected. It should also be noted that the Devon County Council local projections model updated the projection period from 2005 to 2015 to ensure it is based on the most up-to-date evidence.

**Question 3.1(iv)**

The PPG indicates that household projections do not reflect the consequences of past delivery of housing. Is there evidence of past under delivery of housing within the defined HMA to indicate that household formation rates may have been constrained by supply?

3.12 The SHMA Part 1 (HO13) considers the past delivery rates and the issue of constrained housing supply and the impact on household formation rates in two ways.

3.13 At section 3.5.1 the SHMA Part 1 uses the household representative rates from the 2014-based CLG projection. This is in line with advice in the NPPF and PPG that the evidence base should use the most recent available information. Household representative rates (otherwise known as household formation rates or headship rates) are the proportion of people in each age-sex group who are household representative persons (heads of household). They are the factor that translates population into houses: the greater the housing formation rates, the more households there will be for a given population, and hence the more homes will be needed. Formation rates are affected by
many factors. The CLG household projections include a prediction of how these rates will change in the future if past trends continue.

3.14 The household representative rates within the most recent 2014 household projections are up to date and reliable. This is set out in the Housing Topic paper (TP3) paragraph 3.44-3.48 which explains that the 2014 rates are the most accurate and up to date rates available and are clearly advocated for use by the NPPF. This issue has been addressed by academics, who recommend that the household formation rates should be used as published. In particular studies by Prof Ludi Simpson and by Neil MacDonald and Prof Christine Whitehead provide in depth analysis of the CLG household projections. An extract of “New Estimates of Housing Requirements in England, 2012 to 2037”, Neil McDonald and Christine Whitehead, TCPA Tomorrow Series Paper 17, November 2015 is attached at Appendix A. It is recognised that this paper is based on the 2012 based projections and that the context has moved on, however, the conclusions are still relevant and pertinent.

3.15 This issue has been considered in more recent appeals such as Kestral Close Newport (APP/C3240/W/16/3144445) (see Appendix B) where at para 54 the Inspector says “In my opinion, whilst the official projections might be considered to be cautious, they are up-to-date and draw in the significant social changes which have occurred in the years up to 2008 and more-so thereafter (e.g. student fees, children staying longer with parents and part-time working), whereas the alternative of placing reliance on an earlier period would be highly questionable without firm justification”. Again it should be noted that the Inspector was considering a different context and did not have the 2014 based household projections but the conclusion is still applicable given the similarity between the sets of projections.

3.16 The latest projections provide the most recent indication of likely household formation over the plan period and as such using them is entirely in accordance with the PPG which recognises the importance of using the most recent projections because they are “statistically robust and are based on nationally consistent assumptions” (para 2a-017).

3.17 Further work has been undertaken to assess whether there is local evidence to suggest that HRRs in the housing market area
are abnormally low. Consideration of the 2014 Household representative rates (HRRS) for the Local Planning Authority areas and the England rate at 2014 demonstrates that for all age groups 15-74 Plymouth has rates above the national average, particularly in the age groups 15-54 whereas West Devon and South Hams are below this rate. Across the HMA as a whole the percentage difference below the national average is more than compensated for by the higher rate in Plymouth. Given the operation of the HMA this would appear to be a function of the age structure and the way the area works as a whole with young people moving to the City for further education and employment opportunities and the rural districts catering for an increasing aging population.

![2014 HRRS Chart](chart.png)

3.18 In terms of the 2014 based projections it is clear that up to 2034 all the rates are set to increase in line with the national projections, with rates above the national rate for age 75 and above in West Devon and slightly below the national rate for age 75 and above in South Hams and Plymouth. Consequently, there is nothing to suggest that the CLG 2014 based projections expects the formation rates across the Local Planning Authorities in the HMA to significantly worsen in future, either in absolute terms or relative to national trends.
3.19 Secondly, at section 5.2 the SHMA Part 1 considers housing market activity and rate of development in detail for each of the Local Planning Authorities. The issue considered as part of that assessment is whether past household representative rates have been suppressed by under supply and worsening affordability. It is considered that the appropriate response to suppression is the market signals uplift and that this adequately and simply addresses the issue. Any consequences arising from the failure to deliver housing has been considered and taken into account in the adjustments to the OAN to reflect market signals. The rationale for this approach is that any lack of delivery which results in a supply and demand imbalance and is reflected in increased unaffordability, are properly considered in the market signals uplift. It would therefore be inappropriate to make separate uplifts for both market signals and historic under-delivery as there are intrinsically linked. To do so would
effectively be double counting.

3.20 The approach taken, which is in line with the PPG, is not to attempt to quantify the exact figure for the uplift. Rather it is to use the market signals assessment to recognise the general need to properly reflect previous under supply. It is clear that market signals adjustments and adjustments to household formation rates overlap. The logic of market signals adjustments is the same: the growth of household numbers was suppressed in the past, and that suppression should be removed in the future, so there are more net new households in the future than past trends suggest.

3.21 This issue is properly considered as part of the full assessment of market signals as set out in the PPG. It is important to note that any past under delivery due to low household formation rates will be reflected in the delivery rates and the other market signals and as such should be considered in the round rather than in isolation. Therefore, by applying a high and robust adjustment for market signals, any possibly charge of supressed household representative rates is adequately addressed.

3.22 In conclusion it is considered that the 2014 rates that have been used in the SHMA Part 1 are robust and that they are certainly not so abnormally low that there is any need to revise the projections. An approach which attempts to adjust household representative rates for specific groups is unsound because such a target uplift and cannot be delivered. Planning has no control over who occupies homes; it cannot reserve homes for people in particular age groups. That is one of the reasons why market signals should be considered holistically and not just in relation to household representative rates.

**Question 3.1(v)**

*Does the uplift for market signals which is included within the calculation of the OAN (HO13 Table 17) ensure that provision is made for any previous under delivery of dwellings in addition to high house prices and rental levels?*

3.23 Yes. The SHMA Part 1 (HO13) considers the full range of market signals as set out in paragraph 17 of the NPPF and paragraph 2a-019 of the PPG. This includes rates of delivery which is considered in detail for each Local Planning Authority at section
5.2. In addition, in accordance with the policy guidance overcrowding, homelessness and temporary accommodation has also considered in the assessment of market signals.

3.24 The issue of under provision is a fundamental part of the market signals uplift, and has been discussed in Matter 3.1 Question iv (above) in relation to the consideration of whether past under-delivery has suppressed household representative rates.

3.25 It is acknowledged that there has been evidence of past under delivery, compared with past targets across the HMA as set out in paragraph 5.2.2 and 5.2.6 of the SHMA Part 1 (HO13). The evidence demonstrates that there is not a consistent picture across the HMA and the conclusions are reflected in the market uplifts. Across the HMA the issue is not necessarily one of under provision and suppression of rates because supply has been consistently high but rather is about realising completions. The Housing Topic Paper (TP3) demonstrates at Table 12a that there are currently 13,155 units permitted but not built across the HMA. Therefore, the fact that there has been a good supply, particularly in Plymouth of well over 3,000 per year since 2007 (figure 19 of SHMA Part 1 (HO13) coupled with completions which have failed to consistently reach 1,000 per year as shown in table A5-1 on page 93 of the Housing Topic Paper (TP3) point to the lack of completions being less about supply and more about undelivered permissions. This illustrates the weak market demand and complexities in the market and the various national recessionary factors which prevented this supply being delivered. It is anticipated that the steps currently being taken to bring forward sites as set out in the housing implementation strategy at paragraph 3.3.2 of the Plan and discussed in further detail in answer to question 3.3(vii) will assist in increasing the delivery rate in the future. It is important to note that the allocations in previous plans were a direct result of a deliberate growth strategy which was put forward in the Devon Structure Plan and Regional Spatial Strategy and as such were policy decisions, rather than as a direct result of the need arising. It is also notable that the previous plans prepared prior to the publication of the NPPF and PPG and therefore were not required to provide so much detail about deliverability and consequently delivery was not prioritised.

3.26 As the SHMA Part 1 illustrates the very high house building rates in West Devon have been included in the trend period, which
means that these have been projected forward into the projections and consequently it cannot be argued that a period of low housebuilding and suppressed demand has been rolled forward.

3.27 In South Hams it is acknowledged that there is evidence of a lack of delivery which provides local evidence of abnormally low historic completion rates which has an impact on demand and unaffordability.

3.28 As a result of this evidence there is a need for any uplift applied in South Hams to recognise this as an important element within the judgement about what level of uplift to apply. The need for an uplift to reflect under delivery in South Hams is explicitly recognised in Table 17, although it is not quantified, because there is no specific guidance on quantification for this indicator (unlike the house price ratio and private rental market which considers the LPEG recommendations relating to percentage uplifts).

3.29 There is no requirement in the NPPF or PPG about specific quantitative uplifts to be applied and neither is there any good practice, this is set out in para 5.9.3 of the SHMA Part 1 (HO13). Indeed, the PPG advises that the appropriate response is to set this adjustment at a level that is reasonable. Paragraph 2a-20 states:

‘...plan makers should not attempt to estimate the precise impact of an increase in housing supply. Rather they should increase planned supply by an amount that, on reasonable assumptions and consistent with principles of sustainable development, could be expected to improve affordability, and monitor the response of the market over the plan period.’

3.30 The SHMA Part 1 (HO13) recommends at Table 17 that a significant uplift of 25% is applied to the South Hams figures in recognition of the combination of indicators considered in the assessment of market signals, this includes high house prices and rental level as well as past under delivery of homes. The approach taken is to consider the indicators holistically and not to apply the uplifts cumulatively. Because the adjustments overlap it is important to avoid double counting as the potential adjustments for uplifted household formation rates and the different indicators within the market signals and also for future
jobs all overlap: if the number of new households and dwellings is 25% above the trend-driven projection there will be space for higher household formation rates (fewer people per household) and more people, and a proportion of the additional people will be available to fill future jobs. This issue is considered by Inspectors of other Local Plans (extracts are provided at Appendix C):

- The Inspector in the report on the Luton Local Plan (August 2017) considers there is no need to apply separate additional uplifts and states at paragraph 95 “This is a reasonable approach given that any uplift to take into account sufficient housing for workers would also be likely to have a positive effect on market signals, including in terms of affordability. The same applies to the uplift in relation to supresses household formation rates.”

- The Inspector in the report to the Central Lincolnshire Local Plan (April 2017) considers the application of separate additional uplifts and recognises the interrelationships at paragraph 43 that “the same could also be said about the substantial uplift which has already been applied to the Government’s household projections based on 10 year migration trends given that these are, in part, a response to a fall in house completions and jobs, both of which are factors which can affect affordability.”

3.31 The OAN incorporates a 25% market signals uplift which adds 785 units to the South Hams figure in recognition of the wish to address housing market imbalances and to improve affordability by ensuring the opportunity to support the ability of younger households to form households. In addition, both Plymouth and West Devon also have a market signals uplift applied at 10% and 20% respectively. This is set out in detail in section 5.9 on page 43 of the SHMA Part 1 (HO13) and is considered to be a positive approach based on a robust assessment of the up to date local evidence.

3.32 Consideration has been made of other market signals adjustments that have been proposed and examined in Local Plans across the country. Eastleigh represents the first market signals uplift of 10% in 2015 in recognition of modest pressure and this level of a 10% uplift is by far the most common figure used in 5 out of the last 8 Local Plans, which included a
consideration of market signals. The recent market signals uplifts applied range from between 5% in High Peak to 20% in Bromsgrove. It is sometimes suggested that Canterbury had a 30% uplift applied. But this is not the case because it is not addressing only market signals and as such is not directly comparable with the approach and method that has been taken in this SHMA Part 1. In Canterbury the Council proposed a 20% market signals uplift, which the Inspector at paragraph 67 recognises is “a very significant one”, see extract at Appendix D. The Inspector then considers a higher figure which would represent a 30% uplift above the starting point, which is the DCLG household projections. If the Canterbury approach is applied to the Plymouth HMA the OAN represents a 33% uplift above the DCLG 2014 based household projections, and consequently represents a very considerable uplift. In addition, it should be noted that the market signals uplift that is applied in relation to the South Hams area of 25% is the highest uplift known to have been applied in any Plan across the country so far.

3.33 At Section 3.4 of the SHMA Part 1 (HO13) adjustment is made to the official demographic projections, to increase the past period whose migration trend the projection rolls forward, from five years to 10 years. Part of the reason is to avoid carrying forward the trend from a period in which household formation was constrained by an undersupply of housing. As set out in para 3.4.2 of the SHMA Part 1, a number of possible base periods were tested. One reason why the 10 year trend period was chosen is because it includes the high completion rates across the HMA that occurred in 2005-2009, and in particular the very high completions for West Devon in 2007/08, 2008/09 and 2010/11. This ensures that the housing needs assessment does not project forward a lack of supply that may be embedded in the short term 5-year official projections.

**Question 3.1(vi)**

*Does the calculation of OAN adopt reasonable vacancy rates for each of the Councils (HO13 Table 7), and is it appropriate to take into account second homes?*

3.34 Yes. An allowance has been incorporated into the OAN calculation to account for empty homes as well as second homes. This is set out in paragraphs 3.5.3- 3.5.6 of the SHMA Part 1 (HO13) and is justified on the basis of up to date evidence which
properly considers both the level of vacancy and the level of second homes across the HMA. This approach uses the 2011 Census rates which are very similar to and slightly higher than the DCLG tax base 2014 figures which demonstrate rates of 4% for Plymouth, 12.8% for South Hams and 5.2% for West Devon. Consequently, it is considered that the rates used in the SHMA Part 1 at Table 7 remain appropriate and are within the reasonable margin of error to ensure that they are not so out of step with the other suggested figures as to warrant any amendment, which if used, may result in a downward adjustment.

3.35 In addition to a proportion of existing dwellings being vacant at any time, as set out in the SHMA Part 1 (HO13) at Table 8, on page 26, a further proportion will be second homes, as set out at Table 9 on page 26. The principle of using an allowance which includes an element for the level of second homes is required to more fully translate household growth into the dwelling requirement. This does not mean that second homes are encouraged, rather it recognises that it is necessary to apply an appropriate factor in order to acknowledge that not all housing will be available to accommodate households, if the same proportion of second homes was to continue at 2034.

3.36 The Cornwall Inspector comprehensively addressed this point in his Preliminary Findings (June 2015) and concluded at paragraph 3.23 (see extract at Appendix E) “if at 2030 the proportion of the total housing stock occupied as holiday/second homes is similar to now, additional existing homes would have been acquired as holiday/second homes and be unavailable to meet assessed need, even if newly built homes in some locations are not attractive for such use. Accordingly, in converting the OAN into a housing requirement for the plan, an allowance should be added for second/holiday homes.”

3.37 The Council agree with the conclusions of the Cornwall Inspector and the approach taken in the SHMA Part 1 which includes reasonable and appropriate adjustment for vacancy and second homes. This approach is considered to be robust, proportionate and consistent with national policy and practice elsewhere.

**Question 3.1(vii)**

*Does the housing requirement make sufficient provision for economic growth?*
3.38 Yes. The economy and employment trends are considered in Chapter 4 of the SHMA Part 1 (HO13) and supported by an additional paper (EC8 Plymouth and South West Devon Joint Local Plan: Assessment of Employment Forecasts). This integrated approach is in line with paragraph 158 of the NPPF and 2a-018 of the PPG. The assessment uses the Experian forecasting model (updated post Brexit) to test the labour market implications of both the baseline 2014 based household projections and Devon County Council Local 10-year migration projection. It concludes that population growth in line with the preferred scenario would provide enough or more than enough workers to meet labour demand, so employment is not constrained and therefore there was no justification for a ‘future jobs’ uplift to the demographic starting point.

3.39 Indeed, if taken literally, the economic projections demonstrate that fewer homes would be required to fill future jobs than the demographic projections predict (although there is of course no suggestion that the projections should be adjusted downwards for that reason, because demand for housing is not all driven by job opportunities). At the same time, due to the market signals uplift the SHMA’s demographic projections show greater population in the future than the demographic projections predict. Therefore, even if job growth were significantly greater than shown in the forecasts, there would still be enough or more than enough workers to fill those jobs.

3.40 The assessment of economic growth is set out in section 5 on page 6 and 7 of the Employment Topic paper (TP4). It uses Experian forecasting data which has been modelled using the post Brexit forecasting model to identify likely future job growth. This has been discussed with the Councils’ economic development teams and adjusted for specific sectoral anomalies and to reflect the ambitious economic growth agenda of Plymouth in particular. Consequently, the forecasts are considered an optimistic assessment of economic growth and to be a future scenario which “could be reasonably expected to occur” is in accordance with the PPG paragraph 2a-003.

3.41 In order to provide a sensitivity check on the economic forecasts used in the SHMA Part 1, an up to date economic forecast has been commissioned from a different forecasting house; Oxford Economics (December 2017) using their standard model. While this forecast is not a fully integrated bespoke forecast and
therefore not directly comparable with the Experian data, it provides an up to date alternative for consideration. The new forecast indicates that fewer jobs, less than 1,500, are projected over the plan period and although these figures are considered exceptionally pessimistic they do provide comfort that the that it is highly unlikely that any uplift for more homes is required, indeed the new data indicates, that on a purely economic basis, less homes would be required.

**Question 3.1(viii)**

*The proposed housing requirement is criticised for falling below the currently adopted housing requirements for each of the Council areas. How does the proposal for 26,700 dws in the plan period comply with Government policy to boost the supply of housing?*

3.42 The JLP Councils conclude on the basis of the evidence in the Housing Topic Paper and the housing trajectories that the policy housing provision requirement of at least 26,700 dwellings in the JLP plan area in the plan period set out in SPT3 significantly boosts housing supply. This fully complies with NPPF paragraph 47, which requires the LPAs to boost significantly the supply of housing through using their evidence base to ensure that their local plan meets the full OAN for market and affordable housing in the HMA as far as is consistent with the policies set out in the NPPF. The JLP meets in full the OAN the market and affordable housing in the plan area.

3.43 The SPT3 target for the plan area is derived from the latest evidence on the objectively assessed need identified in the SHMA Part 1(HO13) at paragraph 6.2.2. The plan requirement in SPT3 and as discussed in the updated Housing Topic Paper (TP3(REV) Section 6) sets out annualised rates that are far higher than historic annual average and recent completion rates. Delivery of these new rates will be a challenge and as such it is considered that the Plan is seeking a significant boost in the delivery of housing and providing for a positive approach to meet the full objectively assessed development requirements.

3.44 The test in the NPPF and PPG is about meeting objectively assessed needs, with sufficient flexibility to adapt to rapid change. It is not about exceeding current requirements because these previous targets were ‘policy- on’ targets which are not based on objectively assessed need. All the previous plans and their targets were based on the draft South West Regional
Spatial Strategy (2006) which was abandoned following the abolition of regional strategies. These targets therefore preceded the NPPF and NPPG and were based on a very different approach to understanding needs which did not require an objective assessment of need using the PPG approach. Housing Topic Paper (TP3(REV)) paragraphs 7.4 amplifies this point.

3.45 The SHMA Part 1 (HO13) uses the most up to date evidence available to confirm the objectively assessed need that exists, which considerably exceeds the latest household projections. It meets the key tests in the PPG in that it uses the latest projections as the starting point and takes account of long term trends, economic forecasts and market signals evidence. The previous plans did not use this same methodology and consequently, it is entirely incorrect and inconsistent to compare the previous plan figures against the new figures when testing the NPPF requirement for a boost in housing supply.

**Question 3.1(ix)**

*Has the need for affordable housing been adequately assessed and is the requirement for affordable housing identified in Policy SPT3 appropriate?*

3.46 This question is under the heading Establishing the objectively assessed need (OAN) for housing. It is important to note that the PPG sets out the assessment of the OAN (PPG 2a-14 to PPG 2a-20) separately to the assessment of Affordable Housing Need (PPG 2a-22 to PPG 2a-29). It is of course convenient and logical to consider this here.

3.47 The assessment of the OAN is based on population and household projections and adjusted for market signals (one of which is affordability PPG 2a-19, bullet 4). The assessment of Affordable Housing Need is a calculation of the annual need for affordable housing based on 4 elements (current need less current supply and future need less future supply).

3.48 The assessment is set out in Chapter 5 for the Housing Market Area (HMA) and Appendix 5 for each authority of the Strategic Housing Market Assessment, Part 2 – Objectively Assessed Need for Affordable Housing (HDH Planning and Development Ltd, 9th March 2017) (Document HO13A) – referred to as SHMA Part 2.

3.49 The Affordable Housing Need is:
<table>
<thead>
<tr>
<th>Area</th>
<th>Need</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plymouth</td>
<td>189 per year</td>
<td>Table 5.10a, Page 137</td>
</tr>
<tr>
<td>South Hams</td>
<td>98 per year</td>
<td>Table 5.10b, Page 140</td>
</tr>
<tr>
<td>West Devon</td>
<td>57 per year</td>
<td>Table 5.10cb, Page 144</td>
</tr>
<tr>
<td>HMA</td>
<td>344 per year</td>
<td>Table 5.10, Page 60</td>
</tr>
</tbody>
</table>

**Question 3.1(x)**

*Have the needs of particular groups (e.g., older people and those requiring specialist support) been appropriately taken into account in the OAN? How will the JLP help to deliver the housing needs of these groups?*

3.50 The OAN is derived from the population projections that are converted into household projections (PPG 2a-14 to PPG 2a-18), before being adjusted for market signals (PPG 2a-19 and PPG 2a-20). PPG 2a-21 requires that ‘Once an overall housing figure has been identified, plan makers will need to break this down by tenure, household type (singles, couples and families) and household size’. It then goes on to require specific detail in relation to specific groups. Some of this need is within the OAN and some of it is in addition to the OAN.

**Older People’s Housing**

3.51 The future need for older people’s accommodation is set out from paragraph 6.5 of SHMA Part 2 (Document HO13A). Within the OAN, the population aged 65 or over is expected to increase from 81,778 in 2014 to 115,571 in 2034, a rise of 41.3%.

3.52 The Projecting Older People Information System (POPPI) uses information on recent trends in the health and occupation patterns of those age 65, and applies them to the sub-national population projections to provide an indication of the potential future profile of older persons. This source suggests that the proportion of older persons living alone in the HMA will increase from 36.2% in 2015 to 37.7% in 2030 (the furthest date that the POPPI website projects to).

3.53 Table 6.2 of SHMA Part 2 (Document HO13A) sets out the Specialist older people’s accommodation required in the HMA over the next 20 years. If it is presumed that occupation
patterns remain at current levels then there is a requirement for 2,851 additional specialist units of which 2,735 should be sheltered housing and 116 extracare housing. The requirement for 2,851 additional specialist units for older people represents 11.1% of the total household growth for the period 2014 to 2034. If it is assumed that occupation rates increase to 170 per 1,000 people 75 or over (from 106 per 1,000 people) then 6,807 additional specialist units are required which constitutes 26.5% of the total household growth. Finally, if it is assumed that occupation rates rise to 130 per 1,000 people 75 or over then 4,829 additional specialist units are required which constitutes 18.8% of the total household growth.

3.54 The SHMA Part 2 recommended at paragraph 6.11, that as varying the occupation rate has such a dramatic effect on the overall requirement, it may be appropriate for the Councils to pursue the mid-point figures and monitor how usage patterns develop over time.

3.55 The model identifies that some 61.7% of this additional specialist accommodation should be affordable with the remainder market housing. However, the Census indicates that over three-quarters of all older person households in the HMA in 2011 were owner-occupiers and it would be expected that the majority of these households would be able to afford specialist accommodation in the market sector if it was required. In addition, the model indicates that over 80% of older person households in 2034 would be most suitably housed in market accommodation.

3.56 The SHMA Part 2 suggested at paragraph 6.13, that the market/affordable ratio for total specialist accommodation in 2034 derived from the Strategic Housing for Older People tool (based on the usage rate of 138 per 1,000 people 75 or over) be averaged with the overall market/affordable ratio for all housing for older persons in 2034 derived from the LTBHM model. This leads to a recommended split of 40% of new specialist accommodation as affordable and 60% within the market sector.

3.57 This requirement for 1,904 affordable and 2,925 market specialist units forms part of the overall Objectively Assessed Need required over the Local Plan period in the HMA.

3.58 The SHMA Part 2 noted that any new provision needs to be accessible for a range of needs to enable to older people to
remain independent in the community. In particular provision must be physically accessible as much of the current Sheltered Housing buildings have steps.

3.59 As set out in Paragraph 6.14 of the SHMA Part 2, there is not only a need for specialist housing for older people there will also be an additional requirement for Registered Care. According to the Strategic Housing for Older People tool there are around 4,154 spaces in nursing and residential care homes in the HMA currently.

3.60 Presuming the current occupation rate by age in the HMA is continued forward, the Strategic Housing for Older People tool indicates there will be a requirement for 7,115 spaces in the HMA in 2034, suggesting an additional 2,961 spaces will be required over the next 20 years. This additional accommodation is required to meet the future institutional population and therefore does not form part of the new housing to meet the Objectively Assessed Need.

Households with specific needs

3.61 The requirements of households with specific needs is set out from paragraph 6.16 the SHMA Part 2 (Document HO13A).

3.62 The Projecting Older People Information System (POPPI) website and the parallel Projecting Adult Needs and Service Information (PANSI) model the likely future incidence of a range of health issues for each authority in England. Table 6.3 of the SHMA Part 2 sets out the number of people projected to have one of four health issues (a limiting long-term illness, a serious physical disability, a common mental health disorder, a moderate or severe learning disability) over the next fifteen years in the HMA. The data from PANSI and POPPI is based on current and recent prevalence rates and whilst these may vary in the future, the figures provide a useful baseline estimate. The table shows that the number of those aged 65 or over with a limiting long-term illness that limits them a lot is expected to increase by 40.4% between 2015 and 2030 across the HMA. This compares to a decrease of 2.6% in the number of people aged 18-64 with a serious physical disability, a decrease of 3.0% in the number of people aged 18-64 with a common mental health disorder and an increase of 2.5% in the number of people with a moderate or severe learning disability.
3.63 The needs of older people are assessed in two ways by the SHMA. For all those who are usual residents, as identified in the Census, their population growth is contained within the population projections and for those who form an independent household their growth is contained within the household projections both of which are used within the SHMA Part 1 (HO13). The analysis in SHMA Part 2 (HO13A) then converts this to a requirement for older people and households with specific needs over the Plan period. These figures are included in the OAN.

3.64 For clarification it should be noted that the household projections do not include those in residential institutions and communal establishments which are excluded from the definition of households because they are not housed in self-contained units.

**How will the JLP help to deliver the housing needs of these groups?**

3.65 Policy DEV7 and Policy DEV8 set out our policies to deliver a mix of housing in terms of size, types and tenures to meet the existing and future needs of different groups including suitable housing for older people and households with specific needs. This policy requirement will enable us to negotiate homes appropriate to the needs of older people and households with specific needs through the planning process on qualifying sites.

3.66 The joint authorities have a track record of delivering extra care housing for older people (including market and affordable homes) on private sector led schemes through Section 106 planning agreements to meet our identified needs; for example at Vision (50 units completed), Millbay (80 units under construction) and Sherford (circa 100 units proposed). We will continue look to future Section 106 opportunities to support delivery of older persons accommodation. In addition we have worked with a number of private sector older person housing providers to grant planning permissions to deliver open market older persons accommodation.

3.67 In the PPA we are working with our registered provider partners through the Plymouth Housing Development Partnership to provide 2 extra care schemes over the period of the plan. We will enable delivery by either identifying appropriate council owned sites or through our proactive site acquisitions programme, and
where required support delivery through our Capital Programme and / or Homes and Communities funding. This also includes support for partners to develop suitable schemes over 55’s accommodation; for example The Hub, North Prospect. The recent delivery of the extra care for older people at Riverview, Ernesettle and planning secured for extra care for households with learning disabilities at How Street demonstrates how the Council’s Plan for Homes provided both the sites and funding to enable delivery of affordable extra care.

3.68 In addition we will work with private providers to support expansion of their business model and creation of additional residential care units as appropriate, and we will also look for opportunities to provide new build residential care schemes as appropriate to meet identified demands.

3.69 We have an Older persons working group to oversee this work and ensure that we are developing the right type of accommodation in the city.

3.70 In the TTV areas a 60 bed scheme has just been completed at Riverside in Totnes, other schemes have been identified in Kingsbridge and Tavistock. The Devon County research has identified that extra care schemes should be provided in the main towns where services are. A further scheme will be brought forward in Ivybridge on the site of a former care home, this will provide 6 units of independent accommodation for people with learning disabilities. A number of smaller open market housing schemes aimed at over 55’s have been consented in the last 2 years, Mount Kelly and Annan in Tavistock. Sites which come forward within the rural areas are looked at alongside the individual housing needs survey and the Housing Register to ensure the needs of local people are being met.

3.71 Policy DEV9 sets out our policy to require a range of accessible housing units on qualifying sites that will provide accessible accommodation suited to support older people, including those with mobility needs.
Question 3.1(xi)
Have the housing needs for gypsies, travellers and travelling showpeople been adequately assessed in accordance with national policy?

3.72 Yes. The Gypsy, Traveller and Travelling Showpeople Accommodation Assessment: Final Report December 2016 (HO14) assesses the needs for future accommodation in accordance with the NPPF and PPG and as such provide a robust and credible evidence base. In particular, it takes account of Planning Policy for Traveller Sites (PPTS) which was published in August 2015 and uses the most recent definitions set out within it.

3.73 For clarification the needs for gypsies, travellers and travelling showpeople are not included in the assessment of OAN within the SHMA Part 1.
**Issue 3.2: Spatial strategy – overall distribution of the housing provision across the JLP area**

**Question 3.2(i)**
The Councils’ calculation of OAN indicates a requirement for the following distribution between the three Council areas in the JLP:

- **Plymouth City**: 18,217
- **South Hams**: 3,924
- **West Devon**: 5,162

Of this total, some 600 would be provided within the DNP, leaving a requirement for 26,700 dwellings in the JLP.

Taking into account the Councils’ assessment of housing land supply throughout the JLP area, the strategic objective to strengthen the focus of growth on Plymouth and in order to support the greater use and viability of sustainable transport modes in commuting to work (TP3 para 5.57), the distribution proposed as a monitoring target for the plan period in the JLP (Annex 2) is:

- **Plymouth City**: 13,200
- **South Hams**: 10,300
- **West Devon**: 3,200

To what extent is it reasonable to distribute the housing requirement between the 3 Councils as proposed? Is this supported by credible evidence?

**Question 3.2(ii)**
The housing requirement is directed in Policy SPT3 to the two Policy Areas proposed in the JLP. A requirement for at least 19,000 dwellings is allocated to the Plymouth Policy Area (PPA), with at least 7,700 to the Thriving Towns and Villages Policy Area (TTVPA). Is the split between the PAs justified, and will it meet the needs of local communities and be sustainable?

3.74 Questions 3.2 (i) and 3.2 (ii) both go to the heart of the spatial strategy for the distribution of development across the whole plan area, and to the relationship between the Objectively Assessed Need for Housing for the Plymouth HMA, the housing requirement for the Joint Local Plan set out in SPT3, the housing requirements for the Plymouth Policy Area and the Thriving Towns and Villages Policy Area set out in SPT3, and the LPA.
monitoring figures set out in Annex 2 of the JLP. It is considered that the approach is justified by credible evidence, and is the most appropriate strategy for the distribution of development, including the split of housing across the policy areas and LPAs, across the JLP area. Both questions are answered by the text set out below.

3.75 The Strategy Topic Paper (TP5 submitted alongside the Joint Local Plan) sets out:
- The rationale and guiding principles behind the JLP Authorities decision to work together on a Joint Local Plan (pages 1 – 2)
- The key drivers for growth and change in Plymouth and South West Devon (pages 2 – 3)
- The strategic planning factors that were considered by the JLP authorities when formulating a spatial strategy, and the responses to these factors (pages 4 – 6), and
- The key elements of the spatial strategy, including the Policy Area approach (pages 6 – 9), the approach to sustainable growth in the Thriving Towns and Villages Policy Area, including focusing on the 6 Main Towns, and the Towns and Key Villages (pages 9 to 11), and how the Sustainable Villages and Countryside areas are planned for (page 11).

3.76 Our approach to establishing the need for new homes and jobs, and where these should be provided, followed a clear set of steps:

1. Establishing and testing the Objectively Assessed Need for Housing,

2. Developing and testing the approach to distributing development across the plan area,

3. Examining how housing provision can be distributed across the plan area, in line with the preferred distribution strategy, and testing this approach,

4. Setting out the Policy Area approach and the aims of this approach,

5. Explaining the LPA housing monitoring indicators set out in Annex 2 of the JLP, and what these are intended to be used for.

3.77 This answer will go on to look at each of these steps in more detail. It should however be noted that the above elements of
formulating the Joint Local Plan were occurring concurrently throughout the plan making process, as was inevitable given the need to iterate evidence findings back into decision making, and to enable the sustainability assessment process to also influence decision making and the way policies were drafted.

1. Establishing and testing the Objectively Assessed Need for Housing,

3.78 The detail of the calculation of the Objectively Assessed Need for Housing (OAN) is set out in the Strategic Housing Market Assessment Part 1: The Housing Market Area and Updating the Objectively Assessed Need (HO13), the Housing Topic Paper (TP3 and TP3(REV)), and answers to questions under Matter 3.3.

3.79 The SHMA Part 1 concludes that the OAN for the Plymouth Housing Market Area is 27,300 new homes to be built between 2014 and 2034. Of these, 26,700 are to be provided in the JLP area, once an allowance of 600 dwellings to be built in the Dartmoor National Park are deducted (TP3/TP3(REV) Section 5).

3.80 The OAN calculation included consideration of a number of alternative scenarios which are detailed in the SHMA Part One. These included:

- A consideration of whether to rely upon projections of population growth based on the Office for National Statistics national Sub National Population Projections, or to rely upon locally produced projections based on a variety of migration trend periods ranging from 5 years up to 20 years (SHMA Part 1 section 3 and para 3.4.7; TP3/TP3(REV) Section 3).

- Consideration of the level of market uplift that should be applied to the OAN (SHMA Part 1 section 5.9; TP3/TP3(REV) Section 3)

- Consideration of other uplifts to be applied to the OAN (SHMA Part 1 section 5.9; TP3/TP3(REV) Section 3).

3.81 The 10 year population projection was chosen as the alternative which most accurately reflected the growth seen at Plymouth as a result of the city’s growth agenda since 2006, and the relationship of that growth to surrounding areas in South Hams and West Devon. A high level of market uplift was applied based upon an understanding of affordability factors in the three local planning authorities (SHMA Part 1 section 5.9). Other uplifts
were not considered to be necessary, particularly given the very significant market uplifts being applied.

3.82 The calculation of OAN was assessed in the Sustainability Appraisal, with the results set out in Appendix IV (SUB9B). This explicitly tested the demographic scenarios set out in the SHMNA as reasonable alternatives. The SA found that the sustainability characteristics of the alternatives were very similar – it was the distribution of growth that would be more important to the sustainability credentials of the plan.

3.83 The assessment of job growth and employment requirements is closely tied in to the calculation of OAN for housing. The employment forecasts which underpin the assessment are based upon the same population growth projections used for the calculation of OAN (see SHMA Part 1 (HO13) para 4.1.3; Housing Topic Paper (TP3/TP3(REV)) section 3 employment forecasts; Employment Topic Paper (TP4) page 6, Plymouth and South West Devon Joint Local Plan: Assessment of Employment Forecasts (EC8) para 3.2.1). The employment provision is therefore that which is required to meet job growth expected given the projected population growth rates, which also underpin the need for new homes.

2. Developing and testing the approach to distributing development across the plan area

3.84 Whereas the calculation of OAN is a largely policy off element of plan making, given that the calculation must self-evidently be ‘objective’, the distribution of development requires some policy on judgements and decisions.

3.85 The Strategy Topic Paper sets out that where a Joint Local Plan is being prepared, needs can be met – ie housing requirements set – across the joint plan area. (NPPG paragraph 010 Reference ID 2a-010-20140306). This approach has been reinforced in the recent DCLG consultation “Planning for the Right Homes in the Right Places: Consultation Proposals”, which says in paragraph 31:

"In such cases (where joint plans are being prepared) we propose that the housing need for the defined area should be the sum of the local housing need for each local planning authority. It will be for the relevant planning authorities or elected Mayor to distribute this total housing need figure across the plan area.”
3.86 As set out in the Strategy Topic Paper (TP5 pages 7 and 8), the JLP authorities have adopted this approach, and therefore investigated options for distributing the total housing need figure across the joint plan area.

3.87 The options which were investigated are set out in the Topic Paper “Deciding upon the Distribution of Development” (TP1) which was published for consultation in November 2016, setting out the thinking which the JLP authorities had undertaken to decide upon a distribution strategy. The Topic Paper sets out Key Principles that were being used to guide thinking about a distribution strategy, which drew upon approaches set out in earlier plans, and particularly in Plymouth the momentum already created by the city’s growth agenda, set out in the adopted Plymouth Core Strategy and the Vision for Plymouth (O1). These principles were (TP1 pages 9 – 10):

- The Joint Local Plan should facilitate and promote economic growth and regeneration in the HMA to meet the national agenda to boost growth, and should do so by focusing growth in those parts of the Joint Local Plan area most able to support these aims.

- The Strategy should strive to guide development to locations which will contribute to the creation of sustainable settlements.

- The Strategy should drive growth in locations that avoid harm to the AONB, the high quality natural environment of the HMA, and the historic environment, consistent with legislation and national policy.

3.88 These principles were assessed against the SA assessment criteria, in Appendix V of the Integrated Assessment (SUB9E).

3.89 The Distribution of Development Topic Paper (TP1) then set out the alternative approaches that could be considered for distributing development across the JLP area. These alternatives are considered to be reasonable alternatives. Sustainability Appraisal of the alternatives was set out in the Topic Paper (TP1 pages 37 – 55). This assessment was updated in the Submission Sustainability Appraisal taking account of the most up to date evidence and the expression of the strategy in the JLP (SUB9E), and was also assessed in the Plymouth and South West Devon.
Joint Local Plan Habitat Regulation Assessment: Submission HRA (SUB10 sections 4.3 – 4.14). The alternatives are set out in pages 15 – 33 of the Topic Paper TP1, and are summarised below:

<table>
<thead>
<tr>
<th>1 Urban Intensification</th>
<th>a) Within Plymouth admin boundaries</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>b) Including urban extensions in the urban fringe</td>
</tr>
<tr>
<td>2 Urban Concentration</td>
<td>a) Concentration at Plymouth and adjoining settlements (creating a necklace of settlements/garden villages)</td>
</tr>
<tr>
<td></td>
<td>b) Concentration at Plymouth and key transport corridors</td>
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<td></td>
<td>c) Concentration at Plymouth, and New Settlements</td>
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<td></td>
<td>d) Concentration at Plymouth and the Area Settlements</td>
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<td></td>
<td>e) Concentration at Plymouth, Area Centres and Local Centres</td>
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<tr>
<td></td>
<td>f) Concentration at Plymouth, Area Centres, Local Centres and villages that meet a minimum level of sustainability criteria (excluding villages in the AONB)</td>
</tr>
<tr>
<td></td>
<td>g) Concentration at Plymouth, Area Centres, Local Centres and villages that meet a minimum level of sustainability criteria including villages in the AONB</td>
</tr>
<tr>
<td>3 Dispersal of Development</td>
<td>a) Dispersal – City of Plymouth delivers what it can, and the unmet HMA need is dispersed across SHWD</td>
</tr>
<tr>
<td></td>
<td>b) Complete dispersal – development is shared out evenly across all settlements of the HMA.</td>
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</table>

3.90 The Topic Paper went on to set out a Preferred Option for the distribution strategy, based upon the assessment of options set out in the paper. This is set out in the section “Towards a Preferred Option on page 34 of TP1. The preferred option largely followed alternative 2 f) – Concentration at Plymouth with growth also focused at Area Centres and Local Centres in South Hams and West Devon. The second bullet point on page 34 of TP1 sets out that the preferred approach is:

“A balanced approach which aims to concentrate development at Plymouth but which also aims to ensure that development takes
place in the area and local centres of South Hams and West Devon is a much better fit with existing strategies and with the bundled emerging strategic objectives. This approach is also a more appropriate option with regards to the promotion of sustainable economic development and planning for a range of sites to be brought forward to meet needs.”

3.91 The preferred approach also recognised:

- The need to minimise development in sensitive locations where the high quality natural environments and sensitive sites could be harmed – eg the AONBs and Dartmoor National Park (See Plymouth and South West Devon Joint Local Plan Habitat Regulation Assessment: Submission HRA SUB10 section 4.14; A Landscape Character Assessment for South Hams and West Devon (EN33); Landscape Impact Assessment of Potential Housing and Employment Sites Across The Thriving Towns and Villages (EN32))

- The merits of recognising that Ivybridge and Tavistock have a slightly different relationship to Plymouth in terms of jobs and access to services (Plymouth and South West Devon Joint Local Plan: Baseline Transport Conditions Report (T18) Table 4.3)

3.92 The Topic Paper finally highlighted that, given that work was ongoing on the JLP and its evidence base, further evidence would be likely to have a bearing on the final distribution strategy, including:

- Testing how many dwellings can be accommodated through the implementation of the distribution strategy (see next section below and the Housing Topic Paper TP3/TP3(REV) section 5)

- Testing of the viability of the whole plan (Plymouth and South West Devon Joint Local Plan Viability Study (O5))

- Ongoing Sustainability Appraisal of the plan (SUB9E)

- Testing of the approaches through the HRA (SUB10)

- Testing of approaches in relation to infrastructure delivery (Plymouth and South West Devon Infrastructure Needs Assessment: Main Report (O9)) and to the delivery of housing (TP3A - E Housing Trajectories; Plymouth Strategic Housing Land Availability Assessment Main Report (HO2); Strategic
3.93 The distribution strategy, having been further informed if necessary by the evidence set out above, would then be set out in the draft Joint Local Plan. The final sign off of the strategy was then taken by the Joint Local Plan Steering Group, and formally decided by the Full Councils of the three JLP Authorities in February and March 2017.

3. Examining how housing provision can be distributed across the plan area, in line with the preferred distribution strategy, and testing this approach

3.94 A crucial element of the formulation of the JLP was to then distribute the Local Plan housing requirement across the joint area, guided by the distribution strategy. Clearly, the JLP sets out a plan-wide housing requirement of 26,700 new homes to be delivered between 2014 and 2034, and this requirement will ensure that needs are met in full.

3.95 As set out above, the NPPG and emerging Government policy suggest that joint local plans are able to distribute the need figure across the joint plan area, and this is the approach the JLP Authorities have taken. Nevertheless, the SHMA Part 1 (HO13) sets out housing need at an LPA level – simply because LPAs are the statistical building blocks that enable the HMA figure to be calculated.

3.96 The Housing Topic Paper (TP3/TP3(REV)) in Section 5 sets out in detail the options that were considered for distributing housing provision across the joint plan area, and also confirms that:

- There is no requirement for the JLP to accommodate needs arising in neighbouring HMAs (see also Duty to Co-operate Statement (SUB12))

- That Dartmoor NPA are content with the ‘Dartmoor Allowance’ of 600 homes to be provided to meet needs in the National Park (Housing Topic Paper (TP3 Appendix 2.1)).

3.97 The Housing Topic Paper also tests whether the JLP should aim to provide for less than, or more than 26,700 dwellings. It concludes that there is sufficient supply to provide for 26,700 dwellings (TP3/TP3(REV) section 5), and therefore there is no justification for setting a requirement of less than 26,700 dwellings.
3.98 The Housing Topic Paper also sets out that providing for more than 26,700 dwellings is not a reasonable alternative. In essence, evidence in the SHMNA Part 1 suggests that a higher rate of housebuilding would not be matched by higher rates of job creation, and therefore would be likely to lead to higher unemployment and lower economic activity rates (or alternatively, higher levels of commuting to neighbouring areas). Aiming for a higher housing requirement is therefore not a reasonable alternative (TP3/RTP section 5).

3.99 The distribution of housing needs therefore comes down to looking at how to apportion the 26,700 new homes according to the distribution strategy set out in the Distribution of Development Topic Paper (TP1).

3.100 The SHMA Part 1 sets out the OAN for housing by LPA area (HO13 Table 19). This shows the following distribution of need:

<table>
<thead>
<tr>
<th>LPA Area</th>
<th>Need</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plymouth City</td>
<td>18,217</td>
</tr>
<tr>
<td>South Hams</td>
<td>3,924</td>
</tr>
<tr>
<td>West Devon</td>
<td>5,162</td>
</tr>
<tr>
<td>Whole Plan</td>
<td>27,303</td>
</tr>
</tbody>
</table>

3.101 Once the Dartmoor allowance of 600 dwellings is deducted from South Hams and West Devon, this leaves a need for 18,217 dwellings at Plymouth and 8,486 at West Devon and South Hams.

3.102 This distribution of need represents a pattern which broadly fits the distribution strategy – IE concentrating growth at Plymouth; 18,217 dwellings represents 68% of the total housing requirement for the JLP. Therefore, the Housing Topic Paper concludes that the distribution strategy ‘fits’ with meeting local housing needs. (It should be noted that the Housing Topic Paper goes on to show that in order to meet the city’s needs, urban extensions in South Hams district, such as Sherford, must be counted against the Plymouth need.

3.103 The Housing Topic Paper then outlines two options for refining the distribution, based upon the observation that identified housing supply in West Devon is insufficient to meet need. The two options are:
- Option 1: Where the needs of each LPA are met at Plymouth with some of the needs of Plymouth met in the urban fringe,
and in South Hams and West Devon as set out above (Plymouth 18,217, South Hams and West Devon 8,486)

- Option 2: Where a proportion of the needs of South Hams and West Devon are met in the Plymouth Policy Area.

3.104 The Housing Topic Paper sets out that Option 2 - meeting a small proportion of South Hams and West Devon needs at Plymouth (786 dwellings/9% of need) - has a number of benefits. These are set out in section 5 of TP3/TP3(REV), which details that:

- There are already strong commuting patterns showing that a significant proportion of residents of West Devon travel to Plymouth for work. Meeting some of the needs of West Devon in Plymouth may therefore provide opportunities for people to live closer to potential workplaces. (See T18 Table 4.3)

- The majority of commuting between Tavistock and Plymouth takes place by car. (See TP18 para 4.5.2). The JLP sets out measures to provide alternatives to travel by car, including the re-opening of the Plymouth to Tavistock railway route, and an A386 Study looking at measures to improve travel along the route to Plymouth. Nevertheless, providing opportunities for people to live and work in the city will also help to create more sustainable patterns of movement.

3.105 In addition, TP3/TP3(REV) (section 5) sets out that the Option 2 would further strengthen the concentration of growth at Plymouth (leading to a 71% concentration of development at Plymouth), and would also lead a more realistic expectation of delivery of homes, given the availability of ‘headroom’ to meet requirements at Plymouth.

3.106 Therefore, the distribution of need across the whole plan area broadly follows the apportionment of need to LPAs as set out in the SHMNA Part 1, with the exception of a proportion of need which is met in Plymouth. This leads to the JLP requirement being 19,000 dwellings to be provided at Plymouth, and 7,700 dwellings to be provided at South Hams and West Devon.

4. Setting out the Policy Area approach and the aims of this approach,

3.107 In order to deliver the requirement for new homes to be provided at Plymouth set out above, it is necessary to provide
some new homes in the city’s urban fringe, which is part of South Hams District Council administrative area. The approach is assessed against other alternatives as part of the Distribution of Development Topic Paper (TP1) where Option 1 b) assess the sustainability characteristics of using urban extensions to meet needs.

3.108 If a Joint Local Plan were not being prepared, the need to meet some of Plymouth’s growth in South Hams would need to be addressed through the Duty to Cooperate and the development strategies of two Local Plans. The need to address these issues was one of the factors which led to the JLP authorities embarking upon a Joint Local Plan.

3.109 A key element of the strategy set out in the Joint Local Plan is the Policy Area Approach (see paragraph 3.3 of the JLP and Strategic Objective 1). This approach is explained in more detail in the Distribution of Development Topic Paper (TP1 page 36) and in the Strategy Topic Paper (TP5 pages 6 – 8), and is subject to Sustainability Appraisal in Appendix V of the IA (SUB9E).

3.110 The purpose of the Policy Area approach is twofold:

- Firstly it enables the urban fringe to be planned as part of the city’s growth agenda. This means that important assets in the urban fringe, which form constraints to the expansion of the city of Plymouth, are recreational areas which are part of the city’s range of greenspaces, or are locations where development which is meeting the needs of Plymouth is either taking place or can be planned, are seen as part of the spatial strategy for the transformation of the city. For example, sensitive landscapes around the city as described in the landscape assessment (EN22) are protected, recreational assets such as the Plym Valley are identified and the Sherford new community is formally recognised as part of the Plymouth Policy Area and therefore meeting Plymouth’s needs.

- Secondly, the Policy Area approach means that development in the Plymouth Policy Area can be ring-fenced to the Policy Area. The aim of this approach is to prevent development which is required to meet Plymouth’s needs, and that will feed the growth agenda that has been pursued in Plymouth for over 10 years, being provided in the more sensitive rural areas of South Hams and West Devon (the Thriving Towns and Villages Policy Area).
In order to achieve these policy outcomes, Policy SPT3 sets out housing requirements for each policy area, as well as for the whole plan area. These requirements are:

- 26,700 new homes to be provided across the plan area,
- 19,000 new homes to be provided at the Plymouth Policy Area
- 7,700 new homes to be provided at the Thriving Towns and Villages Policy Area.

The JLP therefore expects that 5 year land supplies should be demonstrated for the Plymouth Policy Area, and for the Thriving Towns and Villages Policy Area, and that LPAs will make decisions in accordance with the 5 year land supply position relevant to the policy area in which applications are made. The implication of this is that a deficiency in the 5 year land supply for the Plymouth Policy Area must be remedied by more land for housing being brought forward in the Plymouth Policy Area. A deficiency cannot be remedied by more land for housing being found in the Thriving Towns and Villages Policy Area – ie in a location which would not meet the needs of the growing city.

More on this approach, and how the JLP authorities will implement it, is set out in the Governance Topic Paper (TP6), and the answer to question 3.3 v.  

5. Explaining the LPA housing monitoring indicators set out in Annex 2 of the JLP, and what these are intended to be used for.

The Joint Local Plan sets out housing monitoring indicators for the three LPAs in Annex 2. These set out that housing delivery should take place in each LPA in the following way:

- Plymouth City Council: 13,200 homes
- West Devon Borough Council: 3,200 homes
- South Hams District Council: 10,300 homes

These figures are derived from looking at the locations of committed housing sites, and housing allocations in the JLP and working out from those locations the number of dwellings expected to be delivered in each LPA area. They are not expected to be used to set out 5 year land supplies for the purposes of paragraph 47 of the NPPF because to do so would be
in direct contradiction to the Policy Area approach.

3.116 The Annex 2 figures are intended to be used to monitor the performance of each LPA in bringing forwards the development as set out in the JLP. The JLP Authorities are committed to delivering the levels of housing set out in the plan, and are setting out innovative monitoring and governance proposals to enable this to happen (see Governance Topic Paper (TP6)). As part of these proposals, it will be necessary for the LPAs to understand whether JLP proposals are being delivered in each LPA area as envisaged, and if not to be able to alert the relevant authority to the issue and to collectively take remedial action. The Annex 2 LPA monitoring indicators are the tool that the JLP Authorities will use make these judgements.
Issue 3.3: Assessing the supply of housing land to deliver Policy SPT3

Question 3.3(i)

Is the methodology used by the Councils in the Strategic Housing Land Assessment to assess the availability, suitability and likely economic viability of land that could meet the identified need for housing over the plan period sound? Are the reasons for selecting preferred sites and rejecting others clear?

Is the methodology used by the Councils in the Strategic Housing Land Assessment to assess the availability, suitability and likely economic viability of land that could meet the identified need for housing over the plan period sound?

3.117 Yes the SHLAA methodology is sound as it is evidence that is proportionate, relevant adequate and up to date as required by NPPF paragraphs 158 and 182, and it is consistent with the requirements of NPPF paragraph 159 bullet point 2, and the PPG on housing and economic land availability assessment.

3.118 The Strategic Housing Land Availability Assessments1 that underpin the Joint Local Plan area have been produced on a Local Planning Authority basis covering the extent of the three local authorities and the extent of the housing market area. The SHLAA’s have been prepared with a joint panel of developers, agents and public bodies and planning consultants Peter Brett Associates have carried out the Market and Viability Assessment of the sites considered available, developable and suitable for both the Plymouth and South Hams & West Devon SHLAA’s in liaison with the combined SHLAA panel across. Both SHLAA’s establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing across the Joint Local plan area over the plan period. This is consistent with the requirements of NPPF paragraph 159 and NPPG Paragraph: 007 Reference ID: 3-007-20140306.

3.119 In paragraph ID: 3-005-20140306 the NPPG indicates what inputs and processes should lead to a robust assessment of land availability. The methodology used for both SHLAA’s is consistent with that approach.

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1 Plymouth SHLAA February 2017 (HO2 & HO2a to i) & South Hams & West Devon SHLAA March 2017
Plymouth SHLAA

3.120 In relation to the Plymouth SHLAA, Paragraphs 3.3.4 to 3.3.6 and 3.4.18 to 3.4.21 of the Plymouth SHLAA set out the assessment for availability. This is consistent with NPPF paragraph 47 footnote 11 and paragraph 007 ID:3-007-20140306 of NPPG. Paragraphs 3.4.15 to 3.4.17 set out the approach taken for assessing the suitability of sites for housing. This is consistent with paragraph 019 reference ID:3-019-20140306 of NPPG. Paragraphs 3.4.22 to 3.4.32, Appendix 1 (HO2A) and the Plymouth and South West Devon Joint Local Plan viability study (O5) set out the approach taken to the likely economic viability of land. This is consistent with Paragraph: 021 Reference ID: 3-021-20140306 of NPPG and NPPG on viability and plan making

3.121 Plymouth SHLAA - Signpost to the SHLAA rejected sites list and paragraph referring to reasons for rejection

South Hams and West Devon SHLAA

3.122 In the South Hams and West Devon SHLA, the assessment of availability is set out in Paragraphs 3.15 and 3.5. This is consistent with NPPF paragraph 47 footnote 11 and paragraph 007 ID:3-007-20140306 of PPG. The approach to assessing site suitability is set out in Paragraphs 3.12 to 3.14, and 3.10. The results of the sites assessments to determine the suitability of a site are provided within the Site Information Packs (HO4A to HO4H). This is consistent with paragraph 019 reference ID:3-019-20140306 of PPG. The approach taken to the likely economic viability of land (achievability) is set out in Paragraphs 3.16 to 3.20 and the Plymouth and South West Devon Joint Local Plan viability study (O5). This is consistent with Paragraph: 021 Reference ID: 3-021-20140306 of NPPG and PPG on viability and plan making

3.123 The Housing Topic Paper (TP3(REV)) in Section 7 paragraphs 7.13 to 7.19 amplify these points.

Are the reasons for selecting preferred sites and rejecting others clear?

3.124 It should be noted that the SHLAA processes undertaken in Plymouth, South Hams and West Devon were not the processes that led directly to the allocation of housing sites in the JLP. The SHLAAAs produced a ‘pool’ of sites assessed to be available,
suitable and achievable, from which sites to be allocated in the JLP to meet housing needs across the plan area could be selected, consistent with PPG ID 3-003-20140306.

3.125 The selection process itself was carried out as a follow on process to the SHLAAas, involving working with other evidence base studies covering areas such as landscape sensitivity and infrastructure requirements, and consulting on potential allocations to ensure that stakeholders and communities had the opportunity to comment on sites that could have been chosen for allocations.

3.126 The process by which site allocations were chosen was set out in the IA and was subject to sustainability appraisal (SUB9F), and further information on how the process was carried out, including full tables on the decision making process relating to every site considered for allocation throughout the process was supplied in the JLP Authorities letter to the Inspectors of 6th October 2017 (EXC3D). This table clearly sets out the reasons why sites were accepted for allocation, and why other sites were rejected.

3.127 The Housing Topic Paper (TP3(REV)) in Section 7 paragraphs 7.20 to 7.23 amplifies these points.

**Question 3.3(ii)**

At March 2016 the Councils forecast a potential supply of some 29,800 dwellings during the plan period (TP3 Table 12a). Would this provide sufficient head room between the overall land supply and housing requirement figures to enable the Council to react quickly to any unforeseen change in circumstances and to ensure that the full requirement is met during the plan period?

3.128 Yes, at 3,100 dwellings the scale of headroom would be sufficient. This headroom is 11.5% above the SPT3 housing provision requirement of 26,700 provided by the 29,800 dwellings forecast supply in the JLP plan area in the plan period. The 29,800 dwellings forecast shown in TP3 Table 12a (and Table 3.3 in the submission JLP) was based on the evidence at the time of plan submission provided by the March 2016 Monitoring Point JLP housing trajectory (TP3A).

3.129 Since then the JLP Councils have updated the evidence on housing supply has been updated. The latest evidence for the JLP
plan area is provided by the 2017 Monitoring Point housing trajectory for the plan area (TP3E) and the details in the trajectories for the Plymouth Policy Area (TP3F) and the Thriving Towns and Villages Policy Area (TP3G). The plan area total supply is now forecast to deliver 30,055 dwellings in the plan period. At 3,355 dwellings above the minimum target of 26,700 it gives a headroom of 12.6%, which is even higher than that forecast by the previous trajectories.

3.130 The JLP Councils consider that a headroom of 3,355 dwellings is sufficient to enable the Council to react quickly to any unforeseen change in circumstances and to ensure that the full requirement is met during the plan period for the following reasons:

- The headroom of 3,335 dwellings is 12.6% above the minimum requirement (2017 Monitoring Point). This is a significant amount. It is achieved because of the scale of housing allocations identified in the JLP and the clear policy intention demonstrated by allocating these sites, as well as the other supply sources identified. The plan does not rely simply on just meeting the minimum requirement. The evidence demonstrates the realistic prospects of delivering above that level.

- That amount of headroom demonstrates an appropriate degree of flexibility in the forecast housing supply. Details about headroom for each of the two Policy areas are set out in the Councils’ responses to Q7.6iv and Q8.5i, regarding the explanation of the flexibility within those housing trajectories. In particular, meeting the requirement is not reliant on back-loaded supply – the evidence demonstrates that the boost to supply is forecast to occur earlier in the plan period. If monitoring demonstrates that supply is not delivered as forecast there is time for the JLP Councils to react to changing circumstance and carryout the range of actions set out in the Housing Implementation Strategy to manage housing supply in the future. These approaches are relevant to the different characteristics of the two policy areas.

- The supply forecast includes a range of sites by size, type and location offering significant opportunity for the housing industry to deliver dwellings, and for the industry to react to the housing market and to changing circumstances.

- The trajectories have already applied a lapse rate to small sites commitments that have not yet started because the delivery of these sites individual have not been individually assessed. The trajectories have also excluded the capacity of large sites where the Councils have assessed the individual sites with planning permission that have not started and identified those sites where the planning permissions will
not or are unlikely to be built in the plan period. (See the JLP Councils’ response to Q3.3iv). Combined with the Housing Implementation Strategy this enables the Councils to respond to changing circumstances and appropriately mitigates the risk of non-delivery from this supply source.

- This headroom does not include the potential for supply from future large windfall sites. Although not forecast in the trajectory, it is reasonable to anticipate delivery from such windfall sites. This would add to supply in the plan area, increasing the quantum of headroom. The plan includes policies against which to consider future windfall development. Not all such proposals will be suitable, but the fact that SPT3 housing requirements are expressed as minimums clearly indicates that additional proposals not yet identified can be considered, enabling the Councils to respond to changing circumstances consistent with the spatial strategy in the JLP. (See also the JLP Councils responses to Q7.6iv and Q8.5ii regarding large windfalls)

- This headroom does not include the 1,686 dwellings forecast to be built after March 2034 at Sherford and at Woolwell urban extensions. There is no JLP policy restriction to prevent those 1686 dwellings be built earlier, if the economy and housing market strengthens above the level forecast, or if other sites in the Plymouth Policy Area deliver at a later date. It would also strengthen the level of headroom in the PPA.

3.131 The Councils conclude therefore that the headroom for the JLP area is sufficient. It is therefore wholly unnecessary to increase supply and headroom further.

**South Hams/West Devon**

3.132 Yes, at 3,100 dwellings the scale of headroom would be sufficient. This headroom is 11.5% above the SPT3 housing provision requirement of 26,700 provided by the 29,800 dwellings forecast supply in the JLP plan area in the plan period. The 29,800 dwellings forecast shown in TP3 Table 12a (and Table 3.3 in the submission JLP) was based on the evidence at the time of plan submission provided by the March 2016 Monitoring Point JLP housing trajectory (TP3A).

3.133 Since then the JLP Councils have updated the evidence on housing supply has been updated. The latest evidence for the JLP plan area is provided by the 2017 Monitoring Point housing
trajectory for the plan area (TP3E) and the details in the trajectories for the Plymouth Policy Area (TP3F) and the Thriving Towns and Villages Policy Area (TP3G). The plan area total supply is now forecast to deliver 30,055 dwellings in the plan period. This is 3,355 dwellings above the minimum target of 26,700 and gives a headroom of 12.6%.

3.134 The JLP Councils consider that a headroom of 3,355 dwellings is sufficient to enable the Council to react quickly to any unforeseen change in circumstances and to ensure that the full requirement is met during the plan period. Further amplification on these points are set out in the updated Housing Topic Paper (TP3(REV)) Section 7 paragraphs 7.34 to 7.35 and Table 14 and Section 8 paragraphs 8.41 to 8.45.

**Question 3.3(iii)**

Are the sources of supply and the expected contribution from Neighbourhood Plans, student accommodation release, small and large sites which are not allocated, and small site windfalls included in Table 12a justified?

3.135 Yes, the sources of supply and expected contribution from them in Table 12a of the Housing Topic Paper (TP3) was justified at the time that the JLP submitted. Evidence on supply has been updated since then. The latest evidence is provided by the 2017 Monitoring Point housing trajectories for the JLP plan area and the two Policy Areas. The sources of supply listed in JLP Table 12a are those which provide dwellings that can be counted towards meeting the housing provision requirements in Policy SPT3.

3.136 This evidence has been amended in the updated housing topic paper (Table 12a) to reflect the 2017 monitoring point trajectories.

**TTV - Neighbourhood Plans**

3.137 The TTVPA housing trajectory includes an allowance for housing supply in Sustainable Villages delivered from the potential for sites to be identified for housing development through Neighbourhood Plans at those settlements.
3.138 This is appropriate because the JLP is not allocating sites at Sustainable Villages, and so there is no double counting with other supply sources. The allowance is based on the potential for supply to come forward through this route. Table 12a in TP3 shows the forecast supply from this category as 720 dwellings during the plan period. Appendix 7.6 in TP3 provides the evidence for the potential number of new homes which could come forward through these plans over the plan period. It takes account of the sustainability characteristics of the villages, their location in relation to the AONBs, and available sites identified in the Strategic Housing Land Availability Assessment (SHLAA). The forecast of the timing of delivery is cautious. To manage the risks of delivery, where delivery depends on plan making outside the JLP process, the trajectory in Table TTV2 forecasting delivery at a rate of 80 dpa over the 9 years from 2025/26 to 2033/34. So it does not rely on delivery from this source early in the plan period. The JLP paragraph 5.157 explains the contingency measure if monitoring shows that Neighbourhood Plans are not bringing forward allocations to support Policy TTV30. It is therefore appropriate to include this supply source, and the scale of supply is justified.

3.139 In the 2017 Monitoring Point TTVPA trajectory the annual rate of supply in this category has been reduced to 72 dpa for the 9 years from 2025/26 to 2033/34. This is due to the decision by the Newton and Noss Neighbourhood plan Group not to include the site of 70 dwellings at Collaton Park, which now has planning permission for housing development, in the Neighbourhood Plan. It had been included as part of the potential supply in this category in the 2016 Monitoring Point TTVPA trajectory (see TP3 Appendix 7.6). Consequently the TTVA potential supply has been reduced from 720 down to 650 dwellings.

3.140 Further amplification is set out in the updated Housing Topic Paper (TP3(REV)) paragraphs 7.72 to 7.80.

**Student Accommodation**

3.141 The NPPG states: ‘How should local planning authorities deal with student housing?’

3.142 All student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not
it is on campus, can be included towards the housing requirement, based on the amount of accommodation it releases in the housing market. Notwithstanding, local authorities should take steps to avoid double-counting.’

3.143 It is therefore appropriate and reasonable to include this supply category where there is a release of accommodation to the market as a result of the provision of PBSA. The evidence set out in document HO16 and the updated Housing Topic Paper section 7 & appendix 7.7.

3.144 Table 4 within Document HO16 provides evidence that there has been an ongoing and significant decline in the number of properties in Plymouth that are exclusively occupied by students, in 2014/15 there was a net reduction of 191 properties and in 2015/16 there was a net reduction of 323 properties. At the same time, Plymouth’s student population decreased, as shown in the table below:

<table>
<thead>
<tr>
<th>Academic Year</th>
<th>Plymouth’s Higher Education Institute’s cumulative student enrolments (student population)</th>
<th>% change from previous year</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010/11</td>
<td>35,515</td>
<td>n/a</td>
</tr>
<tr>
<td>2011/12</td>
<td>34,140</td>
<td>-3.87</td>
</tr>
<tr>
<td>2012/13</td>
<td>31,779</td>
<td>-6.92</td>
</tr>
<tr>
<td>2013/14</td>
<td>30,411</td>
<td>-4.30</td>
</tr>
<tr>
<td>2014/15</td>
<td>29,091</td>
<td>-4.34</td>
</tr>
<tr>
<td>2015/16</td>
<td>24,077</td>
<td>-17.24</td>
</tr>
</tbody>
</table>

3.145 This information is extrapolated from data presented in Tables 1-3 in Document HO16.

3.146 In addition to the above information, Document HO16 shows there has been an increase in the number of bed spaces in Purpose Built Student Accommodation (PBSA) in Plymouth over recent years. Table 3 in Document HO16 reports that in the last 10 years 4,051 new bed spaces in PBSA have been approved by the local planning authority and although a proportion (33%) of these consents have lapsed, 2,703 bed spaces in PBSA have been delivered or are in the delivery pipeline.
3.147 Based on the information above, we consider it reasonable to assume that a number of properties that were once fully occupied by students are now available as market housing or have bed spaces available for Plymouth’s non-student population as there is less demand for student housing as a result of student population decline, an increased supply of PBSA and a reduction in the number of properties with a council tax exemption owing to exclusive student occupation.

3.148 Having regard to the NPPF, a calculation to determine the likely number of dwellings that are released to the housing market as a result of new PBSA has been devised to inform housing trajectories. The calculation is based on a number of assumptions that are considered to be reasonable, cautious and justified.

3.149 The starting point for this ‘housing release’ calculation is the number of student occupied HMOs in Plymouth, which was reported in Document HO16 as 512. Further interrogation of the HMO register showed the cumulative number of bed spaces available to students in these 512 properties was 3,796 as reported in Figure 1 of Document HO16.

3.150 Excluding large licensed HMOs, there are 2,347 properties exclusively occupied by students, we do not have intelligence on the number of bedrooms in each of these properties, however, we know that it is likely to be less than 5 if it is not on the HMO register. Taking into account the transient nature of students, we have made an assumption that it is possible 3 persons could reside in each student exclusive dwelling (3 being an approximate average of 5 and assuming HMOs of 5 or more persons are likely to be licensed properties). On that basis, with the exception of licensed HMOs, the total number of bed spaces in dwellings occupied by students in Plymouth is 7,041 (number of properties, excluding licensed HMOs, multiplied by estimated occupants). Working with these assumptions, and taking into account the bed spaces available in large HMOs, the cumulative total number of bed spaces in student exclusive dwellings is 10,837.

3.151 In order to look at potential housing releases, we have used the assumptions above to create a ratio of bed spaces per HMO in Plymouth, by dividing the total number of bed spaces in student exclusive dwellings by the number of council tax exempt
properties (10,837 / 2,859). As a result of this calculation, we have assumed that 3.79 students live in each property that is exempt from council tax.

3.152 If we turn to future projections, as detailed in Document HO16, we have been informed by the city’s HEI’s that over the coming years Plymouth’s student population is likely to stabilise. However, the number of bed spaces that will become available in PBSA is set to increase and improve the accommodation offer for students.

3.153 As reported in Document HO16, as of January 2017, 1,281 bed spaces in PBSA were under construction and a further 1,048 PBSA bed spaces were in the delivery pipeline, upon their completion the supply of PBSA would increase by almost 43%.

3.154 HEI’s and developers report that large scale PBSA with more than 100 bed spaces are likely to have occupancy levels of 75% whereas smaller PBSA are likely to achieve occupancy levels of 95%. This intelligence has been factored in to the assumptions that follow.

3.155 As of April 2016, 1,202 PBSA bed spaces were under construction as detailed in Appendix 4 of Document HO16. Taking into account the estimated occupation rates, we have assumed 901 bed spaces could be occupied upon completion (517 by September 2017 and 384 by September 2018 as detailed in Document HO16 Figure 1).

3.156 Working with the assumptions noted above, we have also applied a 50% non-implementation rate to planned PBSA, this is a cautious approach we have taken to reflect a historic non-implementation rate of 33% and the recent decline in student numbers across the city is now expected to stabilise.

3.157 In total within the first 8 years of the plan period, we have used the evidence and assumptions set out above to derive an effective release of student bed spaces in HMO’s as the equivalent of a release of 470 dwellings available for market housing (see PPA housing trajectory TP3F and housing topic paper section 7, table 16 & appendix 7.7). Any gains from HMO’s converting to flats within the plan period would not be counted in the PPA supply to avoid double counting. Monitoring will identify whether there are any changes in circumstances that
might warrant reverting to counting HMO conversions to flats in the housing supply instead of the methodology proposed.

Small and large sites which are not allocated

3.158 These are dwellings on sites with planning permission that are not allocated for housing development in the Joint Local Plan that have not yet been completed as at the Monitoring Point, and where the planning permission had not lapsed at that point. Unless there is evidence to demonstrate that they are not capable of being delivered, they are included in the housing trajectory and count towards the supply to meet the housing provision requirement in the plan period.

PPA

3.159 Table 12a relates to the end March 2016 monitoring point, where planning permission relates to the date on the decision notice being on or before that point. The large sites (5 or more) are listed individually in the housing trajectory in TP3Bi – Table PPA1. The combined small sites commitments totals are listed in a single row in Table PPA2. The detailed evidence about the individual small sites commitments is set out in the Housing Topic Paper Appendix 7.2

3.160 It should be noted that the outstanding commitments in JLP Table 3.3 and the small and large sites (non-allocations) that are not built in Table 12a in PPA are net figures, i.e. where the lapse rate has already been applied. Scheduled demolitions are identified separately in table 12a. The A3 format 2016 monitoring point PPA trajectory (TP3B) summarises the small site and large site commitment trajectories before the lapsed rate is applied and has separate rows to show the specific number of dwellings deducted based on applying the lapsed rates to commitments where the site has not started.

3.161 The Councils’ response to Q3.3iv about the lapse rates applied to small and large sites justifies the reduction made to supply from the small and large site commitments (non-allocations) that have been included in the housing trajectories.

3.162 The updated evidence about small and large sites that are not allocated is provided by the 2017 Monitoring Point PPA housing
trajectory in Table PPA1 and PPA2. Details about the small sites are in the updated Housing Topic Paper section 7 (sources of supply) and Appendix 7.1a & 7.2a). With the additional intelligence about large sites, the approach has been modified so that supply is counted as nil for a limited number of sites in PPA where that new evidence confirms that sites with permission will not or are unlikely to be developed. This significantly reduced the need to apply a lapse rate to large sites. A 10% lapse rate is applied to the small sites that have not yet started. The 11,721 small and large site total commitments included in the supply count for the plan period equates to 57% of forecast supply in the plan period, and 2,297 of these have been built 2014 to 2017, with the remaining 9,424 forecast to be built in the plan period. It is therefore appropriate to include this supply source, and the scale of supply is justified.

TTV

3.163 Table 12a relates to the end March 2016 monitoring point, where planning permission relates to the date on the decision notice being on or before that point. The large sites (net 10 or more) are listed individually in the housing trajectory in TP3Ci – Table TTV1. The combined small sites commitments totals are listed in a single row in Table TTV2. The detailed evidence about the individual small sites commitments is set out in the Housing Topic Paper Appendix 7.2.

3.164 It should be noted that the outstanding commitments in JLP Table 3.3 and the small and large sites (non-allocations) that are not built in Table 12a in TTV are net figures, ie where the lapse rate has already been applied (in addition to any demolitions on these sites having been deducted). The A3 format 2016 monitoring point TTV trajectory (TP3C) summarises the small site and large site commitment trajectories before the lapsed rate is applied and has separate rows to show the specific number of dwellings deducted based on applying the lapsed rates to commitments where the site has not started.

3.165 The Councils’ response to Q3.3iv below about the lapse rates applied to small and large sites justifies the reduction made to supply from the small and large site commitments (non-allocations) that have been included in the housing trajectories.

3.166 The updated evidence about small and large sites that are not allocated is provided by the 2017 Monitoring Point TTVPA.
housing trajectory in Table PPA1 and PPA2. Details about the small sites are in the updated Housing Topic Paper (TP3(REV) – Appendices 7.1b, 7.1c, 7.2b & 7.2c). With the additional intelligence about large sites, the approach has been modified so that supply is counted as nil for a limited number of sites in PPA where that new evidence confirms that sites with permission will not or are unlikely to be developed. This significantly reduced the need to apply a lapse rate to large sites. A 10% lapse rate is applied to the small sites that have not yet started. The 1310 and 4617 small and large site total commitments included in the supply count for the plan period equates to 19.8% of forecast supply in the plan period, and 3,142 of these have been built 2014 to 2017, with the remaining 2,784 (net) forecast to be built in the plan period. It is therefore appropriate to include this supply source, and the scale of supply is justified.

Small site windfalls

3.167 The supply category is consistent with NPPF paragraph 48 and NPPG ID: 3-24-20140306. The JLP Councils have compelling evidence that a windfall allowance is justified in the 5 year housing land supply and as part of the supply in the plan period, for small non-garden windfalls only.

PPA

3.168 The forecast of 602 dwellings in the plan period in PPA relates to small sites (i.e. sites of less than 4 dwellings) in the Plymouth and South Hams fringe LPA areas that have not been allocated in Local Plans or Development Plan Documents, and are not on residential gardens. It is based on evidence about past delivery of small windfalls that meet this definition. The detailed evidence about small windfall completions is set out in Appendix 7.4 of the Housing Topic Paper (TP3). That evidence has now been updated by the 2017 Monitoring Point TTV housing trajectory, and the detailed evidence about the additional 2016/17 small site windfall completions has been included in the updated Housing Topic Paper (TP3(REV) – Appendix 7.4)

3.169 No allowance for delivery of dwellings from small site windfalls is included in the years 2017/18, 2018/19 and 2019/20, to avoid overlap with delivery of dwellings on small site commitments.
This avoids double counting. It is therefore appropriate to include this supply source, and the scale of supply is justified.

**TTV**

3.170 The forecast of 664 dwellings in the plan period in TTVPA relates to small sites (i.e., sites of 9 or less) in the South Hams and West Devon LPA areas that have not been allocated in Local Plans or Development Plan Documents, and are not on residential gardens. It is based on evidence about past delivery of small windfalls that meet this definition. The detailed evidence about small windfall completions is set out in Appendix 7.4 of the Housing Topic Paper (TP3). That evidence has now been updated by the 2017 Monitoring Point TTV housing trajectory, and the detailed evidence about the additional 2016/17 actual windfalls completions has been included in the updated Housing Topic Paper (TP3(REV) – Appendix 7.4)

3.171 In TTVPA, the historic rate of 70 pa has been reduced by 17 dws pa to avoid the risk of potential double count with dwellings delivered in the future from small sites that are allocated for development in Neighbourhood Plan (more detailed explanation is given in TP3(REV) paragraphs 7.56 to 7.62)

3.172 No allowance for delivery of dwellings from small site windfalls is included in the years 2017/18, 2018/19 and 2019/20, to avoid overlap with delivery of dwellings on small site commitments. This avoids double counting. It is therefore appropriate to include this supply source, and the scale of supply is justified.

**Question 3.3(iv)**

*Are the allowances for a lapse rate in the completion of planning permissions of 10% for PPA and 15% for TTVPA appropriate? Is there any evidence to indicate these should be changed?*

3.173 The lapse rates for PPA and TTVPA are appropriate as explained in TP3(REV) paragraphs 7.53 & 7.54 and appendix 7.3. There is no evidence to justify changing these rates. However the Councils have taken an individual site assessment approach to large sites in the 2017 monitoring point housing trajectories, This has been informed by the latest evidence on delivery combined with the removal from the supply count of sites forecast as not being delivered or unlikely to be delivered in the plan period.
This is the correct approach to managing future uncertainty relating to large sites for the purposes of the trajectory. Making a further general reduction for large sites lapsing is unnecessary and inappropriate it would be double discounting.

3.174 However the lapse rates are applied to small sites that have not yet expired but not yet commenced. These sites have not been individually assessed regarding future delivery so the correct approach is to apply a lapse rate to these outstanding commitments, for the purposes of the trajectory, as some may lapse in the future and not contribute to supply. TP3(REV) paragraphs 7.49 to 7.55 amplify these points regarding lapse rates.

**Question 3.3(v)**
Monitoring targets for each LPA are set out in Annex 2 to the JLP. It is stated in TP3 para 8.22 that each LPA will monitor delivery against these target figures to ensure that the requirements of para 47 of the NPPF are being met. It is then stated in para 8.25 of TP3 that the PA targets in STP3 will be used for 5 year housing land supply analysis for development management purposes. Can the Councils please explain how this will work in practice? For example, if there is a shortfall in delivery within the PPA, would it become the responsibility of Plymouth CC or S Hams to find further allocations to make up the shortfall?

3.175 The JLP sets out an approach to meeting housing needs which is innovative, in that it is attempting to set out a sensible spatial framework to reflect the delivery of Plymouth’s growth agenda, and ensure that housing which is required to meet the needs of the city and drive its growth is delivered at Plymouth – ie in the city and its urban fringe.

3.176 The approach taken in the JLP to achieving this aim is to divide the plan area into the two Policy Areas, and in Policy STP3 to set out housing requirements for each policy area, which when added together meet the plan requirement for the whole JLP area, and meet the need for housing in the HMA.

3.177 The key element of this approach is that the Policy Areas ring-fence housing development to meet the housing requirement to each policy area. IE all of the 19,000 new homes which make up the housing requirement for the Plymouth Policy Area must be provided in the Plymouth Policy Area. Therefore, in the event
that there is a shortfall in delivery in the PPA, which might lead to a lack of a 5 year land supply, that shortfall can only be made up within the Plymouth Policy Area, and, for example, a proposal for housing development in Totnes cannot be brought forward to make up a shortfall in the PPA.

3.178 The Policy Areas do not follow LPA boundaries (the Plymouth Policy Area includes a part of South Hams District Council administrative area in the Plymouth urban fringe – see the Policies Map). It is therefore important that this approach is carefully explained in the context of the NPPF (and in particular paragraph 47 of the NPPF). It also important to explain a clear officer and Member governance structure to show how decisions on development proposals will be made, how accurate advice and guidance will be given to planning committees, and how monitoring will take place to ensure the JLP approach is being implemented.

3.179 The Strategy Topic Paper (TP5) explains on pages 6 – 8 the Policy Area approach as set out in the JLP, and the way in which this approach relates to housing delivery and the calculation of a 5 year land supply.

3.180 To assist the Inspectors, the JLP Authorities have now produced a new Topic Paper, the Governance Topic Paper (TPX) which sets out in more detail how the Policy Area approach will be implemented, the governance arrangements that are being put in place to coordinate delivery and implementation of the JLP strategy, and monitoring arrangements to ensure that the JLP Authorities understand how the approach is being implemented, and can undertake actions to correct any shortfall in delivery.

3.181 It should be emphasised that as this is the first Joint Local Plan to be agreed by the JLP Authorities, that there is certainly a sense that the authorities have started on a journey to align and coordinate their strategic and spatial planning of the area, and to put in place closer working practices to ensure implementation of the plan. The Governance Topic Paper sets out the new arrangements that are being put in place and will be operational at the point of adoption of the JLP. Nevertheless, it is clear that having taken the decision to work together on the planning and delivery of development in the JLP area, the JLP authorities will continue to work to align their governance and decision making.
processes more closely as the JLP is delivered.

3.182 Question 3.3 (v) asks how the JLP approach will work in practice. The answer to this is set out in the Strategy Topic Paper (TP5 pages 6 – 8) and the Governance Topic Paper (TPX paragraphs 1.7 – 1.10). The main elements of the approach are:

- The JLP housing requirements are set out in Policy SPT3, and are expressed at whole plan and Policy Area levels. The JLP does not set a housing requirement for the LPAs.

- 5 year land supplies should therefore be set out for each Policy Area, to show how the plan requirements will be delivered, and are being delivered, throughout the life of the JLP.

- To be clear, this approach also applies to the requirements of paragraph 47 of the NPPF and development management decisions – i.e. that the ‘housing requirement’ referred to in the second bullet point of paragraph 47 is the policy area requirement set out in Policy SPT3 of the JLP. This point is explained fully in the Strategy Topic Paper (TP5, page 7, second and third main bullet points).

- The monitoring targets by LPA in Annex 2 are intended to be used in the monitoring of the implementation of the JLP. They enable the JLP Authorities, using the governance arrangements set out in the Governance Topic Paper (TPX paras 1.11 – 1.21), to monitor the amount of development being brought forward through planning consents granted by each LPA, and if necessary through the joint arrangements to take action in the event of a shortfall.

3.183 To answer the second part of Question 3.3 (v), the above approach has a clear implication, which is that in the event of a shortfall in the 5 year land supply in a policy area, the implications of that shortfall and the measures needed to remedy the situation can only be found in that policy area. The range of scenarios that the approach leads to are spelt out in Appendix One to the Governance Topic Paper (TPX).

3.184 Therefore, in the event that a shortfall in delivery is experienced in the PPA, leading to the policy area being unable to demonstrate a 5 year land supply, the following provisions would
apply:

- For the purposes of paragraph 47 of the NPPF, the PPA would be unable to demonstrate a 5 year land supply, and therefore under paragraph 14 of the NPPF the ‘tilted balance’ would apply in the PPA. As long as the TTVPA was not experiencing a shortfall in delivery and could demonstrate a 5 year land supply, paragraph 14 would not apply to the TTVPA.

- In terms of taking action to remedy that shortfall, it would be for Plymouth City Council and South Hams District Council to use the governance arrangements outlined to the Governance Topic Paper (TPX) to find additional sources of supply in the PPA – i.e., in the Plymouth City Council administrative area and that part of the South Hams administrative area that falls within the PPA. As set out in the Governance Topic Paper, the new Joint Local Planning Team would provide the officer resource to undertake this task, and the JLP Partnership Board would provide Member oversight on behalf of all of the JLP Authorities.

- In terms of development management decisions, any development proposals coming forward in the PPA would need to be considered in the context of paragraph 14 of the NPPF and the ‘tilted balance’. These considerations would apply to all proposals in the Plymouth City Council LPA area, and to proposals in the part of the South Hams administrative area that falls within the PPA. The new Joint Local Planning Team would provide guidance to case officers and the South Hams Planning Committee to ensure that they were aware of the different context in which decisions would need to be made relating to proposals in each part of South Hams.

3.185 Therefore, in the event of a shortfall in delivery in the PPA, it would be the collective responsibility of both Plymouth City Council and South Hams District Council to address this shortfall, using the arrangements set out in the Governance Topic Paper (TPX).

3.186 In drafting the Governance Topic Paper, the JLP Authorities have become aware that the JLP may not clearly state the above position regarding the way in which decision makers should use Policy STP3 and the approach to housing delivery set out in the JLP. In particular, Policy STP3 may not precisely state that the
implication of setting out housing requirements by policy area is that delivering those requirements can only be achieved within the policy area. The JLP Authorities are therefore proposing that an amendment to Policy SPT3 clarifying the approach of the JLP may be appropriate. An amendment along the following lines may clarify how the policy is to be delivered:

**Policy SPT3**

**Provision for new homes**

The LPAs will plan, monitor and manage the delivery of housing from 2014 to 2034 in accordance with the apportionment between Policy Areas, the spatial strategy and the site allocations set out in this plan. Housing provision will be made for at least 26,700 dwellings (net) in the Plan Area during the plan period 2014 to 2034, comprising the policy area totals and the related market housing and affordable housing provision as follows:

1. Within the Plymouth Policy Area – at least 19,000 new homes, of which 4,550 should be affordable.

2. Within the Thriving Towns and Villages Policy Area – at least 7,700 new homes, of which 2,050 should be affordable.

Only housing proposals within each Policy Area will be considered to contribute to meeting the housing requirement for that Policy Area. Any shortfall in the supply of housing sites in a policy area must be made up within that policy area, and cannot be remedied in the other policy area.

The delivery and availability of housing land will be monitored annually. Any necessary adjustments will be made in order to deliver the overall local plan housing target and maintain a rolling 5-year supply of deliverable housing land, consistent with the policy area totals.

**Question 3.3(vi)**

*Based on a requirement for 26,700 dwellings, is the annual requirement 1335, split between PPA 950 and TTVPA 385?*

3.187 The housing provision for the Joint Local Plan Area stated in Policy SPT3 is expressed as a total target for the plan period, not as an annual rate. The housing provision is at least 26,700 dwellings for the plan period. This is a minimum requirement.

3.188 An annualised rate is used in the Plan-Monitor-Manage analysis set out in Table JLP3 (based on the 2017 monitoring point trajectory for the plan area in TP3E). This is one of a suite of
metrics and indicators that are used to assess and help to manage supply performance. The rate is calculated by dividing the total policy requirement figure of 26,700 by 20 which is the number of years in the plan period. This results in an annualised rate of 1,335 dwellings per annum. The rate is the same in all years in the plan period. This rate is illustrated by the green ‘Plan’ line in Graph JLP2A (Plan – Manage) in TP3E. The annualised rate is used to calculate the red Monitor line in Graph JLP2B and the orange Manage line in Graph JLP2a (TP3E).

3.189 The annualised rate is also in calculating the 5 year housing land supply position. The 1,335 rate is in included in Table JLP4 Rolling 5 year housing land supply (TP3E).

3.190 The annualised rate for PPA is 950 per year, calculated by dividing the minimum requirement of 19,000 by 20 years. Likewise the annualised rate for the TTVPA is 385 per year, calculated by dividing the minimum requirement of 7,700 by 20 years. The housing trajectories in TP3F and TP3G underpin the Plan Monitor Manage analysis in Tables PPA5 and TTV5 (illustrated by graphs PPA2A, PPA2B, TTV2A and TTV2B) and the rolling 5 year housing land supply analysis in Tables PPA6 and TTV6.

**Question 3.3(vii)**

*In order to calculate a five year supply, is it appropriate to provide for the backlog within the first five years, with a 20% buffer to secure choice in supply? Would the five year requirement then be 9,815 in the first five years?*

**Backlog**

3.191 If there is a backlog then yes it would be appropriate to provide for a backlog within the first five years (the ‘Sedgefield’ approach). This is the approach applied in the suite of 2016 monitoring point housing trajectories (TP3A, TP3B and TP3C). The application of this approach is clearly shown in the Tables JLP5, PPA7, and TTV7 (Residual and Sedgefield calculations), and in Tables JLP3, PPA6, and TTV6 (Rolling 5 year housing land supply). If there is a shortfall against the JLP target, then the approach is for this to be made good in the next 5 years, consistent with NPPF policy towards boosting supply.

3.192 The only time that a backlog needs to be considered is if the cumulative supply at a monitoring point is less than the
cumulative target (ie the annualised requirement multiplied by the number of years between the start of the plan period and the monitoring point). As set out in the evidence in TP3A, TP3B and TP3C:

- In the JLP area the cumulative target exceeds cumulative supply – so there is a backlog forecast up to March 2018. But thereafter the forecast is for a surplus over the cumulative requirement.

- In the PPA the cumulative target exceeds cumulative supply – so there is a backlog forecast up to March 2018. But thereafter the forecast is for a surplus over the cumulative requirement.

- In the TTVPA the cumulative supply exceeds cumulative target from 2015/6 onwards. So there is no backlog at the Monitoring Point, nor is one forecast for the future.

3.193 The same approach to backlog is applied in the 2017 monitoring point housing trajectories. Further details regarding the approach to backlog in the JLP and its resolution is set out in appendix 6 paragraphs A6.52 to A6.58 of TP3(REV).

Buffer

3.194 The plan has been prepared in accordance with the requirements of paragraph 47 of the NPPF including making provision for a 20% buffer in the 5 year supply on the basis of past market failure to deliver past housing targets.

PPA

3.195 Within the Plymouth Policy Area the failure to deliver housing to meet plan targets however was and is not as a result of under supply of housing in Plymouth City rather the effects of the global financial crisis which led to a housing market collapse impacting on the city’s growth aspirations and housing target set out in the current development plan. The targets in the current development plan were handed down by draft RSS which never reached adoption and was abolished. The derivation of RSS targets is inconsistent with the NPPF & NPPG approach to objectively assessed need as they were influenced by potential land supply and thus not consistent with assessing delivery against housing need post NPPF.
Prior to the housing market collapse Plymouth was ahead of the cumulative housing position. When the downturn occurred Plymouth City Council immediately responded with a market recovery scheme, followed by Get Plymouth Building and Plan for Homes initiatives. These initiatives and their outcomes are summarised below. In addition Plymouth’s track record of housing consents, expediency in determining applications and level of supply consented are summarised below and demonstrate that under delivery was primarily due to the effects of the recession rather than any housing supply restriction, under performance or lack of intervention/management to address the issue on the part of the local authority. The evidence set out below demonstrates that Plymouth’s response to monitoring and managing the housing position in the city has led to substantially more housing than would otherwise have been brought forward by the market in the past 7 or 8 years.

A recent Secretary of State section 78 decision in West Berkshire2 (see Appendix K) regarding the appropriateness of 5% or 20% buffer made the following conclusion. “the Secretary of State has had regard to report into the West Berkshire Housing Site allocations DPD and the DPD Inspector’s conclusions (DPD IR 134) that the housing supply situation is satisfactorily monitored with no reasons to conclude that there is any significant threat to the delivery of housing in West Berkshire. The Secretary of State also concludes that while there has been an undersupply in 6 of the past ten years, this has been in part due to the influence of the recession. As such he finds that a 5% buffer is appropriate.”

Taking into account this decision and the local circumstances and evidence set out below it would be entirely appropriate and justified for a 5% buffer to be applied in the PPA for the purposes of the 5 year supply at the point of adoption.

Record of delivery against Plymouth Core Strategy target 2006-2014.

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2 Section 78 appeal made by A2Dominion Developments Ltd, Siege Cross, Land North of Bath Road, Thatcham, Berkshire Application Ref:15/00296/OUTMAJ (West Berkshire DC). An attempt to seek permission to appeal this decision has failed.
Charts 1 and 2 below show the net housing delivery in Plymouth against the Core Strategy Housing Requirement annualised and cumulative. Chart 2 clearly shows that prior to the recession the housing target was on track with net dwelling delivery at 3,016 dwellings against the cumulative target for 2006 to 2009 of 3,000 dwellings (see table xx below)

Chart 1 Annual Housing Delivery against Annualised Core Strategy Housing Requirement 2006-2014
Table 1 below shows the detailed breakdown of dwelling delivery over the period 2006-17. It should be noted that over this period gross housing delivery excluding purpose built student accommodation equalled 8,703 dwellings at an average of 791 dwellings per annum. Significant regeneration projects in Devonport and North Prospect accounted for 1,080 demolitions over this period which brings the net delivery over this period down to 7,623 dwellings an average net delivery of 693 dwellings per annum.

The clear effects of the recession on house providers can be seen in charts 1 and 2 above and table 1 below. Gross housing delivery in the 3 years prior to the effects of the recession totalled 3,236 at an average of 1,079 dwellings per annum. Gross housing delivery after the recession totalled 2,836 dwellings over the 5 year period 2009 to 2014 at an average of 567 dwellings per annum.

Table 1 Total net dwellings delivered per annum 2006-2017
The first 3 years of the Joint Local plan period (2014-2017)

3.202 Table PPA3 of TPF3 identifies that in the first 3 years of the JLP plan period net dwelling provision stands at 2,2973 dwellings, which represents a shortfall of 553 dwellings at the 2017 monitoring point (PPA5). During the first 3 years of the JLP plan period the PPA has seen 408 demolitions in North Prospect and Devonport, meaning gross housing delivery over the period stands at 2,705 dwellings and average gross housing delivery over the 3 year period of 902 dwellings. At the 2017 monitoring point 901 dwellings had commenced construction. This represents a significant increase in house building when compared with house building between 2009 and 2014.

3.203 It is important to understand what the housing supply situation was in the post-recession years together with Plymouth’s response to the housing market collapse to inform the justification for which buffer should be applied. Plymouth’s response to the housing market collapse, its planning performance and consent record and analysis of supply during the post-recession period is set out below which demonstrates that shortfall in housing delivery was as a result of the recession and not due to a shortage or restriction of supply.


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3 This includes the allowance for effective student HMO release
3.204 A 10-point Market Recovery Action Plan was launched on 22nd October 2008 in response to the economic downturn following representations by the Plymouth Regeneration Forum. These actions are set out in the PCC Market Recovery Scheme Working Plymouth Report published in September 2013 (Appendix F) and included for example a flexible approach to s106, streamlined pre-app process, delivery team approach on all major development proposals, delayed inception of development tariff and previously agree planning fees.

3.205 After a call for sites, 10 planning consents were eventually granted under this Plan with a total development value of £134 Million.

**PCC Market Recovery Scheme (2009)**

3.206 The Market Recovery Scheme replaced the Market Recovery Action Plan in January 2009. This mainstreamed the market recovery measures and embedded the provisions into the Planning Obligations and Affordable Housing Supplementary Planning Document.

3.207 The new scheme promoted two types of incentives to respond to continuing economic challenges: measures to promote early delivery of projects and measures to have “oven-ready consents”, again with safeguards. This broadened the range of measures available and also extended incentives for job creating proposals. The measures are set out in the Market Recovery Scheme Working Plymouth Report published in September 2013 (Appendix F) and included for example up to 50% discount on tariff for housing development on Brownfield sites, up to 25% discount on greenfield sites, up to 50% reduction in Affordable housing requirement, extended planning consents and flexible payments of planning obligations.

3.208 In total there were 115 planning permissions granted under both the Market Recovery Action Plan and Market Recovery Scheme with a total development value of over £200 Million.

3.209 These permissions approved 1,845 dwellings and 4 commercial projects of 4,188m² of commercial space with some additional mixed use developments. The report states that as at August 2013 40 of the 115 permission accepted on the scheme were completed delivering 429 homes, 18 sites were under
construction delivering 296 homes and 51 sites had yet to commence which could deliver a further 594 homes.

**PCC Get Plymouth Building (GPB) (2012)**

3.210 On 24th August 2012 PCC launched the GPB programme. The programme contained 8 initiatives aimed at accelerating housing delivery and bringing forward greener and more affordable homes. These initiatives are set out in the GPB Working Plymouth Scrutiny Report, December 2014 (Appendix G) and included for example; working with landowners to unlock stalled sites large and small, fast tracking new development opportunities brought forward under call for sites and release of council owned land for accelerated housing delivery and self-build opportunities.

3.211 As at December 2014 the GPB Working Plymouth Scrutiny Report, December 2014 (Appendix G) noted that the initiatives introduced resulted in 713 homes being built on identified stalled, lapsed, AAP and small sites, 528 homes were under construction on sites forming part of the programme and an further 229 homes were projected to complete by August 2015.

**PCC Plan for Homes (2013)**

3.212 The Plan for Homes programme was announced in July 2013. The programme contained 16 initiatives again aimed at accelerating house building. These initiatives are set out in the Plan for homes leaflet (Appendix H) and were centred around finance, land, infrastructure, engagement and leadership. Initiatives included for example the release of the waiving of planning pre-application fees for self-build projects and affordable housing policy compliant schemes, the release of over 100 acres of council owned land for housing development and the creation of a dedicated Sherford Delivery Team to enable expedient start on site.

**PCC Plan for Homes Refresh (2016)**

3.213 The Plan for Homes programme was refreshed in 2016 (Appendix I) bringing forward further initiatives for example the a programme to bring long term empty homes back into use, a land acquisition fund in partnership with the HCA and the creation of a housing infrastructure fund to support housing delivery opportunities.
3.214 Under the Get Plymouth Building Programme and Plan for Homes PCC has released 30 sites for housing development with a capacity for approximately 1500 homes and approximately 730 being an affordable housing product. As at April 2017 147 dwellings had been completed on these sites with approximately 300 dwellings under construction a further 610 dwellings with consent and 458 dwellings at the pre-planning stage or being marketed.

3.215 Of the 25 sites that have commenced construction under this programme the average time taken from appointment of developer to commencement on site is 24 months, which demonstrates the expediency of the Council’s ability to turn sites in PCC ownership into housing delivery on the ground and provides additional evidence to support the council’s approach to lead in times taken within the SHLAA methodology and subsequent forecasts within the PPA trajectory (see response to Q 7.6ib, Q2.2ix and examination references TP3H, HO2, HO2D.)

**PCC and Government land intervention sites identified within the PPA Housing Trajectory.**

3.216 A significant amount of housing delivery has and will take place during the plan period on PCC and Government land intervention sites. Table 2 below shows the number of sites and dwellings within the PPA Housing Trajectory that the Joint Local Plan makes provision for.
3.217 Of the 20,684 dwellings identified in the PPA housing supply, 7,033 (34%) dwellings have either completed, are Under Construction, with permission yet to start or yet to gain consent that are identified as PCC or Government Intervention sites.

3.218 Of the 7033 dwellings, 599 of these have completed between 2014 and 2017 and 404 dwellings were under Construction as at April 1st 2017. A further 1434 dwellings are on sites with consent but are yet to commence and 4596 dwellings are identified on Allocated sites yet to gain consent.

### PCC Planning Consent Approval Record

3.219 In the period 2006-2017 the council has dealt with 316 Major applications for residential development, totalling approximately 17,890 dwellings. The council approved 263 of these applications granting consent for 15,140 dwellings. A total of 53 major housing applications were refused in this time, however 30 of these have subsequently gone on to be consented addressing the reasons for refusal. Only 6 applications representing 164 dwellings have subsequently been allowed on appeal which represents less than 1% of the total dwellings consented over this period (Appendix J).

### PCC Planning Performance Record

3.220 The planning performance of PCC over the years 2008-2017 is set out in chart 3 below. This clearly demonstrates a high level of performance in dealing with planning applications within the relevant statutory periods.

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### Table 2 – PPA Housing supply on PCC/Govt land intervention sites

<table>
<thead>
<tr>
<th>PPA 2014-2034</th>
<th>Sites Complete</th>
<th>Sites Under Construction</th>
<th>Sites with consent but Not Yet Started</th>
<th>Sites yet to gain Consent*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of sites</td>
<td>Number of Dwellings Complete</td>
<td>Number of sites</td>
<td>Number of Dwellings Complete</td>
</tr>
<tr>
<td>Large Site Commitments</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PCC land intervention</td>
<td>11</td>
<td>297</td>
<td>12</td>
<td>4</td>
</tr>
<tr>
<td>GOV land intervention</td>
<td>6</td>
<td>188</td>
<td>3</td>
<td>110</td>
</tr>
<tr>
<td>Allocations</td>
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<td>0</td>
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<td>PCC &amp; Gov land intervention</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>17</td>
<td>485</td>
<td>21</td>
<td>114</td>
</tr>
</tbody>
</table>

* Two sites within this category have gained consent post April 2017.
PCC Housing supply 2009-2017

3.221 It is important to understand whether the shortage in housing delivery against development plan targets were due to a restriction or lack of supply of housing land in the City to establish whether this played a role in under delivery and a 20% buffer is warranted for 5 year supply purposes.

3.222 The evidence presented above clearly demonstrates that PCC has effectively monitored and managed the city’s housing delivery during this period through immediate response and intervention to the housing market collapse. The Council’s interventions led to the continuation and increase of housing delivery in the post-recession years on land owned by private landowners and housebuilders as well as land in public ownership than would otherwise have not occurred.

3.223 The Council’s planning approval and planning performance record during this period demonstrates that no restriction of supply took place and that housing delivery to meet the housing needs of the city was and remains at the forefront of decision making and pro-active intervention within the authority.
3.224 As a result of the interventions and the record set out above it can therefore be seen from the chart below that there was a sufficient supply of housing consented at the time of lower housing delivery numbers. Chart 4 and Table 3 below also demonstrates the range and type of sites with consent over the last 5 years capable of delivering the housing required to meet targets.

Chart 4 – Dwellings consented yet to commence construction at each monitoring point 2006-2017

Table 3 – Detail of Range of Housing supply consented at each monitoring point 2012-2017

<table>
<thead>
<tr>
<th>Number of Sites</th>
<th>Total Dwellings Not Started</th>
<th>Percentage of Overall Sites</th>
<th>Total Dwellings Not Started to be Built 2012-2017</th>
<th>Percentage of Overall Sites</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small Sites</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1-4</td>
<td>45</td>
<td>42</td>
<td>54</td>
<td>57</td>
</tr>
<tr>
<td>Total</td>
<td>45</td>
<td>42</td>
<td>54</td>
<td>57</td>
</tr>
<tr>
<td>Large Sites</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-9</td>
<td>4</td>
<td>4</td>
<td>9</td>
<td>11</td>
</tr>
<tr>
<td>Total</td>
<td>4</td>
<td>4</td>
<td>9</td>
<td>11</td>
</tr>
<tr>
<td>Overall Total</td>
<td>79</td>
<td>75</td>
<td>88</td>
<td>97</td>
</tr>
</tbody>
</table>
3.225 It is within this context that for 5 year supply purposes the council believes that a 5% buffer is appropriate for the PPA at the point of adoption as the evidence does not support the notion that the Local Authority has persistently under delivered or has not effectively monitored and managed housing supply and delivery within Plymouth. This is consistent with the Secretary of State’s decision at Siege Cross in West Berkshire.

a) Would the five year requirement then be 9,815 in the first five years?

3.226 No, the JLP plan area 5 year requirement with a 20% buffer based on the 2016 Monitoring Point trajectory (TP3A) is not 9,815 dwellings in the first 5 years after an end March 2018 point of adoption (ie the forecast period being 1 April 2018 to 31 March 2023). The correct forecast 5 year requirement with a 20% buffer at end March 2018 from that trajectory would be 8,078 dwellings. The calculation for the JLP area (source: TP3A Table JLP4) is as follows:

- The annualised 1,335 JLP target (as a minimum) multiplied by 5 years (ie 6,675)
- Where there is a shortfall of cumulative completions compared to cumulative target since the start of the plan period to the monitoring point, all the backlog is then added to the 6,675, to give a 5 year requirement before a buffer is added. Where there is a surplus, this is taken into account on a residual basis, as explained in TP3(REV) Appendix 6, to give a 5 year requirement before a buffer is added.
- The buffer is then applied to the 5 year requirement. This gives the target for the next 5 years to use in the 5 year housing land supply position calculations.
- From the 2016 monitoring point trajectory (TP3A) at end March 2018 this was 6,732 (ie 6,675 plus the 57 cumulative shortfall). Adding the 20% buffer results in 8,078 dwellings. Annualised, this equates to 1,616 dpa.

3.227 Mindful of the ongoing JLP Examination, the JLP Councils now expect the point of adoption of the JLP to be between 2

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5 Section 78 appeal made by A2Dominion Developments Ltd, Siege Cross, Land North of Bath Road, Thatcham, Berkshire Application Ref:15/00296/OUTMAJ (West Berkshire DC)  An attempt to seek permission to appeal this decision has failed.
monitoring points. That is, end March 2018 and end March 2019. From the 2016 monitoring point trajectory (TP3A) at end March 2019 the target for the next 5 years (including buffer) to use in the 5 year housing land supply position calculations was 6,554 (ie 6,675 minus the 121 which is the residual surplus for the 5 years). Adding the 20% buffer results in \(7,865\) dwellings. Annualised, this equates to 1,573 dpa.

3.228 The 2016 monitoring point trajectory (TP3A) has now been superseded by the 2017 monitoring point JLP housing trajectory (TP3E). In TP3E there is no shortfall forecast for the JLP plan area at the 2018 and 2019 monitoring points. Their respective 5 year requirements including buffer, are:
- at March 2018: \(7,976\) dwellings (ie 6,675 minus 28, plus buffer); and annualised, this equates to 1,595 dpa
- at March 2019: \(7,734\) dwellings (ie 6,675 minus 230, plus buffer); and annualised, this equates to 1,547 dpa.

3.229 The correct forecast supply for the next 5 years in the JLP plan area as at end March 2018 is 9,815 dwellings, based on the 2016 Monitoring Point JLP trajectory for the next 5 years, shown in TP3A. The correct forecast is calculated by summing the forecast net completions for each of the next 5 years from the relevant monitoring point. At end March 2018 this was 9,815 and at end March 2019 this was 9,702 dwellings for the JLP area (TP3A).

3.230 In the updated JLP housing trajectory (TP3E) the respective supply forecasts are 9,965 and 9,674 dwellings.

3.231 The correct way to estimate the 5 year housing land supply position in the JLP plan area is as follows:

<table>
<thead>
<tr>
<th>Point of Adoption</th>
<th>2016 Monitoring Point Trajectory (TP3A)</th>
<th>2017 Monitoring Point Trajectory (TP3E)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>End March 2018</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forecast supply for the next 5 years (A)</td>
<td>9,815</td>
<td>9,965</td>
</tr>
<tr>
<td>Annualised requirement for the next 5 years (B)</td>
<td>1,616</td>
<td>1,595</td>
</tr>
<tr>
<td>Years equivalent (A/B)</td>
<td><strong>6.08</strong></td>
<td><strong>6.25</strong></td>
</tr>
<tr>
<td><strong>End March 2019</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forecast supply for the next 5 years (C)</td>
<td>9,702</td>
<td>9,674</td>
</tr>
<tr>
<td>Annualised requirement for the next 5 years (D)</td>
<td>1,573</td>
<td>1,547</td>
</tr>
</tbody>
</table>
Question 3.3(viii)
Can the figures on housing land supply be updated to March 2017, including revised detailed housing trajectories to replace TP3A, TP3B and TP3C? (Hard copies should be no greater than A3 size)

3.232 Yes, the figures on housing land supply have been updated to the end March 2017 monitoring point. They are contained in the suite of housing trajectories for the JLP area, the Plymouth Policy Area and the Thriving Towns and Villages Policy Area. The JLP Councils produced these in response to the Inspectors’ request in their letter of 4 September 2017 (EXC2) see paragraph 1.9 of EXC3. The Councils submitted the updated trajectories to the Examination on 29 November 2017 and these trajectories have been added to the evidence base. They are available in the Examination Library (documents TP3E, TP3F and TP3G) and have been amalgamated into a single document in EXC9. As well as the individual large site trajectories, those A3 documents also include the related tables, graphs and pie charts. They replace the March 2016 monitoring point trajectories TP3A, TP3B and TP3C and the A3 format versions of those 2016 trajectories and related tables, graphs and pie charts in TP3Ai, TP3B1, and TP3Ci, and the amalgamated EXC3C.

3.233 The JLP Councils have also produced an updated Housing Topic Paper (TP3(REV)) which uses the end March 2017 monitoring point housing land supply evidence in TP3E, TP3F, and TP3G. This replaces the Housing Topic Paper (March 2017 – TP3).

Question 3.3(ix)
To what extent has the data in the trajectories been discussed and agreed with the development industry?

PPA

3.234 The data in the end March 2016 Monitoring Point TTVPA housing trajectory (TP3C) that was published in March 2017, was informed by the SHLAA process which included SHLAA panel ratification of the lead in times/delivery rate methodology (See HO2 paragraphs 3.4.8 to 3.4.14 and HO2G & HO2H) and correspondence with site promoters and landowners to establish delivery timeframes and rates (see HO2D)
This data has been wholly superseded by the end March 2017 Monitoring Point PPA housing trajectory (TP3G). The process to produce the individual site trajectories included in this latest Policy Area trajectory included correspondence and/or discussion with the main developers/landowners for each of the large sites. This was undertaken in response to the request by the Inspectors’ in their letter of 4 September 2017 (EXC2). This provided a timely opportunity to update the forecasts of completions with the latest evidence about delivery, and in consultation with the developers: The process for the PPA was undertaken as follows:

- PCC produced an initial updated forecast for each large (5+) site included in the PPA with consent at the 2017 monitoring point using evidence of delivery rates on sites underway, dwellings and sites under construction as at April 1st 2017. PCC updated the forecast for JLP allocation sites without consent applying the SHLAA methodology for lead in times and delivery rates which included analysis of the evidence submitted by developers/landowners to inform the SHLAA (HO2D) and the status of sites some 12 months on.

- Plymouth City Council then consulted all the main developers and landowners where applicable of those large sites in October 2017, and provided them with the latest forecast seeking their views on whether they agreed or disagreed with the forecast. If there was disagreement PCC asked if the reasons for disagreement could be set out and alternative forecasts provided.

- Nearly all developers/landowners responded in November 2017, mostly in writing and the odd number by telephone. Some developers have agreed with those initial trajectories. Others provided updated forecasts particularly where development was already underway. A number of developer/landowner responses received made clear they considered that the Councils’ initial forecasts were too cautious and there was an expectation of earlier and faster delivery on their sites. Furthermore, many supported this by stating that they would be submitting planning applications in the next year or two and anticipated early site starts.

- PCC have carefully considered that evidence and have modified the PPA trajectory in light of this new evidence,
except for a few sites where the Councils considered it prudent to build in a longer lead time as per the SHLAA methodology or for location specific reasons because the combined annual forecasts for sites in close proximity offering the same product would have been unrealistic (see TP3H).

3.236 Consequently the JLP Councils submitted evidence to the Examination on 29 November 2017 (published on the 30th) about the large sites in the PPA identifying where the site trajectory has been agreed with the developer or there is broad agreement (TP3H). Where there is only partial agreement or the trajectory has not been agreed, then the assumptions relating to lead in times and delivery rates are set out in TP3H.

TTVPA

3.237 To inform the data in the end March 2016 Monitoring Point TTVPA housing trajectory (TP3C) that was published in March 2017, South Hams and West Devon Councils sought information with Plymouth on two separate occasions. This was part of a joint exercise to gather evidence about delivery timeframes and rates from developers/landowners promoting sites. Although the level of response was limited those responses received informed the production of the SHLAA’s and also the 2016 housing trajectory (see HO2D), was not subject to detailed discussion with the development industry.

3.238 However, the 2016 trajectory has been superseded by the end March 2017 Monitoring Point TTVPA housing trajectory (TP3G). The process to produce the individual site trajectories included in this latest Policy Area trajectory included discussion with the main developers for each of the large sites. This was undertaken in response to the request by the Inspectors’ in their letter of 4 September 2017 (EXC2). This provided a timely opportunity to update the forecasts of completions with the latest evidence about delivery, and in consultation with the developers: The process for the TTV Policy Area was undertaken as follows:

- The South Hams and West Devon Councils produced an initial detailed assessment for each large site included in the TTVPA 2017 Monitoring Point housing trajectory that was not complete at the 2017 monitoring point. That is, sites with planning permission at March 2017 or allocated in the JLP submission plan. For each site, the Councils collated detailed information about applications and development management
processes, lead in times and delivery into a standard template. This produced the forecast of the number of dwellings (net) completed in each year on each site in the plan period. They were cautious forecasts based on local, historical evidence of lead in times, first completions, and delivery over the last 10 years. That historical evidence is summarised in Appendix 11.2 in the updated Housing Topic Paper TP3(REV)). At that time most of those initial forecasts did not benefit from further intelligence from the industry.

- The South Hams and West Devon Councils then consulted all the main developers of those large sites in October 2017, and provided them with these detailed assessments. Meetings and/or telephone conversations were also held with some developers.

- Nearly all developers responded in November 2017, mostly in writing and a limited number by telephone. Some developers have agreed with those initial trajectories. But the developers’ responses received made clear that most considered that the Councils’ initial forecasts were too cautious. They expect earlier and faster delivery on their sites. Furthermore, many supported this by stating that they would be submitting planning applications in the next 12 months and anticipated early site starts.

- This is new evidence from the industry, providing up to date intelligence about likely delivery.

- The South Hams and West Devon Councils have carefully considered that evidence and have modified the TTV trajectory in light of this new evidence, except for a few sites where the Councils considered it prudent to build in a longer lead time, either for site specific reasons or because the combined annual forecasts for a settlement would have been unrealistic.

- Consequently the JLP Councils submitted evidence to the Examination on 29 November 2017 (published on the 30th) about the large sites in South Hams and West Devon identifying where the site trajectory has been agreed with the developer or there is broad agreement (TP3I). Where there is only partial agreement or the trajectory has not been agreed,
then the assumptions relating to lead in times and delivery rates are set out in TP3I.
Appendices

Appendix A – page 1-2 of the TCPA Tomorrow Series Paper 17
Appendix B – Appeal Decision APP/C3240/W/16/3144445 page 9
Appendix C - Luton Inspectors report para 95 (page 20-21) and Central Lincs Inspectors report para 43 (page 10-11)
Appendix D - Canterbury Inspector report page 15-16
Appendix E – Cornwall Inspectors preliminary findings para 3.19-2.25
Appendix H - Plan for Homes leaflet
Appendix I - Plan for Homes refresh leaflet (2016)
Appendix J - Methodology for Major Applications, Received, Approved and Refused
Appendix K – Extract from s78 Appeal Dominion vs SoS – Siege Cross
Town & Country Planning
Tomorrow Series Paper 17

new estimates of housing requirements in England, 2012 to 2037

By Neil McDonald and Christine Whitehead

Supported by
The Lady Margaret Patterson Osborn Trust
The Department for Communities and Local Government’s (DCLG’s) latest, 2012-based household projections suggest that England needs an extra 222,000 homes a year over the period 2011-31. That is 9% fewer than the 244,000 a year suggested by the 2008-based projections – the last full set of projections produced, which reflected conditions before the economic downturn.

The projections envisage that there will be household groups that will have an increased chance of setting up their own home compared with 2011 – but also groups that will do worse than in 2011. The ‘winners’ are largely single people in their 30s, 40s and 50s, although they will see their housing conditions improve more slowly than suggested by the 2008-based projections. The ‘losers’ are younger households – especially couples in their 20s and 30s, who will see their housing conditions deteriorate even further. There will, however, be more ‘winners’ than ‘losers’ by a ratio of more than 3:1, so overall household formation rates are projected to increase.

Why do the 2012-based projections suggest that 22,000 fewer homes are needed than the pre-recession projections of 2008? There are two main reasons:

- First, 20% of the difference between the 2008-based projections and the latest projections arises because there are expected to be more couples – and so fewer households for a given population. These changes are not likely to be reversed – in part because older men are living longer.
- Second, there have been much longer-term trends in declining household formation (mostly among younger households), starting in the early 1990s, which were not fully reflected in the 2008 projections. These were perhaps exacerbated by the credit crunch and the recession, but there are more fundamental housing market and other reasons for these trends (such as higher education related debt) that are unlikely to reverse as the economy moves out of recession.

The 2012-based projections, which use the 2011 Census and up-to-date population figures, are more immediately relevant and more strongly based than earlier estimates. The latest projections can therefore be taken as a reasonable indication of what is likely to happen to household formation rates if recent trends continue. This is because, although economic growth might be expected to increase the household formation rate, there are both longer-term structural changes and other factors still in the pipeline (such as welfare reforms) that could offset any such increase.

However, household numbers depend not just on the rate of household formation but also on the population base. In using the projections it would also be appropriate to consider adjustments:

- reflecting the possibility that net international migration may be higher than assumed in the projections;
- replacing the Office for National Statistics’ projections of flows within the UK based on the period 2007-12 with projections based on a trend period that is less affected by the economic downturn; and,
- for local estimates, taking account of particular local factors that may not have been picked up in the projections.

The ‘if recent trends continue’ caveat is important. Comparing the 2012-based projections with the DCLG housebuilding statistics for the four years 2011/12 to 2014/15 suggests that over that period only 54% of the homes identified as required by these projections were built in England as a whole. In London the proportion was only 34%. The failure to build the homes needed to house the projected growth in households means that household formation rates are likely to be lower than envisaged in the projections. To address the shortfall that has occurred since 2011 by 2020, England would need to build an average of 312,000 homes a year over the next five years. This is more than 50% higher than the Government’s ‘target’ of a million new homes, which itself is seen by most commentators as unobtainable.
The 2012-based projections suggest major differences in population and household growth – and therefore housing requirements – between regions. At the extremes, the number of households in the North East is expected to increase by 11% between 2011 and 2031, while the number of households in London is projected to increase by 33% – three times as much.

The London figure may be exaggerated because of the way in which the 2012-based population projections estimated flows within the UK and because people have found it difficult to move since the recession. On the other hand, population, including net international migration, has been much higher than expected since 2011.

Based on the 2012-based projections, 25% of the new homes that England needs between 2011 and 2031 will need to be in London, and 55% in London and the East and South East regions. These numbers are extremely unlikely to be achieved – resulting in additional pressures in neighbouring regions and lower actual household formation rates.

Most envisaged policy changes – particularly with respect to student debt, welfare and housing benefit – can be expected to put downward pressure on household formation. This would reduce the demand for homes compared with an estimate based on demographic changes. However, it would also mean that housing standards would rise less rapidly and would indeed fall for some household groups.
1 Introduction

This paper is a sequel to Alan Holmans’ Town & Country Planning Tomorrow Series paper New Estimates of Housing Demand and Need in England, 2011 to 2031,1 which was the last of his papers for the TCPA commenting on the Department for Communities and Local Government’s (DCLG’s) household projections.2 Alan sadly died in March this year.

The 2011-based interim projections, which Alan Holmans’ last paper analysed, were compiled relatively quickly following the 2011 Census and before all the data necessary for a full update of the previous full set of projections – the 2008-based projections3 – were available. The 2011-based interim figures have now been replaced by DCLG’s 2012-based household projections.4 This paper reviews these new projections. They are a full, 25-year set covering the period 2012-37. They make fuller use of data from the 2011 Census, although in some important respects they continue to rely on earlier data. However, they are not yet complete: although the Housing Statistical Release on the projections was published at the end of February 2015, at the time of writing an important part of a full set of projections, the Stage 2 results, has yet to be released. They will provide a breakdown of the projections by type of household. Without that breakdown it is not possible to update some elements of Alan Holmans’ analysis, including his estimate of the need for affordable housing.

Alan Holmans noted in New Estimates of Housing Demand and Need in England, 2011 to 2031 that the 2011 Census had shown that the number of households in England had risen much less since 2001 than earlier projections had suggested. As he put it, the central question for the future was whether what happened in the period 2001-11 was a structural break from a 40-year trend, or whether household formation was forced downwards by economic and housing market pressures that are likely to ease with time. That remains a key issue. If one takes the latter view, it would be appropriate to make some allowance for a return towards earlier trends in using the projections. The 2012-based projections provide further insights into this.

Section 2 of this paper compares and contrasts the 2008-, 2011- and 2012-based household projections. It notes that while the 2011- and 2012-based projections suggest similar increases in the number of households in England, the 2012-based projections imply that household formation rates will rise faster than was earlier envisaged. Both, however, assume household formation rates that generally start from lower levels than envisaged in the 2008-based projections and rise less quickly. The differences vary from one age group to another and between couples, single people and those who have previously been married. The changing proportions of couples and those who are either single or have previously been married is a factor in the lower number of additional households projected in the latest figures.

Section 3 presents a regional analysis of the projections. Section 4 considers some uncertainties associated with the projections and discusses whether the changes that occurred between 2001 and 2011 represent a structural break with past trends or are the result of shorter-term pressures that are likely to ease with time. This is highly relevant to the role that the projections play in the preparation of Local Plans under the National Planning Policy Framework.5

2 Changing household formation patterns: a structural break or a temporary deviation from past trends?

The 2008-, 2011- and 2012-based projections compared

The 2012-based projections envisage that the number of households in England will rise from 22.1 million in 2011 to 27.5 million in 2037, an increase of 5.4 million households, or 25%. This means that there would be one additional household for every four in 2011. Table 1 compares the headline results from the last

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Table 1
Comparison of recent DCLG household projections, England

<table>
<thead>
<tr>
<th></th>
<th>2011</th>
<th>2021</th>
<th>2031</th>
<th>Change, 2011-31</th>
</tr>
</thead>
<tbody>
<tr>
<td>Households</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>thousands</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2008-based</td>
<td>22,390</td>
<td>24,840</td>
<td>27,120</td>
<td>4,730</td>
</tr>
<tr>
<td>2011-based</td>
<td>22,100</td>
<td>24,310</td>
<td>26,330*</td>
<td>4,220</td>
</tr>
<tr>
<td>2012-based</td>
<td>22,100</td>
<td>24,290</td>
<td>26,410</td>
<td>4,300</td>
</tr>
</tbody>
</table>


Source: Department for Communities and Local Government

three DCLG projections. The 2011-based projections suggested that the number of households in England would increase by 2.21 million between 2011 and 2021. The new projections put the increase over the same period at 2.19 million. The difference is less than 1%: for practical purposes, the two projections are suggesting the same increase.

The 2008-based projections envisaged an increase of 2.45 million households between 2011 and 2021. That is 12% higher than the 2012-based projections – a significant difference.

If 3% of the additional homes built are assumed to be empty or used as second homes, the 2008-based projections implied a need for an average of 244,000 additional homes a year between 2011 and 2031.

In comparison, the 2011-based projections (as extrapolated by Alan Holmans) suggested a need for 218,000 homes a year and the 2012-based projections a need for 222,000 homes a year over the same period (very similar to the 2011-based analysis).

Household projections of this type are produced by multiplying population projections by a projection of household formation rates. (Household formation rates measure the tendency of people to form separate households. A household formation rate of 1 means that everyone in a population is a head of household (or a ‘household representative person’). This implies that 100 people would form 100 households. A household formation rate of 0.5 means that 100 people would form 50 households.)

A broad picture of the differences between the three projections can be gained by comparing the projections they use for the total population and the aggregate household formation rates – the aggregate household formation rate being the number of households divided by the population living in households. Figs 1 and 2 show these comparisons.

In Fig. 1, the lines for the 2011- and 2012-based population projections (in red and grey) are above...
the line for the 2008-based projection (in blue) in 2011, reflecting the fact that the 2011 Census found more people than was envisaged in the 2008-based Office for National Statistics (ONS) projection. The 2011-based projection envisages faster population growth than either the 2008- or the 2012-based projections, which have broadly similar population increases.

In Fig. 2 the blue line for the 2008-based projection is above the other two and rises faster. The grey line for the 2012-based projection between 2001 and 2011 reflects the current DCLG view of the actual household formation rates between the two Censuses – that the aggregate rate was virtually flat during this period. The dot on the blue line represents the household formation rate that was assumed as the starting point for the 2008-based projections in 2008 – higher than is now believed to be the actual aggregate household formation rate at that time.

As Fig. 2 indicates, the 2012-based projection envisages that the aggregate household formation rate will grow faster than the 2011-based projection. The 2012-based projection suggests a similar increase in households to the 2011-based projection only because its faster increase in household formation rates is offset by a slower population increase. The two projections are therefore not as alike as they first appear.

The differences between the population and household formation rate projections that underpin the 2011- and 2012-based projections are the result of a range of factors, including the use of trend data from earlier projections in the 2011-based projections because of a lack of available updates. The 2012-based projections are thus much more strongly grounded in the latest available data.

What follows therefore concentrates on the findings from the 2012-based projections and how these compare with the higher 2008-based projections.

Delving more deeply into the differences between the 2008- and 2012-based projections

While the aggregate household formation rates shown in Fig. 2 are useful in clarifying the broad differences between the 2008- and 2012-based projections, they hide a more complex picture. To understand the changes that have caused the differences between the projections it is necessary to differentiate between different segments of the population. DCLG produces its household projections by dividing the ONS population projections into 75 age, sex and ‘relationship status’ groups, the relationship groups being ‘couples’, ‘singles’ and those ‘previously married’. It is not necessary here to look in detail at all 75 groups, but it is helpful in particular to see how the changes that occurred between 2001 and 2011 have affected the number of couples that have formed and the household formation rates of different age groups.

Proportions of the population who are in couples, single or previously married

The reason why DCLG differentiates between couples, single people and those who have previously been married in preparing its household projections is that the proportions of a population in these three groups can significantly affect the number of households that are formed by a given number of people. Single people and those who were previously married generally have a lower tendency to form separate households than is the case for
couples; single people and those who were previously married are more likely to live in someone else’s household – perhaps with a parent or in a shared house or flat in which someone else is designated as the household representative person. This means that if you replace 100 people living in 50 couples (50 households) with 100 single people you would normally get significantly fewer than 100 households, and in some cases, particularly among younger people, it is possible that there would be fewer than 50 households formed. Even so, it is generally the case, particularly among older people, that the higher the proportion of a population that is living as couples, the smaller the number of households formed.

Figs 3 and 4 compare the proportion of the population assumed to be in couples in the 2008- and 2012-based projections, the dotted lines indicating the 2008-based projections. In the age groups shown, the 2012-based projections envisage higher proportions of the population living in couples. Note that, as far as the younger age groups shown in Fig. 3 are concerned, the proportion of the population living in couples has been falling since at least 1991, but the 2012-based projections assume that the proportion will fall less quickly than had been assumed in the 2008-based projections. This means that the latest projections envisage more couples.

6 Strictly speaking, the male in a couple generally has a higher household representative rate than males or females of the same age who are either single or previously married. For historical consistency reasons, the male in a couple is defined to be the household representative person (previously the head of the household)
The contribution that these changes make to the difference between the 2008- and 2012-based projections can be calculated by producing a projection that changes the relationship status splits in the 2008-based projections while leaving the 2008-based household formation rates unchanged.

To make a fair comparison it is first necessary to re-base the 2008-based projections so that they use the (higher) 2012-based population projections. Then the 2012-based relationship shares are applied. Finally, the household formation rates can be replaced with the 2012-based rates to produce the full 2012-based projections. The results are as follows.

As Table 2 shows, inserting the 2012-based relationship shares into the re-based 2008-based projections for 2031 reduces the projected number of households by 159,000. The difference between the (re-based) 2008-based projections and the 2012-based projections for 2031 is 792,000 households – 159,000 is 20% of 792,000; thus 20% of the difference between the two projections is attributable to the different relationship shares assumed. The other 80% is the result of changes in household representative rates (HRRs).

Both projections draw on the ONS’s 2008-based marital status population projections. For the 2012-based figures those projections have been re-based to make them consistent with the 2011 Census. However, they have not been updated, and we understand that the ONS has no plans to do so. This is a potentially significant issue for future projections, given that the assumptions made about relationship shares have such a substantial impact on the household projections.

Table 2
Impact of changes to the proportions of the population who are in couples, singles or previously married

<table>
<thead>
<tr>
<th>Households</th>
<th>Number of households in 2031</th>
<th>Change from 2008-based projection</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008-based projection re-based with the 2012-based population</td>
<td>27,199</td>
<td>–</td>
</tr>
<tr>
<td>As above but with 2012-based relationship shares</td>
<td>27,040</td>
<td>-159</td>
</tr>
<tr>
<td>2012-based projection</td>
<td>26,407</td>
<td>-792</td>
</tr>
</tbody>
</table>

Source: Analysis based on Department for Communities and Local Government projections

The contribution that these changes make to the difference between the 2008- and 2012-based projections can be calculated by producing a projection that changes the relationship status splits in the 2008-based projections while leaving the 2008-based household formation rates unchanged.

To make a fair comparison it is first necessary to re-base the 2008-based projections so that they use the (higher) 2012-based population projections. Then the 2012-based relationship shares are applied. Finally, the household formation rates can be replaced with the 2012-based rates to produce the full 2012-based projections. The results are as follows.

As Table 2 shows, inserting the 2012-based relationship shares into the re-based 2008-based projections for 2031 reduces the projected number of households by 159,000. The difference between the (re-based) 2008-based projections and the 2012-based projections for 2031 is 792,000 households – 159,000 is 20% of 792,000; thus 20% of the difference between the two projections is attributable to the different relationship shares assumed. The other 80% is the result of changes in household representative rates (HRRs).

Both projections draw on the ONS’s 2008-based marital status population projections. For the 2012-based figures those projections have been re-based to make them consistent with the 2011 Census. However, they have not been updated, and we understand that the ONS has no plans to do so. This is a potentially significant issue for future projections, given that the assumptions made about relationship shares have such a substantial impact on the household projections.

Changing household formation rates

As Fig. 2 shows, household formation rates in 2011 were, in aggregate, lower than envisaged in the 2008-based projections. The aggregate position, however, conceals a more complex story when different age, sex and relationship groups are examined.

For most groups the 2011 Census found fewer households than would have been expected from the 2008-based projections. Table 3 shows the extent to which the lower household formation rates in 2011 (compared with the 2008-based projections) was responsible for these changes.

As can be seen:

- Most of the groups that formed noticeably fewer households were aged under 50. The biggest shortfalls were for couples aged 25-34 and single males aged 20-24. However, all but two of the single male groups aged under 80 formed fewer households than the 2008-based projections would have suggested.
- There were some groups that formed more households than expected. These included all groups aged over 80 and single women over 50. There were more households formed by couples aged over 40 than the 2008-based household formation rates projections would have suggested, but the actual household formation rates for these groups were only slightly higher than envisaged in the 2008-based projections: the number of additional households was only as large as it was because there are large numbers of couples in these age groups.

These statistics imply that in 2011 significantly fewer couples aged under 40 had their own, separate households than would have been the case had the trends envisaged in the 2008-based

## Table 3

### Impact of changes in household representative rates on the number of households in 2011

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Couples</th>
<th>Single males</th>
<th>Single females</th>
<th>Previously married males</th>
<th>Previously married females</th>
</tr>
</thead>
<tbody>
<tr>
<td>15-19</td>
<td>-3,000</td>
<td>-6,700</td>
<td>-4,700</td>
<td>0</td>
<td>-100</td>
</tr>
<tr>
<td>20-24</td>
<td>-13,300</td>
<td>-39,000</td>
<td>1,700</td>
<td>-300</td>
<td>-1,400</td>
</tr>
<tr>
<td>25-29</td>
<td>-59,300</td>
<td>-7,500</td>
<td>-17,700</td>
<td>-2,000</td>
<td>-7,800</td>
</tr>
<tr>
<td>30-34</td>
<td>-45,300</td>
<td>-6,700</td>
<td>-29,700</td>
<td>-4,900</td>
<td>-15,000</td>
</tr>
<tr>
<td>35-39</td>
<td>-17,300</td>
<td>-10,400</td>
<td>-7,600</td>
<td>-9,100</td>
<td>-19,800</td>
</tr>
<tr>
<td>40-44</td>
<td>7,600</td>
<td>-12,700</td>
<td>300</td>
<td>-14,200</td>
<td>-23,800</td>
</tr>
<tr>
<td>45-49</td>
<td>4,000</td>
<td>1,900</td>
<td>-200</td>
<td>-14,100</td>
<td>-21,100</td>
</tr>
<tr>
<td>50-54</td>
<td>3,100</td>
<td>-2,300</td>
<td>3,800</td>
<td>600</td>
<td>-1,800</td>
</tr>
<tr>
<td>55-59</td>
<td>1,300</td>
<td>-2,800</td>
<td>2,200</td>
<td>-2,100</td>
<td>-5,800</td>
</tr>
<tr>
<td>60-64</td>
<td>1,200</td>
<td>1,300</td>
<td>3,500</td>
<td>-2,000</td>
<td>-4,800</td>
</tr>
<tr>
<td>65-69</td>
<td>400</td>
<td>-1,600</td>
<td>300</td>
<td>2,600</td>
<td>1,900</td>
</tr>
<tr>
<td>70-74</td>
<td>0</td>
<td>-2,100</td>
<td>600</td>
<td>1,200</td>
<td>1,300</td>
</tr>
<tr>
<td>75-79</td>
<td>0</td>
<td>-1,200</td>
<td>700</td>
<td>400</td>
<td>-1,100</td>
</tr>
<tr>
<td>80-84</td>
<td>100</td>
<td>1,500</td>
<td>2,300</td>
<td>5,600</td>
<td>13,600</td>
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<tr>
<td>85+</td>
<td>0</td>
<td>1,400</td>
<td>700</td>
<td>1,000</td>
<td>1,100</td>
</tr>
</tbody>
</table>

Source: Analysis based on Department for Communities and Local Government projections

---

**Fig. 5** Comparison of household representative rates for young couples

- **20-24, 2008-based**
- **20-24, 2012-based**
- **25-29, 2008-based**
- **25-29, 2012-based**
- **30-34, 2008-based**
- **30-34, 2012-based**

Source: Department for Communities and Local Government
projections materialised. Also, substantially more single and previously married people aged under 50 were living in someone else’s household rather than living in a home of their own.

A more detailed picture of what has happened and is projected to happen to couples aged 20-34 is shown in Fig. 5.

For these groups household formation rates have been falling since at least 1991. In 1991 very high proportions of couples in these groups formed their own household. For example, in the case of the 20-24 year old couples all but 4% lived separately; by 2011 13% of couples aged 20-24 were living in someone else’s household. Thus the economic crisis at the end of the 1980s, not that of 2008, was the start of the downward trend in household formation among younger people – and the trend was not reversed as the economy improved later in the 1990s and 2000s.

Indeed, rather the opposite occurred – the rate of decline in the HRRs of the 25-29 and 30-34 year old age groups increased markedly between 2001 and 2011 to the point where the household formation rate of the 25-29 year old age group appears to have fallen to the same level as the 20-24 year old age group in 2011. One reason was undoubtedly worsening housing affordability, but labour market changes, as well as increasing higher education debt, were also likely to have been important.

The 2008-based projections envisaged a very slight further fall in household formation rates, but the 2012-based projections envisage much more sizeable declines. There are some anomalies in the estimates (notably that the HRR of 25-29 year old couples is projected to be lower than that for those aged 20-24), but the general picture is clear.

For most other groups the 2012-based projections envisage slower increases in household formation rates rather than continuing falls. Fig. 6 compares the 2008- and 2012-based projections for single females between the ages of 25 and 39. After falls in the HRRs of those aged 25-29 and 30-34 between 2001 and 2011, the projections suggests that household formation rates will resume an upwards trajectory, albeit at a much slower rate than either before 2001 or in the 2008-based projections.

If we regard groups with rising HRRs (i.e. those having an increasing probability of forming separate households) as ‘winners’ and those with falling HRRs as ‘losers’, there are more ‘winners’ than ‘losers’ by 2031 in the 2012-based projections. Compared with a scenario in which household formation rates remain unchanged at their 2011 levels, the 2012-based projections suggest that

![Fig. 6  Comparison of household representative rates for young single females](chart.png)

Source: Department for Communities and Local Government
there would be an additional 340,000 households in 2031. An additional 498,000 households in ‘winner’ groups compared with the ‘no change in HRR’ scenario is offset by 158,000 fewer households in the ‘loser’ groups. The ‘winners’ therefore outnumber the ‘losers’ by more than 3:1.

Table 4 shows how this net increase plays out in terms of the numbers of households in each ‘winner’ and ‘loser’ group in 2031 in the 2012-based projection compared with the ‘no change in 2011 HRRs’ scenario. As can be seen, the 2012-based projections suggest increasing household formation rates among singles and falling rates for couples under 40. The group which is most adversely affected is made up of couples aged between 25 and 34. This projected fall in the proportion of younger couples able to set up a household of their own over a 20-year period is perhaps the most worrying aspect of the projections as these are people at the key life stage when families are formed.

Another way of looking at the 2012-based projections is to say that they suggest that, if past trends continue, market forces are likely to allocate more housing to single people, particularly those over 30, at the expense of younger couples.

3 Regional differences

Just as aggregate household formation rates can hide significant differences between age, sex and relationship groups, so national figures can conceal significant regional differences. Fig. 7 and Table 5 break the 2012-based national projections down by region.

The projected increase in the number of households across regions ranges from 11% in the North East to 33% in London – three times higher and, in absolute terms, almost ten times greater. However, the London figure may be exaggerated, as the 2012-based population projections probably underestimated the likely outflows from London to the rest of the UK because ONS uses five-year trend periods to estimate moves between local authority areas within the UK. The trend period used for the 2012-based population projections is 2007-12. That period neatly encompasses the economic downturn, during which net flows out of London to the rest of the UK were substantially lower than during the preceding five-year period. It follows that the net inflows to other regions, particularly the East and the South East, may have been underestimated.
Figure 7: 2012-based projections – projected increase in households, 2011-31, by region

Source: Department for Communities and Local Government 2012-based projections

Table 5

2012-based projections – changes in household numbers, 2011-31, by region

<table>
<thead>
<tr>
<th>Region</th>
<th>2011</th>
<th>2031</th>
<th>Change</th>
<th>% change</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>thousands</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North East</td>
<td>1,100</td>
<td>1,300</td>
<td>120</td>
<td>11</td>
</tr>
<tr>
<td>North West</td>
<td>3,000</td>
<td>3,400</td>
<td>390</td>
<td>13</td>
</tr>
<tr>
<td>Yorkshire and Humber</td>
<td>2,200</td>
<td>2,500</td>
<td>320</td>
<td>14</td>
</tr>
<tr>
<td>East Midlands</td>
<td>1,900</td>
<td>2,200</td>
<td>320</td>
<td>17</td>
</tr>
<tr>
<td>West Midlands</td>
<td>2,300</td>
<td>2,700</td>
<td>370</td>
<td>16</td>
</tr>
<tr>
<td>East</td>
<td>2,400</td>
<td>3,000</td>
<td>530</td>
<td>22</td>
</tr>
<tr>
<td>London</td>
<td>3,300</td>
<td>4,400</td>
<td>1,090</td>
<td>33</td>
</tr>
<tr>
<td>South East</td>
<td>3,600</td>
<td>4,300</td>
<td>750</td>
<td>21</td>
</tr>
<tr>
<td>South West</td>
<td>2,300</td>
<td>2,700</td>
<td>410</td>
<td>18</td>
</tr>
<tr>
<td>England</td>
<td>22,100</td>
<td>26,400</td>
<td>4,300</td>
<td>19</td>
</tr>
</tbody>
</table>

Source: Analysis of Department for Communities and Local Government projections. Apparent discrepancies due to rounding

Figure 8: Comparison of projected household increases, 2008-based and 2012-based projections

Source: Department for Communities and Local Government projections
Fig. 8 compares the 2008-based regional projections with the 2012-based set. In all regions except London the 2012-based projections suggest a smaller increase in households. The changes indicated in Fig. 8 are, of course, affected by the differing sizes of the population in the regions, as well as the presumed over-estimation of the increase in London’s population by the 2012-based population projections.

A better picture is provided by looking at the aggregate HRRs for the regions. Figs 9-12 compare the aggregate HRRs for the two northernmost regions with London and the South East. The charts have been drawn to the same scale to facilitate comparison.

The HRRs of the two northernmost regions in 2011 did not depart significantly from the 2008-based projections, while the 2012-based projections envisage slightly lower household formation rates in future. London and the South East are markedly different. In both, the aggregate HRR fell between 2001 and 2011, and in both it is envisaged that the trajectory will have turned sharply upwards after 2011.

It is, however, questionable how realistic these projections are, particularly in London, where the aggregate household formation rate has fallen since 1991, apart from a brief increase during the period 1998-2001.
Table 6 converts the 2012-based projected increase in households into a number of homes needed, assuming that 3% of additional properties are empty or used as second homes at any one time.

It shows that 25% of the homes needed are in London, and that 55% are needed in London and the East and South East regions. These proportions are very similar to those estimated in the last set of projections.

These levels are, of course, unlikely to be realised, with knock-on effects not just on the number of households able to form but also on house prices and rents.

Table 6

<table>
<thead>
<tr>
<th>Region</th>
<th>Homes needed per annum, 2011-31</th>
</tr>
</thead>
<tbody>
<tr>
<td>North East</td>
<td>6,000</td>
</tr>
<tr>
<td>North West</td>
<td>20,000</td>
</tr>
<tr>
<td>Yorkshire and Humber</td>
<td>17,000</td>
</tr>
<tr>
<td>East Midlands</td>
<td>17,000</td>
</tr>
<tr>
<td>West Midlands</td>
<td>19,000</td>
</tr>
<tr>
<td>East</td>
<td>27,000</td>
</tr>
<tr>
<td>London</td>
<td>56,000</td>
</tr>
<tr>
<td>South East</td>
<td>39,000</td>
</tr>
<tr>
<td>South West</td>
<td>21,000</td>
</tr>
<tr>
<td>England</td>
<td>222,000</td>
</tr>
</tbody>
</table>

Source: Analysis based on Department for Communities and Local Government projections
Using the new projections

This section considers the extent to which the 2012-based projections are likely to reflect actual future household formation patterns.

It is important to remember that all projections are simply extensions of past trends – including trends in incomes and house prices, which impact on household formation. But the past trends used in these projections vary between different variables, sometimes going back decades, while at the other extreme they only take account of five-year trends used for estimating flows within the UK.

It is also important to note that, as DCLG makes clear in its Statistical Release, the projections do not attempt to predict the impact of future government policies, changing economic circumstances, or other factors that might influence household growth. They show the household numbers that would result if the assumptions based on previous demographic trends were to be realised in practice.

The most important issue for the future is whether what happened between 2001 and 2011 was a structural break from a 40-year trend or whether household formation was forced downwards by macro-economic and housing market pressures that are likely to ease with time, with the implication that more households will be able to form than is suggested by the projections.

International migration

There has been much interest recently in international migration, and particularly in the latest estimates which suggest that the net inflow to the UK in the year to March 2015 was 330,000. It is therefore unsurprising that some have queried whether the 2012-based projections underestimate likely household growth, based as they are on an assumed long-term net migration rate to the UK of 165,000 per annum from 2018/19. Fig. 13 compares recent net migration into the UK with the ONS 2012-based national projections. The 2012-based household projections are based on the ONS’s principal projection.

While the last two years’ high net inflows are not necessarily a reliable indication of the medium-/long-term net flow, the size of the difference from the ONS’s principal projection is such that there is a clear case for conducting a sensitivity analysis to explore the implications of higher levels of net migration. However, it should be borne in mind that international migrants tend to be younger than the existing population and so are likely to have lower average household formation rates. Moreover, there is evidence that new migrants have lower household formation rates than existing residents of the same age. Both factors suggest that the impact of larger net inflows than was projected on the number of households that

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will form (and hence on the number of additional homes needed) would be significantly less than for an equivalent increase in the existing population.

**Population flows within the UK**

As already noted above, another area of uncertainty in the population projections is the assumptions made about flows within the UK. The ONS’s practice of projecting flows within the UK based on average rates for the five years to the projection base date has the advantage of picking up any changes in flow patterns relatively quickly. However, this is at the expense of the projected flow rates being significantly affected by fluctuation in flows such as those that occurred during the recent economic downturn.

This has been taken into account by the Greater London Authority (GLA) in its recent ‘Further Alterations to the London Plan’. The Inspector examining those alterations has accepted the GLA’s population projections, which envisage a larger net outflow from the London area than suggested by the ONS’s 2012-based projections. The net effect is that the updated London Plan assumes that London’s population will grow at a slower rate than the ONS suggests.

**The tendency to form and dissolve couples**

As discussed above, the proportion of the population that lives in couples affects the number of households formed, accounting for some 20% of the difference between the 2008- and 2012-based projections. This shows that the household projections are sensitive to the assumptions made about how many people live as couples or are single or previously married. It is therefore of concern that the ONS has no plans to update what are already fairly dated marital status projections.

**Are the changes in household formation rates a temporary deviation from past trends or an indication of a new long-term trend?**

There is no doubt that between 2001 and 2011 there was a departure from the previous experience – and that departure has been larger in London and the wider South East than in other parts of the country. What is less clear is what has caused the changes. In an article in *Town & Country Planning* in December 2014 Professor Simpson argues that the ‘causes of reduced household formation are varied, began before the recession, and mostly are likely to continue with or without recession.’ He refers to:

- ‘a sustained increase among young people not leaving home’ which began at the turn of the century and accelerated after 2008;
- ‘the introduction of student fees from 1998’;
- ‘the increase in precarious employment, including the rapid growth of part-time work’;
- the ‘long-term increase in the number of childless women, ... which increased the number of smaller households, [and which] stopped and has fallen since 2000’; and
- the ‘increasingly older formation of couples or families, which had increased the number of single-person households in the 1980s and 1990s, [and] has levelled out since 2001’.

Professor Simpson concludes that, while it is possible that some of these factors may be reversed, the first three, ‘appear at the moment as fixed circumstances of the policy and economic environment’.

It might be added that:

- The falling household formation rates of couples (see above) have been observed since at least 1991.
- The differences in household numbers arising from more people living in couples than envisaged in the 2008-based projections are unlikely to reverse. Had the Census found fewer couples than projected, it might have been reasonable to query whether economic conditions had delayed couple formation, but, as the reverse is the case, it seems unlikely that economic factors are a major driver of this change.
- The 2012-based projections envisage reasonably sharp changes in the trajectories of the household formation rates for some groups and areas (see Fig. 11, which shows the aggregate HHR for London rising reasonably quickly after 2011, notwithstanding that it has fallen fairly steadily since at least 1991; Fig. 5 suggests that the trajectories of the HRRs of younger couples will change direction fairly abruptly after 2011). It is questionable how plausible these changes are, which may suggest that household numbers will turn out to be lower than projected.
- There are a number of factors (such as increasing levels of student debt and welfare reform) affecting the capacity of younger households to form separate households. These have not been fully reflected in the 2011 Census or the 2012-based household projections and are likely to serve to reduce household formation rates further.

Professor Simpson’s conclusion is that ‘we are not in a position to expect further increases in household formation rates of the same kind [as suggested in the 2008-based projections]. ... The future in the UK is likely to be a continuation of precarious household formation. It will probably be lower than once projected and carry more uncertainty...’.

We would endorse that conclusion, which implies that the 2008-based projections were too high. We would suggest that the 2012-based household formation rate projections form a reasonable basis for purposes such as planning for housing. This is because, although economic growth might be expected to increase the household formation rate, there are both longer-term structural changes and other factors still in the pipeline (such as welfare reforms) that could offset any such increase.

However, household numbers depend not just on the rate of household formation but also on the population base. When using the projections it is therefore important to monitor that population and in particular to take account of:

- the possibility that net international migration may be higher than assumed;
- improved estimates of population flows within the UK based on a trend period that is less affected by the economic downturn; and
- at the local level, local factors which may not be effectively picked up in the ONS projections.

It should also be noted that the projections assume that future housing supply constraints match past trends. The implied dwelling requirement is an indication of the number of homes that are needed to allow future households to form. If that number of homes is not built, the projected number of households will not be able to form, and house prices and rents will rise to ration what is available.

We have no reliable basis on which to forecast either the number of homes that will be built or what will happen to the affordability of homes. However, what might be termed the ‘practical arithmetic of household formation and the housing market’ is relevant here:

- The 2012-based household projections suggest that there will be nearly 2 million more households in 2020 than there were in 2011. If that proves to be the case, there will need to be more than 2 million additional homes for them to live in (allowing for vacant and second homes).
- As only 460,000 homes were built over the period 2011/12-2014/15, that leaves 1.56 million homes to be built over the five years to 2020 if we are to catch up with the number of homes indicated by the projections. That implies an average of 312,000 homes a year over the next five years.
- The implausibility of this becomes clearer if it is considered where those homes are needed.

### Table 7

<table>
<thead>
<tr>
<th>Region</th>
<th>Built 2011-15 per year</th>
<th>Needed 2011-15 per year</th>
<th>Percentage of homes needed that were built</th>
<th>Needed per year 2015-20 to catch up on the backlog</th>
</tr>
</thead>
<tbody>
<tr>
<td>North East</td>
<td>5,000</td>
<td>6,000</td>
<td>85</td>
<td>8,000</td>
</tr>
<tr>
<td>North West</td>
<td>11,000</td>
<td>20,000</td>
<td>53</td>
<td>29,000</td>
</tr>
<tr>
<td>Yorkshire and Humber</td>
<td>9,000</td>
<td>16,000</td>
<td>57</td>
<td>23,000</td>
</tr>
<tr>
<td>East Midlands</td>
<td>11,000</td>
<td>16,000</td>
<td>65</td>
<td>22,000</td>
</tr>
<tr>
<td>West Midlands</td>
<td>10,000</td>
<td>18,000</td>
<td>53</td>
<td>27,000</td>
</tr>
<tr>
<td>East</td>
<td>15,000</td>
<td>26,000</td>
<td>57</td>
<td>38,000</td>
</tr>
<tr>
<td>London</td>
<td>19,000</td>
<td>55,000</td>
<td>34</td>
<td>87,000</td>
</tr>
<tr>
<td>South East</td>
<td>20,000</td>
<td>37,000</td>
<td>56</td>
<td>53,000</td>
</tr>
<tr>
<td>South West</td>
<td>16,000</td>
<td>21,000</td>
<td>77</td>
<td>26,000</td>
</tr>
<tr>
<td>England</td>
<td>116,000</td>
<td>216,000</td>
<td>54</td>
<td>312,000</td>
</tr>
</tbody>
</table>

Source: Analysis based on Department for Communities and Local Government’s 2012-based projections and DCLG Live Table 253 ‘Housebuilding: permanent dwellings started and completed, by tenure and district, 2014-15’. Apparent discrepancies due to rounding.
2011-15, London only managed a third of its requirement. London needs to more than quadruple the number of homes it has built over the last four years. All but two regions need to more than double their output.

In view of these figures, it seems highly unlikely that sufficient homes will be built to enable the household formation rates envisaged in the 2012-based projections to be achieved within the next five years. For some groups at least, actual household formation rates are likely to be lower than the projections imply. Past trends would suggest that younger couples, single people and those previously married are likely to be most affected. Equally, basic economics would suggest that affordability of housing relative to earnings is likely to deteriorate, especially in London over the next few years.

Overall, therefore, the household formation rates in the 2012-based projections use the latest evidence. The practical reality is that the number of homes built is almost certain to result in fewer separate households than projected in the 2012-based estimates, as well as higher rents and prices – in other words, a continuation of past actualities which have resulted in worsening affordability and lower headship rates for younger households.

5 Conclusions

The 2012-based projections suggest that the number of households in England will increase from 22.1 million in 2011 to 27.5 million in 2037 – an increase of 5.4 million, or 25%. This implies that in 2037 we will need one additional home for every four that were in existence in 2011.

The 2012-based projections imply that over the period 2011-31 England will need to build an average of 222,000 additional homes a year. This is broadly the same number as suggested by the 2011-based projections, but 9% fewer than the 244,000 a year suggested by the 2008-based projections. These calculations assume that at any one time 3% of additional homes are empty or used as second homes.

The 2012-based projections suggest that more people will be living in couples than was assumed in the 2008-based projections. This is responsible for 20% of the difference between the two projections.

The remaining 80% of the difference between the two projections comes from differences in the household formation rate projections. The 2011 Census suggested that most groups aged under 50 had lower household formation rates in 2011 than was suggested by the 2008-based projections. The lower household formation rates for couples aged between 25 and 34 and single men aged between 20 and 24 had the biggest impact on the number of households in 2011 but affected almost all younger households to some degree.

The differences for couples aged under 35 are perhaps of greatest concern. For these groups household formation rates have been falling since 1991, implying that more and more couples have been living in someone else’s household. Moreover, the 2012-based projections suggest that the household formation rates of these groups will continue to fall, although at a slower rate than between 2001 and 2011 – a big problem for people at a key life stage. For most other groups the new projections suggest some increase in household formation, but at a slower rate than envisaged in the 2008-based projections.

It would be wrong to suggest that the picture painted by the 2012-based projections is of itself a

11 These figures come from DCLG Live Table 253: ‘Housebuilding: permanent dwellings started and completed, by tenure and district, 2014-15’ (https://www.gov.uk/government/statistical-data-sets/live-tables-on-house-building), which gives figures for homes completed in the years in question. It does not, however, include conversions or net empty homes brought back into use. It is not known whether these factors are significant in the years in question.
There are more groups that benefit from increasing household formation rates than groups that are expected to see their household formation rates fall. Compared with a scenario in which there was no change in household formation rates from their 2011 level, the additional households formed by groups with rising household formation rates outweigh the loss of households in groups with falling rates by a ratio of more than 3:1. So, overall, household formation rates are projected to increase, although older households secure a disproportionate share of the additional housing at the expense of younger households, some of whom will see their chances of setting up a separate household fall throughout the next quarter of a century.

The 2012-based projections suggest enormous differences in household formation and additional housing requirements across regions. At one extreme the number of households in the North East is expected to increase by 11% between 2011 and 2031, while the number of households in London increases by 33% – three times as much. Based on the 2012-based projections, 25% of the new homes required between 2011 and 2031 would need to be in London and 55% in London and the East and South East regions.

The projections tell us what would happen if the trends on which they are based were to materialise in practice. However, some elements, especially relating to international and internal migration, are already seen as uncertain. Higher international migration would increase population and therefore household formation. Likely changes in internal migration would be expected to lead to more pressure in the South outside London as more Londoners move out.

There are other factors, particularly with respect to policy change, that are likely to put mainly downward pressure on household formation rates, particularly among younger people. Even so, the 2012-based household formation rate projections form a reasonable basis for purposes such as planning for housing.

Finally, comparing the 2012-based projections with the DCLG housebuilding statistics for the four years 2011-12 to 2014-15 suggests that over that period only just over 50% of the homes needed in England as a whole were built. In London the proportion was a third. The failure to build the homes required to house the additional households which the projections envisage will result in household formation rates that will be lower than in the projections.
Neil McDonald is an independent advisor on housing demographics and was previously a Director at the Department for Communities and Local Government and Chief Executive at the National Housing and Planning Advice Unit. Christine Whitehead is Emeritus Professor in Housing Economics at the London School of Economics. She was also Director of the Cambridge Centre for Housing and Planning from 1990 to 2010.

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Appeal Decision

Inquiry held on 29 – 30 November and 1 - 2, 5 – 8 and 13 – 15 December 2016
Site visit made on 12 December 2016

by David M H Rose BA (Hons) MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government
Decision date: 21 March 2017

Appeal Ref: APP/C3240/W/16/3144445
Land east of Kestrel Close/Beechfields Way, Newport, Shropshire, TF10 8QE

- 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 outline planning permission.
- The appeal is made by Redrow Homes Limited against Telford and Wrekin Council.
- The application, Reference TWC/2015/1003, is dated 28 October 2015.
- The development proposed is an outline application to include access for residential development for up to 170 dwellings with open space following demolition of 14 and 15 Kestrel Close, Newport, Shropshire, TF10 8QE.

Decision

1. The appeal is dismissed and planning permission for the development described above is refused.

Preliminary matters

2. The putative reasons for refusal are:-

   1. The site lies in the countryside outside the built up area of Newport, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. The site also lies outside the settlements of High Ercall, Tibberton and Waters Upton, where new development within the rural area is expected to be focused. The Council has in excess of a five year housing land supply and there are no exceptional circumstances to justify the provision of new housing in this location. As such the development proposal is contrary to the NPPF, saved Wrekin Local Plan policies OL6 and Core Strategy policies CS6, CS7 and CS11 and Policy SP2 of the Telford & Wrekin Local Plan (Publication Version).

   2. The proposal would result in the likely loss of two protected veteran oak trees that have a high ecological and amenity value. In addition the proposals do not accord with paragraph 99 of ODPM Circular 06/2005, or Standing Advice from Natural England nor do they provide necessary survey information relating to bats. The proposals do not contain sufficient information in order for the Local Planning Authority to be satisfied that their duty under regulation 9(5) of the Conservation of Habitats Regulations 2010 has been discharged, in that the use or otherwise of the dwellings to be demolished as bat roosts has not been

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1 Long distance visibility was poor – as indicated at the Inquiry I undertook a further unaccompanied site visit following the hearing of landscape evidence and in more favourable viewing conditions (14 February 2017)
established nor the extent to which any bat population may be affected by the proposals. Survey information is envisaged and no exceptional circumstances exist for the grant of planning permission in the absence of survey information. Nor has it been shown that any necessary disturbance caused by precautionary mitigation could not be avoided based upon survey information. Alternatives have not been explored. As such the proposal falls short of policy expectations set out in Policy CS12 of the Telford and Wrekin Core Strategy and national planning policy including the National Planning Policy Framework.

3. Insufficient information has been submitted to demonstrate that the development can be accommodated within the existing highway network without the need for mitigation. In addition the proposal would result in approximately 170 dwellings being accessed from a single point of access which would represent an unacceptable form of development. As such the development proposal is contrary to the NPPF and saved Wrekin Local Plan Policy UD2.

4. Insufficient information has been submitted to demonstrate that the quantity of development proposed can be accommodated on the site without it having a detrimental impact on the character and appearance of the wider landscape. As such the development proposal is contrary to the NPPF, to saved Wrekin Local Plan policy UD2 and to Core Strategy CS15.

5. Insufficient information has been submitted to demonstrate that the development can provide acceptable living standards for potential future occupiers with regard to noise pollution from traffic travelling along the A41. As such the development is contrary to the NPPF.

3. The Council has confirmed that impacts on ecology are no longer at issue in that the appellant has submitted further information in relation to bats. This part of putative reason two falls away.

Main Issues and Statements of Common Ground

4. The main issues which I identified at the opening of the Inquiry were:-
   a) The basis on which the appeal is to be decided by reference to the description of the development and supporting documents.
   b) Whether the Council can demonstrate a five-year supply of housing land.
   c) The effect of the proposal on the character and appearance of the landscape.
   d) Potential impacts on veteran trees by reference to loss or deterioration.
   e) Would future occupants of the development be likely to experience unacceptable living conditions having particular regard to the effects of noise from traffic on the A41.
   f) The consideration of conditions and planning obligation(s); and any other matters raised including highway matters and the representations made by interested persons.
   g) The overall planning balance in light of relevant local and national policy considerations.

5. Prior to the opening of the Inquiry a Statement of Common Ground relating to Transportation and Highway Matters included the following agreements:-
   a) there are no highway safety issues in the vicinity of the site, or any which arise and need to be addressed as part of the application;
b) the increase in traffic on Beechfields Way would be acceptable in road safety terms;

c) the capacity of Beechfields Way/Forton Road is acceptable;

d) the impact of the traffic at Forton Road/Chetwyn Road junction and at the A41 roundabout is acceptable; a financial contribution to mitigate impacts on the Newport Bypass roundabouts would be required; and

e) the principle of a mini roundabout access serving a single point of access would be acceptable subject to:- the provision of reinforced footways along Beechfields Way from Forton Road to the site access roundabout (to permit over-running by emergency vehicles); a 6.0 metre wide access into the site; and an emergency link into Plough Lane.

Putative reason for refusal three is no longer applicable.

6. During the course of the Inquiry further discussions took place between the appellant and the Council culminating in Statements of Common Ground relating to (a) Arboriculture and Veteran Trees and (b) Noise.

7. The former confirms that planning conditions could be imposed such that there would be no reasonable arboricultural grounds for objection to the proposed development.

8. The latter, based on the principles of the Masterplan Revision A (June 2016) layout, the latest illustrative Engineering Drawings and the erection of dwellings (minimum 7.5 metres high) along the eastern boundary of the site, confirms that the effects of traffic noise on outdoor living conditions could be appropriately mitigated; and appropriate internal living standards could be secured through the design of the building envelopes. Agreed safeguarding conditions could be imposed.

9. Hence, there is no need for me to address preliminary main issues d) and e); and putative reason for refusal five and the balance of reason two are no longer relevant.

10. The original planning application form, dated 28 October 2015, was worded 'Outline residential development for approximately 170 dwellings ……’ However, section 17 of the form specified 185 residential units; other supporting documents referred variously to ‘up to 170’, ‘for 170’ and even ‘up to 117’. The Design and Access Statement recorded ‘up to 170 dwellings’.

11. A revised application form rectified the spurious reference to 185 dwellings; and the Council’s registration of the application was founded on an unrecorded agreement of ‘up to 170 dwellings’. In due course, in its committee report, the Council used the terms ‘up to 170’, ’170’ and ‘approximately 170’ dwellings. The appeal form however identifies the development as ‘up to 170 dwellings’.

12. The supporting illustrative Masterplan (October 2015), in broad concept form, identified a series of building blocks which did not provide any clear quantification of the number of dwellings.
13. A second planning application, dated 1 August 2016, also referred to 'approximately 170 dwellings'. The contradiction of supporting documents remained, as set out above, and a new reference to 'approximately 155 dwellings' surfaced in the amended Statement of Landscape Design. The Council seemingly adopted its earlier description of 'up to 170 dwellings'.

14. The supporting illustrative Masterplan (Revision A – June 2016) differed from the original in terms of the schematic road layout, positioning of building blocks and greater stand-off from veteran trees. Again, it was impossible to identify a specific number of dwellings from the plan and the impression gained was one of a reduced amount of built development.

15. The appellant, having withdrawn the second application before it was determined, seeks to rely on the later material in this appeal. In this regard, notice was given to the Planning Inspectorate on 29 September 2016.

16. A Levels Concept drawing (SK_2 Rev A 17.11.16) emerged in mid-November providing a further illustrative layout with more clearly distinguishable dwelling units (suggesting some 125 dwellings - although that cannot be determined with certainty²). The appellant’s landscape evidence contained a different layout ‘Proving Plan’ which was said to be for 130 dwellings (although only 128 appear to be evident and reference is made in the proof to 134 dwellings). This layout broadly reflected the Levels Concept drawing, albeit with three additional dwellings and some limited variation of house types (apparent from the footprints used).

17. I was asked to rule on the basis on which the appeal was to be considered and determined. My oral ruling is set out verbatim below:-

   a) ‘The understanding of the October 2015 application was for a proposal for up to 170 dwellings despite the conflict in terminology amongst and within the documentation.

   b) The 2016 application was understood to be in similar terms.

   c) The import of the 2016 Masterplan Revision A into this appeal was consulted on, the resulting representations are before me and I am satisfied no material prejudice would arise from considering the appeal on that basis.

   d) In relation to the November revised layout (Levels Concept drawing), it remains a matter for me to decide whether this represents an evolution of the scheme, or whether its purpose is to respond to criticisms made and to demonstrate that such criticism could be overcome. I acknowledge that residents have not been consulted on these illustrative revisions. However, I shall consider this matter further in light of the proposal being submitted in outline with all matters, other than access, reserved for later approval and the illustrative status of the supporting drawings.

   e) In terms of the Council’s position relating to the late evidence, I acknowledge that the adoption of the illustrative layout relating to noise and trees, in particular, may have implications for the general landscape and planning evidence. That evidence is not due to be heard until later this week and I would ask the respective noise and tree witnesses to meet as a matter of urgency and to provide a position statement/Statement of Common Ground (including matters agreed and matters not agreed) to inform the other disciplines before their evidence is heard.

² If the block of two-storey maisonettes represents ten units, rather than five, the result would be 130 units
f) For the avoidance of doubt, the appeal remains as an application for up to 170 dwellings. Whether or not it would be necessary to restrict any permission to a maximum of 130 dwellings would be a matter for evidence and submissions having particular regard to the relevant tests relating to the imposition of conditions.’

18. Having determined the description of the development as 'up to 170 dwellings' it remains for me to clarify the drawings on which the proposal is to be considered.

19. In this regard, given that the application was made in outline, I see limited difference between the October 2015 and June 2016 Masterplans. The site area remains the same and so does the point of access. Whilst the layout of roads within the site differs, and there are some changes to the disposition of illustrative building blocks, I do not regard these to be sufficiently material to change the nature of the development proposed. The 2016 Masterplan formed part of a second planning application on which the public were consulted and the ensuing representations are before me. I am satisfied that no material prejudice would arise from considering the appeal on the basis of the illustrative Masterplan (Revision A - June 2016).

20. The changes within the Levels Concept drawing are more substantial and can be seen to be a progression of the layout. To my mind, the changes arise largely from the detailed consideration of topography, taking account of the change in levels across the site, and the needs of veteran trees. Noise considerations also appear to have dictated the siting of dwellings along the eastern boundary of the site to act as a noise barrier to the A41 bypass.

21. In terms of the overall spatial distribution within the site, I consider that the Levels Concept drawing remains within the ‘spirit’ of Masterplan - Revision A, based on its main purpose of seeking to indicate how identified deficiencies of the schematic layout might be resolved. The details, save for means of access, are illustrative and there is nothing that would pre-determine the submission of the reserved matters. I reach a similar conclusion on the Landscape Proving plan.

22. As to the number of dwellings proposed, it is evident that the Masterplan (October 2015) and Revision A (June 2016) are of no assistance in that the layouts merely depict indicative building blocks. The reference to a specific number of dwellings (whether expressed as an approximation or a maximum) derives from the appellant’s aspirations and instructions; and, even with generous interpretation of the layouts, there is some difficulty in achieving reconciliation with the number stated.

23. Moreover, it is clear that the two application layouts paid insufficient heed to the two important trees within the site and the extent to which topography might influence and constrain the development of the site. As such, it was inevitable that the layout would need to change and almost certain that the number of dwellings would have to be reduced (subject to house-type mix).

24. On this basis, the number of dwellings depicted on the Levels Concept drawing appears to owe much to the lack of precision in the earlier stages of the planning applications. Whilst it cannot be denied that the illustrative development aspirations have changed progressively, the underlying principles relating to access, the broad areas of development within the site and the areas for landscaping remain substantially unaltered.
25. There is no doubt that the appellant has used the appeal process to refine the project, with the substitution of a second proposal which had not run its full course with the local planning authority, and thereafter in the lead up to the Inquiry with disparate new material. This resulted in lengthy discussion at the opening of the Inquiry and a credible threat of adjournment. Whilst my ruling, as set out above, was influenced by a measure of pragmatism, I am content, on the fact specific circumstances of this case, that no party would suffer material prejudice by the consideration of the appeal based on Masterplan (Revision A – June 2016) and the subsequent supporting material.

Planning Policy


27. Core Strategy Policy CS1, which sets out the number of new homes to be built in the Borough up to 2016, is time expired and out-of-date and merits no weight.

28. The Wrekin Local Plan shows the appeal site to be located outside the built-up area of Newport but Policy OL7, which would otherwise have restricted development in the open countryside, has not been saved. Core Strategy Policy CS 7 similarly strictly controls development in the open countryside but as a policy which fails to reflect current development needs, it is to be regarded as out of date and with limited weight.

29. Core Strategy Policy CS 6, relates to ‘development in Newport’ with the objective of ensuring that all development will respect and enhance the quality of the town’s built and natural environments, including townscape and impact on surrounding countryside. Given that the site is outside the extant settlement boundary, the policy has no direct application.

30. The emerging Telford and Wrekin Local Plan, whilst including the appeal site within the built-up area, seeks to preclude its development through a Green Network designation (unless the benefits of a proposal would outweigh any adverse impacts on the Green Network and its functions). However, the related policy, Policy NE 6, has been the subject of objection and very little weight is merited.

31. Saved Policy OL6 of the Wrekin Local Plan seeks to protect from development locally important incidental open land within or adjacent to built-up areas where that land contributes to the character and amenity of the area, has value as a recreational space or importance of a natural habitat.

32. The appeal site is not identified as such on the Local Plan’s Proposals Map and, although the land is currently open and on the edge of a built-up area, it does not have any ‘incidental’ function to the settlement. Whilst it cannot be denied that the site contributes to the character and amenity of the area, in so far as it is undeveloped, it does not have value as a recreational space (as access across it is unauthorised) or importance as a natural habitat.
33. Acknowledging that the wording of the policy, and the explanatory text, is somewhat indistinct, I consider that the Council has sought to misapply OL6, as a backstop, given the demise of the former open countryside policy, OL7.

34. In addition, Core Strategy Policy CS 11 seeks to protect and enhance areas of open space, both formal and informal. However, the appeal site is agricultural land and it does not fall within the ambit of this policy.

35. Whilst the Inspector in an appeal decision at Dawley Road, Lawley, attached significant weight to OL6 and CS 11, on the basis that they reflected the Framework, I find no direct application to the site before me and thus they lack material weight in this appeal.

36. Policy SP 2 of the Telford and Wrekin Local Plan supports the delivery of approximately 1,200 net new homes in Newport up to 2031. Additional housing over and above that already committed or identified in the Local Plan will be prioritised on previously developed sites within the town. It also requires all development to respect and enhance the quality of the town’s built and natural environment. Whilst it is evident that the proposal would conflict with the provision of new housing which this policy seeks to address, the housing policies in the emerging plan are subject to objections and it follows that only limited weight applies to the draft policy.

37. Saved Policy UD2 of the Wrekin Local Plan and Core Strategy Policy CS 15 contain design objectives which are of more specific relevance to full applications or those seeking the approval of reserved matters.

38. In summary, the majority of relevant policies in the development plan, most notably those concerning the provision of housing, are out-of-date. This triggers paragraph 14 of the Framework and 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.

**Whether the Council can demonstrate a five-year supply of housing land**

**Objectively assessed need - introduction**

39. Planning Practice Guidance (Housing and economic development needs assessments) advises that there is no one methodological approach or use of a particular dataset(s) that will provide a definitive assessment of development need. However, the use of the standard methodology set out in the guidance is strongly recommended to ensure that the assessment findings are transparently prepared. Nonetheless, local authorities may consider departing from the methodology, but they should explain why their particular local circumstances have led them to adopt a different approach where this is the case.

40. It is acknowledged that establishing future need for housing is not an exact science; no single approach will provide a definitive answer; and plan makers should look to rely predominantly on secondary data (e.g. the Census, national surveys) to inform their assessment.
Objectively assessed need - demographic

41. The Telford and Wrekin Objectively Assessed Housing Need (OAN) Final Report (March 2015), prepared to inform the emerging Local Plan, identifies a need, over the plan period to 2031, of 497 dwellings per annum.

42. The starting point for the assessment was the official household projections from the Department for Communities and Local Government (CLG) derived from the sub-national population projections (SNPP) produced by the Office for National Statistics (ONS).

43. The projections available in the initial preparation of the OAN Report were the CLG 2008-based projections (CLG 2008) derived from the 2008-based SNPP population projection (ONS 2008) and the CLG interim 2011-based projections (CLG 2011) derived from the 2011 interim SNPP (ONS 2011).

44. The consultants advising the local planning authority (PBA) had previously identified a number of deficiencies in taking the above at face value in so far as:-
   a) the 2008 projections were based on historical trends with some of their predictions subsequently invalidated by the 2011 Census;
   b) the interim 2011 projections had a short time horizon covering the period 2011–21 and its historical migration, birth and death rates were based on pre-Census estimates;
   c) in the official projections future migration followed trends rolled forward from a five-year base period (ONS 2011 five-year period 2006–10); the time period was short and coincided with an economic recession; and
   d) the 2011-based projections carried the imprint of recession with lower household formation than previously expected and on average those households were substantially larger.

45. With the above in mind, PBA sought to test the official projections with a PBA Trends 2003-13 projection which was based on the use of a longer term ten-year migration trend; and with a PBA Trends 2008-13 based on a five-year period rolled forward one year from the ONS/CLG 2011 projections with the benefit of more recent data (2012 ONS mid-year estimates). Both used an indexed method which assumed that after 2021 headship rates would revert to their pre-recession trend as projected in CLG 2008.

46. During the preparation of the OAN Report, publication of Census data showed that the ONS 2008 and ONS 2011 projections on population had been overtaken by events and became redundant with the release of the 2012 ONS and CLG 2012 projections. In effect, this left the two PBA trend scenarios to be compared with the 2012 CLG output.

47. In this regard, the latter indicated an annual population increase of 583 persons, equating to 446 households and 461 dwellings per annum. The two trend models resulted in a significantly higher population increase than forecast by CLG (838 and 785), but households and dwellings were broadly comparable with CLG 2012 (439/453 and 426/439). The overall conclusion, based on a preference for the ten-year trend, was an objectively assessed need of 497 dwellings per annum.
48. The above was post-dated by the CLG 2014 projection and the ONS 2014 sub-national population projection that underpins it with an uplift in annual population by 702 persons, 487 new households per annum and an annual dwelling requirement of 502. The PBA Trend scenarios (using the Experian model), rolled forward to 2005-15 and 2010-15, showed a population increase of 827/963; 486/535 households; and 502/552 dwellings.

49. With the ten-year trend, the objectively assessed need was deemed by PBA to be 502 dwellings per annum. This contrasts with the appellant’s position (SPRU) with a starting point of 667 dwellings based on a rolling five-year average migration for 2010-15 (using the Chelmer model).

50. The initial point at issue on the demographic projection is whether there is just cause to prefer the longer-term migration trend as opposed to the most recent official demographic projections. In this regard, net migration during the shorter time period ranges generally for the first four years at +200/-150 with the last year climbing to +1100. Whilst this is likely to have some correlation with housing delivery over the period, the inflow appears unusually high and, as a single spike within a five-year period, it has the potential to significantly distort the trend.

51. By comparison, a reference period of ten years, which includes a full economic cycle leading into and out of recession, with a general range of +300/-200, tempers the potential effect of the peak. In my opinion, the use of the extended period appears to be more representative. The longer base period shows a relatively larger net inflow of younger workers aged 20-39, but fewer retired people, which has the effect of holding down household formation. On this basis, I do not favour the projected demographic scenario of 667 dwellings advocated by SPRU (household projections + migration assumptions).

52. Planning Practice Guidance advises that the household projection-based estimate of housing need may require adjustment to reflect factors affecting local demography and household formation rates which are not captured in past trends, and the extent to which formation rates have been constrained by supply. PBA makes no adjustment whereas SPRU advocates a return to half 2008 household representative rates (HRRs).

53. The appellant’s stance flows from the national housing crisis and the inability of younger age groups, in particular, to form new households and the concern that CLG’s HRRs are constrained by the effects of the recession, and the local record of housing delivery, and thus provide no prospect of greater home ownership for the younger population. On the other hand, a return to half 2008 HRRs, whilst not fully reflecting the pre-recession world, would go some way to countering the distorting effects of the subsequent depressed economic climate.

54. In my opinion, whilst the official projections might be considered to be cautious, they are up-to-date and draw in the significant social changes which have occurred in the years up to 2008 and more-so thereafter (e.g. student fees, children staying longer with parents and part-time working), whereas the alternative of placing reliance on an earlier period would be highly questionable without firm justification.
55. With this in mind, the number of concealed families in Telford and Wrekin increased from 426 (2001 Census) to 853 (2011 Census); the projected increase in other households without dependent children has been growing since 2001 and is projected to increase from under 4,000 in 2000 to almost 7,000 by 2039; and HRRs for all groups up to age 44 are now projected to be substantially below the 2008 projections.

56. However, in Telford and Wrekin, formation rates in 2011, for the age groups up to 35-39, were equal or above national rates and marginally below for the 40-44 cohort; and the HRRs between 2011 and 2031 are projected to increase for the age range of 30-44 and to broadly reflect the national trajectory. Overall, there is nothing to suggest that the local situation is materially different to that to be found nationally.

57. Reflecting in more detail on the supply and affordability of housing in the Borough, net completions during the period 2006-07 to 2010-11 varied between 363 and 551 (against the RSS\(^3\) requirement which permitted a maximum of 1,330 new dwellings per annum up to 2011) and from 2011-12 to 2015-16 net completions ranged between 607 and 1255 (against a ‘retrospective’ target of 778 dwellings per annum\(^4\) in the emerging local plan).\(^5\)

58. The issue is whether there is an unmet housing need which is not reflected in the household projections and the extent to which household formation might have been constrained by supply.

59. Set against the initial maximum of 1,330 dwellings per annum, in Policy CS 1 of the Telford and Wrekin Core Strategy (Core Strategy), the delivery of new homes fell markedly short. The terminology of the policy sets a conundrum in that the housing number was expressed as a maximum rather than a requirement. Whilst it was derived, by spatial distribution, from the regional requirement set out in the RSS, the mere fact of significantly undershooting the maximum is not, by itself, confirmation that there was unmet housing need in Telford and Wrekin.

60. In more recent years, using the ‘untested’ measure of 778 dwellings, net completions fell short in 2011-12 and 2012-13 but thereafter showed a growing surplus and a positive performance over the five-year period as a whole. Even on the appellant’s preferred case of 933 dwellings per annum, there would have been a shortfall in each of the first three years resulting in a small overall deficit of 167 dwellings for the five-year period.

61. SPRU’s alternative scenarios of 888 and 864 dwellings per annum would have resulted in an overall surplus for the five-year period.\(^6\) To reach a conclusion of unmet need therefore rests on finding an assessed need of 933 dwellings per annum. Even then, the potential unmet need would be small (167 dwellings/five-year period). Overall, this does not suggest a recent unmet housing need.

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\(^3\) Regional Spatial Strategy for the West Midlands – the number of new homes in the Borough is set out in the Telford and Wrekin Council Core Strategy at policy CS 1

\(^4\) OAN + housing growth strategy

\(^5\) Telford and Wrekin Local Plan (Submission Version – June 2016) Policy HO 1 which supersedes a maximum of 700 dwellings derived from the RSS

\(^6\) 888 dpa, 3 years deficit (one marginal), 5 yrs surplus +58; 864 dpa, 2 years deficit, 5 yrs surplus +178
62. Even if one were to take a much longer view by including the period 1995-96 to 2005-06, when the relevant targets were missed in all but one year, this does not provide anything more than historical background and it does not inform the debate as to whether there is evidence of unmet housing need.

63. On this basis, it is necessary to look at other potential indicators. In this regard, compared to Shropshire, the West Midlands and England, average house prices across the Borough are notably lower; mean house prices have followed the trend; the Borough has a lower affordability ratio; market rents have been close to those in Shropshire and the West Midlands and are relatively stable; and the percentage of over-occupied dwellings is below the average for the West Midlands and England.

64. It is acknowledged that this comparative, generally positive, standing does not provide any great solace to those seeking to buy a home of their own, especially as the ratio of house prices to earnings has increased from a factor of around three to almost six over the last twenty years, or to prevent the situation from getting worse.

65. Nonetheless, the relative performance, or outlook, for Telford and Wrekin against trend does not point to any material inherent local issues relating to the supply of housing and the suppression of household formation rates. As such, in light of the advice in Planning Practice Guidance, I am content that there is nothing of sufficient local consequence or distinction which would warrant making an upward adjustment.

66. Accordingly, no adjustment to the objectively assessed need is justified on these grounds and I disagree with SPRU’s demographic assessment of 698 dwellings per annum (rolling average for migration over the last five years and HRR held constant (2014 levels) for those under 45) or 732 dwellings per annum (return to half 2008 trends).

67. In reaching this conclusion, I am aware that the Inspector in the Haygate Road appeal decision noted that it was clear that low household formation rates can and do have social impacts, such as the creation of concealed households, and he was not persuaded that the correct response was to simply reflect past rates rather than seeking to address and improve the situation. Whilst I concur with the sentiments he expressed, and I acknowledge the national call to boost significantly the supply of housing, the evidence here to support a return to half 2008 HRR trends or to maintain HRR at the 2014 level lacks specific justification.

**Objectively assessed need - economic**

68. The economic OAN projection is the main difference between the parties. In this regard, PBA, using the Experian model, calculates that its ten years trend projection would be compatible with a healthy economic future for the Borough in so far as the available labour supply would not constrain economic growth. By contrast SPRU bases its approach on the average of three economic forecasting models. The overall difference amounts to some 430 dwellings (502/933) per annum.

7 December 2014: Telford and Wrekin £156,091; Shropshire £189,162; West Midlands £184,338; and England £242,006

8 With particular reference to paragraph 015 Planning Practice Guidance: Housing and economic development needs assessments
69. The inherent difficulty in employment forecasting is apparent from the three projections provided by SPRU. Both Cambridge Econometrics and Oxford Economics start from a similar baseline number of workers (84,000 and 84,328) with job growth between 2011 and 2031 in the order of 19,000 and 8,370 jobs respectively.\(^9\)

70. On the other hand, Experian starting from 86,100 workers results in a job growth of 14,200 for the same period. Taking average job growth, Experian mimics the average (13,857) whereas the other two provide upper and lower extremes. In terms of the overall percentage job growth, both Experian and the average show growth of 3.1%.\(^10\)

71. Whilst the use of averages in modelling employment projections is likely to moderate conflicting assumptions, the exercise here serves to demonstrate the consistency of the Experian forecasts with the overall average of three models and suggests that its overall forecast is realistic and robust. The main difference between the parties is the manner in which the new jobs would be accommodated having regard to three principal factors, namely:-

the commuting ratio; the incidence of double jobbing; and the future economic activity rates of the population.

72. Looking first at commuting rates, SPRU’s approach assumes that the ratio of in and out commuting remains the same, whereas the Experian model allows the net commuting ratio to adjust as part of the process of establishing whether there would be a sufficient wider workforce to serve the projected increase in jobs in Telford and Wrekin.

73. Both approaches have weaknesses in that the net commuting ratio is seldom likely to remain static, given the complex interactions between the location of new jobs and the workforce (e.g. the propensity to commute or to move house); the predicted increase in commuting might be subject to other inhibiting factors (e.g. means of transport, congestion and journey time); and, in either or both instances, it might be a desirable and legitimate objective of plan making to influence the degree to which commuting may occur as part of an overall sustainability agenda or to provide work for residents of adjoining districts.

74. Overall, the SPRU approach effectively starts from a ‘policy on’ basis by using a pre-determined static net commuting ratio whereas the purpose of the Experian model is to test the extent to which new jobs might be filled by an ‘available’ workforce and whether or not more residents need to be accommodated in the Borough. It remains thereafter a matter of judgement for the local planning authority to determine the extent to which it should seek to shape the level of commuting. On this basis, I see nothing fundamentally wrong with PBA’s methodology.

75. Moving on to double jobbing (where a person has more than one job), the ability to make meaningful projections is fraught with difficulty in that there are no official statistics. Neither party had any credible evidence base in that SPRU seeks to limit the trend, from a baseline of 3%, to 4% founded on the contents of a single newspaper article\(^11\) whereas PBA relies on the adjustment of the Experian model and an output which provides for up to 7% of jobs being taken by double jobbers. Whether that outcome is either realistic or desirable requires further consideration.

\(^9\) RHM/4 Table 7
\(^10\) RHM/4 Table 8
\(^11\) Financial Times
76. There is no doubt that the phenomenon of double jobbing is growing associated with the trend of zero hour contracts, part-time working and the flexibility that more than one job might provide to an individual. A greater pool of such jobs could provide the local workforce with more choice in employment and greater prospect of increased work.

77. On the other hand, without evidence as to the balance of part-time and full-time jobs, reliance on a given population wishing to take up additional jobs, if not realised, could result in a shortfall in the available workforce and inhibit economic growth.

78. In my view, it would be preferable to take a ‘conservative’ approach to the extent to which double jobbing might increase and to align more closely with SPRU’s scenario.

79. In terms of the future economic activity rates of the population, the premise is that higher rates need less population to serve a given number of jobs. SPRU initially applied a 2% uplift in all age groups with the exception of the pension age (reflecting the endorsement in the South Worcestershire Plan Examination) with a subsequent adjustment to accommodate the projected changes to activity rates from the Office for Budget Responsibility (OBR) applied to local activity rates.

80. This has the effect of reducing activity rates for many of the below 60 age groups but this is compensated by higher rates of activity in the 60+ age groups. Whilst this results in a modest reduction (902) in the assessed need from the original projection (933), it still suggests that a substantial uplift would be required to meet the level of employment growth.

81. The alternative PBA proposition is that the consequences of a modelled older population profile, and the increased activity rates for those aged 65 and over, would have the effect of requiring a significantly smaller increase in population to meet the projected level of jobs.

82. The longer term effects of the changes in the pension age are yet to be realised, and the extent to which people over 65 will continue to work is similarly unknown. In my opinion, such uncertainties may suggest a need for caution in placing an increased reliance on an older age structure to fill jobs and it is notable that the economic activity rates for Telford and Wrekin over the last ten years have shown massive fluctuations. On this basis, the more circumspect growth rate favoured by SPRU appears to be prudent.

83. The appellant’s assessment has the advantage of a series of cumulative numerical steps reflecting the projections made. The employment estimate starts from an assessed need of 1,285 dwellings per annum based on the average rate of employment change and the default assumptions in the model. The figure drops to 864 dwellings per annum based on reduced unemployment, which is generally agreed; increased activity for post 60 age groups to reflect changes in the pension age; an allowance of 4% for double jobbing; and increased activity rates by 2%. As previously indicated commuting is held static.

84. In terms of my assessment of the contrasting assumptions, I would regard SPRU’s approach to be the more conservative. Realistically, given that the Experian model has demonstrated capacity to allow ‘flexing’, for example in
relation for some variation to commuting, SPRU’s approach appears to be the ‘worst case’ outlook and in reality the figure of 864 dwellings per annum (with no adjustment for HRR rates) should be regarded as a generous maximum for the purposes of assessing the need for housing as local factors do not point to a sufficient need to depart from the official projections in relation to HRR.

85. On this basis, to achieve resilient testing, I will adopt a need of a maximum of 864 dwellings per annum, even though this is not the estimate on which the appellant seeks to rely, for assessing whether the Council has a five-year supply of housing land.

**The five-year calculation - shortfall**

86. This part of the calculation involves comparing actual delivery against assessed need in order to establish whether or not a shortfall exists at the base date (April 2016). Net completions in the period 2011-16 were 4,498 units; the adoption of an annual need of 864 dwellings amounts to 4,320 homes for that period; and an excess of approximately 180 completions.

87. The period 2006-11 was the subject of a Core Strategy Policy CS 1 which ‘...... permits a maximum of 1,330 new dwellings per annum up to 2011 ...... consistent with the policy of the RSS for the West Midlands ......’. Net completions were 2,311 against a maximum of 6,650 and a resultant shortfall of 4,339 dwellings.

88. Whilst the appellant seeks to aggregate the period 2006-16 to pick up the earlier deficit, the provision of a substantial number of homes in Telford and Wrekin from 2006-11 reflected the needs of the region in focusing initial development in large settlements, including Telford. From 2011-16 the number of new homes in the Borough was set as an annual maximum of 700 to reflect the primacy of new development in the Major Urban Areas (e.g. Birmingham/Solihull).

89. It can be seen that the policy was worded to cap the number of new dwellings. Even if that were to be interpreted as a target not to be exceeded, any attempt now to recoup the dwellings not provided would fly in the face of the spatial distribution of dwellings initially sought by the RSS for the period post-2011. Whilst the poor performance of Telford and Wrekin in the earlier part of the period may or may not have resulted in a significant loss of new homes to the region, no evidence was presented on the performance of other constituent authorities and the aggregated regional outcome.

90. Moreover, whilst the Panel’s Report into the Phase Two Revision of the RSS (2009) set an indicative annual average of 1,325 dwellings for Telford and Wrekin (2006-26), and distanced itself from the ‘minima-maxima’ concept by confirming that the specified net additional dwellings ‘should be regarded as targets to be aimed for’, the Revision was subsequently overtaken by the Secretary of State’s announcement of the revocation of RSSs. As such it is a document of very little weight.

91. Overall, the above factors lead me to the view that there is an insufficient basis to incorporate any under supply of dwellings arising from the strategy of the RSS and its underpinning of Core Strategy Policy CS 1.
The five-year calculation – buffer

92. Planning Practice Guidance confirms that ‘The assessment of a local delivery record is likely to be more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market cycle’.

93. The Council, in its Five Year Housing Land Supply Statement at April 2013, clearly accepted Core Strategy Policy CS 1 as a target to be fulfilled; under-delivery against that target; the application of a 20% buffer for persistent under-delivery; and an overall shortfall of 4,412 dwellings. Whilst that is a matter of record, it does not represent the authority’s current position.

94. Policy CS 1 is now out-of-date as the Core Strategy covers the period up to 2016 and the policy was founded on the now revoked RSS of 2004. To my mind, adopting the reasoning in paragraphs 87 – 91 above, the longer term view of housing delivery would be distorted by circumstances of limited current materiality and in this instance the five-year trend provides a more robust basis for assessment.

95. In this regard, with a housing need of 864 dwellings per annum (maximum), three years show a shortfall (of which one is marginal) and two years show a material excess with an overall average of approximately 900 dwellings per annum. I do not regard this to amount to persistent under-delivery and, on this basis, the application of a 5% buffer would be appropriate, thus taking the five-year requirement to 4,536 dwellings (907 per annum).

The five-year calculation – supply

96. The irreconcilable difference between the parties on supply rests heavily on the respective estimated delivery rates over the next five years having regard to lead-in times for the grant of outline planning permission; the submission and approval of reserved matters; discharge of pre-commencement conditions; site preparation; and developer build-out rates. The effect of these considerations is disputed on 29 sites which accounts for a difference of some 1,879 dwellings (4,565 and 6,444 according to the appellant and the Council respectively).

97. The approach adopted by the parties was, for the most part, reliant on general principles with little examination of individual sites other than by example to support a particular point. In effect, this invites an assessment of supply according to either of the figures above as opposed to any other derived sum.

98. Whilst the local planning authority can point to a significant number of dwellings which are either under construction or have planning permission, the level of detail on lead-in times, delivery rates and recent contact with site owners/developers was often less comprehensive and explicit than that provided by the appellant.

99. By way of example, the Council’s position on Priorslee East (160 dwellings) relies on disposal of part of the site to a preferred developer yet to be announced; the submission of reserved matters by April 2017 and approval no later than September 2017. These judgements are not clearly and transparently set out.
100. Additionally, sites at Gower Street (10 dwellings) and Wellington Road, Horsehay (23 units) have outline approvals expiring in April 2017. Whilst land with outline planning permission may properly be included as part of the supply, in these instances the expiry of the permissions is approaching and marketing has failed to secure developer interest. Although this does not amount to clear evidence that development will not occur within five years, and the number of units involved is small, it is nonetheless indicative of an underlying risk.

101. Moreover, Maxwell Site, Shawbirch (160 dwellings) has a planning permission which allows for the submission of reserved matters within a period of seven years; the site is occupied by another use; it has not been marketed and there is no developer. Whilst it is said that there has been strong interest in bringing forward the site for development, there is no explicit evidence to support this coming to fruition.

102. From looking at the totality of the material before me, I have gained an overall impression of the appellant’s comparative pessimism set against the more optimistic outlook of the Council. This can be illustrated further by reference to Dairy Crest, Crudington where the former judges the site to be deliverable only in part (58 dwellings), based on the absence of a developer and a lack of reserved matters, whereas the latter expects full delivery (111 units) within five years on known interest from a National House Builder.

103. The fundamental point for me is that the five-year supply of developable sites should be sufficiently robust to ensure that the planned homes are capable of being delivered. In seeking to derive realism from the spectrum of pessimism and optimism, I consider that for the purposes of this appeal it would be prudent to adopt the ‘worst-case’ view of deliverable sites to secure rigorous testing of the five-year calculation.

**The five-year calculation – conclusion**

104. I have adopted 4,320 dwellings as the starting point for the five-year requirement; there are specific reasons not to add a shortfall; and I consider there to be insufficient grounds to endorse the allegation of persistent underdelivery. Thus, a 5% buffer is warranted taking the five-year requirement to 4,536 dwellings (907 per annum). With a minimum of 4,565 deliverable dwellings, there would be approximately 5.03 years supply.

105. Whilst this figure is on the cusp of the five-year threshold, and it cannot be regarded as exact, the assumptions underpinning it are sufficiently robust to ensure confidence that this seemingly marginal outcome is very much a worst case position.

106. I note that the Haygate Road Inspector was unable to come to a firm view as to which of the competing OAN figures before him was the more robust and reliable; and he expressed the opinion that there was at least a possibility that the Council was unable to demonstrate a deliverable supply of housing land. He favoured a return to pre 2008 HRR rates and endorsed a 20% buffer.

107. For my part, I have endeavoured to resolve a number of points specific to the evidence which I heard and I have come to the conclusion, applying a precautionary approach to the assumptions, that the Council can demonstrate a five-year supply of deliverable housing sites.
108. In relation to the two principal areas of difference between the Haygate Road Inspector and me, had I applied a half return to 2008 HRR, the assessed housing need, on the appellant’s scenario, would have been a maximum of 933 dwellings per annum. This would have included all of its underlying assumptions and the resultant risk-averse margins which that provides. As that sum would have been exceeded in two of the five years, and the overall shortfall for the period would have been marginal, a 5% buffer would have remained appropriate leading to a supply of 4.66 years.12

109. In addition, had I found in favour of retaining 2014 HRR rates, the resultant 888 dwellings, with a 5% buffer, would have translated into a supply of 4.9 years.

110. Again, I consider the above to be highly and overly cautious estimates, having regard to the nature of the variables outlined, and I would not interpret them to be a sufficient basis to find convincingly less than a five-year supply of housing land for the purposes of this appeal. Accordingly, I am confident, on the evidence before me, that the Council is able to demonstrate a deliverable supply of housing land in accordance with the requirements of the Framework.

The effect of the proposal on the character and appearance of the landscape

Landscape character

111. At the local level, the appeal site lies within the Estate Farmlands landscape type13 which is typified by gently rolling lowland and valley floor landscapes. The key characteristics include mixed farming land-use; a clustered settlement pattern; large country houses with associated parklands; planned woodland character; and medium to large scale landscapes with framed views.

112. The Landscape Sensitivity Study Update for Telford and Wrekin (February 2014) identifies the site as having high/medium sensitivity: ‘landscape and/or visual characteristics of the site/zone are vulnerable to change and/or its values are medium through to high and the zone can accommodate the relevant type of development only in defined limited situations without significant character change. Thresholds for significant change are low’.

113. The purpose of the study was to update an earlier landscape sensitivity and capacity assessment for defined areas around Telford and Newport in light of additional sites identified by the 2012 Strategic Housing Land Availability Assessment. By its very nature, the study was concerned with the principle of housing development rather than any formal proposal and related landscape and visual impact assessment.

114. In this regard, the justification set out in the report starts from the premise that ‘the site’s value lies in its possible parkland origins, its mature oak trees and its distinctive and attractive rounded landform’. However, whilst the presence of the trees may give a semblance of parkland, there is no evidence to support this stance.

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12 The revised figure of 902 units, using the OBR’s average rate of employment change, would have amounted to a supply of 4.8 years
13 Shropshire Landscape Typology (2006)
115. It goes on to say: ‘its susceptibility to housing development would be the removal of this character and the subsequent prominence of housing on the rising landform. Overall the site is considered to be very sensitive to housing on the rising landform. Although it might be possible to develop a limited part of this site without detriment to the wider landscape, detailed study would be required to assess where this would be appropriate. Development along the western edge, where it would be least intrusive within the wider landscape, would remove the backdrop to the existing settlement edge and would begin to creep up the hill. Elsewhere the strongly undulating topography of the site affects its potential to accommodate housing and would be highly visible from the public footpaths’.

116. For my part, the appeal site is, in effect, a remnant pocket of the Estate Farmlands landscape type with the built-up area of Newport to the west, the A41 bypass arching round to the north and north-east and a modest swathe of open land to the south-east and south–west which is itself influenced by the built-up area further south and the bypass along its eastern side.

117. However, that is not to say that the site is entirely urban dominated in that it merges with the adjacent open land to the south-east to provide outward rural views and a distinct impression of transition into the open countryside. Similarly, from the canal towpath the aspect northward over the appeal site is entirely rural. In addition, the low-lying undeveloped land to the south-west combines with the appeal site to form part of a green corridor into the wider landscape beyond the A41 bypass. Whilst the road acts as a physical barrier, the route is in a tree-clad cutting and, apart from a localised intrusion of traffic noise and glimpses of vehicles in winter months, it does not radically sever visual linkage with the open countryside and the site’s attribute of intermediary rural character.

118. Overall, the appeal site reflects the typology in relation to its distinct and accentuated rolling landform; agricultural land-use; the well-defined pattern of settlement; a quasi-woodland context generally to the east and south; and a medium scale structure with some views across the site to more distant landscape reference points.

119. Hedgerows are in moderate to good condition with some deterioration along the urban edge; the veteran trees within the site have a high intrinsic value, with the hilltop specimen having particular distinction emphasised by the rising land form; and the land-use is rough grazing with evidence of local trespass routes across the land. Whilst the landscape in the locality may be categorised, in general terms, as being in average condition, the pronounced land-form and landmark trees are important characteristics in the consideration of the effects of the proposal.

120. The site, whilst forming a greenfield backdrop to Beechfields Way and Kestrel Close, and adding to the green-swathe of open land to the north-west of the canal, does not have notable scenic quality. The characteristics of the site are representative, somewhat unusual, but not unduly rare.

121. Conservation interests in terms of wildlife are limited; there is some inferred cultural association with the hilltop oak tree, which may have been the location of a historic meeting point, and the large Victorian house to the south-west (Rylands House) may have been orientated towards the oak trees.

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14 The canal itself is disused but undergoing restoration
122. The site does not have authorised recreational value although it is skirted on two sides by a public footpath (Plough Lane) and on a third by the canal towpath. Where views exist from these routes, the openness of the land, and its captivating topography and focal trees, has an associative quality.

123. As to perceptual aspects, the appeal site is neither wild nor particularly tranquil; and associations with notable people or events are absent.

124. Whilst the land is highly valued by local residents as an open backdrop to their homes and to local recreational routes, and I have described a number of notable components, it is of no more than community value. Hence, it cannot be considered to be a ‘valued landscape’ in the terminology of paragraph 109 of the Framework. In this regard, the value of the site is inhibited by the proximity of the urban area and the bypass and the limited tangible links to the wider open countryside.

125. The susceptibility of the landscape to housing development starts from acknowledging the presence of the existing urban edge; the intention to retain and supplement existing hedgerows; the provision of open land alongside the canal with houses set well back; generous separation between buildings and the veteran trees; roads and dwellings arranged to follow contours; and ‘designed’ views towards the trees between and/or over dwellings.

126. The appellant’s Landscape and Visual Impact Assessment asserts that, with the combination of existing and proposed landscaping, adjacent built form and the retention of key landscape features, the appeal site and surrounding landscape would be able to accommodate the development without suffering detrimental effects on its character.

127. To my mind, the appellant’s assessment plays down the limited extent of the interface with the built-up area and, where that occurs, the continuing semblance of a field hedgerow boundary which itself provides some softening demarcation of the adjacent housing. It also appears to disregard the elevation of the eastern and northern parts of the appeal site and the resultant prominence of proposed new houses, albeit no more than two-storeys in height, in those locations.

128. It also understates the characteristic of the undulating and sometimes steep landform and its interaction with the focal trees and the manner in which the appeal site forms a rising back-cloth from the built-up area. In this respect, the status of the larger landmark tree owes much to its elevated topography.

129. Although there would be no loss of the trees or the generality of striking topography, the laying out of the site for development would inevitably erode and compromise the sweeping undulations with significant changes to accommodate road gradients and individual building platforms. In turn, even with the spacing illustrated, new houses would envelop the central tree and border its southern counterpart with the effect of changing the aesthetic rural aspect of the land and the perception of it forming an integral part of the wider countryside landscape beyond.

130. In my opinion, the proposed development, even with proposed mitigation planting, would be an anomalous addition to landscape character.
131. In considering the overall landscape effects on completion of the development, the appellant’s Landscape and Visual Impact Assessment confirms that ‘the rolling pastoral land would be irreversibly lost ……’. The mere conclusion that the two mature trees within the site (and those along the southern boundary of the site) are ‘attractive features of the site’ fails to acknowledge the significance of those trees related to topography and siting within an open landscape. Even with ‘in-built mitigation to enhance the character of the proposed development’, the proposal would have an undeniable and inherent adverse landscape effect.

132. In summary, I have found that the appellant’s Landscape and Visual Impact assessment understates the value of the landscape; it exaggerates its ability to accommodate the proposed development; and its overall conclusion seeks to minimise likely adverse effects.

Landscape appearance – visual effects

133. It is acknowledged that the appeal proposal would not be visible within the wider landscape. For my part, the most relevant locations to assess the likely visual effects are the immediate public vantages of the public footpath to the north and east of the appeal site (Plough Lane) and the canal towpath generally to the south.

134. These are used, for the most part, by the local community engaged in outdoor recreation. It is acknowledged that users include joggers and dog walkers and that those activities may well be secondary to the appreciation of views of the landscape. Susceptibility to change would not be of the highest order.

135. The value attached to views is also limited insofar as there are no defined views in relation to heritage assets, planning designations or other expressed indicators of great significance. Nonetheless, the disused canal, and work for its restoration, with interpretative material, adds to value.

136. The western end of Plough Lane, particularly its northern frontage, soon runs into open land use but development on its southern side is a little more extensive before giving way to the appeal site. Plough Lane becomes more informal as it progresses eastward with glimpsed views into the appeal site, generally through minor gaps in the boundary vegetation.

137. With open land on each side of Plough Lane, and no semblance of development to the north, east and south, and a well-defined boundary to Beechfields Way and Kestrel Close, (and allowing for the sound of traffic on the bypass) the landscape is distinctively that of open countryside with strong hedgerows and significant areas of woodland of varying scale. A brief view, in the vicinity of the existing field gate, confirms the wider linkage with the landscape to the south. Elsewhere, the rising crest of the site marks the skyline and curtails views beyond.

138. Whilst the overall scale of the proposal would not be evident from Plough Lane, in that some of the dwellings would lie in the concealed dip of the site, that part of the development closest to the lane, even with hedgerow mitigation, would have a measure of prominence. The overall effect, even with the view focused along Plough Lane by adjacent planting, would be in sharp contrast to the landscape and the well-defined boundary of the built-up area with a resultant elongated protrusion of development into the countryside.
139. The demarcation of the eastern boundary of the site is little more than post and rail fencing. The view from the footpath is largely curtailed to the east, by planting bordering the bypass in cutting, and the direction of view is very much a combination of the open aspect of the appeal site, its two notable trees and a layered woodland and distant hillside backdrop to the south.

140. Whilst a small part of the town can be made out from the footpath where it adjoins the north-eastern corner of the site, it lies some distance to the south-west and it is nothing more than a minor element nestling in a landscaped setting. Continuation along the route reveals the upper parts of houses in Beechfields Way and Kestrel Close and Rylands House. These are relatively remote from the viewer; they have a backdrop of woodland; and from the elevation of Plough Lane the overall settlement is recessive and secondary to its landscape framework.

141. The proposed development would, according to the illustrations and the need to secure noise mitigation, include a line of dwellings parallel to the footpath. An arrangement of this nature, as well as restricting noise from the bypass, would largely curtail views into and across the site. The extended settlement would become immediate and dominant; it would be uncharacteristic, in that it would appear pronounced in the landscape; and the impression of walking a route between buildings and the bypass would emphasise the scale of change.

142. Moreover, whilst it is intended to retain two key views towards the veteran oak trees, one of these would be along the line of a cul-de-sac and framed by houses. The lost experience of a majestic tree in its natural setting, and its relationship and contribution to the wider rural landscape, would further exaggerate the incongruity of residential development.

143. Moving on to the towpath, beyond the screening effect of vegetation around the south-eastern corner of the site, the boundary with the appeal site consists of a low hedge with sporadic minor trees. The vista across the site is broad and it combines with the open land on the opposite side of the canal and the elongated swathe of scrub woodland running towards the town centre. The mounded nature of the site, distance and planting in the mid-ground provides notable separation from Beechfields Way.

144. The proposed development, emphasised by houses along the elevated eastern and northern boundaries, with floor levels of up to ten metres (approximately) above the lower foreground part of the site, would stand decidedly prominent in the outlook from the towpath and by reference to existing dwellings.

145. Moreover, it is likely that some would mark the skyline; others would largely mask their vegetated backdrop; and the bulk of the new development would substantially conceal the interface of Beechfields Way. In addition, the backdrop of the veteran oak tree in the foreground would be one of new houses; the central oak would, even with generous stand-off, be encircled by development; and intervening houses would restrict views to little more than its upper parts and canopy.

146. Overall, the proposal would add an aberrant element to the view and fundamentally change the composition of the landscape. This impression would be the more apparent from the south-western end of Meretown Lock where the houses along Beechfields Way are already largely lost to view and, where, in the round, the context is distinctly rural.
147. In reverse, walking along the towpath from the direction of the town centre, modern houses border much of the south-eastern side of the canal. The north-western side is bounded by a generous swathe of open land with good landscape cover. The built-up area stands relatively aloof and discrete. The undeveloped land broadens progressively eastwards, taking in the appeal site, and combining with land on the opposite side of the canal where the built-up area gives way to woodland and paddock. Again, even with growing traffic noise, the context is distinctly rural.

148. The effect of the development would, even with the provision of a landscaped area along its south-eastern edge, draw out the built-up area across the appeal site and into focal view. The new housing would appear incongruously related to the pattern of settlement; it would be at odds with the increasing visual emphasis of open land along the canal; and fundamentally mar the experience and impression of walking away from the town. Although the bypass truncates the line of the towpath, and roadside planting provides enclosure, the open aspect of the locality is a striking and integral component of its appearance.

149. Whilst it is claimed that new planting within the site would provide added interest in the view from the canal, this would be rendered of little significance in relation to the natural characteristics of the site and its important contribution to the wider pattern and structure of the landscape.

150. Finally, retracing one’s steps along Plough Lane, the overall notion of an imposing and uncharacteristic form of development would prevail.

Character and appearance of the landscape - conclusion

151. The appeal site is not a valued landscape and the site and project specific Landscape and Visual Impact Assessment judges the sensitivity of the landscape of the site to proposed development as medium and the effects, with integral landscape design proposals, as minor adverse.

152. However, taking the characteristics of the appeal site as a whole, including the attribute of its topography; the relationship of veteran trees to the wider landscape; the well-defined distinction between the built-up area and the countryside; and the strong perception and aesthetic of the site as part of the rural landscape, the substantial loss of its openness and erosion of distinct features would cause serious harm to the character and distinctiveness of the landscape. The suggestion that additional planting would make a positive contribution to the character of the site would not credibly offset the harm identified.

153. In terms of visual effects, impacts would generally be confined to the immediate locality of the site; receptors would not have the highest order of sensitivity; and noteworthy views in the terminology of the Guidelines for Landscape and Visual Impact Assessment would be absent.

154. Nonetheless, the appeal site is immediately bordered on three sides by pedestrian routes and open land uses; there are extensive views into and across the site; and the land combines with other undeveloped land to form a countryside context. The site is also poorly related to the pattern of settlement despite its western boundary with Beechfields Way and Kestrel Close. The scale of change to the view would be substantial; the
development would not be capable of integrating into its surroundings; and the extended built-up area would become a focal point where the composition of the landscape is overwhelmingly rural.

155. Finally, it is said that the proposal would contribute green space, visual variety and recreational opportunities which would represent an important consideration as the site is not currently accessible to the public. In my opinion, this would not result in a material benefit as new routes through a housing development, even with proximity to notable trees, are unlikely to offset the overall loss of amenity for those who live and walk locally.

The consideration of planning conditions and the planning obligation

156. A list of planning conditions was agreed during the course of the Inquiry. I am satisfied that these could be appropriately imposed on any grant of planning permission.

157. The planning obligation concluded after the close of the Inquiry provides for:-

a) The provision of affordable housing (35% of the dwellings to be constructed on the site) of which 80% of those would be social rented housing units and 20% would be shared ownership housing units;

b) an open space obligation providing for the submission and approval of the layout of public open space and a landscape management and maintenance plan; and the subsequent provision and maintenance of the public open space;

c) an education contribution towards remodelling Church Aston Primary School and towards the provision of changing room facilities at Burton Borough Secondary School;

d) a highways contribution towards the cost of improvement works to the A41/A518/Stafford Road roundabout;

e) a recreation contribution towards the upgrade of recreational/play facilities at Norbroom Park, Newport; the ball court at Beechfields, Newport; and the recreational facilities at Newport Canal, Newport; and

f) a contribution towards police premises, recruiting and equipping new officers and staff to serve the development and vehicles.

158. The provision of affordable housing below the 40% aspiration of Core Strategy Policy CS 7 would, nonetheless, accord with the 35% provision sought by the emerging Local Plan and would be acceptable to the Council.

159. The education contributions reflect the need for additional school places to serve the development and have been calculated on a formula basis for 168 new dwellings. There is nothing within the obligation to reduce the contribution in the event of an approval for a smaller number of dwellings. However, I shall proceed on the basis that, irrespective of the number of dwellings provided, the contribution would be consistent with the multiplier in the formula.

160. Similarly, the highways contribution, to mitigate the impacts of additional traffic arising from the scheme, is expressed as a single sum and I shall base my consideration on the underlying pro-rata dwelling amount.
161. Outdoor play provision is required by Saved Wrekin Local Plan Policies LR4 and LR6 and the recreation works identified would secure improvements to nearby facilities which are likely to be used by residents of the proposed development. The provision of on-site open space is also required by the development plan.

162. None of the financial contributions would exceed the maximum five scheme limit and would meet the relevant policy and statutory tests.

163. The current development plan is silent on police contributions\(^{15}\) although it is a matter addressed in the emerging Telford and Wrekin Local Plan\(^{16}\) and the related Infrastructure Delivery Plan. The premises contribution is not controversial.

164. The legitimacy of contributions towards training new officers and the provision of equipment and vehicles is less clear cut in so far as it would, in effect, amount to a tariff payment with no exclusivity for the proposed development. Nonetheless, the sums sought are fully quantified against the policing requirement, which existing resources cannot meet, for the proposed development.

165. There is no doubt that the proposed development would generate a need for policing and that need would require additional resources which have been calculated on a pro-rata dwelling basis. The Framework identifies a need for safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. In addition, an extensive array of appeal decisions supports the principle of police contributions. Overall, the balance of the evidence before me points to the obligation (based on the underlying pro-rata calculation) being necessary and proportionate mitigation for the development.

Other matters

Accessibility

166. In terms of the location of the site and its accessibility to facilities and services, the western edge of the site is some 1.5 kilometres from Newport town centre and its main bus stops; and the nearest primary school is some 780 metres away. These distances exceed what might be considered to be reasonable walking distances for most people.

167. Pedestrian access (other than along the unlit towpath towards the town centre) would be via Forton Road. The route has variable footway provision (north-western side only in places) which necessitates those leaving Beechfields Way to immediately cross Forton Road to join the footway. In addition, there are instances of limited width (1.2 metres) where the footway narrows. Overall, footway provision, particularly for those accompanying young children to and from school, has material deficiencies.

168. In my opinion, the appeal site is not well suited to making the fullest possible use of public transport, walking and cycling and the proposal would be in conflict with one of the core planning principles of the Framework.

\(^{15}\) Saved Policy LR1 of the Wrekin Local Plan – Provision of Community Facilities and Core Strategy Policy CS 10 – Community Facilities make no reference to the ‘emergency services’

\(^{16}\) Policy COM 1 – Community Facilities includes ‘….. built uses ….. emergency services (police, fire and ambulance) …..’
Proposed housing and employment sites – consultation

169. The range of sites proposed for housing and employment in the preparation of the emerging Local Plan identified the appeal site as part of one of seven strategic employment sites. The very process of identifying the site for consultation had the hallmarks of implausibility given the characteristics of the site and the need to provide extensive flat platforms for employment uses. The site, understandably, has not proceeded to allocation and the history of events, whilst a matter of record, does not add any weight to the appeal proposal.

Other greenfield sites

170. The Council has either allocated and/or approved a number of housing sites on the edge of Newport (generally to the south and south-west of the town) and within the line of the bypass. Although it is said that the road forms a logical boundary to the town, such a sweeping generalisation provides no basis to endorse development proposals according to their relationship with the bypass.

171. Moreover, whilst it is claimed that the site would have the same relationship to the sites already committed or under construction, that simplistic association ignores the consideration of other site specific characteristics, not least that of topography and degree of visibility. Hence, the sites identified provide no predisposition in favour of the appeal proposal.

Other principal matters raised by local residents

172. A substantial volume of residents’ concerns relate to the effect of the proposed development on the local highway network. Whilst much was made of the timing of some of the survey work, the highway authority is, nonetheless, content that the proposal would not result in severe residual cumulative highway impacts. In the absence of contrary technical evidence, I see no reason to disagree.

173. Beechfields Way, and some of the feeder culs-de-sac, has marked gradients which causes problems in icy weather both for local residents and emergency vehicles. The concern of the existing issue being made worse by additional traffic, and the provision of a new mini-roundabout to serve the proposed development, is readily understood. However, the principle of the highway works has been found to be acceptable and future detailed design would need to be endorsed by a formal safety audit.

174. As to surface water and potential flooding, the proposal is accompanied by a flood risk assessment and drainage strategy; a construction environment management plan, secured by condition, would mitigate impacts on biodiversity; and any notable wildlife interests could also be protected.

The overall planning balance in light of relevant local and national policy considerations

175. The Framework confirms that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan policies for housing are out-of-date and Core Strategy Policy CS 7, which seeks to strictly control development in the countryside, carries limited weight.
176. Paragraph 14 of the Framework demands that where relevant policies 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.

177. As the Framework says, there are three dimensions to sustainable development:- economic, social and environmental. These roles should not be undertaken in isolation because they are mutually dependent.

178. In terms of the economic role, the proposal would provide employment associated with the development and additional spending in the local economy to support businesses and services. Combined, they amount to an important benefit.

179. As to the social role, the provision of market houses would help boost the supply of housing and provide market choice. Although I have found that the authority can show a five-year supply of deliverable housing land, this does not, by itself, preclude the grant of planning permission for projects which would contribute to the above aim. On this basis, the benefit would be significant.

180. The estimated affordable housing needs in Telford and Wrekin are very considerable (665 dwellings per annum – backlog incorporated within the first five years; or 227 per annum – backlog spread over the plan period). There is no policy requirement to meet that need in full, and attainment would generally be dependent on market housing coming forward. Nonetheless, it cannot be denied that the need is both genuine and urgent, given the number of households identified as falling within need in the 2016 Strategic Housing Market Assessment.

181. Whilst the record of affordable housing completions in the Borough has been good over the last five years, with some 343 units in 2015/16, Newport appears to have fared less favourably against its net annual imbalance of 101 dwellings per annum with delivery of only 21 units per annum over the last five years. The lower quartile house price to household income ratios for Newport is also above the average for the Borough.

182. The balance of the evidence points to a significant need to maximise opportunities to secure affordable housing by granting planning permission for new residential development. Set against that need, the proposal would make a meaningful numerical contribution and the benefit would be significant.

183. Turning to the claimed environmental benefits, although the proposal would bring footpath links through the site and accessibility to the veteran oak trees, connectivity and permeability are expected components of good design. The provision of play space would largely serve the needs of the development; and the new landscaping and opportunities for ecological diversity are a legitimate objective of securing good design and conserving and enhancing the natural environment. No enhanced weight applies.

184. Almost half of the site is best and most versatile agricultural land (Grade 3a), but its distribution across a single field limits its value and its loss would be neutral in the overall planning balance.
185. The harm to the character and appearance of the landscape lies on the other side of the equation. Whilst this would be limited to the immediacy of the site, the harm would be felt acutely from immediately adjacent pedestrian routes; and the character and appearance of the locally distinctive landscape would undergo irrevocable damage. The environmental dimension of sustainable development would not be achieved and the objection in this respect is particularly strong.

186. Although reference was made to the ‘cordon’ of the bypass, the road does not represent an inevitable means to determine the extent of built development. In addition, whilst the appeal site falls towards Beechfields Way/Kestrel Close, it has far greater affinity with the countryside than the form and extent of the built-up area. The proposal would manifestly fail to protect and enhance the natural environment and it would thus be in conflict with the environmental role of sustainable development. I afford this harm very significant weight in light of my assessment.

187. Overall, relevant policies in the development plan are out-of-date and, at best, are of limited materiality and weight; the policies of the emerging Local Plan also carry little weight; and the weighted balance of paragraph 14 of the Framework applies, irrespective of whether or not the Council is able to show a five-year supply of housing land.

188. Nonetheless, I find that the very serious adverse impacts of the proposal on the character and appearance of the landscape, and the conflict with the development plan (with principal reference to Core Strategy Policy CS 7), would significantly and demonstrably outweigh the combination of acknowledged benefits, including the provisions of the Framework and specifically paragraph 14. Accordingly, the proposal would not amount to sustainable development. This is a decisive and compelling stand-alone reason on which to dismiss the appeal.

189. The consideration of accessibility referred to above is relevant but it forms no part of my overall conclusion as it was not identified as a principal controversial matter in either the Council’s putative reasons for refusal or its Statement of Case.

190. I have considered all other matters raised but find nothing of sufficient materiality to lead me to a different conclusion and my decision to dismiss the appeal and to refuse to grant planning permission for the development proposed.

David MH Rose
Inspector
APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

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Instructed by:-
The Solicitor to the Council

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Partner of Peter Brett Associates LLP

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Director  
ADL Traffic Engineering Ltd

David Bent  
Redrow Homes Limited

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17 Participated at round table session on Planning Obligation relating to police contribution
18 Participated in discussions on planning conditions
FOR WEST MERCIA POLICE (RULE 6 PARTY):

<table>
<thead>
<tr>
<th>Thea Osmund-Smith (of Counsel)</th>
<th>Instructed by: Caroline Gutteridge Solicitor on behalf of West Mercia Police</th>
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<tbody>
<tr>
<td><strong>She called</strong></td>
<td></td>
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<tr>
<td>Andrew Morgan MRTPi</td>
<td>Strategic Planning Manager West Mercia Police</td>
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</tbody>
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**INTERESTED PERSONS:**

- Councillor Tim Nelson: Borough Councillor, Newport - North West Ward
- Esther Wright: Local resident
- Jane Newey: Local resident and committee member of Newport Branch of Shropshire Wildlife Trust
- Christina Dean: Local resident
- George Lockett: Local resident
- David Spencer: Local resident
- Dr Harnarine Murally: Local resident
- Matthew Smith: Local resident
- Karen Malcolm: Local resident
### Application Documentation and Reports

| CD1.1   | 1665-08-02-120 - Location Plan            |
| CD1.2   | 1665-08-02-123 - Topographical Survey     |
| CD1.3   | 1665-08-02-139 Image of Proposed dwellings to be demolished |
| CD1.4   | S106 draft HOTS                           |
| CD1.5   | Masterplan Redrow drawing 1665-08-02-100 |
| CD1.6   | 5223.01.001 Oak View, Kestrel Close, Newport - Arboricultural Impact Assessment |
| CD1.7   | 5223.02.003 Oak View Heritage Assessment |
| CD1.8   | 5223.03.001 Oak View Statement of Landscape Design |
| CD1.9   | 5223.04 Photosheets                       |
| CD1.10  | 5223.04.001 Landscape and Visual Impact Assessment |
| CD1.11  | 5223.04.002 LVIA Methodology              |
| CD1.12  | 5223.006 Oak View Ecological Assessment   |
| CD1.13  | 6990 South Plough Lane Newport ALC        |
| CD1.14  | 313027-01 (00) Kestrel Close, Newport - Site Investigation Report |
| CD1.15  | 313027-02 (00) Kestrel Close, Newport - Soakaway test letter report |
| CD1.16  | AAC5232 - Flood Risk Assessment - Oak View and Heritage Fields, Newport Issue 1 |
| CD1.17  | 05223.03.001 Oak View Landscape Masterplan |
| CD1.18  | 135223.04.001 Site Location - Oak View    |
| CD1.19  | G5223.04.003 Landscape Character Areas - Oak View |
| CD1.20  | G5223.04.005 Visual Receptor Locations - Oak View |
| CD1.21  | G5223.04.007 Aerial Landscape Features - Oak View |
| CD1.22  | 65223.04.009 Representative Photographic Viewpoint Locations - Oak View |
| CD1.23  | T164 Kestrel Close FTP (Oct 2015)          |
| CD1.24  | T164 Kestrel Close TA (Oct 2015)           |
| CD1.25  | 1665-08-02-125 - Design & Access Statement |
| CD1.26  | 296538 - Kestrel Close, Newport - FINAL Noise report |
| CD1.27  | Air Quality RSK 296538-01                 |
| CD1.28  | Planning Report JVH                       |
| CD1.29  | Planning Committee report for Land east of Kestrel Close/Beechfields Way for 170 dwellings TWC/2015/1003 |
| CD1.30  | Minutes of Committee meeting              |

### Appeal Documentation and Full set of Updated Application Documents to be relied on at the Appeal

| CD2.1   | Application Forms                        |
| CD2.2   | Notice                                   |
| CD2.3   | S106 draft HOTS                          |
| CD2.4   | Location Plan 1665-08-02-120 Oct 2015 - (Redrow Homes) |
| CD2.5   | Topographical Survey S219 drawing 537 May 2015 - (GP Surveying) |
| CD2.6   | Image of Proposed dwellings to be demolished 1665-08-02-139 Nov 2015 (Redrow Homes) |
| CD2.7   | Masterplan 1665-08-02-100 Rev A, June 2016 (Redrow Homes/ MPJ) |
| CD2.8   | Design & Access Statement 1665-08-02-125 - (Redrow Homes) |
| CD2.9   | Planning Statement, October 2015 (JVH Planning) |
| CD2.10  | Arboricultural Impact Assessment 5898.001 Oak View, Kestrel Close, Newport – July 2016 (TEP) |
| CD2.11  | Historic Environmental Desk-based Assessment 5898.02.003 Oak View July 2016 (TEP) |
| CD2.12  | Archaeological Geophysical Survey Report Kestrel Close July 2016 (Pre-Construct geophysics) |
| CD2.13  | Landscape and Visual Impact Assessment 5898.008 V1.0 July 2016 (TEP) |

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19 Document list provided by appellant (limited re-formatting function results in some anomalies to layout)
CD2.14 Statement of Landscape Design including Landscape Masterplan 5898.025 v01 Oak View July 2016 (TEP)
CD2.15 Ecological Assessment 55898.015V1 July 2016 (TEP)/Bat Favourable Conservation Status Document 5898.023 July 2016 (TEP)
CD2.16 Agricultural Land Classification - 6990 South Plough Lane Newport (Reading Agricultural Consultants Ltd Oct 2015)
CD2.17 Geotechnical and Geoenvironmental Site Assessment 313027-01 (00) Kestrel Close, Newport June 2015 (RSK)
CD2.18 Factual Soakaway Test Report 313027-02 (00) Kestrel Close, Newport June 2015 (RSK)
CD2.19 Flood Risk Assessment, AAC5232 - Oak View and Heritage Fields, Newport Issue 2 July (RPS)
CD2.20 Transport Assessment ADL/AJM/3314/25A July 2016 (ADL)
CD2.21 Framework Travel Plan ADL/AJM/3314/25A July 2016 (ADL)
CD2.22 Noise Assessment – Oak Fields, Newport 296538 July 2016 (RSK)
CD2.23 Air Quality Assessment – Oak Fields, Newport 296538/AQ/KC/01(01) August 2016 (RSK)
CD2.24 Example Letter as sent to Consultees and Residents 29/9/2016
CD2.25 Layouts as sent with CD2.24
CD2.26 Redrow Homes Statement of Case (JHV Planning)
CD2.27 a/b/c Redrow Homes Statement of Case Appendices (JHV Planning)
CD2.28 Telford and Wrekin Statement of Case
CD2.29 West Mercia Police (Place Partnership Ltd) Statement of Case
CD2.30 West Mercia Police (Place Partnership Ltd) Appendices to Statement of Case
CD2.31 Draft Statement of Common Ground 11th February 2016
CD2.32 Statement of Common Ground: Highways and Transport

Planning Policy Documentation

National Policy, Guidance and Ministerial Statements

CD3.2 National Planning Policy Guidance
CD3.4 Fixing the Foundations: creating a more prosperous nation. Department for Communities and Local Government, July 2015
CD3.5 Local Plans – Report to the Communities Secretary and to the Minister of Housing and Planning; Local Plans Expert Group; March 2016
CD3.6 Local Plans – Report to the Communities Secretary and to the Minister of Housing and Planning [Extract]; Local Plans Expert Group; Appendices March 2016

Development Plan

CD3.7 Wrekin Local Plan 1995-2006 Telford & Wrekin Council Adopted February 2000
CD3.8 Proposals Map Wrekin Local Plan 1995-2006
CD3.10 Inspector’s Report Telford & Wrekin Council Core Strategy Development Plan

Emerging Local Plan

CD3.11 Proposed Housing and Employment Sites document 2014
CD3.12 Appendix 2 Map of Proposed Housing and Employment Sites 2014
### Documents Relating to Housing & Housing Land Supply

| CD4.1 | Telford & Wrekin Objectively Assessed Housing Need Final Report Peter Brett Associates March 2015 |
| CD4.2 | Telford and Wrekin SHMA Strategic Housing Market Assessment: Telford and Wrekin 2014 Final Report |
| CD4.4 | Telford and Wrekin Strategic Housing Market Assessment (2016): Addendum to Appendix D (Additional housing needs analysis) |
| CD4.5 | Homelessness Strategy for the Borough of Telford and Wrekin 2014 – 2017 |
| CD4.6 | Telford & Wrekin Council Medium Term Plan 2013/14 to 2015/16 |
| CD4.7 | Planning Advisory Service: Technical Note on Objectively Assessed Need |
| CD4.8 | Telford & Wrekin Council Technical Paper - Housing Growth Reg 19 |
| CD4.9 | T&WC Local Plan Examination. Background Paper: Objectively Assessed Housing Need. |
| CD4.10 | PPG2a – Housing and Economic Needs Assessment |
| CD4.11 | PPG3 – Housing and Economic land availability assessment |
| CD4.13 | T&WC Housing Land Supply Statement (Update October 2016) |
| CD4.14 | Inspector’s Interim Report on the Gloucester Cheltenham & Tewkesbury Core Strategy |
| CD4.16 | Telford & Wrekin Council Cabinet - 12 December 2013 Shaping Places: Local Plan Update |
| CD4.17 | Telford and Wrekin Five Year Housing Land Supply Statement at April 2013 |
| CD4.18 | West Midlands Regional Spatial Strategy Phase Two Revision Report of the Panel: Volume 1 - Report |

### Documents Relating to Trees & Landscape

| CD5.2 | Historic England Good Practice Advice in Planning Note 1: Conservation Area Designation, Appraisal and Management (Historic England, March 2011, republished 2016) |
| CD5.4 | Planning and Development, Protected Sites and Species Guidance: Ancient woodland and veteran trees: protecting them from development. Updated; 29/10/2015 |
| CD5.5 | Veteran Trees: A Guide to Good Management |
| CD5.6 | Ancient Trees Guides No.3: Trees and Development |
| CD5.8 | Landscape Sensitivity Study 2009 by White Consultants, updated version published 2014 |
| CD5.9 | Natural Environment and Rural Communities Act 2006, Section 41 |

### Legal Cases

| CD6.1 | Suffolk Coastal District Council v Hopkins Homes and SSCLG; Richborough Estates Partnership LLP v Cheshire East Borough Council & SSCLG [2016] EWCA 168 – Court of Appeal |
| CD6.2 | St Modwen Developments SSCLG and East Riding Council [2016] EWHC 968 (Admin) Ouseley J |
| CD6.3 | Borough Council of Kings Lynn and West Suffolk v SSLG and Elm Park Holdings Ltd [2015] EWHC 2464(Admin) – Dove J |
| CD6.4 | Stratford DC v SSCLG, Bloor Homes and Hallam Land Management [2013] EWHC 2074 (Admin) – Hickinbottom J |
| CD6.5 | Hunston Properties v SSCLG and St Albans City and District Council [2013] EWHC (Admin) 2678 – HHJ Pelling QC |
| CD6.6 | St Albans City and District Council v Hunston Properties and SSCLG [2013] EWCA Civ 1610 – Sir David Keene |
### Secretary of State Decisions

| CD7.1 | Secretary of State Decision and Inspector’s Report concerning Land at Gotham Road, East Leake, Nottinghamshire (March 2008) APP/P3040/A/07/2050213 |
| CD7.2 | Secretary of State Decision and Inspector’s Report concerning Land adjacent to SIMS Metal UK, Long Marston, Peshawar (July 2014) APP/H1840/A/13/2202364 |
| CD7.3 | Secretary of State Decision and Inspector’s Report concerning Land at Pulley Lane, Newlands Road and Primsland Way, Droitwich Spa APP/H1840/A/13/2199085 and Land at North of Pulley Lane and Newland Lane, Droitwich Spa (July 2014) APP/H1840/A/13/2199426 |
| CD7.4 | Secretary of State Decision and Inspector’s Report concerning Land at Sketchley House, Burbage (November 2014) APP/K2420/A/13/2208318 |
| CD7.5 | Secretary of State Decision and Inspector’s Report concerning Land off Rilshaw Lane, Winsford, Cheshire (October 2015) APP/A0665/A/14/2229269 |
| CD7.6 | Secretary of State Decision and Inspector’s Report concerning Land at Sibford Road, Hook Norton, Banbury, (December 2015) APP/C3105/A/14/2226552 |
| CD7.7 | Secretary of State Decision and Inspector’s Report concerning Money Hill, Land North of Wood Street, Ashby de la Zouch (February 2016) APP/G2435/A/14/2228806 |
| CD7.8 | Secretary of State Decision and Inspector’s Report concerning Land At Kirby Road/Ratby Lane, Glenfield, Leicester APP/T2405/A/10/2138666 |
| CD7.9 | Secretary of State Decision and Inspector’s Report concerning: Land East Of A413 Buckingham Road And Watermead, Aylesbury APP/J0405/A/14/2219574 |

### Other Appeal Decisions

| CD8.1 | Land north of Upper Chapel, Launceston (April 2014) APP/D0840/A/13/2209757 |
| CD8.2 | Land between Leasowes Road and Laurels Road, Offenham, Worcestershire (February 2014) APP/H1840/A/13/2203924 |
| CD8.3 | Land adj Gretton Road, Winchcombe (May 2013) APP/G1630/A/12/2183317 |
| CD8.4 | Land off Elmwood Avenue, Essington (April 2013) APP/C3430/A/12/2189442 |
| CD8.5 | Land to the north and west of Lucas Lane, Whittle-le-Woods, Chorley (September 2012) APP/D2320/A/12/2172693 |
| CD8.6 | Land east of Springwell Lane, Whetstone APP/T2405/A/13/2193758 and Land off Countersthorpe Road and Springwell Lane, Whetstone (August 2013) APP/T2405/A/13/2193761 |
| CD8.7 | Land at Fountain Lane, Daventry, Cheshire (September 2015) APP/A0665/A/14/2226994 |
| CD8.8 | Land Between Iron Acton Way and North Road, Engine Common, Yate (April 2013) APP/P0119/A/12/2186546 |
| CD8.9 | Land east of Butts Road, Higher Ridgeway, Ottery St Mary (December 2012) APP/U/1105/A/12/2180060 |
| CD8.10 | Greetham Garden Centre, Oakham Road, Greetham (May 2015) APP/A2470/A/14/2222210 |
| CD8.11 | Salisbury Landscape Limited, Boughton Road, Moulton, Northampton (June 2015) APP/Y2810/A/14/2225722 |
| CD8.12 | Land off Field End, Witchford, Cambridgeshire (June 2015) APP/V0510/A/14/2224671 |
| CD8.13 | Land adjacent to Cornerways, High Street, Twyning, Tewkesbury (July 2015) APP/G1630/W/14/3001706 |
| CD8.14 | Land at Firlands Farm, Burghfield Common, Reading, Berkshire (July 2015) APP/W0340/A/14/2228089 |
| CD8.15 | Walcot Meadow, Walcot Lane, Pershore, Worcestershire (August 2015) APP/H1840/W/15/3005494 |
| CD8.16 | Land adjacent to 28 Church Street, Davenham, Cheshire (January 2016) APP/A0665/W/15/3005148 |
| CD8.17 | Land rear of 62 Iveshead Road, Shepshed (February 2016) APP/X2410/W/15/3007980 |
| CD8.18 | Land to the east of Broad Marston Road, Mickleton, Gloucestershire, APP/F1610/A/14/2228762 |
| CD8.19 | Former Holsworthy Showground, Trewyn Road, Holsworthy, Devon APP/W1145/A/09/2117379 |
| CD8.20 | Land north of Haygate Road, Wellington, Shropshire APP/C3240/W/15/3025042 |
| CD8.21 | Land at Beachley Road, Sedbury, Gloucestershire, APP/P1615/A/14/2220590 |
| CD8.22 | Agricultural land to both the north and south of Mans Hill, Burghfield Common, Reading, Berkshire APP/W0340/A/14/2226342 |
| CD8.23 | Land opposite Rose Cottages, Holmes Chapel Road, Brereton Heath, Cheshire APP/R0660/A/13/2192192 |
| CD8.24 | Dodworth Road, Barnsley APP/R4408/A/09/2116278 |
| CD8.25 | Land at the Worcestershire Hunt Kennels, Fernhill Heath, Worcestershire APP/H1840/W/15/3003157 |
| CD8.26 | Land east of Nutbourne Park, Main Road, Nutbourne, Chichester APP/L3815/A/12/2186455 |
| CD8.27 | Land off Tanton Road, Stokesley APP/G2713/A/14/2223624 |
| CD8.28 | Land East of Main Road, Bicknacre, Essex APP/W1525/W/15/3129306 |
| CD8.29 | Main Road, Great and Little Leighs, Great Leighs APP/W1525/W/15/3121603 |
| CD8.30 | Land at Hill Top Farm, Bypass Road, Northwich, Cheshire CW9 8JU. APP/A0665/W/14/3000528 |
| CD8.31 | Land at Sentrys Farm, Exminster, Exeter, Devon APP/P1133/A/11/2158146 |
| CD8.32 | Land adjoining Hay House, Tibberton, Newport APP/C3240/W/15/3003907 |
| CD8.33 | Land off A49 and Bromfield Road, Ludlow, Shropshire APP/L3245/W/15/3001117 |
| CD8.34 | Land off Worcester Road, Drakes Broughton, Worcestershire APP/H1840/W/15/3008340 |
| CD8.35 | Land North of Long Copse Lane, Westbourne, Emsworth, West Sussex APP/L3815/W/15/3003656 |

**Documents relating to Telford and Wrekin Applications and Appeals**

| CD9.1 | Committee report TWC-2014-0273_24_09_2014 |
| CD9.2 | Committee report TWC-2011-0827_24_06_2015 |
| CD9.3 | Committee report TWC-2013-0855_20_07_2016 |
| CD9.4 | Committee report TWC-2011-0871_24_06_2015 |

**Appellant’s Documents**

| RHM.1 | Proof of Evidence of Janet Hodson |
| RHM.2 | Appendices to Proof of Evidence of Janet Hodson |
| RHM.3 | Summary to Proof of Evidence of Janet Hodson |
| RHM.4 | Proof of Evidence of Roland Bolton |
| RHM.5 | Appendices to Proof of Evidence of Roland Bolton |
| RHM.6 | Summary to Proof of Evidence of Roland Bolton |
| RHM.7 | Proof of Evidence of James Stacey |
| RHM.8 | Appendices to Proof of Evidence of James Stacey |
| RHM.9 | Summary to Proof of Evidence of James Stacey |
| RHM.10 | Proof of Evidence of Mary O’Connor |
| RHM.11 | Appendices to Proof of Evidence of Mary O’Connor |
| RHM.12 | Summary to Proof of Evidence of Mary O’Connor |
| RHM.13 | Proof of Evidence of Daniel Clare |
Local Planning Authority Documents

TWC1: Daniel Owen Proof of Evidence
TWC2: Darren Oakley Proof of Evidence
TWC3: Cristina Howick Proof of Evidence
TWC4: Douglas Harman Proof of Evidence
TWC5: Anthony Higgins Proof of Evidence
TWC6: Gavin Onions Proof of Evidence
TWC7: Neil Archer Proof of Evidence

Rule 6 Party - West Mercia Police

WMP1. Proof of Evidence of Andrew Morgan
WMP2. Appendices to Proof of Evidence of Andrew Morgan
WMP3. Summary to Proof of Evidence of Andrew Morgan

Documents Submitted to the Inquiry starting 29/11/2016

1. Submissions on behalf of the Council
2. Email of 29th October 2015 Tom Beavin to Caroline Crockett
3. Planning application form dated 28/10/015/ Appeal Forms 12/02/2016
5. Validation letter dated 05/11/2015
6. Copy of advertisement of the application 05/11/2015
7. Copy of Application Form (Second application) dated 01/08/2016
8. Email of 03/11/2015 Tom Beavin to Caroline Crockett seeking confirmation of validation of the application and response seeking additional information.
9. Submissions on behalf Applicant - Registration letter 5/11/2015
10. Article 5(2) letter 26/08/2016
11. Screengrab from LPA website detailing application description
12. Letter from T&W confirming withdrawal of second application and the description of the application 12/10/2016
13. Opening Statement of Behalf of the Appellant
15. Opening Statement on behalf of West Mercia Police & Statement CIL Compliance
16. Housing and Planning Act Extract
18. Email from Econometrics 30.11.2016
19. Table input Chelmer on migration assumptions
20. Bernard Wheatcroft Ltd. v. Secretary of State 1980
21. Council’s bundle of notification letters re 2nd application and responses
22. 2016 Validation Letter
23. High Court Decision Telford & Wrekin Nov 2016
24. JHV Tables 4 & 5
25. LPA Document Cabinet Report 2014 June
26. Residents’ access concerns + Bundle of Photos
27. Bundle of Photos Jane Newey
28. Letter from Jane Newey
29. JHV Table 10
30. Appeal Decision Dawley Road, Lawley
31. Green Network Technical Paper
33. Local Plan Statement Environment (Local Plan Doc)
34. CIL Compliance
35. Draft S106
36. RPG June 2004 Extracts
37. Help to Buy Table – Andy Timbrell
38. JVH Policy Table
39. Green infrastructure
40. Housing Growth Options 2013
41. PAS document on Housing Supply Document
42. ADL Highway Access Drawings ref 3314 01- proposed access levels / 3314 02 sections
43. Email from Karen Lee re unilateral undertaking
44. Telford and Wrekin Landscape Sensitivity and Capacity Study 2009
45. Castle House School term dates 2014 - 2016
46. Statement of Esther Wright
47. Redrow Bungalow house type Information (Bournemouth)
48. Police submissions on CIL compliance
49. PPG Planning Obligations
50. SOGC Arboriculture and Veteran Trees
51. SOGC Noise
52. Bloor v Hinckley & Bosworth Borough Council (2014) & Summary
53. Redditch BC v First Secretary of State 20031 [2003] EWHC 650
54. JVH Tables 1 and 2
55. Closing on Behalf of the Police
56. Closing on Behalf of behalf of the Council
57. Closing on Behalf of the Appellant
58. Housing SOCG (25.11.16)
59. OAN SOCG (November 2016)
60. List of agreed planning conditions
61. Completed Unilateral Undertaking 23.01.2017 (received by prior arrangement following close of Inquiry)
Planning and Compulsory Purchase Act 2004
(as amended)
Section 20

Report on the Examination of the
Luton Local Plan

The Plan was submitted for examination on 22 April 2016
The examination hearings were held between 19 July 2016 and 12 January 2017

File Ref: PINS/B0230/429/1
### Abbreviations used in this report

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>2004 Act</td>
<td>Planning and Compulsory Purchase Act 2004</td>
</tr>
<tr>
<td>AONB</td>
<td>Area of Outstanding Natural Beauty</td>
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<tr>
<td>AVDC</td>
<td>Aylesbury Vale District Council</td>
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<tr>
<td>BREEAM</td>
<td>Building Research Establishment Environmental Assessment Method</td>
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<tr>
<td>CBC</td>
<td>Central Bedfordshire Council</td>
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<tr>
<td>Club</td>
<td>Luton Town Football Club</td>
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<tr>
<td>DCLG</td>
<td>Department for Communities and Local Government</td>
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<tr>
<td>DtC</td>
<td>Duty to Co-operate</td>
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<tr>
<td>EEFM</td>
<td>East of England Forecasting Model</td>
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<tr>
<td>ELCR</td>
<td>East Luton Circular Road</td>
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<tr>
<td>Framework</td>
<td>National Planning Policy Framework</td>
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<tr>
<td>HMA</td>
<td>Housing Market Area</td>
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<tr>
<td>LDS</td>
<td>Local Development Scheme</td>
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<tr>
<td>Local Plan or Plan</td>
<td>Luton Local Plan (2011-2031)</td>
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<tr>
<td>LPA</td>
<td>Local Planning Authority</td>
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<td>MM</td>
<td>Main Modification</td>
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<tr>
<td>MoU</td>
<td>Memorandum of Understanding</td>
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<tr>
<td>NHDC</td>
<td>North Hertfordshire District Council</td>
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<tr>
<td>OAN</td>
<td>Objectively assessed need for housing</td>
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<td>ONS</td>
<td>Office for National Statistics</td>
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<td>PPG</td>
<td>Planning Practice Guidance</td>
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<tr>
<td>SA</td>
<td>Sustainability Appraisal</td>
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<tr>
<td>SHLAA</td>
<td>Strategic Housing Land Availability Assessment</td>
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<td>SHMA</td>
<td>Strategic Housing Market Assessment</td>
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<td>SOCG</td>
<td>Statement of Common Ground</td>
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<tr>
<td>SPD</td>
<td>Supplementary Planning Document</td>
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<tr>
<td>sqm</td>
<td>Square metre</td>
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<tr>
<td>TCSA</td>
<td>Town Centre Shopping Area</td>
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<tr>
<td>WMS</td>
<td>Written Ministerial Statement</td>
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</table>
Non-technical summary

This report concludes that the Luton Local Plan provides an appropriate basis for the planning of the borough, subject to a number of main modifications (MMs) being made to it. Luton Borough Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared a schedule of the proposed modifications and carried out sustainability appraisal (SA) of them, as appropriate. The MMs were subject to public consultation over a six-week period. I have recommended their inclusion in the Plan after considering all the representations made in response to this consultation. In some cases I have amended the detailed wording where necessary.

The following list summarises the Main Modifications:

- To clarify the extent of the relevant Housing Market Areas
- To commit to an early review of the Plan
- To amend the housing requirement to 8,500 dwellings
- To update the housing capacities from various sources, including allocations
- To clarify that the unmet housing need is 9,300 dwellings and how that might be met
- To clarify the policy requirements in respect of three mixed use allocations and a housing allocation
- To clearly set out the position regarding the five year supply of housing land
- To clearly set out the level of affordable housing need and likely delivery
- To amend the threshold for requiring affordable housing
- To clarify the position regarding allocations to meet the housing needs of gypsies, travellers and travelling showpeople
- To correct the need for specialist housing for older people
- To clearly set out the requirement for employment land
- To clarify the position regarding the East Luton Circular Road
- To clarify where the need for convenience retail floorspace will be met
- To delete the proposal for the relocation of Luton Town Football Club to the strategic allocation at Land South of Stockwood Park
- To clarify the requirements relating to the two proposed park and ride sites
- To delete ‘provision for sport’ from the strategic allocation at Power Court and to clarify policy criteria relating to uses
- To amend the policy criteria in relation to several strategic allocations
- To amend various development management policy criteria throughout the plan
Introduction

1. This report contains my assessment of the Luton Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers whether the Plan’s preparation has complied with the duty to co-operate and other legal requirements. It then considers whether the Plan is sound. The National Planning Policy Framework (Framework) states that, in order to be sound, a local plan should be positively prepared, justified, effective and consistent with national policy.

2. The starting point for the examination is the assumption that the Council has submitted what it considers to be a sound plan. The Local Plan, submitted in April 2016 is the basis for the examination. This was published for consultation in October 2015.

Main Modifications

3. The Council has requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound or not legally compliant and so incapable of being adopted.¹

4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal (SA) of them, where appropriate. The schedule was subject to public consultation for six weeks and I have taken account of the consultation responses in coming to my conclusions. In doing so, I have made amendments to the wording of some the main modifications and in one case have added consequential changes for consistency. None of the changes significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that have been undertaken. Where necessary, they are highlighted in this report.

5. The main modifications relate to matters which were discussed at the hearing sessions and this report explains why they are necessary. They are referenced in bold (eg MM1) and set out in full in the Appendix.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan.² When the Plan is adopted the Council will need to update the adopted policies map to include all the changes proposed in the submission policies map. No changes from the submission policies map are required as a result of any of the main modifications or from any of the findings I have made.

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¹ In accordance with section 20(7C) of the 2004 Act
² Documents SUB002A and SUB003A
Assessment of the Duty to Cooperate (DtC), legal compliance and soundness

7. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified 21 main issues upon which the legal compliance and soundness of the Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by those objecting to the Plan, nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Has the duty to cooperate been complied with?

Legal requirements

8. Section 33A of the Act requires the local planning authority to cooperate on strategic matters with other local planning authorities, county councils and certain other bodies and persons in maximising the effectiveness in the preparation of development plan documents. The duty applies where there are ‘strategic matters’ which would have a significant impact on at least two planning areas.

9. The reference to preparation means that any failure to meet the legal requirements of the duty cannot be rectified after the plan has been submitted for examination. It also means that any cooperation that took place after the Plan was submitted on 22 April 2016 is not relevant to an assessment of whether the legal duty has been met.

10. Section 33A(2) further defines the duty as requiring the local planning authority to engage constructively, actively and on an ongoing basis in any process by means of which the preparation of the development plan document is undertaken.

11. Guidance about the duty is provided in the Planning Practice Guidance (PPG). This states that local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination. However, the duty to cooperate is not a duty to agree. Logically, therefore, it cannot be regarded as a duty to achieve particular outcomes if they cannot be agreed.

Evidence

12. The Council has set out the steps taken to fulfil the duty in a Statement of Compliance and in their hearing statement. The former document includes four appendices containing a substantial bundle of meeting notes and correspondence, principally with neighbouring local authorities.

13. Statements of Common Ground (SOCG) have been agreed with: Central Bedfordshire Council (CBC), North Hertfordshire District Council (NHDC), Dacorum Borough Council and Bedford Borough Council. There is also a completed Memorandum of Understanding (MoU) with Stevenage Borough

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3 For matter 1
4 Two SOCG have been agreed for CBC. They are referred to in the singular in this report
Council. Some of these have appendices containing correspondence and notes of meetings, including a substantial number from CBC. Each of these documents concludes that the Duty has been met. Critically, this includes CBC and NHDC, both of which directly adjoin Luton. I appreciate that these SOCG and MoU were mostly completed after submission. However, they appear to me to broadly set out the position that had been arrived at by submission.

14. I have not been provided with a SOCG or MoU from any other authorities. There is no indication that St Albans City & District Council has any significant concerns about the duty. However, Aylesbury Vale District Council (AVDC), Hertfordshire County Council and Buckinghamshire County Council all do, to some degree.

Availability of evidence

15. I understand that much of the Council’s evidence specifically relating to the DtC was only made publicly available after the closing date for representations on the Plan. However, anyone with concerns about the duty would have been able to make representations and to then participate in the examination. This has included the opportunity to provide a statement in response to my matters and questions and to be heard at the hearing session. Many have taken this opportunity and, in doing so, participants would have had access to the Council’s evidence.

16. Concern was also raised that documents have not been available on the website. However, as far as I am aware, relevant documents were provided in this way following the start of the examination. Furthermore, my Guidance Notes indicate that anyone having difficulties accessing documents could contact the Programme Officer. Consequently, I can see no reason why anyone would have been materially prejudiced.

History and geography

17. The administrative area of Luton is drawn fairly tightly around the built-up area and Luton is largely surrounded by Green Belt which falls within Central Bedfordshire and in North Hertfordshire.

18. Work on housing market areas, prepared on behalf of several local authorities, concluded that the Luton functional housing market area (HMA) includes all of Luton, a substantial part of Central Bedfordshire and smaller areas within North Hertfordshire and Aylesbury Vale.\(^5\) The Luton and Central Bedfordshire administrative areas are then regarded as a best fit for the Luton functional HMA. Need figures have been produced for the period 2011-31 (17,800 in Luton itself and 31,200 in the functional HMA).

19. There are disagreements over the objective assessment of housing need and the exact scale of Luton’s capacity to accommodate additional housing.\(^6\) Nevertheless, it has been widely known for some time that Luton’s capacity is

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\(^5\) The Council has confirmed that the reference in the Local Plan to Dacorum falling within the HMA is an error.

\(^6\) The submitted plan makes provision for 6,700 dwellings as the capacity within Luton.
constrained and that it would need to look to neighbouring authorities to help accommodate a significant proportion of its own housing need.

20. For some years Luton and South Bedfordshire District Council (a predecessor of CBC) worked together on the preparation of a joint core strategy. This was submitted for examination in 2011. Even at that time, meeting Luton’s housing needs appears to have been an issue between the Councils with no agreement on the need for some additional sustainable development to the west of Luton. Ultimately, the joint core strategy was withdrawn.

21. Since then both Councils have prepared their own plans and the Central Bedfordshire Development Strategy was submitted for examination in October 2014. In February 2015 the Inspector concluded that there was insufficient evidence to demonstrate the duty had been met and that cooperation between CBC and Luton had fallen short of the required level in relation to housing and employment. In particular, there was no evidence that CBC had considered the implications of meeting the unmet housing needs of Luton in full. Consequently, an issue that should have been addressed under the duty had been deferred to later plans that CBC or others would prepare. CBC sought to bring judicial review proceedings against the Inspector’s findings. However, the oral application was dismissed in June 2015 and the plan was subsequently withdrawn in late 2015.

22. There have also been disagreements between the two authorities on various aspects of the substantial proposed housing and mixed use development at North Houghton Regis to the north-west of Luton, which falls within Central Bedfordshire. Indeed, Luton pursued legal challenges against the planning application decisions.

23. The representation submitted by CBC on the Luton Plan states that the duty had not been met. However, the more recent SOCG takes the opposite view, despite the remaining disagreements on some strategic matters. This can perhaps be taken as an indication of an improving working relationship between the Councils, along with the joint Growth Options and Green Belt studies which were commissioned in 2016.

24. The aim of the Growth Options Study is to recommend strategic options for meeting the housing needs of the HMA, specifically including Luton’s unmet needs. It was commissioned jointly by Luton, CBC, AVDC and NHDC. The Green Belt Study was jointly commissioned by Luton and CBC. The final briefs for both these studies were agreed in February 2016, shortly before the Luton Plan was submitted for examination. Consequently, any influence they may have had on the submitted Plan would, at most, have been limited.

25. It is against this geographic and historical backdrop that the duty should be considered.

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7 Inspector’s findings on Central Bedfordshire Development Strategy (provided as Appendix 10 to Claydon Land Development Ltd’s Matter 1 Statement)
Strategic matters

26. Taking into account the relevant written material and discussion at the hearing sessions, the strategic matters can be summarised as:

- The sub-regional role of Luton for housing, employment and retail uses.
- Housing, including the housing market area (HMA), objectively assessed need for market and affordable housing (OAN), the capacity of Luton to provide for new housing and arrangements for how and where Luton's unmet housing needs will be provided for.
- The extent of the Green Belt and any potential review of boundaries to accommodate development, including for housing.
- Economy – the functional economic market area and the need and requirement for jobs, employment land and retail development.
- Transport – the implications of proposed development in Luton on commuting patterns and the strategic road network, including the M1 and M1 junctions, taking into account the potential accommodation of unmet needs in neighbouring authorities and committed development in Central Bedfordshire, including at North Houghton Regis.
- Infrastructure – principally planning for school places.
- London Luton Airport.

27. I originally identified gypsy and traveller accommodation as a potential strategic matter. However, the Plan indicates that an assessment of needs, and any further site assessment work which might follow, is to take place by means of a separate local plan.\(^8\) Policy LP20 merely seeks to safeguard existing sites and sets criteria for determining planning applications. Consequently, this is not a strategic matter for this Plan.

Consideration to agree to prepare a joint Local Plan or to align Local Plan preparation

28. The Act requires that consideration should be given to the joint preparation of plans. Given the housing market relationship, the logical partner would be CBC. Indeed, this approach was originally pursued through the joint core strategy. However, since this was withdrawn, working relationships have been difficult and CBC chose to progress its own plan, the Central Bedfordshire Development Strategy, until this was withdrawn in late 2015. A new Local Plan is currently being prepared by CBC.

29. I cannot be certain that the question of whether a joint plan might be produced has been directly discussed in recent years. However, in the circumstances outlined above and following the demise of the joint core strategy there does not appear to have been any reasonable prospect that Luton and Central Bedfordshire would have been able to reach agreement on this. Nor can I envisage what Luton might have done to arrive at a different position. Furthermore, given the extent of the ongoing disagreements, there is no certainty that more constructive outcomes on strategic matters might

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\(^8\) As identified in the Local Development Scheme.
have been achieved more quickly through a joint plan. The question was perhaps considered more implicitly than explicitly. Nevertheless, in the circumstances, this was understandable.

30. Only a small part of North Hertfordshire and Aylesbury Vale fall within the Luton HMA and both have more extensive housing market relationships with other authorities. Consequently, the prospect of preparing a joint plan with Luton would not have been a realistic option in this context.

31. The PPG states that one means of working together is to align Local Plans in neighbouring authorities so they are examined and adopted at broadly the same time. There has been some consideration of alignment, particularly between Luton and Central Bedfordshire, although without any agreement having been reached. Again it is unlikely that Luton could realistically have done more on this without very significantly delaying its own plan. In respect of other authorities, the complexities of the various housing market areas makes achieving alignment more difficult.

32. However, in circumstances where there is a disagreement between authorities about strategic housing matters, there is some logic in the authority looking to export unmet housing needs being the first to prepare a plan. This allows for the extent of the HMA, the objective assessment of housing need (OAN), the housing capacity of the core authority and the extent of unmet housing needs to be confirmed and fixed, at least at a specific point in time. Following this, neighbouring authorities will at least be aware of the overall extent of any unmet need when preparing their own plans.

33. The SOCG state that North Hertfordshire and Central Bedfordshire are aiming to submit their plans for examination in March 2017 and December 2017 respectively. Aylesbury Vale has a similar timetable. So, as things stand, these plans will follow on from Luton in terms of the sequence of preparation. Consequently, there is at least some prospect they could take the Growth Options and Green Belt study outcomes into account. Accordingly, there is some degree of alignment.

34. The PPG states that another way to demonstrate effective cooperation, particularly if plans are not being brought forward at the same time, is the use of formal agreements between authorities. In this case various SOCG and a MoU have been agreed. The notable exception is Aylesbury Vale who have declined to complete a SOCG, largely because of their concern regarding the position on Luton’s unmet housing needs.

**Constructive, active and ongoing engagement**

*Housing market area and objective assessment of need for housing (OAN)*

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9 The North Hertfordshire plan was submitted for examination in June 2017.
10 The draft CBC Local Plan was published for consultation in early July 2017.
35. Work to define housing market areas was commissioned by a partnership of 7 Councils\(^{11}\) and advanced through consultation, feedback and a stakeholder workshop. Joint work was also commissioned by Luton and Central Bedfordshire to carry out a Strategic Housing Market Assessment (SHMA). This dates back to 2010 with a refresh in 2014 and an update in 2015.

36. Several neighbouring authorities\(^{12}\) were invited to join a SHMA steering group and the update report indicates that outputs were shared and discussed through this forum. The geography of the housing market areas and the calculation of objectively assessed need appear to have been agreed by several authorities through a SOCG or MoU.\(^{13}\) Critically, this includes Central Bedfordshire, a large part of which falls within the Luton HMA and North Hertfordshire which adjoins Luton. Aylesbury Vale has not entered into a SOCG or MoU, but their hearing statement indicates they consider the duty has been complied with in respect of the SHMA. The SHMA also establishes the need for affordable housing in the Luton HMA. It is clear, therefore, that there has been constructive, active and ongoing engagement on these strategic matters.

**The capacity of Luton to provide for new housing**

37. Central Bedfordshire consider that Luton has under-estimated the housing capacity available within its boundary. Having taken this view, they have commissioned their own separate assessment of Luton’s capacity. This is not in itself an indication of a good working relationship. However, the disagreement is principally about a soundness issue. In terms of the Duty, the evidence indicates that Luton’s work on housing capacity was shared and discussed at several joint meetings. Overall, the engagement here has been satisfactory, even though it has not led to agreement with CBC.

**How and where Luton’s unmet housing needs will be provided for**

38. The main potential candidates for accepting Luton’s unmet needs are the authorities within the Luton functional HMA, principally Central Bedfordshire and to a lesser degree North Hertfordshire and Aylesbury Vale. However, there is no firm agreement about how and where, or in what quantity, Luton’s unmet needs should be provided for.

39. Instead, there is an agreement between the participating authorities to use the Growth Options Study to move towards a more definitive position. However, as was pointed out to me at the hearing, the study is not the end of the road. The participating neighbouring authorities will each need to consider the recommendations and then reach conclusions about accommodating Luton’s unmet needs as their own plans are progressed, having regard to national policy, local constraints and the extent of their own needs.

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\(^{12}\) The Councils of Aylesbury Vale, Bedford, Dacorum, Milton Keynes, North Hertfordshire, St Albans and Stevenage.

\(^{13}\) The Councils of Central Bedfordshire, North Hertfordshire, Bedford, Dacorum and Stevenage.
Ultimately, certainty can only be achieved when neighbouring plans have been examined and adopted.

40. North Hertfordshire’s emerging plan includes a specific allocation to help meet Luton’s needs.\(^\text{14}\) However, even here, the SOCG indicates that the objective of the Growth Options Study is to identify options which will then be progressed through plan preparation and/or review. Accordingly, the position in the emerging plan may not be the final word on this matter.

41. Beyond these authorities, the various SOCG indicate that others will only be asked to accommodate any unmet needs if they cannot be met within the HMA. As Aylesbury Vale has pointed out, it is not yet clear whether they might be asked to contribute anything, within the Luton functional HMA or outside of it.

42. The main concern from several representors is that more should have been done to arrive at a definitive position about how Luton’s needs will be met. In this context it has been suggested that Luton should have sought a clearer answer from neighbouring authorities, even if that might not have been positive. Alternatively, some representors suggested the Plan should have been delayed until a firmer position had been arrived at, sometime after the conclusion of the Growth Options Study. An underlying concern was that, in the absence of any firm agreements and without a clear position in the Luton Plan, there could be little certainty that the issues regarding Luton’s unmet needs will be satisfactorily resolved.

43. The question in this examination in terms of the duty is largely about the efforts that Luton has made to engage with its neighbours. As I have already noted, the inability of Luton to meet its own needs has been widely understood for some time. It was communicated in member level correspondence to CBC and NHDC in late 2012 requesting dialogue. Further member level letters to neighbouring authorities in 2013 and 2014 reiterated this point and the matter has been discussed in various meetings and workshops. Overall, it would have been very clear to neighbouring authorities that they were being asked to help provide for Luton’s unmet needs.

44. The trail of letters between Luton and CBC during 2014 and 2015 indicates the difficulties the two parties had in making progress, including on the study.\(^\text{15}\) Indeed, as late as July 2015 CBC wrote to say that “… if we eventually withdraw the Development Strategy we will need to consider how we approach potential future growth options, including the distribution of Luton’s unmet need.” At that time, CBC considered formal member liaison meetings on cross-boundary meetings to be premature given the degree of uncertainty around the plan making process. In the circumstances, it seems to me that Luton took reasonable steps at both member and officer level to make progress and it is doubtful whether Luton could have done anything more to move things on at a faster pace. Indeed, the evidence indicates that Luton has taken a lead role in progressing this work. Ultimately, the Growth Options Study brief was finally agreed just before the Luton Plan was submitted.

\(^\text{14}\) North Hertfordshire’s preferred options plan in late 2014 includes a contribution of 1,950 dwellings towards Luton’s unmet needs. The SOCG refers to 2,100.

\(^\text{15}\) DTC001 – various letters
45. So, in these circumstances, should Luton have delayed submission to allow further progress? The Inspector examining the Central Bedfordshire Development Strategy expressed considerable sympathy with the view that, at some point, a local planning authority has to move on and publish a plan. However, the concern with Central Bedfordshire’s plan was that it deferred the issue of Luton’s unmet needs to later plans. This same consideration does not apply here because it is not Luton which is considering how to address the unmet needs of other authorities. Indeed, as I have already noted, there is some logic in the exporting authority being the first to prepare a plan so that neighbouring authorities will at least be aware of the overall extent of unmet need when preparing their own plans. Furthermore, conclusions about growth options following the study may still be some way off and Luton has little control over the decision making of other authorities. Taking all of this into account, Luton’s decision to submit their plan for examination before further progress had been made, including through the study, was not unreasonable and it does not indicate a failure under the duty.

46. In addition, the central purpose of the Growth Options Study is to inform what happens in participating neighbouring authorities rather than in this plan. The ongoing engagement over the Growth Options Study therefore now relates to the duty of neighbouring authorities to cooperate with Luton as they each prepare their own plans. Indeed, it can no longer apply to Luton’s Plan because it has now been submitted for examination. The same applies to decisions about the extent to which the North Houghton Regis development within Central Bedfordshire might contribute to Luton’s needs and the extent to which developments in neighbouring authorities might contribute to Luton’s affordable housing needs. The evidence indicates that these issues have been discussed in broad terms between relevant parties.

47. In addition, there is some degree of commitment from the HMA authorities with regard to the consideration of Luton’s unmet needs. North Hertfordshire District Council’s emerging plan contains a specific allocation to the east of Luton and the SOCG supports a post Growth Options plan review ‘as applicable’. The hearing statement from Aylesbury Vale indicates that if further joint working determines there is a need to accommodate housing need in Aylesbury Vale then the potential to do that would be considered. Central Bedfordshire has committed to meeting a proportion of Luton’s unmet needs.16 The SOCG with CBC acknowledges that the objective of the Growth Options Study is to identify if the housing requirements of the Luton HMA can be met sustainably within the HMA (a substantial part of which is within Central Bedfordshire) and, only if this cannot be achieved, would a request be made to other authorities to accommodate any outstanding balance. The SOCG also confirm that there is now a process and mechanism in place to reach agreement on unmet needs.

48. Concerns have been expressed that, without a strong statement in the Luton Plan about where the unmet needs will be provided, neighbouring authorities might evade or delay making decisions. However, target housing numbers expressed in one plan cannot compel another authority to meet them. Instead, neighbouring local plans will be judged in terms of whether they have

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16 CBC Matter 7 statement – para 77.4
met their own duty to cooperate. Indeed, the PPG advises that if an authority preparing a plan provides robust evidence of an unmet housing need, other authorities in the HMA will be required to consider the implications, including the need to review their housing policies.\textsuperscript{17} Based on what has happened in recent years, it seems likely that Luton would not be backward in seeking to help ensure that this happens.

49. It has also been suggested that any growth options chosen outside Luton might have implications within Luton, perhaps in terms of planning for school places or mitigating traffic impacts. This might be so. However, at this stage such possibilities are uncertain and merely hypothetical.

50. Overall, the decision to submit the Plan before firm agreement has been reached on exported housing numbers and locations does not represent a failure in terms of the duty. In conclusion, Luton has raised the issue of unmet needs with its neighbours over a reasonable period of time and discussions have focused on how this matter could be taken forward and resolved. The engagement here has been acceptable.

\textit{Green Belt}

51. Although the administrative boundary in Luton largely coincides with the built up area, there are several relatively small areas of Green Belt within Luton. These adjoin wider areas of Green Belt within neighbouring areas.

52. There is evidence here that Luton has engaged with its neighbours, including on its own first stage Green Belt study and on review methodologies. Luton has also worked with its neighbours to progress a wider Green Belt study to identify if there are any parcels of land that should be released from the Green Belt to achieve sustainable development. Ultimately, this study was jointly commissioned with CBC to be carried out to a similar timescale to the Growth Options Study. The two studies are closely bound up given Luton is largely surrounded by Green Belt. It will, therefore, primarily have implications for the preparation of the neighbouring CBC plan, rather than for Luton. I am not persuaded that Luton could have done much more to have significantly speeded up progress on this.

53. It is possible that preferred growth options outside Luton could have some implications within Luton, perhaps because they might logically lead to a review of one or more of the Green Belt areas within Luton. However, this cannot be known until neighbouring authorities reach firm conclusions about how to respond to Luton’s unmet needs. Overall, the duty has been met on this strategic matter.

\textit{Economy}

54. Over recent years Luton has engaged with its neighbours on its employment land requirements, including through joint member meetings. This included the 2013 Employment Land Review which sought to define the economic market area. It should also be noted that the joint SHMA includes forecasts on employment trends and jobs growth as part of the calculation of the OAN

\textsuperscript{17} PPG – Duty to Cooperate - ID 9-020-20140306
for housing. More recently, Luton has discussed a joint functional economic market area study with CBC. However, this could not be agreed and both authorities are now carrying out separate work. Given the timing, this work has not informed the preparation of the Luton Plan. Overall, however, the engagement has been adequate on the economy and on retail matters.

Transport

55. I am satisfied that Luton has worked with neighbouring authorities and with Highways England, through the sharing of evidence, including transport modelling and by means of ongoing discussions about effects and mitigation. While some issues were not fully resolved at the time the Plan was submitted, the duty has been met on this strategic matter. A SOCG indicates that Highways England also consider this to be the case.

56. I appreciate that Hertfordshire County Council has concerns about the level of engagement about the Luton North Bypass and the East Luton Circular Road. The former would lie mostly within Central Bedfordshire and the latter is merely a safeguarded route within the Luton Plan, although much of the potential route would lie outside Luton. However, in both cases these roads are to some degree related to potential growth options outside of Luton. As such, engagement on them is not primarily a duty to cooperate issue here. The same applies to any potential road link between the Century Park strategic allocation at London Luton Airport and development proposed within the North Hertfordshire Local Plan to the east of Luton.

Other strategic matters

57. The Council’s hearing statement outlines the nature of engagement on school planning and I have not been made aware of any duty to cooperate concerns about the role of the airport. The consideration of the sub-regional role of Luton for housing, employment, retail and town centre uses is, in effect, implicit in the consideration of the various other strategic matters.

Findings from other examinations

58. I have been referred to several other examinations where Inspectors have concluded on the duty to cooperate. However, some caution must be applied because the circumstances in each case will inevitably be different to some degree. Consequently, I do not intend to provide an analysis against all the examples cited or to compare and contrast the various findings with Luton in detail. Nevertheless, there are some key threads which are of significance.

59. In some of the cases, the duty was failed principally due to problems relating to the objective assessment of housing need, including through the preparation of a SHMA. This is not the case with Luton. Indeed, taken together, the various DtC examination findings emphasise the central importance of carrying out joint work on housing markets and OAN. Such work has been carried out in the preparation of Luton’s Plan.

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18 Coventry, Hart, Aylesbury Vale
60. In some cases the duty was failed because the authority being examined failed to give satisfactory consideration to meeting the unmet housing needs of other authorities.\(^{19}\) Again this does not apply to Luton, because Luton is the potential exporter of unmet housing needs.

61. In Hart, one of the Inspector’s concerns was about engagement with neighbouring authorities on meeting Hart’s housing needs. However, this was largely because the Council only raised the issue and initiated discussions very late in the process just before submission. In contrast, Luton raised the issue with its neighbours well in advance.

62. In Coventry, the Inspector did express concerns about the mechanism for dealing with any shortfall, *should one arise*. However, the main concern was about the absence of a joint SHMA for the HMA. As noted above the steps taken by Luton to establish the OAN and deal with its unmet needs are reasonable.

63. However, there are examples that are more directly relevant. In the case of Birmingham, neighbouring authorities agreed to produce a study to identify broad spatial options to accommodate Birmingham’s unmet needs. The Birmingham plan was submitted before this study had been completed and similar criticisms were raised as with Luton. However, the Inspector concluded, as I have done, that the steps taken by the Council prior to submission were sufficient to comply with the duty. There are inevitably some differences, for example in terms of the scale and proportion of unmet need and work on the spatial options study in Birmingham appears to have started earlier in the process than in Luton. There also appears to have been a greater commitment from Birmingham’s neighbours than Luton’s to review their plans if necessary to help accommodate unmet need. However, in overall terms, the situation is sufficiently similar to provide a positive parallel.

64. In addition, Crawley’s plan was found to have met the duty despite failing to secure in full the future provision of its unmet needs. This was because there was no compelling evidence that this failure resulted from the Council not promoting its case with sufficient vigour. The same applies with Luton.

65. Overall, I can see nothing in these various findings that would lead me to a different overall conclusion on the duty.

**Conclusions on the duty to cooperate**

66. The Council has submitted a large amount of evidence that illustrates the extent and nature of engagement over the full range of strategic matters. Significantly, Central Bedfordshire and North Hertfordshire have both agreed that Luton has met the duty.

67. It may be the case that Luton could have done more to engage with its neighbours and that some questions might have been asked earlier and more explicitly. However, that will probably be true in the preparation of most plans. In this case, there were considerable difficulties to overcome in terms of cooperation, particularly with Central Bedfordshire, and it is reasonable to

\(^{19}\) Mid-Sussex, Aylesbury Vale, Central Bedfordshire
consider the duty with regard to what is realistic and achievable. In this context, significant progress has been now made on joint working, particularly in relation to the SHMA and the actions taken by Luton across the range of strategic matters have been acceptable, reasonable and sufficient. For the reasons outlined above, the legal duty to cooperate has been met.

**Issue 2 – Have the relevant legal requirements been met including in relation to the Local Development Scheme (LDS), consultation, the Habitats Regulations and sustainability appraisal?**

### Local Development Scheme

68. The Local Plan conforms to the subject matter and geographic area set out in the LDS of 2015. It is a full Local Plan with the exception of matters that are to be covered in a separate Gypsy and Traveller Local Plan. It was submitted for examination only one month later than the date specified in the LDS. It has, therefore, been prepared broadly in line with the specified timetable. The plan period is from 2011 to 2031. This complies with the Framework which seeks an appropriate timescale to take account of longer term requirements.

### Consultation

69. The Council has confirmed that consultation was carried out in accordance with the Statement of Community Involvement and the relevant regulations, as evidenced in the Statement of Consultation.

### Habitats Regulations

70. The SA states that the nearest relevant biodiversity site is about 7 miles to the south-west of Luton and that the Local Plan is unlikely to have a significant effect on it. This is a reasonable conclusion and Natural England has not raised any concerns. Consequently, no further assessment work is necessary.

### Sustainability Appraisal

71. The Council has carried out an adequate SA of the Plan and reasonable alternatives have been considered to a sufficient degree. There have been some criticisms of the SA, including the alternatives considered, and I will address some of these throughout the report. However, the Planning Practice Guidance (PPG) states that a sustainability appraisal does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the plan. The SA here conforms to that guidance.

72. The SA identifies that some strategic objectives relating to development are incompatible or potentially incompatible with the protection of air, soil and water resources. This issue is then analysed in more detail in relation to specific policies. The SA recommends that, principally in relation to air pollution from traffic, the Plan should introduce sustainable transport measures. This has been achieved, including through Policies LP31 and LP32, the attempt to maximise housing capacity and the aim of meeting local job needs within Luton. Issues relating to air pollution have been adequately considered.
Conclusion on legal compliance

73. The plan complies with the relevant legal requirements in the 2004 Act and the Regulations, except where indicated below in the report.

Issue 3 – Does the Plan appropriately define the sub-regional role of Luton? Is the overall balance between providing for development needs within and outside of Luton justified?

74. In broad terms this is a plan which is seeks to provide for Luton’s employment and retail needs within the borough but which, due to capacity constraints, does not seek to meet all of the assessed need for housing. The question here is whether that balance is correct. I will explore this further in the relevant sections of this report. However, in principle it is reasonable that Luton should plan to meet its own employment and retail needs within and on the edge of the existing urban area in sustainable and accessible locations, including within the town centre and other centres, at London Luton Airport and on the other strategic allocations. This approach reflects Luton's historic and current sub-regional role in providing jobs and services. This is adequately articulated and reflected in the Plan, including in the vision and strategic objectives.  

75. The SA does not assess a specific single strategic option for the Plan to deliver more housing and less employment. However, this assessment is implicit in the various strategic alternatives which were considered, including those which considered options for higher or lower urban capacities for housing, for differing amounts of employment development, about the release of employment sites for residential use and the use of the strategic allocations. Overall, the SA has appraised reasonable strategic alternatives.

Issue 4 – Is the Plan informed by a soundly based objective assessment of housing need (OAN)?

76. The OAN for housing in the plan area has been established through the Strategic Housing Market Assessment (SHMA) Update of Summer 2015 which followed the Refresh of 2014. Unless specified, references to the SHMA are collectively to these documents.

77. The Plan states that there is a need for 17,800 net additional dwellings over the plan period to support the population growth of Luton Borough (ie the LPA area) and 31,200 in the wider Luton Housing Market Area, which is also described as the ‘functional’ HMA. This latter area includes all of the administrative area of Luton, plus a significant part of Central Bedfordshire and much smaller areas within Aylesbury Vale and North Hertfordshire.

78. In order to arrive at an OAN for the administrative area of Luton, the SHMA firstly considered the figure for the combined whole local authority areas of Luton and Central Bedfordshire. This is described as a ‘best fit’ for the Luton HMA. This was then disaggregated down into figures for the Luton HMA and the administrative area of Luton which is covered by this plan.

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20 Subject to two recommended changes set out in the report.
Housing market area

79. The SHMA explains that the extent of the functional Luton HMA is based on migration, travel to work, house moves and house price data. Beyond the administrative area of Luton, this primarily includes the adjoining urban areas of Dunstable and Houghton Regis which have strong functional links with Luton. The overall extent of this HMA is justified.

80. It is inevitable that the boundaries between housing market areas will rarely conform precisely to local authority administrative boundaries. However, given that plan making is carried out on the basis of administrative boundaries, it is pragmatic and sensible to look for a ‘best fit’ HMA which conforms to them, where this can reasonably be achieved. In this case the degree of containment is sufficient to justify the ‘best fit’ approach taken here. There is nothing in the SHMA to suggest that there is any significantly better ‘best fit’ or that it would be clearly preferable, at this stage, to establish a much wider HMA, for example on a sub-regional basis, including Milton Keynes. The Inspector examining the Central Bedfordshire Development Strategy in 2015 also concluded that the approach taken in defining the appropriate HMA accored with the PPG’s advice on this.

81. Judgements about the precise boundaries of HMAs may not always be clear cut. Nevertheless, the broad boundaries appear to have been reasonably defined. However, decisions regarding the definition of the precise Luton HMA boundary within Central Bedfordshire are a matter for that authority as it prepares its own Local Plan. Similarly, it will be for CBC to consider whether any potential housing development sites located outside the HMA boundary might, or might not, contribute to meeting defined needs within it.

82. Some changes to the Plan are necessary to achieve clarity and effectiveness and to correct errors. Firstly, it should be made clear that none of Dacorum Borough lies within the Luton HMA. Secondly, the Plan should be clearer about the Luton (functional) and the ‘best fit’ HMAs and thirdly, to help achieve this, a diagram should be included to show the HMA, with a footnote to indicate that the boundaries are not intended to be precise. (MM1, MM9, MM10, MM26)

Starting point to establish housing need

83. The SHMA uses the 2012-based household projections published by the government as the starting point to establish housing need. These were the most up to date projections while the Plan was still being prepared. They establish a baseline need of 53,336 households for the ‘best fit’ HMA over the plan period. This is a reasonable starting point for establishing the OAN.

Migration assumptions

84. The PPG advises that, although the government projections are statistically robust, plan-makers may consider sensitivity testing based on locally specific assumptions. The 2012-based DCLG projections are primarily informed by migration trends over the five year period between 2007 and 2012. However, 

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21 Department for Communities and Local Government
the SHMA prefers the use of a 10 year migration trend (based on the period 2001-2011). This has resulted in a significant downward adjustment of the OAN figure from 53,336 to 41,345 households.

85. There is no certainty about which trends will most accurately forecast what will happen in the future. However, where net migration can show significant variations over time, it is not unreasonable to use a longer term trend. This avoids making a long term forecast primarily on the basis of what has happened over only a limited number of years, which may not be representative of what will happen over a plan lifetime. In this case the SHMA shows that there have been significant variations in annual recorded migration from 2001 to more recent years, in both Central Bedfordshire and Luton.

86. However, the Council is concerned that there are significant problems in extrapolating future trends from recorded past migration and population figures. In broad terms the Council considers that the 2001 Census significantly under-counted the population of Luton and that consequently, the rise in population between 2001 and 2011 was significantly less than a direct comparison of both Census figures would indicate. Given that natural change resulting from births and deaths over this period can be readily accounted for, the Council has concluded that the actual levels of net in-migration between 2001 and 2011 are likely to have been significantly less than a straight comparison of the enumerated Census populations in 2001 and 2011 might suggest. This has relevance even if 5 year migration trends were to be used, because the 2012-based household projections are based, in part, on migration assumptions which date back to before 2011.

87. There has been some debate about whether the Council’s analysis on this is robust. However, I consider there are reasonable grounds to question the migration assumptions which have informed the official projections. In the first place the SHMA explains that the 2001 Census only achieved an 86.3% response rate. This means that around 1 in 7 households did not respond. This is a very significant under-enumeration. Following from this, the Council has concluded, based on various other available data sources, including interviews with a sample of 1,600 households in 2004-5, that the population of Luton in 2001 was likely to have been significantly higher than is indicated by the 2001 Census and the official mid-year estimate.23

88. I understand that the Office for National Statistics (ONS) adjusted the Census data to fill in the evidential gap caused by the under-enumeration. However, I accept the Council’s concern, including as expressed at the hearing session, that the use of ‘donor’ households who had actually completed the Census may not have been representative of the missing households, especially in terms of household size. In particular, the concern is that larger households in the Asian community are likely to have been under-recorded. This potential data error does not appear to have been corrected through the Unattributable Population Change adjustment applied by the ONS.

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22 Based on ONS mid-year estimates
23 SHMA and Document ED036
89. The Council’s evidence and analysis on this rather key point could have been set out with much greater clarity and with more transparency. However, there is sufficient evidence to justify approaching the DCLG household projections with some degree of caution and the Council’s downward adjustment to the official household projections falls within the bounds of what might reasonably be justified. Nevertheless, the issue is not clear cut. I will return to this later.

Further adjustments to the projections

90. The Council then applied a number of further adjustments. Firstly, taking into account vacancies and second homes, the figure of 41,345 households has been translated into a need for 42,883 dwellings. This was then adjusted upwards by an allowance of 1,053 dwellings to allow for the effects of suppressed household formation taking into account concealed families and homeless households who may not be included within the household projections.

91. A further increase of 3,301 dwellings was then applied to help ensure a balance between jobs and workers. This is based on a reasonable analysis of forecasts and plans for job growth, in and out-commuting to work and the number of people likely to hold more than one job. An adjustment of this nature is in line with the PPG which seeks to avoid a position where the labour force supply is less than the projected job growth, potentially resulting in unsustainable commuting patterns and a reduction in the resilience of local businesses.

92. These two adjustments lead to an OAN figure of 47,237 dwellings. Inevitably, there are different ways of establishing the exact level of such uplifts, but as with many assumptions regarding future trends, it is, to a large degree, a matter of applying judgement informed by available evidence. I consider the Council has done that here and the scale of the various adjustments and the justification for them is reasonable.

93. The Council has also concluded that that an analysis of ‘market signals’ justifies an uplift to the OAN of around 10% to the demographic based projection of 42,883 dwellings. The PPG does not set out any specific formula or methodology to quantify the level of any such uplift. Consequently, this too is a matter of judgement based on a consideration of the signals. Overall, I tend to agree that the evidence presented in the SHMA indicates a degree of housing market pressure that justifies an uplift of this scale.

94. The Council has reduced this potential uplift to 3,175 because an adjustment has already been applied to allow for suppressed household formation rates. This is a reasonable approach and taken together these two potential uplifts (market signals and suppressed household formation rates) are reasonably related to the scale of improvement in affordability needed, as identified in the SHMA.

95. However, as the suggested uplift of 3,175 is less than that to balance jobs and workers (3,301), it has not been applied separately in addition to it. This is a reasonable approach given that any uplift to take into account sufficient housing for workers would also be likely to have a positive effect on market signals, including in terms of affordability. The same applies to the uplift in
relation to suppressed household formation rates. This results in an OAN figure of 47,237 dwellings for the combined authority ‘best fit’ HMA.

OAN for the Luton functional HMA and for Luton

96. The OAN of 47,237 for the ‘best fit’ HMA has then been disaggregated down into an OAN of 31,200 for the Luton functional HMA and, more specifically, 17,800 for Luton. The approach taken in the SHMA to arrive at these figures appears reasonable. However, a relatively small adjustment is needed to the 31,200 figure as set out below.

Conclusions on OAN

97. I noted above that I would return to the migration issue. I have already concluded that the significant downward adjustment could arguably fall within the bounds of what might reasonably be justified. However, there are significant difficulties here in trying to accurately forecast what future migration trends might be, especially given the uncertainties about past trends. Furthermore, there are several factors which could indicate that the OAN figure might be different and potentially higher.

98. Firstly, the 2014-based household projections were released by DCLG in July 2016 after the Plan was submitted for examination. These indicate household growth of 59,801 over the plan period in the ‘best fit’ HMA.24 This is some 6,500 households higher than is suggested by the 2012-based projections. While, I recognise that the Council considers these more recent projections are still affected by ‘data quality issues’, it is nevertheless a potentially significant increase.

99. Secondly, the Council’s concerns about data accuracy in relation to migration assumptions date back to the 2001 Census, an event which took place some 16 years ago. The Council has confirmed that the 2011 Census estimate of population is more robust. Consequently, as time passes, issues relating to the accuracy of the 2001 Census will diminish in importance, even if projections are based on a 10 year period, rather than a 5 year one. Furthermore, the migration trends used by the Council to establish the OAN are based on the period 2001-2011 which now ended some 6 years ago.

100. Thirdly, it was put to me by some representors that there are likely to be migration pressures from London which have not been taken into account. This, it was suggested, is due to the demographic assumptions which informed the London Plan, the possibility that some London boroughs may not achieve the housing requirements in that Plan, housing affordability in London and the proximity of Luton to London in terms of transport links. However, at the time of the examination, there had been no request from the Greater London Authority for Luton or Central Bedfordshire to accommodate any unmet needs from London. Nor is there any robust assessment or quantification before me of any such need or anything to indicate how it might be distributed between

24 Document ED036
authorities. Nor, at this stage, is there any firm evidence about the local effects that leaving the European Union might have on migration.

101. Nevertheless, all these factors could potentially have some effect on the OAN figure for the ‘best fit’ and functional HMAs. However, I am not persuaded that this means that the OAN figures in the Plan should be regarded as unsound at this stage, or that the Plan should be suspended to allow them to be re-considered, re-worked, consulted upon and examined. I reach this conclusion for a number of reasons.

102. Firstly, a local plan inevitably takes some years to prepare and at some stage the evidence must become fixed if conclusions are to be reached and plans adopted. Indeed, the PPG accepts that although, where possible, local needs assessments should be informed by the latest available information, this does not automatically mean that housing assessments are rendered outdated every time new projections are issued. It is also worth noting that the Inspector examining the Central Bedfordshire Development Strategy expressed sympathy with views that ‘at some point, a local planning authority has to climb off the carousel of ever updated demographic data and publish a plan.’

103. Secondly, any reconsideration of the OAN would have the potential to add significant delay to the examination. However, in this case, there are compelling reasons that justify adopting the Plan without delay. In particular, it is important that Luton’s unmet housing needs are quantified now. This is so neighbouring authorities can make informed judgements about the contribution they might offer towards meeting those needs. A substantial delay at this point would be likely to lead to a more difficult overlap with the preparation of neighbouring plans, particularly in Central Bedfordshire, and further unhelpful uncertainty. Following the difficult history between Luton and Central Bedfordshire on this matter, relationships now seem to have improved. In this context, it is important that the momentum and progress on plan-making in Luton and in neighbouring authorities is maintained so that much-needed housing can be planned for and provided.

104. Thirdly, the current Luton Local Plan was adopted over 10 years ago in 2006 and it only covered the period to 2011. It is, therefore, important that a plan is put in place as soon as possible which brings forward a supply of land for housing and for other uses, along with up-to-date development management policies. This will provide a more robust basis for making development-management decisions as well as providing greater certainty for developers, local people and other parties, including those who make decisions on infrastructure.

105. Fourthly, if an updated SHMA were to lead to a different, and potentially higher, OAN, the effects would largely influence planning decisions about housing numbers outside Luton, particularly in neighbouring Central Bedfordshire. This is because, on any realistic assessment, the housing capacity of Luton is significantly lower than the OAN and because, both geographically and functionally, Central Bedfordshire is clearly the most obvious candidate to accommodate a significant proportion of that unmet need. In this context the SOCG with CBC confirms that a new joint SHMA will inform the new Central Bedfordshire Local Plan. This will cover the period
2015 to 2035. Consequently, the OAN for the HMA is likely to be revisited in the near future. The two Councils have agreed that any changes to the OAN for Luton itself would need to be considered in the next Luton Local Plan.

106. For these reasons, although there are uncertainties about the OAN figure, particularly in relation to the assumptions regarding migration, I am not persuaded that it would be justified to significantly delay this plan by putting it into suspension to allow the figures to be re-assessed. Finally, it should be noted that the PPG advises that establishing the future need for housing is not an exact science and that no single approach will provide a definitive answer. That is the case here.

107. However, the uncertainties are significant enough to require a re-consideration in an early review of the Plan, when the effect of data concerns about the 2001 Census may be further diminished. This commitment should be set out in a policy which specifically refers to a re-assessment of migration trends and projections. (MM56) This aligns with the approach on plan reviews set out in the PPG and in Examining Local Plans Procedural Practice. The use of an early review would also allow the OAN to be reassessed having regard to any standardised approach to assessing housing needs which may be put in place following the consultation announced in the Government’s white paper ‘Fixing our broken housing market’ in February 2017. On this basis, the OAN figures expressed in the Plan can be regarded as sound, subject to a clear commitment to an early review. There is one exception to this which I will discuss below.

108. The Plan refers to an OAN of 31,200 for the Luton HMA. This covers most of the HMA but not the small areas that fall within North Hertfordshire and Aylesbury Vale or the need which relates to those areas. This should be corrected, taking the overall OAN for the HMA to 31,800. (MM12) It should also be clarified how this OAN is split between the four relevant authorities. (MM9)

109. Finally on this matter, given it is unclear what a reconsideration of the OAN through the plan review process might yield, it is not necessary for the Plan to refer to the OAN for Luton as being at least 17,800, a possibility that was discussed at the relevant hearing session.

**Issue 5 – Have the housing capacity figure and the housing requirement for Luton been correctly established? Will the Plan make an appropriate contribution towards meeting the OAN and is there a reasonable prospect that the housing requirement will be met? Will there be sufficient school places to support this growth?**

**Overall capacity**

110. Given Luton’s administrative boundary fairly closely aligns with the urban area, there is only a limited supply of potential land for housing. The Plan states that 6,700 new homes will be provided for, reflecting the availability of land. However, the more recent Strategic Housing Land Availability Assessment (SHLAA) of July 2016 refers to a capacity of 9,322 between 2011 and 2031. This includes completions in the first few years of the plan period.
111. The SHLAA is based on a robust and thorough assessment of various sources of capacity, taking into account planning permissions and assumptions about densities. These appear to me to strike a balance between maximising capacity while at the same time achieving good quality developments in what is already a densely developed urban area. The assumptions are reasonable and I am not convinced there is a robust justification for seeking to apply significantly higher densities.

112. The Council considers that a capacity of 8,500 is more realistic than the SHLAA figure of 9,322. This is partly because of the uncertainties regarding the amount of housing that might be delivered at the Napier Park strategic allocation and in respect of a specific scheme for student accommodation. Looking more generally, the amount of housing delivered on the strategic allocations is almost inevitably likely to vary from that which is forecast, given the size of these allocations, and depending on the particular detailed mixed use schemes developers will bring forward. In more general terms it is reasonable to assume that a limited amount of the identified capacity might not be delivered.

113. Furthermore, any assessment of capacity is prone to at least some uncertainties about delivery. For example, the housing allocation at Kenilworth Road is dependent on the relocation of Luton Town Football Club, which will be considered in detail below. Similarly, the amount of existing housing that might be released through the development of any student accommodation is to some degree uncertain, as is the amount of new housing that might be provided through the exercise of permitted development rights. Set against this, the windfall assumption from small sites is probably quite conservative (at just 114 dwellings) and so might in practice be higher.

114. The SA has adequately considered broad capacity options as well as alternatives for allocations. Clearly though, in a borough which will be unable to meet all its own housing needs, it is important that reasonable options to maximise housing delivery are considered. Some of the main factors which could have some bearing on the capacity figure are addressed below.

**Use of existing employment land**

115. The Council has carried out a robust and thorough analysis of existing employment land and has reached reasonable conclusions about which sites might be made available for residential use. Many existing sites are in active employment use and so are not realistic options for housing. Some other existing sites may be under-used. However, where these are sited within industrial areas, they are unlikely to be suitable for housing use. In addition, it is important that Luton provides an adequate stock of buildings and land to support the local economy and maintain jobs, including through retaining sites that will be less costly than those on newly developed business parks. The assessment of capacity from this source is reasonable.

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25 Document ED047
26 Based on existing permissions on sites delivering less than 5 homes – MM12
27 For example, as set out in Documents ECON1, ECON3, ECON3a, ED21 and ED46
116. Policies LP13 and LP14 accept there may be circumstances where existing employment sites could be used for other purposes. However, it is difficult to quantify what this might add to housing delivery. This is because the extent to which policy compliant proposals might be advanced is uncertain. I am not convinced this should lead to any upward adjustment to capacity.

Sites suggested by landowners, potential developers and other parties

117. A number of sites which are not proposed to be allocated for housing in the Plan have been suggested by landowners, potential developers and others as being suitable for that use. In summary, none of these sites appear to me to be straightforward candidates for housing allocations as I will indicate in the discussion below. I accept that some of these sites might have housing potential, if it can be demonstrated through the development management process that relevant plan policies are satisfied. However, that possibility is not strong enough to justify specifically allocating any of these sites for housing or counting them as a firm source of capacity.

118. I have concluded elsewhere that the safeguarding of the East Luton Circular Road (ECLR) and the Weybourne Link is justified, at least for the moment. The purpose of safeguarding these road alignments would be compromised if any part of the route were to be developed for housing.

119. Much of the area of land described as the Old Bedford Road Estate and Manor Farm Estate lies within the Green Belt. I conclude elsewhere that there are no exceptional circumstances to alter the Green Belt boundary at this time. The land also falls within an Area of Outstanding Natural Beauty (AONB), a further significant constraint.

120. The triangular area of land near Lynwood Avenue is shown in the Plan as a county wildlife site and as an area of great landscape value. Even leaving any potential wildlife value to one side, this locally prominent site is extensively covered with trees. In its current form, it makes a valuable contribution to the local landscape and townscape. For this reason alone, it is not a sufficiently clear cut option for housing to justify an allocation.

121. Land alongside the M1 motorway is currently used by Luton Rugby Club and comprises sports pitches and ancillary buildings and parking. Given this use, and having regard to paragraph 74 of the Framework, the site is not a clear cut opportunity for a residential allocation. Instead, any housing proposal could reasonably be considered through the development management process, having regard to relevant policies in the Plan and any material considerations. This could for example, include consideration of the merits of developing the site to assist the relocation of the rugby club and any overall need for playing fields and open space, as appropriate. However, these are not matters which I need to conclude on here.

122. Much of the ‘trailer park’ on Vauxhall Way appears to be in active use as a car park. However, even if this use were to cease at some stage, the site lies in a predominantly industrial location between the Vauxhall plant and the airport. Again, this does not stand out as an obvious residential opportunity.

123. In some cases the Council has accepted that increases to the capacity of proposed housing allocations are justified, generally based on planning
permissions or pre-application discussions. This includes the site at Caleb Close and these changes are reflected in MM59. However, I am not convinced that it is necessary to increase the capacity at Britannia Estate, given that the capacities for all sites set out in Appendix 4 to the Plan are not prescriptive and that the amount of housing to be delivered on this site will depend on the precise nature and suitability of any detailed scheme. At Stockingstone Road, any scope to increase the stated capacity of the site is uncertain, given the need retain the existing bowling facilities (an issue which is considered elsewhere in this report).

124. Finally, I am not convinced that any significant areas of the strategic allocations at Butterfield Green, Land South of Stockwood Park or Century Park should be released for housing at this time given their location, circumstances and the need to make adequate provision for suitable employment land. For example, Butterfield Green is already partly developed as a technology park and Century Park provides the main opportunity for employment development near to the airport. As discussed below there are uncertainties about what will be delivered at Land South of Stockwood Park, but that is a matter for the early review of the Plan.

125. Overall, therefore, I can find nothing to indicate that the Council has failed to identify any obvious housing sites or that it has significantly underestimated the overall housing capacity.

Density policy

126. I am not persuaded that it is necessary for the Plan to set any specific minimum density requirements in addition to the indicative and potential housing numbers in the various allocations, the encouragement to achieve higher densities in some specific locations in Policies LP3 and LP15 and the requirement to optimise higher densities in Policy LP25. Broadly, it is reasonable to allow the market the flexibility to bring forward viable schemes which comply with plan policies. There is no clear evidence that this approach will lead to developments being built at unduly low densities.

School places

127. Although the demand for, and supply of, school places is referred to in the supporting text, this only emerged as a significant issue during the course of the examination. The Council’s difficulties in providing sufficient school places to meet projected housing growth are set out briefly in the notes relating to the 2016 SHLAA.\textsuperscript{28} The detailed analysis provided with the Council’s hearing statement of August 2016 more clearly indicates the severity of the situation.

128. The analysis is quite stark. Based on a projected housing delivery of only around 6,900 dwellings, an additional 4 or 5 secondary schools are said to be required by 2030. New primary schools are also thought to be needed. As it stands the Council concludes that it does not currently have land or school expansion options to meet the growth from new development after 2021, even taking into account the site-specific proposals for a new secondary school and

\textsuperscript{28} Document ED47
a new primary school in Policy LP24. This is said to be a particular problem in central and south Luton.

129. I have no reason to doubt the overall thrust of the detailed analysis which has led to these conclusions. It is perhaps possible that different methodologies might be applied to school place forecasting or different assumptions made. However, it is difficult to see how this would cause the scale of the problem to be very significantly reduced. Indeed, the school places forecasting methodology and assessments carried out by the Council would need to be significantly flawed if the problem were to evaporate altogether. There is no indication that this is the case.

130. Despite the timescale to 2031, the Plan does not make any provision to meet this identified need beyond that set out in Policy LP24. Furthermore, given the limited availability of land and the size of existing schools, the Council was unable to draw my attention to any specific solutions based on the expansion of existing schools or the development of new sites. This points to a need to apply caution when establishing the overall housing capacity figure, at least at this stage. On this basis alone, increasing the Plan capacity beyond 8,500 would not be justified.

131. The Framework attaches great importance to ensuring that a sufficient choice of school places is available. It also requires that the capacity of education infrastructure is assessed and that required infrastructure should be positively planned for. The Plan does not meet all of these objectives over the full plan period. Furthermore, it is unlikely that finding a solution will be a particularly easy task. This is because sites in the right locations will need to be identified and procured (in an area with a limited supply of land) before specific school proposals can be planned, designed and funded. This could be an even more difficult prospect if some of the land has to be found in neighbouring authorities outside Luton, possibly in connection with urban extensions, a possibility raised at the hearing session.

132. It is unclear how long finding these site specific solutions might take, but it is unlikely to be quick. Accordingly, it would not be appropriate to suspend the Plan to allow this work to be done. Instead, this is a matter that will need to be dealt with in the early review and the Plan should be amended to confirm that. **(MM56)** Given the scale of the problem and the implications that flow from it (ie the potential for there to be a shortfall in school places), this is not an entirely satisfactory solution. However, there is no clear alternative at this stage, because withdrawing the Plan would not actually help resolve the issue any faster.

133. The MM refers to an assessment of the need for school places taking into account planned housing growth. Clearly education requirements related to any provision to help provide for Luton’s unmet housing needs will also need to be considered as local plans are advanced in neighbouring authorities. Accordingly, there is no need for the review policy to specifically mention planning for school places outside of Luton. However, the new policy does acknowledge that growth outside Luton may have implications within it.

**Conclusions on capacity**
134. Given the various variables, constraints and uncertainties, there is unlikely to be any one single definitive capacity figure. Taking all of the above into account, the figure of 8,500 is reasonable and adequately justified. Given that this supply is comprised of potentially deliverable and developable sites (many of which have planning permission29), the figure is one that is capable of being delivered over the plan period. It has also been subject to an adequate process of SA, including in the Addendum on the main modifications. The figure should, therefore, be seen as the housing requirement for Luton and the Plan should make it clear that it will provide for 8,500 dwellings, rather than 6,700. (MM2, MM12, MM25, MM27, MM60) This equates to an average of 425/year over the plan period. Annual completions around this level have been achieved in several years dating back to 2001. However, in some years, completions have been significantly less. Overall, this points to the figure being reasonable, realistic and aspirational.

135. I can see no merit in expressing this figure as ‘at least 8,500’ because this could create uncertainty when quantifying the scale of Luton’s unmet housing needs and in the calculation of a five year housing land supply. Nor would there be any clear benefit from doing so. However, it should be clarified that the requirement figure of 8,500 is not intended to be a ceiling, so that it is not seen or applied as a constraint to delivery. (MM12) In order to achieve this, the MM, quite reasonably, refers to the aim of enabling development proposals to come forward on non-allocated sites where they comply with plan policies, subject to the availability of appropriate infrastructure. However, there is no need for the MM to also state that regard will be had to relevant material considerations, given this is enshrined in legislation.30

136. In addition, changes to the identified capacities from various sources in the Plan, including to the housing allocations31, need to be updated in line with the 2016 SHLAA. Changes should also be made to remove the unnecessary duplication between Policies LP2 and LP15. (MM12, MM32, MM59)

137. In all the circumstances outlined above, meeting this figure would represent a significant boost to the supply of housing as envisaged by the Framework. However, given the uncertainties about capacity, the potential for this figure to change over time and the central importance of quantifying the extent of unmet need, this is a further matter which should be re-visited in the early review of the Plan. (MM56)

138. The housing requirement of 8,500 is clearly significantly less than the OAN of 17,800. This leaves an unmet need of some 9,300 dwellings. To inform the duty to cooperate between neighbouring Councils and Luton and to provide certainty, this figure needs to be set out in the Plan, instead of the stated figure of 11,100. (MM9, MM12, MM27) Finally on this, strategic objective 2 refers to the efficient and sustainable use of resources within the limited physical capacity of the borough. To help ensure that capacity is reasonably maximised, this should be amended to recognise the potential for mitigation, particularly in reference to social and environmental resources. (MM5)

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29 As set out in the appendices to Document ED21 and in Annex A to the Council’s Matter 17 Statement
30 Planning and Compulsory Purchase Act 2004, s38(6)
31 In appendix 4 to the Plan
Issue 6 - Does the Plan adequately deal with the issue of where and how Luton’s unmet housing needs will be provided? Has the plan been positively prepared in this respect?

139. The Framework states that joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas.

140. The emerging North Hertfordshire Local Plan includes a contribution of 1,950 homes towards meeting Luton’s needs. However, the main options for accommodating most of Luton’s unmet needs lie within Central Bedfordshire. At this stage, there is little certainty regarding the scale or location of any contribution from CBC, including in respect of the consented development at Houghton Regis. The position is similar in Aylesbury Vale. At this stage, therefore, it is not possible to be sure that Luton’s needs will be met in full or how and where this will be achieved.

141. However, I have already concluded that the Council has adequately engaged with neighbouring authorities on this matter and that it is broadly agreed that these authorities will consider how they will contribute to meeting Luton’s needs as they prepare their own development plans, including through review or modification process depending on timing. This will be informed by the joint Growth Options Study. At this stage Central Bedfordshire have committed to helping meet a proportion of Luton’s unmet needs. North Hertfordshire have confirmed, in addition to the allocation referred to above, that they will assess the implications of the Growth Options Study before their own plan is submitted for examination. Aylesbury Vale have not yet made any firm commitment, beyond their involvement in the Growth Options Study. However, given the geography of neighbouring HMAs, Aylesbury Vale is unlikely to be a prime candidate to receive any very significant quantity of Luton’s unmet needs.

142. The Growth Options Study was carried out during 2016 and the final report was made public in March 2017. However, the findings within it will need to be agreed by each of the commissioning authorities and decisions will need to be made about how to progress growth options through their own development plan process. Each of these plans and the proposals within them will then need to be subject to SA, consultation and examination. Inevitably, a final position on providing for Luton’s unmet needs is some way off.

143. At this stage, there is little more that the Council could have done to secure a firmer commitment from any of its neighbours on housing numbers and there would be little merit in suspending this plan to allow that to be achieved, given the likely timescales. Indeed, it is difficult to see how that course of action might realistically speed up progress in neighbouring authorities. Furthermore, as I have already concluded, there is logic in the exporting authority adopting their plan first because this then quantifies the extent of

32 Principally, the Councils of Central Bedfordshire, North Hertfordshire and Aylesbury Vale.
33 In the various SoCG and in Aylesbury Vale’s Stage 2 hearing statement
34 CBC Matter 7 statement (77.4)
35 North Hertfordshire Stage 2 statement on Matter 7
the unmet need, so removing uncertainty which might prejudice solutions being reached in neighbouring authorities.

144. In an ideal world where decisions such as these were easier and less contentious, a plan could seek to explain clearly, and with certainty and detail, how its own unmet needs would be met. However, the lack of firm outcomes here does not make Luton’s plan unsound and the responsibility for considering how these needs will be met now largely falls on Luton’s neighbours. Indeed, in order to be positively prepared, neighbouring plans will need to be based on a strategy which seeks to meet unmet requirements from Luton, where it is reasonable to do so and consistent with achieving sustainable development. 36 Furthermore, a local plan can inevitably only plan positively for development within its own area 37 and it follows that it cannot dictate what a neighbouring plan should do.

145. The SA concludes that it is not reasonable to assess the sustainability of potential locations or numbers of homes that could be delivered outside the borough. Given the circumstances described above, I agree. Such development will instead be considered through the plan making, DtC and SA processes in neighbouring authorities.

146. In broad terms Policy LP2 and the supporting text adequately explain the overall position regarding unmet needs and the Council’s continuing work with neighbouring authorities. However, some changes are necessary to provide clarity, to reflect the most up to date position and to set out the actions Luton Council will take. In particular, it should be made clear that the aim is for the unmet need to be provided for within the functional Luton HMA, and that locations outside the HMA will only be considered if joint working fails to achieve this. (MM10) It is reasonable that the first aim is to meet these unmet needs within the functional HMA, because this is where the need arises, rather than in the wider ‘best fit’ HMA which is based on administrative areas.

147. The wording of MM10 does refer to three local authority areas outside the functional HMA, 38 but this does not mean that any specific locations or sites for development are being pre-determined through this plan. Instead the preferred locations for this growth will be decided upon through the preparation of neighbouring plans, informed by continuing joint working. However, it does need to be made clear that the work with neighbouring authorities on unmet needs will be informed by the Growth Options Study. (MM12)

148. The plan states that the Council’s policy is to support development to the west of Luton (ie within Central Bedfordshire). It is debatable how helpful this statement is given that the locations for growth will be resolved through joint working informed by the Growth Options Study and that the solution will ultimately find its expression in neighbouring plans. However, this is simply a statement of the Council’s preference and the plan is not unsound for setting that out. Nor can it bind CBC to this particular solution. However, the Council’s position on this should be clarified (MM11) and it should also be

36 Framework, para 182
37 Framework, para 157, first bullet point
38 Aylesbury Vale, Central Bedfordshire and North Hertfordshire
made clear in Policy LP2 that the ‘Areas of Search’ for the growth of Luton are to the north, south, east and west. (MM12) The Plan is unable to be any more specific without pre-empting the options being considered by neighbouring authorities and through joint working. The Key Diagram does not show any of these areas of search. However, the broad spatial options are clear from the MM described above and no further change is required.

149.Fourthly, given the central importance of this issue, Strategic Objective 3 should clarify that new housing will be provided to meet local needs within Luton subject to capacity constraints, that the Council will work collaboratively with neighbouring authorities to help ensure unmet needs are provided for in appropriate locations and will monitor progress on this. (MM6)

150.Finally, I have already concluded that the growth options chosen outside Luton might have implications within Luton, for example in relation to transport infrastructure and school places planning. However, at this stage any such implications are unknown. Consequently, the need to consider this possibility should be recognised in the early review policy. (MM56)

151.Overall, therefore, and subject to these modifications, the plan adequately deals with the issue of where and how Luton’s unmet housing needs will be provided. It has been positively prepared in this respect.

**Issue 7 – Are the housing and mixed use allocations sound and has the site selection process been based on a robust approach?**

**Overall approach**

152.The methodology for selecting sites and the conclusions from that assessment are set out in the SA. A substantial number of potential sites were assessed in a staged and systematic process, including a final ‘sense-check’. This resulted in some 35 sites being proposed for allocation in the plan. Overall, the sites were assessed against an appropriate range of criteria including access to services, viability and the potential effects on landscape and heritage assets.

153.Given the extent of the task, there may well be some errors and inconsistencies in the scoring of some individual criteria. There are also arguments that the assessment against some criteria could have been more sophisticated, perhaps taking into account potential mitigation, that the site size threshold might have been different and that too many sites were sieved out on the basis of ‘poorly performing criteria’.

154.However, this does not inevitably mean that the site selection process was fundamentally flawed or that the wrong sites have been allocated or the right sites rejected. The development of sustainability criteria, the degree and nature of the assessment against them, the operation of a sieving process and the use of site size thresholds are all susceptible to different judgements being made. Overall, the SA should be seen as a process to help ensure that the merits of sites are considered on a reasonably consistent basis and with an approach that is proportionate. In overall terms, the process has been adequate, reasonable alternatives have been taken into account and the reasons that led to decisions to allocate or reject sites are reasonably clear.
155. Ultimately, decisions about site allocations are based on planning judgement informed by an analysis of the evidence. In reaching final conclusions about sites the Council has made reasonable judgements. Overall, I am not persuaded that the Council has excluded from allocation any sites that should have been allocated and which would have made any significant difference to the overall level of housing supply. Looked at in its totality, the plan, informed by the SA, strikes a reasonable balance between providing enough sites for housing while seeking to protect the quality of Luton as a place to live.

156. As noted above, there are inevitably some disagreements about the ‘scores’ made against various SA criteria for some sites. For example, in the case of Lynwood Avenue\(^3^9\) the Council accepts that the SA criteria relating to heritage assets should not have been scored red. Other scores, including in relation to healthier lifestyles are perhaps more arguable as a matter of planning judgement. However, as explained in the section on housing capacity above, because of its landscape value, I am not convinced that the Council’s overall conclusion about this site was wrong.

157. The SA considered whether any housing or strategic allocations included land where there is a medium or high risk of flooding\(^4^0\). There are only a limited number of sites where this is the case and the capacities identified in the plan for these sites appear to have taken flood risk into account, including by steering development to land where there is a low probability of flooding\(^4^1\) and in line with planning applications where relevant.\(^4^2\)

158. Thames Water expressed some concern about the capacity of the wastewater network in connection with some housing allocations.\(^4^3\) However, there is nothing to indicate that these local issues are not capable of being overcome and two of these sites have planning permission. The Wastewater Statement, provided on behalf of the owner of the Britannia Estate site, confirms that the redevelopment will result in the cessation of some existing wastewater flows. This will create some immediate capacity for housing development as well as allowing time to plan, agree and implement off-site works to further increase capacity. Overall, these wastewater capacity issues are unlikely to significantly affect the deliverability or developability of any of these sites.

159. Appendix 4, which lists the housing allocations, refers to potential capacity and Policy LP15 (as amended by MM32) states that permission will be granted in line with Appendix 4. This is a suitably flexible approach and allows the possibility for there to be some variation from the stated capacity figure, depending on circumstances.

**Mixed use allocations**

160. The submission policies map identifies three sites for mixed use under Policy LP15 (housing provision). However, with the exception of Britannia Estate there is no reference to mixed use on these sites in the Plan. Some changes

\(^{3^9}\) Site 326 in the SA
\(^{4^0}\) Flood zones 2 and 3
\(^{4^1}\) Flood zone 1
\(^{4^2}\) Document ED078
\(^{4^3}\) Caleb Close, 69 Felstead Way, West of Newlands Road and Britannia Estate
are, therefore, necessary to bring clarity. Firstly, the policy should recognise that some of the sites are for mixed use. (MM32) Secondly, at Britannia Estate the proposal is to redevelop just part of an existing employment site for housing. The plan needs to confirm this. (MM59)

161.Kenilworth Road is currently the home of Luton Town Football Club and the site should not be developed for housing until the Club has relocated to a new site. In addition, given the shortfall in the area, part of the site should be used to provide open space. This is achievable given the Council owns the site. These key points should be set out in the Plan. (MM59)

162.The site at Stockingstone Road is in use as a sports club. The Framework requires (in summary) that existing sports and recreational buildings should not be built on unless they are surplus to requirements or would be replaced. There is nothing before me to indicate that the disused tennis courts or the social club building should be retained. However, I accept Sport England’s evidence that the indoor bowls facility is strategically significant. Furthermore, it is the only one in Luton. Although the Council’s evidence indicates that there is an over-supply of outdoor bowling greens44, having both facilities on one site is mutually beneficial, particularly as most members of the outdoor club are also members of the indoor one. Both clubs appear to be well-used. Accordingly, it has not been demonstrated that these facilities are surplus.

163.The Plan should, therefore, be modified to make it clear that the indoor and outdoor bowls facilities should be retained or replaced within the site or appropriately relocated before new housing goes ahead. (MM59) It is reasonable to require that any replacement provision should be operational prior to the commencement of new housing development to help ensure continuity of provision. The site appears to be large enough to accommodate these facilities and the 56 dwellings indicated in the Plan and I am not persuaded that this requirement would inevitably compromise deliverability.

164.Subject to acceptable detailed schemes being advanced, it is possible that more housing could be delivered at Stockingstone Road and at Britannia Estate. However, there is no clear justification for increasing the potential capacities on these sites beyond those set out in the plan.

Housing allocations – Orchard Centre

165.The Orchard Centre site is a former playing field. Given the Council’s Playing Pitch Strategy identifies shortfalls in quantity and quality, this site has not been shown to be surplus. Consequently, it should be made clear that the site should not be developed until appropriate replacement provision has been made elsewhere, potentially through enhancing existing facilities. (MM59) This should not affect delivery given the site is controlled by the Council, as are many of the open spaces where there are options for enhancement.

Viability and conclusions on housing allocations

166.The Viability Assessment concludes that the housing sites are generally viable over the plan period with the exception of some apartments in the next few

44 Document CF01 - Luton Playing Pitch Strategy
years, where the Council accepts that affordable housing requirements might need to be relaxed, as allowed for in Policy LP16. I have no reason to doubt these broad conclusions. The housing and mixed use allocations in the plan are sound, subject to the modifications set out above.

**Issue 8 – Will the plan help ensure that a 5 year supply of deliverable housing sites is provided?**

167. Taken as an average over the lifetime of the plan, a requirement of 8,500 dwellings equates to 425/year. Between the start of the plan period and 2016, the Council reports that there were 2,027 completions. I have no firm reason to doubt the overall accuracy of this figure. This would leave a shortfall of 98 against the 5 year requirement of 2,125. Given the Council’s forecast of delivery in 2016/17 (875 units), this modest amount may already have been recovered. However, if it were to be recovered over a 5 year period, it would take the 5 year requirement from 2016-21 to some 2,225, at an annual average of c445/year. After this the annual requirement would fall to 425.

168. As noted above, the shortfall in delivery since the start of the plan period in 2011 has been modest. Looking further back, between 2008 and 2011, there was a very limited under-delivery against the housing target based on the former East of England Regional Strategy (1,032 completions compared to a 3 year requirement of 1,080). Before this, the annual requirement of 200 in the local plan was comfortably exceeded between 2006 and 2008. And between 2001 and 2006, the higher annual target from the same plan was also achieved (1,735 over the 5 years). Overall, therefore, between 2001 and 2016, slightly more dwellings were built than the overall cumulative requirement. Consequently, there has not been a persistent record of under delivery.

169. Accordingly, in line with the Framework, an additional buffer of just 5% is required to ensure choice and competition in the market for land. This would take the 5 year requirement for 2017-22 to some 2,315. Based on this, the Council considers that it will have a 5.30 year supply of land for the 5 year period starting in 2017/18. After this the annual and five-year targets will reduce, albeit slightly, once the shortfall from the early years of the plan has been recovered.

170. There was discussion at the hearing session about the rate and timing of delivery at three specific sites: at Britannia Estate, a specific plot at High Town and at Marsh Farm. In addition, the Council’s assumptions about the supply that will be delivered through the development of student accommodation have been questioned. However, all of these are arguable to some degree and, overall, I am satisfied that the Council has made a reasonable assessment of the deliverability of sites. In particular, many of the sites which are relied upon have planning permission.47

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45 Luton Local Plan 1991-2011
46 Based on x4 years at 445 plus x1 year at 425 plus 5% buffer – and expressed as 2,314 in MM55
47 As set out in Annex A to the Council’s Matter 17 Statement
171. In reality, there will inevitably be some variations from delivery forecasts based on standardised assumptions, pre-application discussions and planning permissions. However, there is some limited flexibility given that the supply calculation only counts those small sites which currently have planning permission. In any case, given my earlier conclusions about capacity, there is little realistic scope to significantly increase the supply of housing land in the short term. In the longer term, this is an issue that can be re-assessed in the early review. Overall, therefore, I am satisfied that there is a reasonable prospect that there will be a five year supply of deliverable housing sites at the point the Plan is likely to be adopted and for at least some time thereafter.

172. For clarity and to allow effective monitoring, the Plan should clearly set out a trajectory showing the annual and five year requirements, including the recovery of shortfall and the application of a 5% buffer, along with previous and forecast annual completions for the plan period and related contextual information. However, the existing detailed table in Appendix 5 showing delivery on individual sites is already out of date and should be deleted. Detailed monitoring data of this nature is best presented separately to the Plan.\(^\text{48}\) (MM55 and MM60) These MMs are based on estimated completions for 2016-17 and thereafter. Although the financial year 2016-17 has now passed, I can see no reason to further extend the examination to allow additional monitoring data to be compiled and analysed. Instead, this can, appropriately, be the subject of annual monitoring reports.

**Issue 9 – Does the Plan appropriately identify the overall level of affordable housing need and does it make appropriate provision to meet that need? Is Policy LP16 justified, effective and consistent with national policy?**

**Objective assessment of need for affordable housing**

173. The Plan identifies a need for 7,200 affordable homes over the plan period. This is based on a robust analysis in the SHMA which takes into account unmet needs and projected future needs.

**Policy LP16 – requirement threshold**

174. Policy LP16 seeks affordable housing on all schemes that deliver a net gain of at least 1 dwelling. However, this is not consistent with national policy\(^\text{49}\) or with the PPG.\(^\text{50}\) These both state that affordable housing should not be sought on sites of 10 units or less.

175. The viability assessments carried out for the Council show that, with 20% affordable housing, schemes of two or more dwellings would generally be viable, with viability improving as scheme size increases. However, the effect on the viability of developments of one unit is described as severe. Nevertheless, I accept that most developments would be able to sustain

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\(^\text{48}\) MM60 indicates that this will be through the Annual Monitoring Report and subsequent versions of the SHLAA
\(^\text{49}\) Written Ministerial Statement (WMS) on *Small-scale Developers*
\(^\text{50}\) WMS of 28 November 2014 and PPG on Planning Obligations
affordable housing as required by the policy, although inevitably there will be individual variations depending on specific site circumstances.

176. However, the aim of national policy in the WMS is to tackle the disproportionate burden on small-scale developers by lowering the construction costs of small scale housing (my emphasis). By doing this, the expressed intention is to help increase the supply of housing, to encourage development on smaller brownfield sites and to help diversify the house building sector by providing a boost to small and medium sized developers. These aims could be achieved by ensuring that developments which would not be viable, if they were to provide affordable housing, are made viable. However, they could also be achieved by encouraging development to come forward on viable, or marginally viable, small sites by improving the level of viability (my emphasis). Consequently, the fact that smaller developments may be able to sustain a contribution to affordable housing does not in itself justify an exception from clearly stated national policy.

177. The application of the policy could deliver around 1,700 dwellings (ie 20% of the identified housing capacity of 8,500 dwellings). This would leave a significant shortfall of around 5,500. It is conceivable that some of this might be met outside Luton. However, this would depend on the approach taken by neighbouring authorities in the preparation of their own Local Plans, informed by the Growth Options Study and having regard to their duty to cooperate. At the time of the examination, any such outcomes are unknown. In addition, some affordable housing might possibly be delivered in other ways, but I have no firm quantification of this. So, as things stand, the level of unmet need would be high.

178. The Council’s analysis indicates that applying the national threshold could result in the loss of around 96 affordable dwellings over the plan period. This figure is indicative and it is possible that more housing than this might be delivered on smaller sites. However, there is no certainty of this.

179. This would amount to the loss of a relatively small quantity and percentage of the affordable housing that might otherwise be delivered. It would be an even smaller percentage of the overall need for affordable housing. Clearly the loss of any affordable housing has significance for the people it might have provided for. Nevertheless, the limited scale of the potential contribution from smaller sites does not justify a departure from national policy.

180. For the reasons that apply in this specific case, and despite the overall level of affordable housing need, Policy LP16 (and Policy LP2) should be amended to reflect the thresholds expressed in the WMS and PPG. (MM33 and MM12) In addition, the policy should clearly set out the level of affordable housing need, likely delivery via Policy LP16 and the potential scale of unmet need. (MM33)

Policy LP16 criteria

181. The policy states that the size, type and tenure of affordable housing should reflect the needs identified in the SHMA. This provides a reasonable degree of flexibility. However, some changes are needed to ensure soundness. Firstly, the wording relating to the possibility of financial contributions and to the circumstances where a lack of viability might justify a lower contribution is unclear. This should be corrected. (MM33) Secondly, the position regarding
the split of types of affordable housing should be clarified in the supporting text. (MM28)

Starter homes and potential changes to national policy

182. The Housing and Planning Act 2016 includes a general duty for local authorities to promote the supply of starter homes.\(^{51}\) However, by the time the Plan had been submitted for examination, the relevant parts of the Act had not been commenced and national planning policy had not been amended. Consequently, Policy LP16 does not specifically refer to starter homes.

183. The Government’s white paper ‘Fixing our broken housing market’ (February 2017) initiated a consultation to revise the definition of affordable housing, to include, amongst other things, starter homes. Given the timing, the early review of the Plan would provide an appropriate mechanism for the Council to consider the implications of any such future changes to national policy.

Delivery of affordable housing

184. It is likely that there could be a significant shortfall in the delivery of affordable housing against the identified need. Consequently, some of those with affordable housing needs will continue to be dependent on the private rented sector, in some cases supported by housing benefit.

185. The PPG states that an increase in the total housing figures included in the Plan should be considered where it could help deliver the required number of affordable homes. However, given the capacity constraints in Luton, there is a significant unmet need for housing which stands to be provided for outside Luton. In this context, raising Luton’s housing requirement beyond the capacity level could have no material effect on the total amount of affordable housing that might be delivered within Luton. Consequently, such an increase would not be justified. Instead, provision for Luton’s unmet affordable housing needs is an issue which falls to be considered by neighbouring authorities as they prepare their plans, under their own duty to cooperate. Policy LP16 and supporting text express the Council’s commitment to seek to ensure this. At this time, that is as much as the Plan can reasonably say.

Conclusions on affordable housing

186. Subject to the recommended modifications, the position set out on affordable housing will be sound. The application of Policy LP16 will help achieve the plan’s Strategic Objective of meeting local housing requirements, as far as this is realistic having regard to viability considerations and national policy.

Issue 10 – Does the Plan make appropriate provision for the needs of gypsies, travellers and travelling showpeople?

187. National policy asks local authorities to assess the need for sites for gypsies, travellers and travelling showpeople and to identify how this need will be met. This Plan does not seek to do this and, instead, defers the issue to a separate

\(^{51}\) In summary - dwellings available to purchase by qualifying first time buyers at a discount from the market value
plan. The Plan explains that this is because the national change to the
definition of these groups for the purposes of planning policy in 2015 required
a new assessment of need and that could, in turn, alter what will have to be
provided for in terms of sites.

188. Although the Framework tends to refer to the term ‘Local Plan’ in the singular,
there is nothing in the Act or regulations to prevent a Council producing more
than one plan to cover their area. Consequently, the Council’s approach is
reasonable, provided that there is a clear commitment to making progress on this
work.

189. The Council completed a revised assessment of need in January 2016 and
previous to that had considered the merits of potential sites. The Local
Development Scheme of 2015 anticipated Regulation 19 consultation starting
in July 2016, although this has now slipped back to autumn 2017 in the 2017
LDS. Nevertheless, this does signal a clear and recent intent. On this basis,
the approach taken in this Plan can be regarded as sound. However, it is
necessary to modify Policy LP20 to avoid giving the impression the policy is
bringing forward any new allocations. (MM35)

190. The Council’s hearing statement, which was prepared before the 2017 LDS,
suggested the Council would consider whether it might be able to secure any
necessary site provision through a Supplementary Planning Document (SPD).
I urge the Council to think very carefully about this option. Firstly, it is not the
role of SPD to allocate sites and, secondly, such a route would avoid any
scrutiny of needs or provision through the preparation and examination of a
plan. Instead the Council should deal promptly with this matter through the
development plan process to ensure that it has plans in place which
appropriately provide for the needs of gypsies, travellers and travelling
showpeople.

191. Policy LP20 appropriately safeguards three established sites. It also sets out
criteria to allow the assessment of any development proposals which might
come forward across the borough. However, there is no general requirement
in the Plan for other housing proposals to be located on previously developed
land or under-used land, or to avoid sites which are allocated for another use.
I can therefore see no good reason for applying that restriction solely to sites
for gypsies and travellers. This needs to be corrected. (MM35)

Issue 11 – Have the accommodation needs of older people, students
and potential self-builders been adequately assessed and will the
Plan make appropriate provision for them?

192. The SHMA identifies a need for around 1,300 specialist older person housing
units, rather than the 1,000 referred to in the Plan. This should be corrected.
(MM31) The Plan does not include any specific allocations for this type of
housing. Instead, the Council expects that the market will provide for this
need, including on the strategic and housing allocations. This is a reasonable
and flexible stance given that it would be difficult to identify specific sites
solely for this purpose, and potentially overly restrictive to do so.

193. Policy LP18 sets out criteria to assess proposals for accommodation designed
specifically for older people. However, there is no sound reason why proposals
should only be permitted if they contribute to an identified need in the SHMA and this should be deleted. (MM34)

194. I have not been made aware of any proposals that might lead to any significant additional need for student accommodation and Policy LP17A provides an appropriate basis for considering any proposals which might come forward. The Council has advised that there have been no registrations from anyone seeking land for self-build in Luton. However, there could be opportunities within the housing supply, particularly on windfall sites. These various potential needs have been adequately assessed and appropriately provided for. In addition, Policy LP15 requires development to achieve a mix of different housing types and tenures informed by the latest housing market assessment and local circumstances. This is in line with paragraph 50 of the Framework.

**Issue 12 – Does the Plan appropriately identify the objectively assessed quantitative need for jobs, land and floorspace for economic development? Are the policies regarding the economic strategy and employment areas sound?**

**Identifying and meeting needs**

195. The Plan identifies a need to plan for growth of about 18,000 jobs, including 8,000 from B use class development over the plan period. This is based on work carried out in 2013 informed by the East of England Forecasting Model (EEFM), the size of the projected labour force and Luton’s sub-regional role. Taking these factors into account and the availability of land, these figures seem reasonable. Although the analysis is robust it does predate the most recent national guidance on functional economic market areas. The Council has commissioned new work which will only be finalised in time to inform the early review of the Plan. This should be acknowledged in the review policy. (MM56)

196. The 2013 study considered land requirements of between c49 and 80ha which the Council considers could accommodate around 7,660 to 13,700 jobs. Ultimately, the Plan allocates around 69ha of land through the strategic allocations. This is a suitably aspirational but realistic approach having regard to the economic forecasts and past take-up of employment land. It also provides an element of choice for the market. Furthermore, it is unrealistic to expect employment and land projections to be a precise forecast of what will happen to 2031. For example, the EEFM forecasts in 2013 and 2014 projected fewer jobs than the 2012 forecasts. However, these lower figures may have been affected by the economic downturn. A more recent forecast which projects a higher number of jobs indicates the degree of forecasting volatility. More recent forecasts can be taken into account in the early review of the Plan as appropriate. The strategic allocations will provide for employment primarily from B use class development, but also from other

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52 Document ECON 003 Employment Land Review and as set out in the Council’s Matter 11 Statement.
53 9,300 and 11,300 jobs respectively – ECON001
54 17,600 and 17,800 jobs – ECON001
uses, including the expansion of London Luton Airport. Growth is also being provided for in the town centre and in the other retail centres.

197. Given that there are now uncertainties about the amount of employment development that might be delivered at Napier Park and Land South of Stockwood Park, there is no clear justification for allocating significantly less employment land. Nor are there any obvious opportunities to allocate significantly more land within Luton. Overall, an appropriate balance has been struck.

198. In effect, Luton is broadly aiming to meet all of its own job needs but not all of the OAN for housing. However, if a significant proportion of Luton’s unmet housing needs are planned for in locations which are close to and have good access into Luton (for example, as urban extensions), the resulting commuting to work could, to some degree, be contained within the expanded urban area. Furthermore, the approach in the Plan reflects the availability of sites and Luton’s sub-regional and historic role in providing employment. As noted above, the way in which Luton’s unmet housing needs should be provided for is now an issue for neighbouring authorities to consider including through their own DtC. In relation to this, the early review policy discussed above accepts that growth options outside Luton might have transport implications which will need to be addressed within Luton. (MM56) In addition, it would be for neighbouring authorities to consider whether any growth options outside Luton should include any employment or retail provision.

199. Consequently, the Plan’s overall stance on this is sound. However, policies LP2 and LP13 should be amended so that the Plan sets out the broad amount of land to be allocated, rather than a specific target to create jobs, given this is a key role for the development plan. (MM12 and MM24)

200. The Plan allocates four strategic sites to provide the c69ha of employment land. These are all discussed in more detail later in this report. The sites were subject to an appropriate process of SA and were also considered in supporting employment studies. However, the Plan should clarify which of the allocations will contribute to providing employment. (MM3 and MM23)

Policies for economic strategy and employment areas

201. The Plan includes two lists of existing employment sites. The Category A sites are generally those which were categorised as being of very good quality in the Council’s 2015 review. This includes the strategic allocations. The Category B sites are categorised as being of good or average quality and which continue to have a role to play in meeting employment needs. This is based on a robust assessment.

202. Policies LP 13 and 14 set out the circumstances in which employment sites can be redeveloped for a different use. The approach is protective of the Category

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56 Discussed in more detail in the section below on the strategic allocations.
58 Appendix 3 to the plan.
59 Document ECON 003A and also by the 2013 Employment Land Review (Document ECON 003)
A sites but more flexible in relation to Category B and the generally smaller sites which are not identified in the Plan. This is a reasonable approach which reflects the quality of the sites and the policy criteria are generally appropriate. Overall the approach accords with the Framework.\textsuperscript{60} However, some redrafting of the policy and supporting text is required to ensure they are clear and effective. (MM22 and MM24) I have made a small change to MM24 to ensure consistency of wording between Policies LP13 and LP14. In addition, the potentially confusing reference to Intervention areas in the list of Category B sites should be deleted. (MM58) Subject to the specified changes, these policies are sound.

**Issue 13 – Has the effect of proposed development on the strategic road network been adequately assessed and are there sufficient measures in the Plan to help avoid any adverse effects, including through mitigation? Is the safeguarding of the East Luton Circular Road justified? Are the policies relating to transport sound?**

**Effect on the strategic road network**

203. The SOCG with Highways England confirms that the effect of the Plan proposals on the strategic road network has been subject to modelling work.\textsuperscript{61} This has taken into account the increase in dwellings proposed in the submission plan, additional jobs, the planned increase in passengers to London Luton Airport, proposals for housing in North Hertfordshire, at Houghton Regis and at North of Luton (all of which have different planning status), along with proposed highway schemes in Luton and the wider area (of which there are several). However, it is not necessary for the Plan itself to mention all these schemes.

204. The modelling confirms that the main impacts of planned development at peak times are likely to be on specific slip roads at M1 junctions 10 and 11a and on the M1 northbound carriageway between junctions 11 and 11a. It is concluded that some measures will be required to resolve these effects. However, there is nothing at this stage to indicate this will not be possible.

205. The Council has also confirmed that there are sections of roads within Luton which are likely to experience additional delays in the morning or evening peaks and junctions which will experience more than 95% congestion. Some of these problems may be mitigated by the junction improvements listed in Policy LP31 and/or by the recently commissioned review of all signalised junctions to consider capacity improvements. I understand that the junction improvements will be delivered through developer contributions (for example, as agreed in connection with the approved airport expansion) and from public sector sources.\textsuperscript{62}

206. As the SOCG points out, the modelling is based on a ‘worst case’ position as it does not take into account the potential for any public transport schemes or Travel Plan initiatives. So, it is possible that the effect on the strategic road

\textsuperscript{60} Specifically paras 22 and 51 of the Framework
\textsuperscript{61} It is also set out in Document TRA001 and the Council’s Matter 12 statement
\textsuperscript{62} For example, as set out in the Council’s response to Matter 12, Question 137
network could be less than predicted. Various policies in the Plan may assist in this, including for example the development of park and ride sites and the use of maximum car parking standards. However, set against this, the modelling appears to be based on 6,905 dwellings rather than the more recent capacity estimate of 8,500 dwellings.

207. Regardless of these points, development in and around dense urban areas inevitably has the potential to increase traffic congestion, regardless of what mitigation is put in place. While this has an economic cost and is frustrating and inconvenient to those who use the roads, it is not a sufficient reason in this case to avoid meeting housing or employment needs. Furthermore, this is an issue that should be re-visited in the early review of the Plan (MM56) when proposals to provide for Luton’s unmet housing needs in neighbouring authority areas, potentially including in Central Bedfordshire and to the east of Luton are further advanced and the implications on transport infrastructure can be properly evaluated. The same applies to any transport implications arising from the re-location of the football club, when that is decided upon. Overall, therefore, the effects on the strategic road network have been adequately assessed at this stage and sufficient measures are in place to help mitigate adverse effects. Given the requirement for an early review, the changes advanced through the main modifications to this report, including in relation to the strategic allocations, do not justify any further modelling work at this stage and before the Plan can be found sound.

East Luton Circular Road

208. Policy LP31 safeguards the route of the East Luton Circular Road (ELCR), including the Weybourne Link. I understand that the ELCR was one of a number of options for a proposed Luton Northern Bypass which were consulted on some years ago. However, much of the ELCR alignment would be within Central Bedfordshire and CBC have indicated that they do not support it as an option because of the likely effect on the AONB. Clearly, this plan cannot safeguard any route outside of its own area. There are also strongly expressed and legitimate concerns from Natural England and Historic England about the likely effects on the landscape, on biodiversity sites and heritage assets.

209. Consequently, there are several very significant obstacles to the ELCR ever being developed. However, it seems to me that it is prudent, for the moment, to safeguard the route until the potential implications of the bypass and any link between the A6 and A505 have been further considered, having regard to the scale and location of preferred options to help meet Luton’s housing needs and any effects on wider traffic patterns. This could also include the consideration of any reasonable alternatives to the ELCR. In this sense there is some possibility the route could potentially be critical in developing infrastructure to widen transport choice in line with the Framework. Nevertheless, I urge the Council to very carefully re-assess whether there is robust evidence to justify any further safeguarding of this route option when it carries out the early review of the Plan.

63 CBC Matter 12 Statement
64 Framework, para 41
210. Although the SA predicts that Policy LP31 as a whole would have a broadly neutral effect on biodiversity and landscape features, it does state that if the road were to go ahead there would be major adverse effects on biodiversity, landscape and heritage features. However, as it stands, it is reasonable for the SA to assess the overall effect of the policy with regard to the Plan’s safeguarding of the ELCR route, rather than as a firm road-building proposal.

211. The safeguarding of this potential route within Luton is justified, for now. However, to bring clarity, the policy and supporting text should be amended to provide context and to make it clear that the route is being safeguarded, that it is not a formal transport proposal and that any firm proposal to build the road would be considered against relevant legislative requirements and policy relating to heritage, biodiversity and landscape. (MM49 and MM50) I have made a change to MM50 to ensure accuracy and consistency with MM49.

Transport policy criteria

212. Policy LP31 B states that planning permission will be granted for developments that meet several transport criteria. However, it should be clarified that proposals only have to satisfy these criteria where relevant. For example, not every proposal will justifiably need to provide cycle parking. (MM50)

213. Policy LP31C and Appendix 7 set out reasonable requirements for Transport Assessments, Transport Statements and Travel Plans. These will help ensure that the transport effects of developments above the specified thresholds are assessed and that, where necessary, appropriate mitigation is secured, including if necessary off-site. However, the drafting is unclear and this should be resolved. (MM50 and MM62)

214. Policy LP32 requires that car parking should not exceed the maximum standards in Appendix 2. The standards are reasonable. However, if the policy wording were to be interpreted literally, schemes providing no car parking would always comply with the policy regardless of the circumstances. The policy and the supporting text should be modified to make it clear that the level of parking up to the maximum standards will be determined by the need to avoid adverse effects to highway safety and on nearby residents and users. (MM51)

215. Consultation was carried out on a potential MM to Policy LP32 in relation to parking for the airport and Dunstable Hospital. Following consideration of representations, I am not persuaded that the suggested changes are necessary for soundness, with the exception of explaining that the stringent control at the airport will be in line with Policy LP6C (to provide clarity). Furthermore, the change consulted upon in relation to Dunstable Hospital would have been overly restrictive and inflexible. I have therefore amended the MM. (MM51)

216. Policy LP33 merely sets out a list of factors that will be considered when assessing proposals for warehouse and distribution proposals. Changes are needed to ensure the policy can be used effectively when making development management decisions. (MM52) Subject to these changes the various transport related policies and criteria are sound.
**Issue 14 – Is the extent of the Green Belt appropriately defined and is the approach to the Green Belt consistent with national policy?**

217. As already noted, there are some parcels of Green Belt land within Luton to the north, north-east, east and south. These all adjoin wider swathes of Green Belt which fall within neighbouring local authority areas. The Luton Green Belt Study of 2014 concluded that these parcels still met the Green Belt purposes set out in the Framework. No additional land was identified which should be included in the Green Belt. The findings of the study are based on a robust assessment.

218. The Green Belt includes a parcel of land\(^{65}\) which is also included within Policy LP6 for London Luton Airport and which the airport identifies as operational land. However, this land is open and undeveloped and adjoins a wider swathe of open land. It therefore meets Green Belt purposes. In addition, there is no evidence that it is required for development which would not normally be acceptable in the Green Belt.

219. The Framework states that one of the essential characteristics of the Green Belt is its permanence and that boundaries should be capable of enduring beyond the plan period. I concluded earlier that it is possible that housing growth options outside Luton might conceivably justify considering a review of one or more of the Green Belt areas within Luton. Equally, they might not. However, this cannot be known until neighbouring authorities reach firm conclusions about how to respond to Luton’s unmet needs. It would be difficult to make any robust decisions regarding the potential release of any of the small Green Belt parcels within Luton, until the wider picture is known.

220. Accordingly, there are no exceptional circumstances which would justify altering the Green Belt boundary, at this time. However, this is a further issue which points towards the need for an early review. (MM56)

221. Policy LP4 sets out the approach towards development proposals in the Green Belt. However, the wording is not consistent with national policy and this should be corrected. (MM14)

**Issue 15 – Are the assessments of additional retail floorspace needs robust and does the Plan ensure that these needs will be met in appropriate locations? Are the policies for the town centre and for the district and neighbourhood centres sound?**

**Floorspace needs**

222. The supporting text to the Plan sets out net additional convenience and comparison retail floorspace needs over the lifetime of the Plan. These are based on the upper range figures set out in Retail Study Update of July 2015.

223. In broad terms the floorspace figures are based on a robust methodology which assesses expenditure and turnover, taking into account projected population growth, existing commitments (including at the North Houghton

\(^{65}\) Part of Site 5 in the Study.
Regis Urban Extension outside of Luton) and the potential to claw back some of the trade which is being lost to other centres outside of Luton. Given the extent of retail spend leakage, this approach is justified and could help minimise travel, enhance the town centre and bolster the local economy.

224. There was some discussion at the hearings about the assumptions made regarding the effects of online shopping, the degree to which existing comparison goods floorspace may be under or over-trading (and how this might change) and the extent to which turnover efficiency might increase in the future. The Study indicates that all of these factors have been taken into account. However, they are all susceptible to different judgements being made and their potential effects on floorspace needs are difficult to predict with any degree of certainty over the lifetime of the Plan.

225. The Study indicates that caution should be applied when relying on longer term projections owing to the volatility of much of the data and the assumptions used (for example, as indicated above). Consequently, it is appropriate for the Plan to seek to provide for 30,096 sqm of comparison floorspace by 2025 as set out in Policy LP3 and as recommended by the Retail Study Update, rather than the Study forecast of between 32,229 and 53,715 sqm by 2031. Indeed, the Study advises that it is not necessarily appropriate to plan to meet all identified needs now.

226. Nevertheless, the approach taken in the Plan provides an opportunity to significantly increase investment in the town centre and to improve perceptions of it. This policy approach, coupled with the expression of the maximum Study range figures in the supporting text to the Plan, is a suitably aspirational but realistic approach, as is required by the Framework.

227. Given the uncertainties regarding longer term projections and forecasts, I agree with the Retail Study Update that an updated assessment of need should ideally be carried out every 5 years. The Council’s hearing statement signals agreement on this. Accordingly, this should be added to the list of items to be considered in the early review of the Plan. (MM56) This should also allow progress on where Luton’s unmet housing needs are likely to be accommodated to be factored into the analysis, as appropriate.

Meeting convenience retail needs

228. The Plan seeks to provide for some of the identified convenience retail needs within the town centre. This will help support the viability and vitality of the town centre by adding capacity for main food shopping. I agree with the Retail Study Update that Power Court is the most suitable site to achieve this, given its size and location and the limited other options available.

229. The Plan identifies a number of other locations outside the town centre where convenience retail is to be provided, including at Birdsfoot Lane and Sundon Park as part of identified centres and at the Marsh Farm and Napier Park strategic allocations. Convenience floorspace in these locations will serve existing and proposed neighbourhoods and so is justified. Overall, there appears to be sufficient land available to meet the net additional convenience floorspace figure of 9,064 sqm to 2031 as set out in the Plan.
230. However, as drafted Policy LP3 appears to indicate that all or most of the Plan’s convenience floorspace needs should be met within the town centre. This is clearly not the intention or what the Plan in fact proposes. This drafting error should be corrected to ensure that the Plan is clear and effective. The supporting text in section 7 needs a similar clarification regarding the distribution of retail development (MM13 and MM38).

**Meeting comparison retail needs**

231. The Plan intends that all comparison floorspace needs should be met in the defined town centre. This aligns with the approach set out in the Framework and follows the recommendation in the Retail Study Update. In principle, this should help support the viability and vitality of the town centre.

232. It is clear that the Plan envisages that most comparison retail development will be accommodated on the Northern Gateway and Power Court sites. Given their proximity to the primary shopping area (referred to as the Town Centre Shopping Area in the Plan), both of these are edge of centre sites for retail purposes under the definition set out in the Framework. There do not appear to be any other realistic and readily available site options at this time, within the town centre or on the edge of it, which could make any very significant additional contribution to meeting the identified needs. Furthermore, Power Court, and to some degree the Northern Gateway, both have the potential to provide for retailers seeking larger premises.

233. The Council has provided an impact assessment of retail development at Power Court. This dates back to 2005 and, given its age, it cannot be relied upon. However, having regard to Section 2 of the Framework, I am not convinced an impact assessment is an essential component of the evidence base for town centre or edge of town centre retail allocations which have been provided to meet identified needs in accordance with the sequential approach.

234. The Plan does not require any specific quantity of comparison floorspace to be achieved at the Northern Gateway, Power Court or on any other site. This is a suitably flexible approach and one which recognises the role of the market in shaping the precise scale and mix of uses on the strategic allocations and within the town centre.

235. Taking all of this into account, the overall approach regarding comparison retail is sound. However, there are uncertainties regarding delivery which will be discussed below in the section on the strategic allocations.

**Centre hierarchy and the sequential and impact tests**

236. The hierarchy of centres set out in Policy LP21 is justified by the analysis in the Retail Study Update which included ‘health check’ assessments. However, Policy LP21 should be modified to reflect the intention in Policy LP8 to create a new neighbourhood centre at the Napier Park strategic allocation. This also needs to be reflected in Policy LP2. (MM39 and MM12)

237. Policy LP21 sets out the requirements for sequential and impact assessments in line with the Framework. The impact assessment threshold of 1,000sqm is justified given the size of district and neighbourhood centres (the Retail Study Update reports that the average size of the latter is 1,354 sqm gross) and the
need to safeguard their viability and vitality. A threshold set below this level would be unduly onerous.

238. Policy LP21 also states that permission will be granted provided that retail development, either individually or cumulatively, does not exceed the quantitative floorspace needs set out in the Plan. However, retail proposals will only be consistent with plan policy if they comply with specific retail policy allocations and/or pass the sequential and impact tests, where these apply. These tests are designed to protect existing centres from unacceptable impacts and the threshold for impact assessment has been justified by the Retail Study Update. On this basis there is no justification for what amounts to, in effect, a cap on overall retail provision in the borough and a change is necessary to Policy LP21 to rectify this. (MM39) The same applies to the reference to ‘need’ in Policy LP11 for the Northern Gateway. (MM21)

Policies for the town centre and other centres

Town centre boundaries and areas

239. The Town Centre boundary is appropriately defined and encompasses the various shopping frontages and development sites lying within the inner ring road and the railway line. The division of parts of the centre into four policy areas (University Campus, Creative Quarter, Power Court and Castle Quarter) reflects their different characteristics, the varying opportunities for development within them and the appropriate policy responses.

Frontages

240. The Town Centre Shopping Area, and the Premier, Primary and Secondary Shopping Frontages within it, conform to the definitions set out in the Framework, although the terminology used in the Plan is a little different.

241. Policy LP22 is supportive of A1 (use class) shops in these locations and sets criteria to allow the consideration of non-A1 uses. This is achieved, in large part, by limiting the amount of non-A1 use to no more than 10% in the premier shopping frontages, 25% in the primary and 50% in the secondary. A similar approach is followed in Policy LP23 which seeks to maintain 75% of the shopping frontages in district and neighbourhood centres and shopping parades in A1 use. Overall, these policies reflect the extent and importance of shopping activity in these areas, without being overly restrictive.

242. The setting of precise percentage limits is to a large degree a matter of planning judgement and I understand that the figures for the premier and primary frontages are broadly the same as in the current Local Plan (2001-2011). The Council has advised that this approach has been applied without problems and that it has been successful in preventing any over-representation of uses which might have harmed the quality, viability and vitality of the town centre as a shopping destination. I have no firm evidence which might lead me to conclude otherwise.

243. The approach is most restrictive in respect of the Mall, a substantial indoor arcade which is the main focus of shopping activity in the town centre. This is because much of the Mall is defined as a premier shopping frontage. However, there is some flexibility here given that the frontage facing the
square to the north-west is defined as a secondary frontage and the area which is in use as an indoor market is not defined as any type of frontage. In addition, the Northern Gateway (Policy LP11) provides an opportunity for the Mall to be extended to provide a mix of uses, including a market. Accordingly, I am not persuaded that any change is necessary to achieve soundness.

**Strategy**

244. Policy LP3 sets out the strategic approach for the town centre and the criteria in this policy should help ensure that an appropriate mix of development is provided, that high quality development is brought forward and that adverse effects avoided. This includes making more effective use of the River Lea.

**Other matters**

245. The Town Centre Inset Map shows two food courts and a Primary Block Frontage. These are not directly before me because they do not appear to be mentioned in the Plan and do not represent the geographic illustration of any policy. To avoid any confusion, I suggest that they are not included on the adopted policies map. Finally, the use of terminology relating to the regional/sub-regional role of the town centre should be clarified. (MM4, MM12, MM13, MM36, MM37)

**Issue 16 – Are the proposed uses on the strategic allocations appropriate justified and deliverable, including in terms of their scale and mix. Are the policy requirements sound?**

246. The Plan allocates eight strategic sites. Taken together they make provision for a range of uses, including housing, employment, retail, park and ride, London Luton Airport and the relocation of Luton Town Football Club (the Club). The allocations have been subject to an appropriate SA which considered broad options for different uses. There are no obvious candidates for additional or alternative strategic allocations. Subject to the various modifications set out below, I am content that they set out a reasonable mix of uses.

**South of Stockwood Park (Policy LP5) and Power Court (Policy LP9)**

**Luton Town Football Club**

247. It has been a longstanding aim of the Club to move from its historic site at Kenilworth Road. Given the inner city location within an area of high density terraced housing, there is little opportunity to expand the existing stadium, to create extra seating capacity or to develop ancillary community and commercial uses. Consequently, Strategic Objective 9 of the Plan, quite reasonably, seeks to deliver a new stadium in a location with good access to transport infrastructure, along with associated uses, shared venue events and ancillary sports related uses.

248. The submitted Plan makes provision for a new stadium, as part of a mixed use development, at Land South of Stockwood Park on the edge of Luton next to junction 10a of the M1 motorway. This site was originally allocated for a stadium in the Local Plan for 2001-2011 (adopted in 2006). In addition to the stadium and ancillary sports facilities and enabling provision for small scale
A1, A3 and A4 uses\textsuperscript{66}, the other stated uses are for B1 business and a park and ride facility.

249. The Club’s current owners now believe this location to be unsuitable. Instead they consider that the stadium should be located closer to the supporters the Club serves and that without such a location the various ancillary community and commercial activities that are necessary to develop and sustain support and income would not be viable. This is largely because an edge of Luton location might only attract visitors in any substantial numbers on match days. The Club therefore considers that the stadium should be built in a more accessible central location where these disadvantages could be avoided. More specifically the Club’s preferred location is the strategic allocation at Power Court.

250. However, it is clear that the Power Court site is simply not large enough to accommodate a stadium and related uses along with the various uses sought by the allocation and the Plan, which includes several hundred dwellings, convenience retail of around 3,393 sqm net and a substantial contribution towards meeting the identified comparison retail needs for the town centre. The Club’s proposed solution is that the Plan should be modified to allow for a retail-led mixed use development at South of Stockwood Park, on the basis that this would help meet Luton’s retail needs while at the same time cross-subsidising the construction of the stadium and the running of the club.

251. It was confirmed at the Stage 3 hearings that the Club now owns South of Stockwood Park and most of Power Court. Clearly the Club cannot determine what these sites should be allocated for or whether or not planning permission is granted for any particular mix of uses. However, through its control of both sites, the Club can determine what it chooses not to develop.

252. The Club has submitted two planning applications\textsuperscript{67}, broadly for the uses it is seeking through the development plan process, as outlined above. The Council anticipates that, at the earliest, these will be determined several months after the close of the examination hearings. Conceivably, the planning application decision-making process could take longer than this.

253. As was pointed out to me by some of the participants at the hearing sessions, the inter-related issues involved here are difficult and there are some considerable uncertainties to grapple with. The question for me is whether the issues are so intractable, at this point, that it is not feasible to seek a full resolution of them through the current examination of the Plan. I will consider the various issues below.

\textit{Does Policy LP9, as drafted, allow for a stadium at Power Court (Policy LP9)?}

254. Both the Club and the Council have argued that the term ‘provision for sport, leisure and entertainment’ in Policy LP9 would allow for a football stadium at Power Court. This is based on a view that a football stadium should be

\textsuperscript{66} Associated with the sport, health and fitness focus of the football stadium and shared venue events.

\textsuperscript{67} 16/01400/OUTEIA (Power Court) and 16/01401/OUTEIA (South of Stockwood Park) – submitted August 2016
regarded as a use for sport under Use Class D2(e)\textsuperscript{68}, which includes ‘area for other indoor and outdoor sports or recreations’. In relation to the interpretation of the Use Classes Order, that may be so. However, it is not the end of the story.

255. Leaving aside the intention of the Council when it drafted the words ‘provision for sport’, it seems to me highly unlikely that anyone taking a reasonable interest in the Plan would have regarded Policy LP9 as identifying Power Court as a site which was positively allocated, or even generally suitable, for a sports stadium of this scale and nature, whether for the Club or another user. I conclude this for a number of reasons.

256. Firstly, the Plan already makes very specific provision for the Club to relocate to Stockwood Park. This is unequivocally stated in Policy LP5 and in the supporting text to this policy and in the section on Growing Luton’s Economy. There is no clear indication in the Plan that any alternative sites were being considered or specifically identified, including at Power Court. Nor is there any mention of a stadium in Policy LP3 which sets out the strategy for the town centre in some detail. This would be a very surprising omission if the Plan was specifically allocating Power Court for a major sports stadium for the Club or anyone else or if it were signalling in any way that Power Court is suitable for that use. The Council’s background paper on ‘Centres’ does refer to the Club’s representations and in doing so it acknowledges that a town centre site may have merit and that it may be in step with the range of uses envisaged at Power Court. The term ‘in step’ is somewhat ambiguous, but it is striking that the paper does not unequivocally state that the policy for Power Court would allow a stadium. Again, this would be a surprising thing to leave out if it had been the intention all along. The paper is dated April 2016, the same month the Plan was submitted for examination. Finally, aside from the brief high
level assessment in the SA, I have not been pointed to anything in the evidence base for the Plan to show that a detailed assessment of the suitability of Power Court for a stadium was carried out in its preparation.

257. Secondly, it is clear from the Plan and the supporting evidence base, that Power Court is intended to make a significant contribution to meeting the need for town centre comparison retail floorspace (in addition to providing a substantial volume of housing and a specific amount of convenience floorspace). For example, Policy LP9 states that the site will be used to extend the primary shopping area to improve the town centre retail offer, accommodating comparison floorspace in accordance with the identified need for the town centre. In addition, the Retail Study Update makes it clear that this site and the Northern Gateway are the two main sites where this need could be met.\textsuperscript{69} Finally, the Council’s hearing statement on Matter 13 states that the expectation is that Power Court will take the bulk of the overall comparison floorspace.\textsuperscript{70}

\textsuperscript{68} The Town and Country Planning (Use Classes) Order 1987
\textsuperscript{69} For example in 7.2.1 – “The provision of up to 30,096sqm net of comparison floorspace by 2025. The delivery should be met primarily at the Northern Gateway and Power Court sites;”
\textsuperscript{70} Answer to question 4
258. In these circumstances, it must have been clear to the Council that the site is not large enough to accommodate all of these uses in the broad quantities indicated, as well as a football stadium. Indeed, the Council has accepted that if the site is developed for a stadium, it might not be possible for the identified comparison retail needs in Policy LP3 to be fully met within the town centre. However, there is nothing in the submitted Plan to indicate this inevitable consequence and there is no response to it. In addition, although the Retail Study mentions the possibility of D2 leisure uses on the site, this is specifically by reference to the example of ‘gyms/cinemas etc’. There is no reference in the study to a football stadium or similar.

259. Having regard to the Plan as a whole and reading the policy objectively in its proper context, I am not persuaded that anyone would have understood, or even contemplated the possibility, that the policy wording was intended to support a football stadium on this site. The fact that the use of the site for the Club was tested in the sustainability appraisal as an option for this site, does not alter my conclusions on this.

260. Consequently, even on the most generous reading possible, the term ‘provision for sport’ is unacceptably ambiguous. This conclusion is supported by the Council’s suggested ‘minor modification’ of April 2016 which proposes inserting a reference to Use Class D2 (which includes areas for indoor and outdoor sports) into the policy, ‘to add clarity’.

261. For these reasons, this policy wording cannot be regarded as effective. Furthermore, even if the policy had been intended to allow for a stadium, the lack of clarity in the wording is such that I have significant doubts about whether public consultation on this specific provision could be said to have met the necessary legal requirements. Overall, the policy wording is not sound and it cannot be regarded as encompassing the possibility of a football stadium. I will return to this later.

Stockwood Park – is the provision for a stadium sound?

262. Leaving aside the issue of where a stadium might be best located, the Club has now confirmed that there are no circumstances in which it would relocate to Stockwood Park. Even if it failed to get planning permission for Power Court, the Club has stated that it would prefer to stay at Kenilworth Road rather than move to this edge of town site.

263. I understand the argument that a site owner’s intentions or preferences should not necessarily determine whether or not an allocation is deliverable and that these preferences might change over time. However, in this case, the Club’s position is unequivocal and the allocation at Stockwood Park is very clearly intended for the Club’s relocation. It is, therefore, in large part, a single user allocation. Consequently, the Club’s publically stated intentions as both landowner and potential developer are a significant consideration and the delivery of a stadium at Stockwood Park seems very unlikely, both in the foreseeable future and within the timescale for an early review of the Plan.

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71 For example, in the Council’s statements on Matter 13 (answers to question 4 and 8) and Matter 26 - Power Court (answer to question 4).
264. For this reason the policy is clearly not effective. This can be rectified by deleting reference to a stadium for the Club at Stockwood Park, along with references to ancillary sports facilities and enabling provision for A1, A3 and A4 uses. Adjustments are also needed to the supporting text to reflect this change. *(MM15 and MM23)* These changes have been accepted as being necessary by the Council which formally agreed to support this modification at a meeting of full Council on 15 November 2016.

*Should Stockwood Park be allocated for a retail-led mixed use scheme?*

265. The Club considers that a retail-led mixed use allocation at Stockwood Park would provide a replacement for the comparison floorspace that could no longer be provided at Power Court if a stadium were built there. It is further argued that this would help claw back retail trade which is currently lost from Luton and that it could be used to help subsidise the cost of a new stadium at Power Court and the running of the Club.

266. However, even if the Plan cannot provide sufficient town centre or edge of centre sites for retail development, I am not persuaded that it would be necessary to allocate an out of centre site in order to make the Plan sound. In the first place this is not what national policy requires in such circumstances. The Framework tells local planning authorities to allocate sites to meet the scale and type of retail development needed *in* town centres (my emphasis). Where suitable and viable town centre sites are not available, then appropriate edge of centre sites should be allocated. If that is not possible, the Framework indicates that the Plan should set policies for meeting identified needs in other accessible locations that are well connected to the town centre along with policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres. Policy LP21 provides criteria for considering any planning applications for out of centre proposals, applying the impact and sequential tests sought by the Framework. Taking this into account, a specific allocation for out-of-centre retail would not be necessary to achieve soundness.

267. Even if I were to reach a different view on this, I simply do not have the evidence before me to justify an out of centre retail allocation of the scale and nature sought by the Club. Firstly, I have no robust sequential or impact assessments. Consequently, the potential effects on the viability and vitality of Luton town centre and on any other centres are unknown and unquantified. Secondly, I have no assessment of the potential effects on traffic, or of how any such effects might be satisfactorily mitigated, including in relation to the operation of the motorway junction and the strategic road network generally. Thirdly, I have no evidence which quantifies the extent of any cross-subsidy that might be necessary to help deliver a stadium or to help sustain the Club. Nor do I have an assessment of any other options that might be available to help fund the Club. Accordingly, I am not in a position to carry out a reasoned assessment or balancing of any considerations for or against such a proposal.

268. For these reasons, and despite the uncertainties about what might now be delivered at Stockwood Park and at Power Court (which are discussed below), it is not necessary, or possible, for me to recommend a main modification to allocate Stockwood Park for a retail-led mixed use scheme. Instead this is an issue that in the immediate future stands to be considered through the
determination of the planning application which is before the Council (as referred to above). Consequently, this report reaches no finding about the potential merits or otherwise of significant out of centre retail development in this location.

269. Finally, given the approach set out in the Framework, out of centre retail development of the scale suggested by the Club was not a reasonable alternative that should inevitably have been considered as an option in the SA.

Is the remainder of Policy LP5 (South of Stockwood Park) sound?

270. The Plan envisages a mixed use development at Stockwood Park comprising a stadium, offices and a park and ride facility. Deleting the stadium raises a question about whether the remaining development has any realistic prospect of going ahead.

271. The Viability Assessment considered a mixed use scheme, with the main elements being the stadium and B Use Class development. The assessment concludes that the costs of the stadium significantly outweigh its value and so render the overall development unviable. There is no indication of viability problems specifically in connection with B1 use. Consequently, if the stadium is deleted from the policy, there must logically be some prospect that a residual B1 development could be viable, particularly as the site now has a direct access to the strategic road network and J10a has recently been upgraded. Given these factors, the identified need to provide for B1 uses and the limited availability of alternative sites, I am not persuaded that the B1 element should be found unsound, even though there are clearly significant uncertainties about whether it will be delivered by the existing site owner and in isolation. Instead, this is a matter that should be reconsidered in the early review of the Plan, which can re-consider the overall use of the site. (MM56)

272. Policy LP5 also allocates 2 ha of land for a park and ride facility. I accept the Council’s position that there is merit in identifying a site for this purpose given that it could help reduce traffic levels in and out of Luton with potential benefits to air quality. I am also inclined to accept the Council’s arguments that there are few other realistic options on this side of Luton.

273. However, it would not be reasonable for the policy to require that the residual B1 development alone should provide a park and ride facility, given there is no clear linkage to show it would be directly related to the development or fairly and reasonably related to it in scale. Consequently, the policy should be amended to make it clear that an appropriate area of land should be safeguarded for this purpose. (MM15) This would also resolve my concerns about the policy as currently drafted, given the wording is ambiguous about what a developer might be expected to provide. The provision and delivery of this facility is a further issue for the early review, where it can be considered alongside the wider use of the site. (MM56)

274. Given the changes to delete the stadium and to safeguard land for a park and ride facility, the reference to the site being allocated for mixed use will no longer be accurate and that term should be deleted for clarity. (MM15) Changes are also needed to remove the unjustified requirement for car parking to meet the maximum standards in the Plan and to make the
approach to landscape and heritage assets more robust given the sensitive location. (MM15)

275. The other policy criteria are sound. In particular, there is a reasonable prospect that the residual allocation for B1 use could be developed without harmful effects on the road network. Even so, the policy requirement which refers to Highways England being satisfied about impacts is reasonable given the location at a motorway junction. The requirements of Policy LP31 for transport assessments and statements would also apply to schemes above specified sizes on the site. This would allow the effect of development on local roads and junctions to be considered and mitigated, if necessary. The site lies outside the public safety zone for the airport and there is no firm evidence that any biodiversity interests on the site could not be adequately protected or mitigated.

276. The effect of MM15 is that the stated area for B1 uses and a park and ride facility will add up to less than the total site area referred to in the Plan. However, that does not mean that the changes are unnecessary or that uses have to be specified for the full extent of the allocation. Nor will the approach taken here prevent the Council reaching conclusions on any planning applications submitted ahead of the early review, taking into account plan policy and any relevant material considerations. However, an addition to the review policy introduced by MM 56 is necessary to make it clear that the review will take into account the determination of any relevant planning applications. Subject to this change being made, it is not necessary to add any further clarification to the Plan on this matter.

277. Finally on this topic, the reference to a ‘prestige gateway business development’ in the amended supporting text clearly relates to the revised policy focus on ‘B1 business use’ (following the deletion of the football stadium and ancillary uses). I can see no reason why this phrase should reasonably be interpreted more widely than that.

*Is the mix of uses envisaged by Policy LP9 deliverable at Power Court and should Power Court be allocated for a football stadium?*

278. In principle, I have some sympathy with the Club’s desire to seek a more central location in Luton. Depending on the site, a central location is likely to be more accessible by public transport and on foot for more supporters than a location on the edge of the town. I can also see that ancillary community and commercial uses could be more successful in a central location because they might attract more use. On this basis a football stadium could, in principle, be an appropriate use within a defined town centre.

279. I also accept that there are now uncertainties about the delivery of a mixed use scheme at Power Court, including any substantial component of comparison retail, given the Club controls the site and has acquired it with the specific intention of developing it for a football stadium. It is possible that if the Club were ultimately unable to deliver a stadium here, decisions might then be made, at some stage, to sell the site or to pursue a different mix of uses. However, that is no more than a hypothetical possibility at this stage.

280. The viability of the mixed use scheme set out in the Plan is unclear. Both the Plan and the Viability Assessment set out some of the problems that will need
to be overcome, including dealing with flood risk, contamination, archaeology and the River Lea. In addition, despite having been part owned by British Land for several years and despite the allocation for retail, offices and residential in the Local Plan for 2001-11 (adopted in 2006), no re-development has occurred. Finally, although the VA concludes that the site is viable, it does not appear to have assessed the mix of uses set out in the Plan. Instead it has considered a scheme which is largely comprised of residential and B1 uses with only a smaller component of general retail. Consequently, I have little firm evidence in front of me to confirm that any mix of uses allowed for under Policy LP9, and which included a substantial component of retail floorspace, would be viable or not.

281. However, the uncertainties about delivery and viability do not inevitably indicate that the site should be allocated for a stadium in addition to, or as a replacement for, the other stated uses. In the first place, simply adding a stadium to the mix of uses on the site will not necessarily improve viability. This is particularly so given that the Club has argued that a substantial out-of-centre retail development is necessary to subsidise a stadium. And in broader terms, it was generally accepted at the hearing that most football stadia are unlikely to be financially viable in conventional terms, wherever located.

282. Secondly, I simply do not have sufficient evidence before me to justify such an allocation or to conclude that it would be appropriate on this specific site. For example, I have no substantive assessment about whether a stadium might have any significant effect on the attractiveness of the town centre as a retail destination on match days or about whether there might be any effects on the viability and vitality of the centre. The Club has provided some analysis of supporter accessibility and an interim transport strategy, but this is not a fully detailed or definitive assessment of the potential effects in terms of traffic, parking and public transport (and on whether these might in turn affect town centre footfall). Nor do I have any substantive assessment about the potential effect that a building the size of a football stadium might have on the setting of the nearby listed St Mary’s Church.

283. Finally on this, although I appreciate that the Council and the Club are of the view that there are no other suitable locations for the stadium, there is very little firm evidence before me to justify that position definitively. This is relevant because of the uncertainty regarding the potential to meet retail needs in the town centre and the potential for comparison floorspace needs to be displaced to an out of centre location if a stadium were to be built at Power Court.

284. I appreciate that the Council is now broadly supportive of a stadium in this location and that a more flexible policy might perhaps assist delivery. It is also the case that the SA concluded that locating the Club on the site or allocating the site purely for retail would be the most sustainable options, although the delivery of new homes is also stated to be a benefit. However, as outlined above, it is not possible for me to reach a reasoned conclusion that Power Court is a suitable site for a football stadium on the evidence before me.

72 Para 7.24 – representations to submission draft plan on behalf of the club
or that the Plan should be changed accordingly to achieve soundness. Even if I were to accept the contention that a stadium should be regarded as a main town centre use as defined in the Framework, this would not alter my position on the suitability or otherwise of this particular site.

285. Consequently, for the moment and ahead of the early review, the suitability of the site for a football stadium, both in principle and in terms of any detailed effects, will be for the Council to consider when it determines the planning application referred to above, or any other similar applications. The same applies to whether or not a stadium (or any other use for sport or recreation) might be regarded as a main town centre use, as defined in the Framework. I am not reaching any conclusion on these specific matters and the findings in this report should not be seen as pre-determining any conclusions the Council might reach when it considers any relevant planning application ahead of the review of the Plan. A minor wording addition to the review policy introduced by MM 56 is necessary to make it clear that the review will take into account the determination of any relevant planning applications. Subject to this change it is not necessary to add any further clarification to the Plan.

Delivery of uses at Power Court

286. Policy LP9 asks for circa 3,393 sqm net of retail convenience floorspace at Power Court. The Club’s current planning application seeks permission for a foodstore of up to 3,000sqm and for other retail. In addition the current application seeks permission for up to 550 housing units. This is broadly in line with the around 600 dwellings sought by the Plan. Accordingly, if any development does go ahead on the site, there is a reasonable prospect that these uses could be delivered in something like the broad quantities sought by the Plan.

287. However, there is considerable uncertainty about what might be delivered at Power Court and when. For example, from the Club’s perspective, the delivery of a stadium is dependent on securing permissions for the developments it seeks at both Power Court and Stockwood Park. Alternatively, if the Club cannot secure permission for out-of-centre retail at Stockwood Park, it would need to consider other means of financing the move to Power Court. The delivery of the comparison element of the retail led mixed use scheme in the Plan is also uncertain because of the Club’s intentions, even setting aside any viability issues. The current planning application includes up to 10,800 sqm of A1 to A5 space. However, I have not been provided with an assessment of how much of this might be comparison retail. Consequently, there is doubt over how much comparison retail might be delivered at this site under any possible scenario.

Will the Plan deliver the required amount of comparison floorspace?

288. The Council, based on evidence advanced during the examination, considers that there are three other allocations within the defined town centre that could deliver some retail floorspace: the Northern Gateway, Station Gateway and North of St Georges Square (all of which are part of the Creative Quarter). In total the Council estimates that these could provide for at least around 14,300

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73 Document ED096
sqm net retail floorspace and possibly up to 28,700 sqm depending on the plot ratio which is assumed.

289. I am not entirely convinced by these figures. In the first place they sit uncomfortably with the overall thrust of the Plan, the Retail Study Update and other supporting information which clearly see Power Court as the main opportunity for town centre retail, along with the Northern Gateway, which is a much smaller and more restricted and constrained site. I discussed this earlier in relation to the ‘provision for sport’ issue. However, in this context it is also relevant to note that the Plan refers to the delivery of increased convenience and comparison goods shopping by expanding the town centre onto Power Court, to Power Court and the town centre being the primary location for identified floorspace, to Power Court being a flagship project shaping what Luton has to offer shoppers and to the step-change the Northern Gateway and Power Court could deliver in the quality and range of the comparison goods sector.

290. This reflects the Retail Study Update which concludes that there remains little opportunity for significant town centre expansion with the exception of the Northern Gateway and that the delivery of identified floorspace needs should be met primarily at that site and at Power Court, the latter of which remains the sequentially preferable location to accommodate any residual large-scale retail development within Luton.

291. Looking at two of the ‘alternative’ sites suggested by the Council, the Station Gateway is identified in the Plan as a residential led scheme with only limited retail and North of St Georges Square is seen as a mixed use scheme incorporating leisure, cultural and retail uses. Consequently, it is not entirely clear to me that a scheme on the former site might deliver the 7,875-15,750 sqm of net retail floorspace now suggested by the Council and be in compliance with the Plan. In addition, two of the sites referred to by the Council as being part of the Northern Gateway appear to lie outside that allocation in the Plan and the site specifically allocated is identified for only 2,025-4,050 sqm. Furthermore, the Council’s most recent analysis does not estimate what proportion of the suggested 14,300-28,700 total floorspace might specifically be for A1 comparison retail.

292. While the actual quantity of comparison floorspace that might be delivered is difficult to quantify definitively, the overall amounts now suggested by the Council are uncertain because they have not been clearly or compellingly justified. In summary, it is clear that there is some potential for comparison floorspace to be provided within the town centre away from Power Court. However, at best, it seems likely that the sites indicated by the Council could only make a partial contribution towards providing the 30,096 sqm for comparison goods sought by Policy LP3.

293. Consequently, if comparison retail is not delivered at Power Court or if the retail component of a mixed use scheme is significantly reduced, there are no clear alternative locations which can be identified at this stage within or on the

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74 Policy LP11
75 Buté Street Corner and Cheapside Corner
76 In Document ED096
edge of the town centre which could be brought forward to substantially make up the likely shortfall (which could be significant in size). Taking all of this into account, there is a significant risk that the Plan may not deliver the 30,096 sqm of comparison retail floorspace by 2025 sought by Policy LP3 and as recommended by the Retail Study or even the lower range figure in the study of 18,057 sqm to 2025.

Main conclusions and the early review of the Plan

294. In the circumstances outlined above there are several intractable problems which are unlikely to be resolved in the near future. In particular, there is considerable uncertainty about what might be delivered at both Power Court and Land South of Stockwood Park, whichever options suggested to the examination might be pursued. Overall, there is a significant risk that the Plan may fail to provide for and deliver a relocated football stadium as sought by Strategic Objective 9, the full extent of identified retail comparison floorspace needs, the B1 uses sought at Stockwood Park and a park and ride site. Given the general uncertainties regarding Power Court, the prospect of housing delivery on that site is not entirely clear either.

295. The next question is whether any of these matters could be resolved in the immediate future by suspending the examination. However, it seems unlikely that a definitive resolution could be achieved without a very lengthy delay to the Plan. For example, even if the Club obtains the planning permissions it seeks on both sites, delivery of what it proposes is not guaranteed. Conversely, if the Club fails to get the permissions it seeks on either or both sites it would still have control over both of them. In all the likely scenarios discussed at the hearing sessions there are uncertainties over what might be built at both strategic allocations and over the quantity of comparison floorspace that might be delivered in the town centre as defined in the Plan.

296. Consequently, even if the Council were to review and develop its evidence base in relation to these matters, a suspension of the examination would not be justified because there is no realistic prospect that these issues could be firmly resolved within a timescale that might reasonably be considered for a suspension. Furthermore, a significant delay would frustrate the objective of putting a plan in place that quantifies the scale of Luton’s unmet housing needs and which provides an up to date framework for making planning decisions across the borough.

297. Overall, therefore, the realistic and pragmatic way forward is to accept that there are several issues here which can only realistically be fully resolved, in plan-making terms, in an early review of the Plan. This includes the relocation of the Club, uses and policies relating to Power Court and South of Stockwood Park, the allocation and delivery of a park and ride facility on that site, retail needs and how they will be provided for and the strategy and policies for the town centre. To some degree, these are all inter-linked. Accordingly, the Plan needs to signal its commitment to an early review covering these matters. The review will be able to take into account the decisions on the Club’s planning applications.

298. Consequently, despite the uncertainties and problems, the existing plan proposals at Stockwood Park and Power Court can be found sound subject to
an early review of the Plan and the various other modifications set out in this report, including those relating to Power Court below. Consequently, it is not necessary for soundness to delete one or both allocations in their entirety. I agree with the Council that this would be unnecessarily radical surgery. In addition, the overall aim of providing for comparison retail needs within the town centre also remains appropriate.

299. Given the changes outlined above, the Plan will not include a policy allocating any specific site for a new stadium. Nevertheless, Strategic Objective 9 would remain a valid statement of intent and the issue would at least be recognised in a policy as one to be resolved in the early review. Consequently, there is no justification for amending or deleting this objective.

300. Finally, it was put to me that a policy might be added to the plan setting generic criteria to allow the consideration of any proposal for a stadium which might come forward. However, it is difficult to see how this would significantly help in the determination of any planning applications and it is not necessary to achieve a sound plan.

Are any changes necessary to Policy LP9 (Power Court)?

301. Given my conclusions above, it is necessary to delete the term ‘provision for sport’ at Power Court. (MM19) This also reflects my finding that the location for the stadium is now a matter for the review of the Plan, informed, if appropriate, by the consideration of the outcome of any relevant planning applications.

302. Some other changes are also necessary to ensure the policy is clear and effective. Firstly, it should be clarified which uses should be included in a mixed use development and in what scale and which additional uses are acceptable in principle. Secondly, the policy should refer to B1 offices, rather than to business. Thirdly, given the site is separated from the town centre shopping area (TCSA) by a dual carriageway it is necessary to add a criterion to ensure that proposals include measures to ensure the site is accessible from the TCSA and is perceived as being a part of the town centre. Fourthly, it is not appropriate for the policy to require compliance with the requirements of the untested Luton Town Centre Development Framework which dates back some years and criterion Ai should be amended accordingly (with a related change to the supporting text). Finally, the approach required with respect to the River Lea and the consideration of design and heritage matters needs to be made more robust to ensure these issues are adequately addressed. (MM19) The other policy criteria are sound, including the requirement for a masterplan.

303. Given the site is within the proposed town centre, it is not necessary for soundness to delete the reference to ‘town centre uses’ as proposed and consulted upon by the Council under MM19. Accordingly, I am not recommending this as a change and I have amended the wording of the MM accordingly. As noted above, it will be for the Council to determine, where relevant, whether any uses proposed for the site through planning applications fall within the definition of main town centre uses in the Glossary to the Framework. Nor does the policy need to list each individual use that might conceivably be acceptable on the site.
304. The policy refers to 3,393 sqm of convenience floorspace. Although this is perhaps unusually specific, it is preceded by the word ‘circa’. This provides an appropriate degree of flexibility and would allow the Council to consider accepting a certain amount of floorspace less, or more, for example having regard to deliverability and market conditions, if appropriate.

Butterfield Green Technology Park (Policy LP7)

305. Butterfield Green is a longstanding technology park allocation. A significant proportion of the site remains undeveloped and progress has stalled in recent years. Several changes are necessary to make the policy and supporting text sound. These are discussed below and have been set out in one main modification. (MM17) Most were agreed between the Council and developer in a SOCG. Some consequential changes are necessary to Policy LP7Aii, Policy 13Aiii and Appendix 3 to ensure consistency within the Plan, with regard to appropriate uses. I have added these to the MM. Some of the changes also need to be reflected in the section of the Plan dealing with the economy. (MM23)

Uses

306. The policy allocates the site for technology-related B1 uses. However, the Council accepts that market conditions indicate that a more flexible approach should be taken, while still maintaining the high quality technology park concept. I agree with this and the restrictive approach taken is likely to prejudice delivery. The need for more flexibility on uses is reinforced by the current position at Napier Park, which is now unlikely to deliver as much B1 or B2 development as anticipated (see below) and the uncertainties about land South of Stockwood Park (see above). Accordingly, changes are necessary to ensure an appropriate degree of flexibility on uses, while retaining the overall high quality concept and adding safeguards to protect local amenity.

Park and ride facility

307. The policy as drafted supports the provision of a park and ride facility. I agree that a facility is justified on this site given the potential to reduce car use on a main route into Luton, the need to improve air quality and given the lack of suitable identified alternative locations. The Council’s Luton Park and Ride Final Report also concludes that a facility here is likely to be popular, provided parking constraints and charges are applied in and around the town centre.

308. However, even given the best possible interpretation, the policy is ambiguous about what a developer will be required to provide and at what point. To achieve effectiveness, the policy needs to be amended to make it clear that a plot of land for a specific number of spaces will be safeguarded and transferred to the Council at an appropriate trigger point. In addition, to ensure development within the strategic allocation makes a fair and proportionate contribution to transport infrastructure, the policy should also make it clear that no additional contributions will be required to provide off-site infrastructure or the funding of the park and ride facility.
Policy criteria

309. Given the sensitive location on the edge of the urban area, and the need to maintain the technology park concept, it is necessary to ensure that good quality development is achieved and that adverse effects are avoided, including on the character and appearance of the surrounding landscape, some of which is an AONB. In broad terms the various policy criteria should help ensure this is achieved. However, several changes are necessary to ensure effectiveness and delivery.

310. Firstly, given the site has already been partially developed, the masterplan required by Ai only needs to be indicative rather than comprehensive. Secondly, Aiv and viii should be amended to set out a more sophisticated and flexible approach to density and building heights, recognising that the fundamental aim is to achieve an appropriate level of spaciousness and to avoid harming views into the site. Thirdly, Avii should be amended to recognise that it may be necessary to enhance existing landscape features (as well as retaining them) but that in some cases it may be necessary to replace them elsewhere. Similarly, greater flexibility needs to be applied in relation to existing rights of way (Aix).

London Luton Airport (Policy LP6)

Airport expansion

311. The airport makes an important contribution to Luton and the wider area in terms of transport accessibility, jobs and the economy. This is recognised in Strategic Objective 1 of the Plan.

312. The allocation boundaries appear to be reasonably defined and Policy LP6 appropriately supports proposals to expand the airport, subject to several criteria being met. These are primarily intended to limit potential environmental and landscape effects from development of the airport itself and from the employment allocation at Century Park. These are all reasonable aims. However, a number of changes are necessary to ensure that the policy is effective. These are set out in one modification and are discussed below. This includes related changes to the supporting text. (MM16)

313. Policy LP6 B requires that all 9 criteria are met for any proposal relating to the expansion of the airport, its operation or any surface access improvements. All of these criteria might reasonably apply to a comprehensive scheme to significantly expand the airport and its operations. However, they will not necessarily all apply to smaller developments that might be advanced within the airport over the lifetime of the Plan. Consequently, the policy needs to make it clear that the criteria will be applied, where applicable and appropriate having regard to the nature and scale of what is proposed.

314. Criterion Biii and v require proposals to be in accordance with the latest permission and to comply with any imposed planning conditions relating to noise. However, it is unnecessary for a plan policy to require compliance with a planning permission given that any such permission will be self-contained and subject to any conditions which have been attached to it. Furthermore, planning applications stand to be determined in accordance with the
development plan, unless material considerations indicate otherwise. Consequently, these references are not justified and should be amended.

315. To be effective Criterion Biv should be amended to clarify how the effects of any proposed increase in air traffic movements will be considered, including by reference to the potential to mitigate any adverse impacts. For the same reason criteria Bv should be amended to make it clear that proposals should avoid any material increase in noise.

**Airport-related car parking**

316. The policy seeks to ensure that airport related car parking should be located within the allocation (excluding Century Park and Wigmore Valley Park which are intended for other purposes), except in some defined circumstances. This is justified because an expansion of off-site parking could undermine the aim of encouraging access by non-car modes, undermining the reason for criterion Bviii (which seeks sustainable transportation and surface access measures).

**Century Park**

317. This is a specific site for office, manufacturing and distribution within the strategic allocation. It will provide important opportunities for uses that would benefit from a location close to an airport as well as potentially meeting a general demand. It is one of the few opportunities in Luton to provide for distribution uses.

318. However, as drafted the policy is somewhat ambiguous about what types of development would be supported and whether proposals would need to demonstrate a requirement for close access to the airport. Consequently, the policy should be amended to make it clear which uses are acceptable in principle and that particular support will be given to those which need to be close to the airport.

319. The site has not seen any development since it was allocated in the current Local Plan in 2006. However, at that time, the intention was to provide access via a tunnel under the airport. This would inevitably have been costly, potentially deterring development. The Plan now proposes a different means of access and the Viability Assessment concludes that the site would be viable. Consequently, there is a reasonable prospect it can be delivered.

320. The Plan now proposes that access is taken across Wigmore Valley Park. This will clearly have some effect on the amount of land available within the park and on its function. However, there appear to be no clear alternative viable means of access, especially given the need to avoid channelling traffic onto Eaton Green Road. Furthermore, the policy requires that any open space which is lost is replaced. The Council explained at the hearing that this is feasible because part of the Century Park allocation could be used to provide any replacement open space.

**Effect on the strategic road network**

321. The main vehicular access to the airport and Century Park is along the A1081 corridor from Junction 10a of the M1. During the hearing sessions the Council explained that the recent improvements to J10a took account of the proposals
set out in Policy LP6. I am satisfied that the road network is capable of accommodating the potential increase in traffic from the expansion and development envisaged by the policy, subject to the relevant measures set out in the Plan, including in Policies LP6 and LP31 (sustainable transport strategy).

**Effect on heritage assets**

322. A criterion should be added to ensure that the effects on nearby heritage assets are adequately taken into account, so correcting an omission. For clarity I have added a cross-reference to Policy LP30 (historic environment) which, after modification, sets out an approach to heritage assets which is consistent with the Framework. On this basis, it should be possible to avoid any significant harm to nearby assets.

**Sustainability appraisal**

323. The SA tended to consider the strategic allocation as a whole, including the Century Park site. It is possible that, if the specific proposals for the airport had been assessed separately, different and possibly better ‘scores’ might have been arrived at. Similarly, it is conceivable that different judgements might have been made about individual ‘scores’. However, it is difficult to see how this might have led to any significantly different outcomes in the Plan. Consequently, this is not a significant soundness or legal compliance problem.

**Napier Park (Policy LP8)**

324. This is a large brownfield site within the heart of Luton. Given its central location it has the potential to provide a substantial amount of residential development. In addition, given the location close to the railway station and airport, it is an appropriate site for a hotel to meet demand associated with the airport as identified in the Luton Hotel Study. Despite the existence of planning permissions, the requirement for a masterplan remains valid given the extent of this strategic allocation and the possibility that proposals might change over time. However, some changes are necessary to ensure the policy is justified and effective with related changes to the supporting text. These are set out in one modification and are discussed below. (MM18)

325. The policy refers to 600 residential units. However, based on the most recent SHLAA and planning applications/permissions on the site, the Council consider that considerably more than this number could be built and the policy should reflect this.

326. The policy also states that the allocation is for around 35,000sqm of B1a office and 20,000sqm B1c industrial. However, I am not convinced these precise floorspace figures are justified or that there is any particular reason why B1b research and development should not be supported, particularly given the need for greater flexibility at Butterfield Green Technology Park. Overall, the approach is unnecessarily specific and if applied inflexibly could stifle development which might provide jobs and help support the local economy. Furthermore, there is now some uncertainty over how much new employment development might be delivered given that Vauxhall has re-acquired the part of the site most likely to be used for this purpose. This needs to be reflected in the supporting text, including in the section on the economy. (MM23)
327. The policy should, therefore, be amended to achieve greater flexibility by deleting the specific floor space figures and accepting all B1 use in principle. In addition, although Policy LP13 refers to small scale affordable B2 use at Napier Park, this is not mentioned in Policy LP8. Given the large size of the site and its central location, it does have the potential to accommodate some B2 uses and the inconsistency within the Plan should be corrected.

328. The policy also makes reference to a 2,500sqm foodstore. However, there is no clear justification to restrict the retail format to a foodstore of this specific size. Instead, the aim, more reasonably, should be to provide a convenience retail-led neighbourhood centre to meet the needs of those living on the site. The policy should be amended accordingly (MM18) along with the supporting text. (MM23). I have made a small adjustment to the wording of MM23 to ensure it is consistent with MM18.

**High Town (Policy LP10)**

329. High Town is an established area to the north of the town centre which would benefit from regeneration. The Plan sets out a reasonable approach to help achieve this, informed by master-planning work. However, the policy should not require compliance with the High Town SPD or Masterplan given these have not been tested through a local plan examination. The policy and supporting text should, therefore, be amended to make their status and role clear. Recognition should be given to the potential to seek opportunities to enhance the historic environment and heritage assets and that, in line with the most recent SHLAA, the housing potential is for at least 750 units. (MM20) The second paragraph of the policy, as modified, is somewhat long and multifaceted. However, it is adequately clear.

**Creative Quarter (Policy LP11)**

330. This is an area that lies within the defined town centre broadly to the north of the Town Centre Shopping Area. There are a number of vacant and under-used sites which provide an opportunity for redevelopment and three key sites are identified in the Plan. Overall, the approach taken is reasonable.

331. As discussed above, the Northern Gateway is one of the main opportunities identified in the Plan for expanding town centre retail floor space. Consequently, the reference in the supporting text to retail provision being limited should be amended. (MM21)

332. Overall, the various policy criteria and the mix of uses sought are soundly based having regard to the town centre location. However, the approach regarding heritage assets should be strengthened, particularly given that part of the allocation lies within a conservation area which is identified as being at risk on Historic England’s national register. (MM21) I have made a minor change to this MM to correct the wording on this.

**Marsh Farm (Policy LP12)**

333. Marsh Farm is described in the Plan as the biggest housing estate in Luton and the plan sets out an appropriate framework for its regeneration.
Viability and conclusions on the strategic allocations

334. The Viability Assessment of the Plan concludes that the mixed use schemes proposed on the strategic allocations all demonstrate positive viability, with the exception of the football stadium at Land South of Stockwood Park.77 I have no reason to doubt these conclusions, except as discussed above. Subject to modifications, and despite the uncertainties about delivery in some cases, the strategic allocations and policy requirements are sound.

Issue 17 – Local technical and other standards – are the various policy requirements justified, effective and consistent with national policy and guidance?

335. The Plan contains several local technical and other standards most of which relate to new housing. These are considered below. In some cases they do not comply with government policy78 or the PPG79 which require justification and viability testing. In these instances the Plan should be modified.

Accessible, adaptable and wheelchair user requirements

336. The supporting text to the Plan states that the evidence supports the need for all dwellings to meet Requirement M4(2) (accessible and adaptable dwellings) of the Building Regulations and for 10% of market housing and 15% of affordable housing to meet M4(3) (wheelchair user dwellings).

337. The Plan’s position on this is somewhat ambiguous given there is no clear expression of a requirement in a policy. In addition, there is no clear linkage between the justification in the Plan and the ‘need’ stated in the supporting text. For example, despite the analysis in the SHMA Update of 2015, it is unclear why a high level of growth in the population of people over 65 justifies a need for all housing to meet M4(2) or, why the fact that 3.3% of households in England have a wheelchair user justifies 10% provision in Luton. Nor does there appear to have been any assessment of the accessibility and adaptability of the existing stock as sought by the PPG. Furthermore, the Council’s hearing statement accepts that the costs of achieving these standards have not been allowed for in the Viability Assessment. Consequently, the Council has advanced changes to resolve this by making it clear that these are not policy requirements. (MM29) However, it should be noted that Policy LP25 on high quality design does reasonably require that buildings and spaces should be safe and easily accessed by all members of the community in line with the Framework.80

National space standards

338. Policy LP25 requires new housing to meet the internal space standards set out in an appendix to the Plan. The Council has confirmed that these are the Nationally Described Space Standards referred to in the PPG.

77 High Town and Marsh Farm were not specifically assessed as strategic allocations.
78 As expressed in the Minister’s Written Statement to Parliament of March 2015
79 PPG – Housing - Optional Technical Standards
80 For example, Framework paras 57, 58, 61 and 69
339. The Council is concerned that many recent completions have been for smaller flats with 1-2 bedrooms rather than 2-3 bedroom houses which the SHMA Update indicates are needed. However, the national standards are not a mechanism to ensure developers build houses rather than flats or to build dwellings with more, rather than less, bedrooms. Instead the standards simply require that dwellings with a specific number of bedrooms and bed spaces are built to a minimum size. Consequently, the policy is not an appropriate response to the Council’s concern. Nor has any robust or detailed evidence been provided about the size and type of dwellings currently being built as is sought by the PPG. Accordingly, the requirement in Policy LP25 and in the related appendix should be deleted. (MM42 and MM61)

Water efficiency standards

340. The Luton Water Cycle Strategy of 2015 concludes that the borough lies within an area of serious water stress. Consequently, and given the level of housing growth proposed, it is reasonable to seek to manage the use of water by setting the higher optional requirement in the Building Regulations. I understand that this has been taken into account in the Viability Assessment, although from what I heard at the hearing session, the additional cost per dwelling is likely to be limited. However, the standard should be expressed as 110 litres/person/day (rather than 105) to comply with the PPG. (MM53)

Carbon and energy performance

341. Policy LP37 requires new residential development to meet standards of performance equivalent to Level 4 of the Code for Sustainable Homes. This appears to have been included in the Viability Assessment modelling. However, the Government has now withdrawn the Code and the ministerial statement indicates that plans should not set policies requiring any level of it. This needs to be rectified. The Council has chosen to do this by advancing a change that encourages rather than requires higher standards than those set in the Building Regulations. This is an acceptable solution and various textual changes are required to achieve this, including by deleting the requirement for supporting information and Energy Statements. (MM53 and MM30)

External amenity space standards

342. It is reasonable for the Plan to set some baseline standards, given there is a high need for housing and a limited supply of land. The external space required does not seem excessive, including for flats and houses, and the standards are expressed with some degree of flexibility. It also seems likely that the space sought could, in most cases, be achieved within the housing density assumptions used to inform the Viability Assessment. Consequently, the policy should not unduly constrain or reduce the supply of housing. However, two changes are needed. For clarity, the requirement should be specified in Policy LP25 (rather than only in an appendix) (MM42) and ambiguities in the drafting of Appendix 6 should be resolved. (MM61)

BREEAM and Lifetime Homes

343. The Viability Assessment states that ‘excellent’ status has been tested rather than the lower ‘good’ standard sought by the Plan. Overall, the requirement
for non-residential development above a specified size threshold to meet this is reasonable.

344. The supporting text to the Plan encourages developers to meet Lifetime Homes standards. However, this is not consistent with the approach in the WMS and this reference should be deleted. (MM41)

**Issue 18 – Are the allocations for new schools sound?**

345. Policy LP24 allocates sites for a primary and secondary school in the south of the borough. Both these sites have previously been used as open space and for sport. However, the evidence suggests that this was now some time ago. More fundamentally, both sites now have planning permission and the primary school has been built and construction of the secondary school is due to start soon. In this context, the Council has advised that the open space issues were addressed when both these applications were considered and that the sports facilities provided for both schools have the potential to be used by the wider community. In addition, the schools are necessary to meet a pressing need for school places. Consequently, the policy is justified.

**Issue 19 – Open space, biodiversity and landscape – are the policies justified, effective and consistent with national policy and guidance?**

**Open space**

346. Several changes are necessary to Policy LP27 (open space and natural greenspace) for soundness and these are all expressed in MM44 and MM45. In relation to the first part of the policy (A), it should be made clear that the requirement for open space specifically relates to housing development, that open space will only be required where there is a shortfall and that the first preference is to provide the open space on-site where this is practical. Secondly, the wording in the supporting text about playing fields is unclear and should be corrected, given that it is not intended as a policy requirement. The policy requires open space to be provided in accordance with greenspace standards. These are adequately justified.

347. Making off-site provision could be affected by the restrictions which apply on the pooling of financial contributions. However, this would be a matter for the Council to consider as it determines relevant planning applications and it does not make the policy unsound.

348. The second part of Policy LP37 (B) relates to proposals which might result in the loss of open space. This needs to be amended to state that decisions will be made on the basis of the most up to date evidence, rather than the local plan evidence base.

349. Consultation also took place on a change to Policy LP37 (B) to allow the loss of open space, potentially including playing fields, where proportionate enhancements are made to the quality of one or more other existing open

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81 In Appendix 12 of the Plan
82 In Document ENV004
83 Under the Community Infrastructure Levy Regulations
spaces in the vicinity. Having considered representations on this potential MM, I am not convinced it is necessary for soundness and so have not recommended it. Instead it will be for the decision-maker on planning applications to decide whether or not any such proposed enhancements would amount to the replacement provision of equivalent type, quality or quantity or better required by (B)i of the policy.

350. Finally on this, the policy states that the loss of open space will be justified where there is no previously developed site that is suitable and available to accommodate the development. In an authority where there is a shortage of land and substantial unmet housing needs this could, if applied literally, lead to a widespread loss of open space. This would not be justified and the criterion should be deleted.

Biodiversity

351. Policy LP28 sets out the various biodiversity sites that will be protected and, where feasible, these are shown on the policies map. However, to correct an omission the policy should refer to sites of special scientific interest. It should also be made clear that the level of protection will be commensurate with the status of sites and their importance and that ecological assessments will only be required where there is a reasonable likelihood development could have an adverse effect on habitats or species. (MM46)

352. The evidence base provided by the Council to justify the various biodiversity sites dates back some years. While I understand the Council’s position that the value of sites may not have significantly changed in most cases and that there have been some more recent checks, the age of the evidence base and the lack of any clearly presented justification for individual sites is a concern. For example, at the relevant hearing session it was indicated that the triangular area of land at Lynwood Avenue (shown as a County Wildlife Site on the policies map) was last re-assessed by the Council in the late 1990s. The Plan does refer to an independent panel review in 2012 and reference was made at the hearings to a 2014 survey update, but these have not been provided as part of the evidence base for the submission plan. Document ENV008 does not help either because it is merely a link to the Bedfordshire and Luton Biodiversity Recording and Monitoring Centre’s website and there is no clear indication of how any of the website’s contents might support the Plan.

353. However, Policy LP28 (as recommended to be modified) seeks to provide a level of protection for wildlife sites and ecological networks commensurate with their status and importance. Consequently, if more recent evidence indicates that a site now has less value than previously thought, this can be taken into account when making decisions on any individual planning applications, including in the balancing of any benefits against any nature conservation interest (under criterion Aii of the policy). In these circumstances it would be disproportionate to suspend the Plan to allow sites to be re-assessed, particularly given the potentially very significant delay that

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84 For example, examination documents, including the Nature Conservation Strategy of 1992 (Document ENV009) and the Rebuilding Biodiversity reports of 2006 and 2007 (Documents ENV10 and 10A).
would be caused. Instead the Council should carefully consider whether a more up-to-date and clearly presented evidence base should inform the early review of the Plan.

Landscape

354. Policy LP29 sets out the approach regarding national and local landscape areas, the latter of which are divided into two tiers (‘great value’ and ‘local value’). Changes are required to make it clear that individual development proposals are not required to both conserve and enhance the character, setting and natural beauty of these areas and to clarify the position regarding the local designations. (MM47) The policy, as amended, is consistent with the Framework which seeks to conserve landscape and scenic beauty in AONBs.

355. The local designations have been adequately justified by the assessment work carried out in 2014. Candidate areas were considered against a criteria-based scoring system. The extent of the areas assessed is a matter which is susceptible to judgement. It is also likely that smaller parcels within them could, if considered in isolation, result in a lower score than for the overall area. However, the broad areas assessed are reasonable. For example, the Bradger’s Hill Corridor quite reasonably covers a corridor of undeveloped land stretching from the rural edge of Luton into the built up area. The landscape characteristics of individual parts of this area vary. However, I am not persuaded that any should have been considered separately for the purposes of deciding upon broad landscape designations. It is also the case that the choice of scoring threshold between the two tiers of local designation is capable of being debated. However, such judgements have to be made when applying assessments of this nature and the threshold used is not unreasonable.

Conclusions

356. For the reasons outlined above and subject to the recommended changes, these policies are sound.

Issue 20 – Are the development management policies in the Plan sound?

357. Some of the development management criteria set out in various policies have already been considered above. In addition, the changes discussed below are necessary to achieve soundness.

358. The approach to sustainable development is set out in Policy LP1. This requires all development proposals to meet ten wide-ranging criteria. There are three problems with this. Firstly, most, if not all, of these criteria are reflected in more detailed policies later in the Plan and the variations in wording could cause difficulties of interpretation. Secondly, the criteria are expressed as brief sustainable development principles which do not give a clear indication of how a decision maker would react to a development proposal. Thirdly, a requirement to meet all ten criteria would be unduly

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85 Documents ENV005 and 005A  
86 Candidate Area (g)
onerous given that in many cases not all of the criteria would be relevant. The Council has suggested deleting all ten criteria to resolve this. Further changes are required to clarify what is meant by sustainable development and to accept that, in some cases, it may be appropriate to preserve the character of an area (rather than requiring improvement). \((\text{MM7 and MM8})\)

359. Policy LP24A seeks to protect community facilities. However, the definition in the glossary lacks clarity. For the policy to be effective this needs to be changed to set out which uses will fall within the definition. \((\text{MM57})\) The policy itself seeks to protect existing community facilities, even where there are existing suitably located facilities that would meet needs. This is an unduly restrictive approach and should be changed. In addition, duplication within the policy should be removed. \((\text{MM40})\)

360. Policy LP25 on design should be modified to clarify the purpose and role of SPDs. \((\text{MM42})\) Policy LP26 (and the supporting text) on advertisements should be amended so that it is appropriately focused on dealing only with amenity and public safety issues in line with the relevant regulations and the Framework and to avoid an overly prescriptive approach to illuminated signs in conservation areas. \((\text{MM43})\)

361. Several changes are necessary to Policy LP30 (historic environment) to ensure it is consistent with the Framework, including in relation to the circumstances where the loss of, or harm to, an asset needs to be balanced against any benefits, the consideration of archaeological remains and the circumstances when a record of an asset is required. It should also be noted that registered parks and gardens are designated heritage assets. \((\text{MM48})\)

362. Policy LP38 on pollution and contamination needs to be redrafted so that it can be effectively applied in development management decisions, including by allowing for potential mitigation. \((\text{MM54})\) However, to ensure the policy is not unduly onerous, I have amended the wording of the MM so that it refers to ‘any significantly adverse effects.’ Subject to this, the amended policy is broadly in line with the Framework. However, it is not necessary for soundness for each policy in the Plan to repeat every potentially relevant part of the Framework in order to achieve consistency with it.

363. Policy LP39 sets out the general approach to developer contributions towards infrastructure. It does not list the particular types of infrastructure that might be required, but it is not unsound for that reason.

**Issue 21 – When should the early review of the Plan take place?**

364. An early review of the Plan is necessary for several reasons as outlined throughout the report. However, deciding on a particular timetable is not clear cut. This is because some issues require a more urgent response than others. For example, the need to address school provision is particularly pressing. Conversely, the Plan needs to provide enough stability and certainty to allow neighbouring authorities to progress Local Plans towards adoption in order to help address Luton’s unmet housing needs.

365. In this context a target which sees the review being commenced before the end of 2019 and submitted for examination by mid-2021 strikes a reasonable balance. This should be set out in a new policy and explained in supporting
Clearly though, there is nothing to prevent the Council making more swift progress on the various assessments and studies that will be necessary to inform this review or to pursuing a more rapid review. A review could also be an appropriate mechanism for considering any changes to national policy which may be put in place following the consultation announced in the Government’s white paper ‘Fixing our broken housing market’ in February 2017. The Council has reached the same conclusion on this. As noted earlier, I have amended the MM to make it clear that the review will take into account any relevant planning permissions. I have also made a change to more accurately reflect the status of the joint Growth Options Study.

Some representors have raised concerns that the review may not be carried out to the stated timescale and that the implications of this hypothetical outcome should be made clear in the Plan. However, in this eventuality, the weight to be attached to any relevant policies in the Plan when determining a planning application would be a matter for the decision-maker to consider, having regard to national policy and any relevant material considerations at that time. This is not a matter which the Plan needs to pre-judge. Nor does the new policy need to specifically refer to every aspect of the Plan which might be assessed in the review, however, desirable a review of that aspect of the Plan might be.

**Overall Conclusion and Recommendation**

The Plan has a number of deficiencies in respect of soundness and legal compliance which have been explored in the main issues set out above. For those reasons, in accordance with Section 20(7A) of the 2004 Act, I recommend non-adoption of the Plan as submitted.

However, the Council has requested that I recommend MMs to make the Plan sound, legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix, the Luton Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the Framework.

Some of the MMs might necessitate consequential changes to the wording of aspects of the monitoring framework in the Plan. However, these would be for the Council to consider as additional modifications as they do not affect soundness.

Jeremy Youle

Inspector

This report is accompanied by an Appendix containing the Main Modifications.

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87 Council letter of 23 February 2017
Report to the Central Lincolnshire Joint Strategic Planning Committee

by Jeremy Youle  BA(Hons) MATRP MRTPi DipPSM and
Matthew Birkinshaw  BA(Hons) Msc MRTPi
Inspectors appointed by the Secretary of State for Communities and Local Government
Date 10 April 2017

Planning and Compulsory Purchase Act 2004
(as amended)
Section 20

REPORT ON THE EXAMINATION OF THE CENTRAL LINCOLNSHIRE LOCAL PLAN

The Plan was submitted for examination on 29 June 2016
The examination hearings were held between 1 November and 14 December 2016

File Ref: PINS/M2515/429/4
### Abbreviations used in this report

<table>
<thead>
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<th>Abbreviation</th>
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<td>2004 Act</td>
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<td>AGLV</td>
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Non-Technical Summary

This report concludes that the Central Lincolnshire Local Plan provides an appropriate basis for the planning of the City of Lincoln and the districts of North Kesteven and West Lindsey, provided that a number of main modifications are made to it. The Central Lincolnshire Joint Strategic Planning Committee has specifically requested that we recommend any main modifications necessary to enable the Plan to be adopted.

The main modifications all concern matters that were discussed at the examination hearings. Following the hearings the Committee prepared schedules of the proposed modifications and where necessary carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period between 23 January and 6 March 2017 and we have recommended their inclusion in the Plan after considering all the representations made.

In summary they:

- Amend Policies LP2 and LP4 to ensure greater clarity for decision-makers concerning the principle of development throughout the settlement hierarchy, including clarity surrounding exceptions;
- Provide a mechanism for the monitoring and review of Policies LP2 and LP4;
- Delete residential allocations within medium and small villages to reflect the spatial strategy of the plan and distribution of housing, and introduce a new tier allowing infilling within hamlets;
- Define the OAN for housing and jobs;
- Provide greater flexibility and clarity regarding proposals for economic development, including a positively prepared framework for development of unallocated sites;
- Change the affordable housing threshold to ensure consistency with national planning policy;
- Provide additional flexibility to Policies LP28, LP30, LP39 and LP44 concerning Sustainable Urban Extensions;
- Provide greater clarity to decision makers concerning the principle of development within Green Wedges and affecting Important Open Spaces;
- Revise Policy LP32 regarding Lincoln’s Universities and Colleges to support education, teaching and research at the University of Lincoln’s Riseholme Campus; and
- Amend Policy LP57 to provide greater clarity regarding the redevelopment of MoD land and buildings.
Introduction

1. This report contains our assessment of the Central Lincolnshire Local Plan ('CLLP') in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first, whether the CLLP's preparation has complied with the duty to co-operate and other legal requirements. It then considers whether the plan is sound. The National Planning Policy Framework ("the Framework") makes it clear that, in order to be sound, a local plan should be positively prepared, justified, effective and consistent with national policy.

2. This is a joint Local Plan which covers the local planning authority ("LPA") areas of the City of Lincoln Council, North Kesteven District Council and West Lindsey District Council. It has been prepared by the Central Lincolnshire Joint Strategic Planning Committee ('the Committee') in a formal partnership between the three authorities and Lincolnshire County Council ('LCC').

3. The starting point for the examination is the assumption that the Committee has submitted what it considers to be a sound plan. The Local Plan, submitted in June 2016 is the basis for the examination. This was published for consultation in April 2016.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Committee has requested that we should recommend any main modifications ('MMs') necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. This report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearing sessions, are necessary. The MMs are referenced in bold in the report (MM/1, MM/2 etc.) and are set out in full in the accompanying Appendix.

5. Following the examination hearings the Committee prepared a schedule of proposed MMs and carried out sustainability appraisal of them where relevant. The MM schedule was subject to public consultation for 6 weeks. We have taken account of the consultation responses in coming to our conclusions and have made some amendments to the detailed wording of the modifications where necessary for clarity. None of the amendments significantly alter the content of the modifications as published for consultation or undermines the participatory process and/or sustainability appraisal that have been carried out. Where necessary these changes are highlighted in the report.

Policies Map

6. The adopted policies map illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, LPAs are required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the Central Lincolnshire Policies Map and associated Inset Maps.

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1 Under Sections 28 and 29 of the 2004 Act
2 Committee's letter dated 7 July 2016
7. The policies map is not defined in statute as a development plan document and so we do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan’s policies require further corresponding changes to be made to the policies map. Examples include where amendments have been necessary to some of the site allocations under Policies LP48-54. In addition, there are also some instances where the geographic illustration of policies on the policies map is not justified and changes are required to ensure that the relevant polices are effective. Examples include changes to Green Wedges and Important Open Space designations.

8. These changes to the Policies Map were published for consultation alongside the MMs for the same 6 week period. An additional inset map for Middle Rasen was also included, as this had been omitted from Inset 20 in error. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan’s policies, the Committee will need to update the adopted policies map to include all the changes proposed in the Central Lincolnshire Policies Maps, and relevant Insets as amended by the further changes published alongside the MMs.

**Assessment of the Duty to Cooperate (DtC) and legal compliance**

**Duty to Cooperate**

9. Section 20(5)(c) of the 2004 Act requires that we consider whether the Committee has complied with any duty imposed on it by section 33A in respect of the Plan’s preparation. The duty applies where there are ‘strategic matters’ which would have a significant impact on at least two planning areas or on a county matter in a two-tier area.

10. In this case, cooperation between the three authorities and the County Council has taken place through the preparation of a joint local plan prepared by the Committee. Through this cooperation the position on all strategic matters between these authority areas has been considered and resolved. This includes the amount and distribution of housing and employment growth and the role and status of settlements.

11. The Committee has documented the interactions with planning authorities which adjoin the Local Plan area and other prescribed bodies. None of this evidence indicates that there are any unresolved strategic matters. It is significant here that the Committee is seeking to provide for all its own identified housing and employment needs and that no neighbouring authority has made a request for the Committee to accommodate any unmet need from outside the plan area. The only potentially significant issue arose in connection with the possible effects of the proposed level of housing growth on South East Lincolnshire. However, Appendix 3 of the DtC Evidence Report confirms that these concerns were subsequently resolved following dialogue.

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3 Document ED025  
4 Documents E052 and E052A
12. Consequently, we are satisfied that the Committee and the three authorities have engaged constructively, actively and on an on-going basis on strategic matters in the preparation of the Plan. The duty to co-operate has been met.

**Legal Compliance**

**Local Development Scheme (LDS)**

13. The CLLP conforms to the subject matter and geographic area set out in the LDS\(^5\). It was submitted for examination only one month later than the date specified in the LDS, and has therefore been prepared broadly in line with the timetable.

14. The Plan area is logical given that the administrative boundary of the City of Lincoln is tightly constrained and our conclusions below on the housing market area. The plan period is from 2012 to 2036. This complies with the Framework which seeks an appropriate timescale to take account of longer term requirements.

**Consultation**

15. The Committee has confirmed that consultation was carried out in accordance with the Central Lincolnshire Statement of Community Involvement\(^6\) and the relevant regulations, as evidenced in the Consultation Statements and elsewhere.\(^7\) This included three separate consultation stages on the preliminary draft, further draft and proposed submission draft plan.

16. At the submission stage the plan was made available on-line and in paper copy at the offices of the three Councils and at various community buildings. Supporting information was only provided in paper form at North Kesteven’s offices but it was also available on the website. Those parties on the consultation database were notified by e-mail and letter. The consultation period lasted for six weeks. Throughout the preparation of the plan use has been made of public consultation events, media briefings and social media. Comments could be made on-line or by use of a paper form.

17. Concerns have been raised that the website was difficult to navigate, that the policy maps could not always be easily found on-line, that not all the supporting evidence was available in the earlier stages of consultation and that advance notice of some public events was limited. It is possible that there have been some imperfections in the process. However, the plan has been publicised widely throughout its preparation and a substantial number of representations have been made. Overall we are satisfied that sufficient publicity has been carried out and that interested parties have had adequate opportunities to engage in the process and make representations. In particular, we have not been provided with any clear evidence to show that any party has been denied an opportunity to comment or that their interests have been prejudiced.

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\(^5\) Document E002A  
\(^6\) Documents E045 and E045A  
\(^7\) Documents E053 and ED004
18. The Committee has not prepared detailed tables or lists summarising its response to each individual point made in representations, but nor is it specifically required to do so by any legislation or national policy. Furthermore, the absence of such a list does not mean that the Committee did not take representations into account. Indeed, extensive summaries of the concerns raised were prepared at each consultation stage\(^8\). In addition, the Committee has prepared an ‘Evidence Report’ for each policy in the plan. These summarise the comments made in some detail and provide a brief overall commentary in response.

19. In some cases there is an indication that comments made have led to changes, for example to the positioning of some settlements in the hierarchy.\(^9\) Some of the responses are brief and quite broad brush in nature. However, the Committee is clear that it has taken account of representations\(^10\) and we have no compelling evidence before us to conclude that it did not. Similarly, we have no strong reasons to doubt that elected Members had adequate access to information when making decisions about the plan.

### Habitat Regulations

20. A Screening Report has been prepared and this concludes that the CLLP would not be likely to have a significant effect on any European biodiversity site either alone or in combination with other plans or projects. Consequently, no further assessment work is necessary. Natural England has confirmed that it agrees with this conclusion and we have no reason to disagree.

### Sustainability Appraisal

21. The Committee has carried out a sustainability appraisal of the plan.\(^11\) There have been some criticisms of the alternatives considered, particularly in relation to options for the distribution of development between the tiers.

22. However, the Planning Practice Guidance (‘the PPG’) states that a sustainability appraisal does not need to be done in any more detail, or using more resources than is considered to be appropriate for the content and level of detail in the plan\(^12\). It is possible that some of the options tested could have been expressed differently, or in more detail, or sometimes more specifically. In places the conclusions could perhaps have been clearer or set out in more depth. Nevertheless, in overall terms, the Committee has carried out an adequate sustainability appraisal of the plan and reasonable alternatives have been considered to a sufficient degree.

### Conclusion on legal compliance

23. The Plan complies with the 2004 Act and the relevant Regulations.

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\(^8\) Documents LP01A, LP02A and LP03A  
\(^9\) For example, see para. 4.1 and 5.1 of Document PSEVR2  
\(^10\) For example in Document ED004 in response to the Inspectors’ initial question 3  
\(^11\) Documents E001, E001A, E001B and E001C  
\(^12\) Paragraph: 009 Reference ID: 11-009-20140306
National Policy

24. We have considered whether the CLLP is consistent with national policy at the time of the examination. Consultation on various changes to national policy was announced in the Government’s White Paper Fixing our broken housing market in February 2017, at a late stage in the examination. Once changes to national policy are in place, the Committee will need to consider if any action would be necessary. This might, for example, include an early review of the plan or parts of it.

Assessment of Soundness

Main Issues

25. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, we have identified 16 main issues upon which the soundness of the CLLP depends. The remainder of the report deals with the main issues and focuses on matters of soundness, rather than responding to every point raised by representors.

Issue 1 – Whether the plan identifies a sound assessment of the overall level of housing need, and whether it makes appropriate provision to meet that need.

26. The objectively assessed need for housing (‘OAN’) in the plan area has been established through the July 2015 Central Lincolnshire Strategic Housing Market Assessment\(^\text{13}\) (‘SHMA’). The plan states that the OAN is between 1,432 and 1,780 dwellings per annum (‘dpa’). This equates to 34,368-42,720 dwellings over the plan period.

Housing market area

27. Lincoln occupies a central position within the plan area, with the main towns of Gainsborough to the north-west and Sleaford to the south. The remainder of the area is largely rural in character with two market towns and a large number of villages of varying sizes.

28. Given this geography, and based on an analysis of various spatial indicators, the SHMA concludes that the three local authority areas (i.e. the plan area) can reasonably be regarded as forming one housing market area. For example, about 68% of household moves are contained within the Central Lincolnshire area and a high percentage of those who work in the combined area also live within it (c.77%).

29. However, it is inevitable that the boundaries between housing market areas will not always be clear cut and housing market areas will rarely conform precisely to local authority administrative boundaries. Indeed, the national research presented in the SHMA dating back to 2010 shows that parts of the Lincoln Strategic HMA extend into adjoining local authority areas and research carried out in connection with the former Regional Strategy in the mid-2000s

\(^{13}\) Document E003
also showed ‘shaded overlaps’ between the Central Lincolnshire HMA and its neighbours.

30. Nevertheless, the Lincoln Strategic HMA covers the majority of the three combined local authority areas taken together. Furthermore, plan making is carried out on the basis of LPA boundaries, even where a joint plan is prepared. It is therefore pragmatic and sensible to look for a ‘best fit’ HMA which conforms to relevant LPA boundaries, where this can reasonably be achieved. In this case the degree of containment is sufficient to justify the approach taken, and there is nothing in the SHMA to suggest that an alternative approach is justified.

31. Concerns have been raised about the potential for some neighbouring authorities to have unmet housing needs which should be accommodated in Central Lincolnshire. This was said to be a particular risk in relation to the coastal areas to the east where development may be constrained by flood risk issues, including East Lindsey, which is shown in the SHMA as potentially falling within four different Strategic HMAs.

32. However, at the time of the examination there had been no requests from neighbouring authorities to help accommodate any unmet need for housing, or other development. Nor is there any clear indication at this time that there will be. Moreover, the assessment of need in neighbouring authorities, their capacity to meet that need, and how any potential unmet need would be dealt with would be part of the examination of neighbouring plans and their legal compliance, including in relation to the duty to cooperate. At this stage such hypothetical scenarios do not justify any alternative approach in Central Lincolnshire, or the significant delay that would result to plan preparation from recalculating the OAN for any different spatial area.

Starting point to establish housing need

33. The SHMA uses the 2012-based sub-national household projections published by the Government as the starting point to establish housing need. These were the most up to date projections while the plan was being prepared. They establish a baseline need of around 970 dpa as expressed in the SHMA, which equates to about 23,280 dwellings over the plan period between 2012 and 2036.

34. However, the Government’s 2014-based household projections were issued in July 2016, shortly after the plan was submitted for examination. The PPG states that, wherever possible, assessments of OAN should be informed by the latest evidence, but that a change does not automatically mean that the housing assessments are rendered outdated every time new projections are issued.

35. The Committee’s assessment indicates that the 2014-based projections could result in a difference of about 31 dwellings a year, or roughly an additional 750 houses over the plan period. This is only a very small percentage increase on the baseline projections (and less on the overall OAN figure after

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14 Department for Communities and Local Government
15 Committee’s Matter 2 statement
the various uplifts discussed below have been applied). In our view the scale of difference is limited, and in this context it is not meaningful. Consequently, the assessment has not been rendered out-of-date and a recalculation of the OAN figure is not required.

### Migration assumptions

36. The PPG advises that, although the Government projections are statistically robust, plan-makers may consider sensitivity testing based on locally specific assumptions. The 2012-based projections are primarily informed by migration trends over the five year period from 2007-12. However, this coincided with a period of economic downturn and the SHMA concludes that this led to an increase in out-migration and to lower in-migration.\(^{16}\) This can be seen in Figure 6.9 of the SHMA which shows that net internal migration was significantly higher between 2001 and 2007 than it was between 2007 and 2011. The Committee attributes this difference to a fall in house completions and a loss of jobs, compared to strong jobs growth in the years before. Accordingly, there is a risk that the Government projections could significantly underestimate the numbers of dwellings needed as the economy recovers. Consequently, the SHMA prefers the use of a 10 year migration trend (based on the period 2002-2012) which would cover the more economically prosperous pre-2008 period as well as the economic downturn which followed.

37. There is no certainty about which trends will most accurately forecast what will happen in the future. However, in circumstances where actual net internal migration has shown significant variations over recent years it is reasonable to use a longer-term trend. This avoids the problem of making forecasts primarily on the basis of what happened in a recessionary period and has the advantage of balancing out highs and lows. Furthermore, as the SHMA points out, the use of a 10 year trend does not suggest a full return to the rates of net migration seen in the early 2000s. It is therefore a prudent, reasonable and justified approach. Using a 10 year trend results in a significant increase in the OAN to 1,367 dpa or 32,808 dwellings over the plan period.

38. A small increase has also been made to allow for Unattributable Population Change. This derives from an adjustment made by the Office of National Statistics (‘ONS’) to reconcile differences between the 2011 mid-year estimate and the estimate based on the 2011 Census. The SHMA indicates that these differences may result from discrepancies in the assessment of migration flows dating back to the earlier part of the 2000s and that these are less likely to apply if more recent trends are relied upon which are less prone to data error. We have no reason to doubt this analysis and, given that the OAN is based on longer term migration trends, the adjustment is reasonable. In any case the uplift is marginal in the context of the overall OAN figure, leading to an OAN of 1,387 dpa or 33,288 dwellings over the plan period.

### Market signals

39. The SHMA concludes that, taken as a whole, Central Lincolnshire has not seen a significant worsening in market signals compared to neighbouring authorities and the national position. There has, however, been a limited worsening

\(^{16}\) As shown in Figure 6.4 of the SHMA
primarily in relation to house prices and affordability. On this basis, we agree with the SHMA’s conclusions that a response to the market signals justifies a moderate uplift to the OAN.

40. The SHMA also concludes that families have been increasingly restricted from forming independent households, that the rates of concealed households are higher in the younger age groups and that housing completions have been lower in recent years. As a result of this analysis, the SHMA assessed the impact of a return to the household formation rates experienced in 2001 for younger age groups. Applying an adjustment on this basis results in an uplift to 1,432 dpa or 34,368 over the plan period (around 3% above the demographic baseline, as adjusted based on long term migration trends).

41. It has been argued by some that this uplift should be regarded as a demographic adjustment to the baseline household projection figures rather than as a response to market signals. However, the Committee’s decision to base the scale of the uplift on analysis relating to household formation in younger age groups is reasonable because this appears to be the area where the affordability problems are having the most marked effect in terms of household formation.

42. Furthermore, while the PPG states that the level of uplift should relate to the scale of improvement in affordability which is needed, it does not set out any specific formula or methodology for doing so. The precise amount of any uplift is therefore a matter of planning judgement based on a consideration of the signals. We consider the Committee’s adjustment to be a reasonable one.

43. In addition, as will be discussed below, a further uplift has also been applied to the OAN to take account of forecast jobs growth. However, the adjustments to the demographic baseline in response to market signals and to jobs growth do not necessarily have to be applied as separate additional uplifts. This is because an uplift to help ensure a balance between jobs and workers could have a positive effect on market signals, including in relation to affordability. The same could also be said about the substantial uplift which has already been applied to the Government’s household projections based on 10 year migration trends given that these are, in part, a response to a fall in house completions and jobs, both of which are factors which can affect affordability.

44. Conversely, arguments have also been put forward that further increasing the supply of housing as a response to market signals will not necessarily result in more young people forming separate households. This is because there are other factors operating outside the planning system which could suppress household formation in these age groups, including access to work and the cost of student education. However, the Committee has advised that 2001 represents a time when the ratio between house prices and earnings was at a long term average. It therefore represents a period where there were fewer constraints on younger households exercising a choice to form a new household. Overall, this is a reasonable position.

45. We appreciate that Inspectors examining some other plans may have recommended higher percentage increases in response to market signals.

17 Document E003 and Committee’s Matter 2 Statement
Nevertheless, taking all of the above into account, and the evidence in the SHMA, we consider that in this case the Committee has made a reasonable planning judgement about the scale of the market signals uplift based on the significance of the affordability constraints which apply in Central Lincolnshire.

Jobs

46. The SHMA then recommends that one final upwards adjustment is made to the OAN in relation to projected job growth. This is in line with the PPG which seeks to avoid a position where the labour force supply is less than the projected job growth, potentially resulting in unsustainable commuting patterns and a reduction in the resilience of local businesses.

47. The SHMA examines three scenarios. A baseline economic forecast indicating 1,540 dwelling pa (36,960 over the plan period) and two further scenarios based on forecasts in the Central Lincolnshire Economic Needs Assessment (ENA, 2015). These are referred to as the Adjusted Scenarios - Lower and Higher Growth rates. These scenarios would lead to a higher need for 1,681 or 1,780 dwellings pa respectively (40,344-42,720 over the plan period).

48. The plan sets out a forecast baseline jobs growth of 11,894 new jobs (full time equivalent) over the plan period. This equates to 15,071 net new jobs in total, allowing for part-time working. Based on modelling the SHMA concludes that an additional 1,540 dwellings pa would support about 630 jobs pa. This equates to around 15,000 jobs over the plan period.

49. Accordingly, an uplift to 1,540 dwellings pa (36,960 over the plan period) would help ensure an appropriate balance is achieved between the jobs growth target in the plan and housing growth. In contrast, both the Adjusted Scenarios would lead to a significantly higher level of job growth than the plan envisages. In this context, the uplift is justified and, given the conclusions we reach below about the job growth target in the plan, it would not be appropriate to apply a higher uplift.

Student accommodation

50. The SHMA notes that Lincoln’s two universities both have ambitions to increase their number of students and that any such increase is unlikely to be fully reflected in the projections. The SHMA also notes that no additional accommodation is currently planned to support this potential growth and that, without this, there could be an increase in demand to use the existing housing stock as student accommodation. However, in the absence of any firm figures relating to student numbers or plans for student accommodation there is no clear justification for increasing the OAN any further, but this is an area the Committee will need to monitor carefully.

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18 Document E008
19 Para 4.35 of Document PS.EVR3 and Document ED016
20 Figure 6.22 of the SHMA
Conclusions on OAN

51. The PPG advises that establishing the future need for housing is not an exact science and that no single approach will provide a definitive answer. The assessment of the OAN is therefore based on the exercise of reasoned judgements on a careful assessment of the relevant evidence. In our view the Committee has followed this approach and the OAN figure of 1,540 dpa (or \(36,960\) over the plan period) is justified.

52. However, the plan states that the OAN is \(1,432\) and \(1,780\) dpa. Although the SHMA presents a possible OAN range (the difference being largely due to the choice of jobs growth projections), it is clear from the evidence and the discussion at the hearing sessions that the Committee considers the OAN to be 1,540 dpa (or \(36,960\) over the plan period), a figure that we have endorsed above. In order to be clear and effective the plan should set out the single OAN figure and explain that it is based on a consideration of the SHMA’s recommendations. (\(\text{MM/3}\))

The housing requirement and meeting the objectively assessed need for housing

53. The table on page 109 of the Plan summarises the expected housing supply between 2012 and 2036 from completions, commitments, allocations and windfall development. It reflects the position as of March 2015 and shows the overall total to be \(38,610\). A more up-to-date version is now available taking into account recent completions and planning permissions. As such the plan should be amended accordingly so that it is up-to-date. (\(\text{MM/66}\))\(^{21}\)

54. Despite these various adjustments the new overall total (\(38,475\)) is not significantly different from the 2015 figure. On this basis the intention of the plan is to bring forward a supply of housing that will allow the OAN of \(36,960\) to be met in full. Issues relating to whether the supply is deliverable and developable will be considered in more detail below.

55. Meeting this OAN figure would represent a significant boost to the supply of housing as envisaged by the Framework. Achieving an annual average of \(1,540\) new dwellings over the lifetime of the plan would also result in more housing being built than has been achieved in recent years, given that the average annual completions rate between 2012 and 2016 was \(934\)\(^{22}\) and between 2008 and 2012 it was \(1,199\).\(^{23}\)

56. The plan refers to the average \(1,540\) pa (\(36,960\)) figure as the housing or dwelling target (para 3.3.3). For clarity, and to ensure that the plan is effective, this should be specifically referred to as the housing requirement and it should be made clear the \(36,960\) figure will be used to calculate the five year supply requirement at any specific time. It should also be clarified that the requirement figure is not intended to be a ceiling (\(\text{MM/3}\)). However, it is not necessary for the plan to refer to the figure as a minimum, as this could

\(^{21}\) Including Annex B  
\(^{22}\) Table 3 in Document E007E (which corrects the table presented in Document E007D)  
\(^{23}\) Committee’s Matter 6 Statement
cause uncertainty when assessing delivery against the requirement. Nor would there be any clear benefit from doing so.

57. The housing requirement does not make any allowance for the loss of housing stock through demolitions or changes of use. However, there is no evidence to indicate that there might be any significant loss of existing dwellings over the plan period. In particular, the Committee confirmed at the hearings that there are no plans for any significant demolitions of housing areas.

58. Accordingly, and having regard to the conclusions below about housing supply and subject to the recommended main modifications, we conclude that the plan makes appropriate provision to help ensure that the OAN for housing will be met in full.

Issue 2 – Whether the plan appropriately identifies the overall level of affordable housing need and makes appropriate provision to meet it.

Objectively assessed need for affordable housing

59. The plan identifies a need for 17,400 affordable homes over the plan period (or 725 affordable dpa). This is based on analysis in the SHMA which takes into account newly arising needs and the existing backlog. We have no substantive reason to disagree with this assessment or the assumptions behind it. Indeed, as the Committee have pointed out, the assessment is based on a reasonably cautious approach regarding the percentage of income that a household might spend on housing (for example, 25% of household income on private rent), given higher percentages have been assumed elsewhere.24 In any case, as will be discussed below, this figure is significantly higher than the amount of affordable housing that is likely to be delivered through the application of plan policy and other means. Overall, therefore, the precise level of need is somewhat academic in this context.

Threshold for Affordable Housing

60. Policy LP11 seeks affordable housing on all qualifying developments of 4 dwellings or more. As submitted this is not consistent with national policy as expressed in the Written Ministerial Statement (‘WMS’) on Small-scale Developers or with the PPG.25 These both state that affordable housing should not be sought on sites of 10 units or less.

61. The Central Lincolnshire Local Plan and Community Infrastructure Levy Viability Study concludes that developments of between four and ten dwellings could generally sustain a contribution to affordable housing and still remain viable. However, the WMS states that it is seeking to tackle the disproportionate burden on small-scale developers by lowering construction costs (our emphasis). By doing this the intention is to help increase the supply of housing, encourage development on smaller brownfield sites and help diversify the house building sector by providing a boost to small and medium sized developers. Thus, the fact that smaller developments may be

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24 Committee’s Matter 2 Statement – Question 21
25 WMS of 28 November 2014 and PPG ID: 23b-031-20161116
26 E011A para.6.6.7
able to sustain a contribution to affordable housing does not in itself justify an exception from clearly stated national policy.

62. The Committee has estimated that the application of Policy LP11 as set out in the submitted plan could help deliver around 7,300 affordable dwellings out of the 17,400 which are needed. This might be reduced by something around 450 units if the threshold is raised in line with the WMS. In overall terms, this would represent the loss of a relatively small percentage of the affordable housing that might otherwise be delivered. It would be an even smaller percentage of the overall need for affordable housing. Clearly though, the loss of any affordable housing has significance, particularly for those people who it would have provided for. Nevertheless, the relatively limited scale of the potential contribution from smaller sites does not justify a departure from national policy.

63. As noted above, one of the aims of the WMS is to encourage development on smaller brownfield sites. However, this is not the sole aim of the policy and there is no indication in the WMS or the PPG that the threshold is only intended to apply to greenfield sites or to non-rural locations. Indeed, the PPG only specifically refers to the possibility of a lower threshold in “designated rural areas”. In addition, the PPG specifically states that the threshold restrictions do not apply to Rural Exception Sites. As a result, they remain an option for providing affordable housing in rural areas and villages.

64. For the reasons that apply in this specific case, and to ensure consistency with national policy, Policy LP11 should therefore be amended to reflect the thresholds expressed in the WMS and PPG. (MM/21)

Amount of affordable housing

65. On qualifying sites Policy LP11 requires that varying percentages of residential developments should be provided as affordable housing. Within the Lincoln Strategy Area the percentage sought will be 25%, except for the Sustainable Urban Extensions (‘SUEs’) which are expected to deliver 20%.

66. In Gainsborough and Sleaford the SUEs are required to provide 15%, and in all other locations (‘Elsewhere’) it is 20%. These percentages are based on the conclusions of the plan viability study and the variations in the rates are justified by the higher costs of developing SUEs, particularly in relation to infrastructure provision. A higher viability ‘buffer’ is also assumed for the SUEs to take into account the greater uncertainty and risks regarding costs. With regard to affordable housing we have no reason to question the assumptions which have informed the viability assessments or the conclusions which have been drawn from them concerning relevant thresholds in the plan.

67. Since 2012, 16.6% of all new dwellings in Central Lincolnshire have been built as affordable homes, even though Policy LP11 has not yet been adopted. This helps to demonstrate that the percentage requirements are likely to be
realistic and achievable. In addition, the policy accepts that the level of affordable housing can be reduced if an accurate viability assessment demonstrates that the percentages sought cannot be met in full. This builds in some degree of flexibility depending on site specific circumstances. Overall, the policy approach should help ensure that housing development is not held back due to viability problems.

68. Some concerns have been raised that the proposed Community Infrastructure Levy (CIL) charges which are being advanced by the three local authorities are proposing rates which, if combined with contributions towards affordable housing as set out in Policy LP11, could render some developments unviable. However, the PPG states that the costs of local plan policy requirements, including for affordable housing, should be taken into account when setting CIL rates. Accordingly, this is a matter which would stand to be considered, if appropriate, as part of the examination of the draft charging schedules. It is not a soundness issue for this plan, nor does it need to set out proposed CIL rates.

69. Finally the policy accepts the possibility of providing affordable housing in rural areas as an exception to plan policies where there is both a need and a desire. It also accepts the possibility of facilitating such development by allowing a limited amount of market housing. This is in line with the approach set out in the Framework. However, the term ‘desire’ is unclear and this should be clarified to ensure the policy is effective. (MM/22)

Starter homes

70. The Housing and Planning Act 2016 includes a general duty for local authorities to promote the supply of starter homes. By the time the plan had been submitted for examination the relevant parts of the Act had not been commenced, and national planning policy and guidance had not been amended. Accordingly, Policy LP11 does not specifically refer to starter homes.

71. The Government’s February 2017 White Paper Fixing our broken housing market initiated a consultation to revise the definition of affordable housing, to include, amongst other things, starter homes. Such changes could affect the implementation of Policy LP11 and the Committee will need to consider taking appropriate action if national policy is amended.

72. At the hearing session a possible change to the definition of affordable housing in the glossary to the plan was discussed. This would have amended the definition so it merely referred to national policy and legislation. However, this would not be sufficient to future proof the plan regarding any changes in national policy or legislation relating to starter homes and, in any case, the glossary as drafted is consistent with current national policy. Consequently, such a change is not necessary to achieve soundness, although it should be made clear that the current definition derives from the Framework (MM/76).

31 PPG ID 25-020-20140612
32 In summary - dwellings available to purchase by qualifying first time buyers at a discount from the market value
Including the date of publication of the Framework will ensure that any potential future changes are obvious to decision-makers.

Meeting the objective assessment of need for affordable housing

73. The Committee estimates that the application of Policy LP11, as modified, could deliver around 6,850 affordable homes over the plan period. In addition, it is possible that 1,000–2,000 additional homes might be delivered by the Councils or other providers, although this is a difficult figure to accurately predict.\(^\text{33}\) There could also be some delivery through rural exception sites.

74. This would still leave a significant shortfall against the overall need of 17,400. This is made clear in Policy LP11 and it reflects a realistic view of potential delivery taking into account viability. Thus, it is likely that some of those with affordable housing needs will continue to be dependent on the private rented sector, in some cases supported by housing benefit. It could also leave some households being reliant on overcrowded accommodation.

75. The PPG states that an increase in total housing figures should be considered where it could help deliver the required number of affordable homes.\(^\text{34}\) This matter was considered in the SHMA and we accept the Committee’s position that to increase the housing requirement beyond the OAN of 36,960 could result in an imbalance between jobs and housing.\(^\text{35}\) Furthermore, the OAN has already applied a substantial uplift to the demographic starting point based on the Government’s household projections. Providing for this level of increase will result in more affordable housing being delivered than if the national projections had been used. Consequently, we are not persuaded that a further uplift to the housing figures would be justified in this particular case, even though we appreciate that uplifts may have been applied in other plans.

Conclusions on affordable housing

76. Subject to the recommended main modifications Policy LP11 will be sound. The application of the policy will help achieve the plan’s objective of meeting the housing needs of all the plan’s communities but, inevitably, only as far as this is realistic in the circumstances of this plan having regard to viability considerations and national policy.

Issue 3 – Whether the settlement hierarchy and the spatial distribution of housing growth in the plan is sound.

Settlement hierarchy

77. Policy LP2 sets out a hierarchy of settlements which has been informed by the Central Lincolnshire Settlement Hierarchy and Growth Distribution Study.\(^\text{36}\) In the first tier, Lincoln is the largest urban settlement in the plan area and it

\(^{33}\) Committee’s Matter 2 Statement – question 24
\(^{34}\) PPG ID 2a-029-20140306
\(^{35}\) As expressed in the Matter 2 hearing session
\(^{36}\) Document E018
clearly has a significant regional and sub-regional role, including in terms of its city centre and the two universities. In the second tier, Gainsborough and Sleaford are both Main Towns which act as major service centres in the areas to the north and south of Lincoln. The third tier contains Caistor and Market Rasen. These are historic Market Towns which also serve their surrounding rural areas. These three tiers are all justified.

78. Below this, settlements have been placed into tiers solely on the basis of their size, as measured by dwelling numbers. The Large Villages are those with over 750 homes, Medium Villages are between 250 and 750 and Small Villages 50 to 250. Anything less than this is regarded as a Hamlet or Countryside. Some representors have suggested that a more sophisticated approach should have been taken based on the particular level and type of services on offer in each settlement. Indeed, an approach along these lines was advanced in an earlier study to inform the Plan. However, the availability of services in a particular village can vary over time and the overall size of a village is a reasonable way of deciding its position in the hierarchy. It also has the advantage of being a relatively straightforward and constant measure to count on a consistent basis. Furthermore, in very broad terms, larger settlements will generally tend to provide more services than smaller ones.

79. The precise size thresholds between settlement tiers are clearly arguable one way or the other. Nonetheless, the thresholds used are reasonable ones based on planning judgement and we have nothing before us to suggest any significant variation would be justified.

80. While the development of the SUEs will, to some degree, change the character and size of Lincoln, Sleaford and Gainsborough, care has been taken to ensure that they will not merge with any nearby villages. For example, Policy LP30 specifically requires that the Lincoln South East Quadrant SUE avoids coalescence with the villages of Bracebridge Heath and Canwick. Accordingly, the settlement hierarchy status of nearby villages should not be affected by the development of any of the SUEs.

81. It is possible that, over the plan period, the levels of housing growth in some settlements could result in the total number of homes passing over the upper threshold defining a particular tier. This would be a matter for the review of the plan and the settlement hierarchy is a reasonable starting point to help determine growth levels in this plan.

82. During the hearing sessions the Committee accepted that the settlement of Riseholme does not have a typical village centre or core. Instead, it consists of a row of houses along Riseholme Lane leading up to the University of Lincoln’s Riseholme Campus with additional properties further to the south on St. Georges Lane. As a result, it does not accord with the description of a small village in Document E018 which precludes dispersed or ribbon development. This should be corrected by removing Riseholme from the list of small villages under Policy LP2. (MM/9)

**Overall distribution of housing growth**

37 Document ED015 – Preliminary Central Lincolnshire Hierarchy Study
83. Policy LP3 sets out the overall distribution of housing growth to meet the housing requirement, with around 64% in the ‘Lincoln Strategy Area’ (LSA), 12% each to Gainsborough and Sleaford and 12% ‘Elsewhere’.

84. The LSA includes the urban area of Lincoln (which is larger than the administrative area of the City) and the surrounding villages. This is justified on the basis of travel to work patterns and self-containment in terms of those who live and work in the same area.\(^38\)

85. The level of housing growth within the LSA broadly reflects its population size. This is reasonable given that it includes both the main city of Lincoln, which might reasonably be expected to be a main focus for growth, and several surrounding rural villages where less growth is appropriate. Within the Lincoln Strategy Area 67% of the housing growth (16,837 dwellings) will be within or next to Lincoln itself (including the SUEs), with 33% (8,328) in surrounding villages.\(^39\) This is a reasonable split having regard to the size and number of villages in the LSA.

86. Sleaford and Gainsborough each contain about 6% of the area’s population\(^40\) and the intention of the Plan is deliver a higher level of housing growth in these towns, in part to support regeneration. The remaining ‘Elsewhere’ category includes all the settlements outside the LSA (except for the two Main Towns). These areas accommodate around 24% of the area’s population.\(^41\) However, due to the upwards adjustment to Sleaford and Gainsborough the housing growth target for ‘Elsewhere’ is set at 12%. In effect therefore, the plan has broadly chosen to concentrate more development in the two Main Towns and less in the villages and Market Towns outside the LSA than would have been the case if growth had been apportioned solely on the basis of existing population.

87. In very broad terms the plan, including through the application of Policies LP2 and LP4, is seeking to provide more housing in the larger settlements which offer a wider range of services, including the Main and Market Towns, and less in the smaller ones. However, the precise distribution to individual settlements has also been influenced by the site selection process and by the extent of commitments through planning permissions. As a consequence, there is, quite reasonably, no precise correlation between the size of a settlement and the proposed housing numbers planned for.

88. Furthermore, establishing growth levels in individual settlements is not a simple mechanical exercise but is, instead, one that is informed by the exercise of planning judgement. Overall, the distribution of housing growth between the settlement hierarchy tiers and to individual settlements is justified and conforms to the Framework’s core planning principle of focusing significant development in locations which are, or can be made sustainable. It is also generally the case that larger settlements will usually be able to absorb proportionately more housing growth than smaller ones without compromising their character, appearance and setting.

\(^38\) Document E017 – Lincoln Strategy Area Growth Study Options Report
\(^39\) Document ED018
\(^40\) Document PS.EVR3 – page 15
\(^41\) Document PS.EVR3 – page 15
89. We have not been provided with any clear evidence that shows a direct link between particular growth levels and the maintenance or enhancement of particular services in the Large, Medium or Small Villages. However, as a matter of planning judgement a reasonable level of growth has been allowed for in these rural villages and this will be likely to help support their vitality, as sought by the Framework. Furthermore, Policies LP2 and LP4 allow for more growth to come forward in Small and Medium villages, for example if advanced through a Neighbourhood Plan or with the benefit of demonstrable community support. There is also some provision for additional growth in Large Villages through infill and exceptionally, on the edge of the settlement. As a result, we consider that the distribution of housing across the villages in Central Lincolnshire will enable an appropriate amount of growth and support sustainable rural communities.

90. We are also satisfied that the Sustainability Appraisal considered reasonable options, including the preferred strategy with a boost to Sleaford and Gainsborough, an option to place more growth in rural areas and one where a higher proportion would be directed towards the urban areas.

Conclusion on settlement hierarchy and housing growth

91. Taking into account completions, commitments, allocations and windfall development the plan will help achieve something close to the overall distribution in Policy LP3, including in Sleaford where past levels of development may have been suppressed by a shortage of allocated sites.\(^\text{42}\) We therefore conclude that the overall spatial distribution of housing growth, including as set out in Policy LP3, is sound.

**Issue 4 – Whether the approach to development in Policies LP2 and LP4 will be effective in achieving an appropriate distribution of housing growth.**

**Overall approach**

92. The Plan does not define any settlement or development boundaries. The Committee has advised that the overall aim is to produce a flexible and responsive plan that does not seek to limit acceptable housing development simply because of a line drawn on a map. Instead, the Plan supports residential development in two ways. Firstly, through the allocation of specific housing sites and SUEs, and secondly, through the application of Policies LP2 and LP4. These seek to explain the circumstances in which development will be permitted on non-allocated sites in all tiers of the settlement hierarchy.

93. The fundamental difficulty here, in the absence of settlement or development boundaries, is to develop policies that strike an appropriate balance between flexibility and certainty. They must also be clearly expressed in order to meet the Framework’s requirement that policies should provide a clear indication of how a decision maker should react to a development proposal.

94. In broad terms we support the overall approach taken by the Committee. It seeks to facilitate sufficient development to meet the housing requirement in

\(^{42}\) As shown in the table on page 109 of the Plan, as proposed to be modified
accordance with the settlement hierarchy without being unduly restrictive on further development, particularly if there are reasons to support it locally. In some respects it is similar in approach to a policy advanced in the Fenland District Council Core Strategy, particularly in relation to the Small and Medium villages. This plan was found sound following examination in April 2014.43

95. However, there are differences in the policy wording between the two plans and the overall circumstances are not necessarily the same. In this case, we consider that there are problems with the drafting of Policies LP2 and LP4 and several changes are needed to ensure the plan will be clear and effective. These are considered below, looking at each tier in turn.

Lincoln Urban Area (Tier 1)

96. Policy LP2 provides for development to be delivered in, and around the edge of the ‘Lincoln Urban Area’, principally through allocations. The policy also allows for the favourable consideration of “additional growth on non-allocated sites in appropriate locations”. However, the term ‘appropriate locations’ is not defined in the Plan. It is therefore unclear how a decision-maker would decide if a proposal is appropriate or not. Furthermore, the Committee has confirmed that the intention is to limit this additional growth to locations within the developed footprint of Lincoln. This is a reasonable position given the very substantial growth that is being proposed, including via the four SUEs and several residential allocations (around 16,800 in total over the plan period).44 Nevertheless, the policy as drafted is ambiguous on this point.

97. Consequently, the policy should be modified so that it defines what is meant by appropriate locations. This can be done by explaining that it involves locations where development would not conflict with other plan policies, including in particular Policy LP26 (a design policy), and where development would retain the core shape and form of the settlement, and would not significantly harm the settlement’s character and appearance or its rural setting. This would inevitably rely on some planning judgement, but so does the determination of any proposal against a design-based policy. It also needs to be made clear that the potential for additional growth only applies to sites falling within the developed footprint, a term which then needs to be defined by reference to the built form of the settlement. (MM/2)

98. The ‘Lincoln Urban Area’ is described briefly in Policy LP2. But without any settlement boundaries there is a lack of clarity in the plan about whether some particular built-up areas might belong to Lincoln or to neighbouring villages. This could create difficulties when deciding which policies are relevant in decision-making, and should be rectified by modifying the key diagram for Lincoln to more clearly define the built up area (MM/35). Additional text is also required to refer decision makers to the amended key diagram. (MM/2)

Main Towns (Tier 2)

99. The approach in the Main Towns of Gainsborough and Sleaford is similar to the Lincoln Urban Area. However, as with Lincoln, it needs to be made clear that

43 Documents ED012, ED013 and ED014
44 Document ED018
“additional growth on non-allocated sites in appropriate locations” will be considered favourably within the developed footprint (as defined) (MM/2). This is a reasonable approach given the substantial growth proposed across both towns (around 8,200 in total).

100. In addition, the term appropriate locations needs to be defined, including by reference to Policy LP26, and it should be made clear that growth in the main towns will primarily be through allocations (MM/2). Finally, as with Lincoln, the key diagrams for Gainsborough and Sleaford should be amended to make it clear where the indicative built-up areas are (MM/52 and MM/61). This is especially important given the relationship and proximity of Gainsborough to Lea and Morton.

Market Towns (Tier 3)

101. The approach in the Market Towns of Caistor and Market Rasen is different. Most of the housing growth is expected to be from allocations (367 and 640 dwellings respectively) and infill, intensification and renewal in the existing urban areas. However, the plan also favourably considers the prospect of “additional growth on non-allocated sites in appropriate locations on the edge of these market towns, though these are unlikely to be supported if over 50 dwellings or 2 ha”. This flexibility to allow additional edge-of-settlement housing is appropriate having regard to the Market Town status of these settlements (i.e. their role as service centres), and given that growth through allocations in both towns will be less than some Large Villages such as Billinghay (563), Ruskington (549) and Skellingthorpe (651).

102. The presumption against individual edge of settlement developments of over 50 dwellings is a reasonable one. It will help ensure that housing growth respects the form of the settlement and will not unduly extend development into the countryside. However, the policy needs to be amended to clarify the criteria that will be used to assess whether a development is in an appropriate location, including by reference to the developed footprint and Policy LP26 (MM/2). This specific policy reference is particularly important because, amongst other things, Policy LP26 seeks to prevent the coalescence of settlements and ribbon development. These are likely to be key considerations when determining edge of settlement proposals.

Large Villages (Tier 4)

103. The approach in the Large Villages is different again. Most housing growth is intended to come from the allocations in Policy LP52 and infill, intensification or renewal. The policy accepts the possibility of development on non-allocated sites in “appropriate locations on the edge of these villages”, but, only in exceptional circumstances (and with a size limit of 25 dwellings or 1 ha). The presumption against developments beyond this size is reasonable, for the reasons given above in relation to Tier 3.

104. Some of the Large Villages are larger in size than one or both of the Market Towns, as measured by dwelling numbers. This has led to some

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45 As recommended to be modified by MM/69 – indicative remaining capacity
46 Document E018 – Table A
representors suggesting that the plan should be amended to either increase the number of allocations or to specifically permit higher levels of growth (such as by removing the restriction on site size and dwelling numbers). Examples include villages such as Cherry Willingham and Ruskington where it has been argued that more development should be promoted due to their size and facilities when compared to Caistor and Market Rasen.

105. We do not see this as necessary. This is because even the largest of these villages do not generally have the same range of functions as the Market Towns. This can be seen by comparing the services and facilities listed in the Large Villages and the two Market Towns in the Appendix to the 2014 Settlement Hierarchy Study. Furthermore, the Large Villages generally lack anything that could be described as a town centre along the lines of Market Rasen or Caistor. We therefore agree with the Committee that they have a quite different character and ‘feel’. As such, and given the scale of growth in the Large Villages through allocations (many have allocations totalling between around 200 and 560 dwellings), a more restrictive approach to edge of settlement development than in the Market Towns is justified.

106. However, as with Tier 3, the policy needs to be clarified to make clear the broad circumstances in which development will be permitted on non-allocated sites. In particular, the terms exceptional circumstances and appropriate locations need to be clarified and reference made to the developed footprint. The policy should also make it clear that these large villages have a role to play in providing housing as well as for employment, retail and key services, to correct an omission (MM/2). Although it has been suggested that examples of exceptional circumstances should be listed, this would be too prescriptive and is not the intention of the policy. Reference to the criteria in Policy LP26 provides decision-makers with a clear indication of what types of edge-of-settlement schemes may be appropriate.

107. Finally, the submission version CLLP did not include an Inset Map for Middle Rasen. This has been rectified by consulting on a map alongside the MMs. It shows the geographic illustration of relevant policies, although there are no specific allocations. Rather than illustrating the entire parish the Inset Map focuses on the village and its immediate surroundings. The adopted polices map should be updated accordingly when this plan is adopted.

Medium and Small Villages (Tiers 5 and 6)

108. The approach in the Medium and Small Villages is again different from that set out above. In these settlements the amount of development is based on a percentage growth level rather than allocations. This is measured against the existing number of dwellings in each village at the start of the plan period. The starting point is to permit 10% growth, raised to 15% if the village has key facilities (such as a primary school) or if it is reasonably close to Lincoln, Sleaford, Gainsborough or a Strategic Employment Area. In this way the villages within the LSA will accommodate more housing than they might otherwise have, reflecting their proximity to Lincoln. This is reasonable in that it attributes more growth to villages with access to a wider range of services.
It is also consistent with the Framework which seeks to locate housing where it will enhance or maintain the vitality of rural communities.

109. Some settlements are constrained by flood risk or their location within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). While these settlements each have a notional 10 or 15% growth level attached, Policy LP4 and the supporting text make it clear this growth level can only be achieved if the particular constraints can be resolved. Thus, the housing supply figures presented in the plan do not assume any contribution from these villages. This is a justified position and the policy is reasonably clear on the approach to be taken. However, the reference to constraints being ‘mitigated’ in the supporting text is incorrect in this context (e.g. in relation to flood risk) and should be replaced by the term ‘overcome’. (MM/5)

110. There is an argument that some Tier 5 and 6 villages have few planning constraints and benefit from comparatively higher levels of local employment and/or services, and could therefore accommodate more development than the 10 or 15% growth level, such as Bassingham. However, the growth levels are reasonable taking into account the relatively limited size of these settlements (50-750 dwellings) and the potential effect that less constrained growth could have on their character and identity. There is also no firm evidence that a more sophisticated or bespoke approach, for example based on an analysis of access to a wider range of services or jobs would have led to a significantly better distribution of growth. The approach in Policy LP4 was tested alongside other reasonable options through the Integrated Impact Assessment (‘IIA’) and is appropriate and justified.

111. It is also relevant that the growth levels for each of the small and medium villages are not intended to be an absolute limit on new housing. Instead, there are two means by which additional development will be acceptable under Policies LP2 and LP4.

112. The first is where further growth is permitted by a Neighbourhood Plan. This complies with the Framework which states that neighbourhood planning provides a powerful set of tools for local people to ensure they get the right amount of development for their community and that such plans should not promote less development than set out in the Local Plan. Given the stance taken in the CLLP there is scope for a Neighbourhood Plan which seeks to advance more than the specified 10 or 15% level to be in general conformity with its strategic policies.

113. Secondly, Policy LP4 allows for additional development where there is “clear local community support” (or, where demonstrable evidence of this cannot be determined, support from a Parish or Town Council). Again, this aligns with the principles of ‘localism’. The Inspector examining the Fenland District Core Strategy Local Plan concluded that a similar policy approach recognised that “individual communities are best placed to determine the level of growth required beyond these thresholds.” The same logic applies here, and the policy places a responsibility on local communities to base their support or otherwise on sound planning reasons. In overall terms, the plan builds in a

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48 Para 142 of Inspector’s Report – Document ED014
suitable level of flexibility in these villages to allow for the possibility of more development even when the specified village growth level has been achieved.

114. The size limits for individual development proposals (typically up to 9 dwellings in Medium Villages and 4 dwellings in Small Villages) are based on reasonable planning judgements and should help ensure that the scale of individual developments is proportionate to the village. There is also some flexibility in medium villages given that Policy LP2 accepts developments of up to 25 dwellings in ‘exceptional circumstances’. To provide flexibility in small villages, and in recognition that some small villages have a range of employment opportunities and good access to services, the policy should be amended to specify that ‘around’ 4 dwellings would be acceptable. A MM is also required to make it clear that the identification of a site within a Neighbourhood Plan or through clear local community support would enable larger sites to come forward (MM/2). We have amended the modification which was consulted on so that it refers more precisely to the ‘local planning authority’ rather than the ‘Council’.

115. Policy LP4 also includes a sequential test based on location and greenfield or brownfield status. The Framework does not specifically require a sequential test in these circumstances. Nevertheless, it only intends to set out the Government’s requirements for the planning system as far as it is relevant, proportionate and necessary to do so. This is to allow accountable Councils the potential to produce their own plans within the framework provided.49

116. In this case the sequential test seeks to ensure suitable sites within the built footprint of a settlement are developed first and that greenfield sites outside settlements are only used where necessary (i.e. if sites within the developed footprint or brownfield sites at the edge of the settlement are not available or suitable). This approach will help minimise the development of fields and countryside surrounding settlements. This is a reasonable aim for rural settlements and the policy gives a local expression to the Framework’s core planning principle which encourages the effective use of brownfield land.

117. However, several changes are necessary to ensure clarity and effectiveness. There should be a clear cross-referencing and clarity of wording between Policies LP2 and LP4 given that they need to be read and applied together. This also removes the need for some text to be duplicated in both polices, such as that referring to the support of a Parish or Town Council. In addition, the degree of flexibility regarding the size of individual developments needs to be clarified, and finally Policy LP4 needs to confirm that any sequentially preferable location must also be ‘appropriate’ (and the term must be defined) (MM/2 and MM/10).

Hamlets and countryside (Tier 7)

118. In these locations Policy LP2 limits development to that which is essential to the effective operation of agriculture and other listed uses and as set out in Policy LP55. Policy LP55 does allow for some housing development, including

49 Introduction to the National Planning Policy Framework
through the re-use of buildings and to replace existing dwellings. However, the overall approach is intentionally restrictive.

119. There are two problems with Policy LP2 as drafted. Firstly it does not entirely comply with the PPG on Rural Housing which states that all settlements (our emphasis) can play a role in delivering sustainable development and so blanket policies restricting development in some settlements should be avoided, unless supported by robust evidence.\(^5\) Hamlets are defined in this plan as settlements of up to 50 dwellings and there is no clear evidence to justify what amounts to a blanket restriction which would preclude even small scale infill developments. Nor does this approach sit comfortably with the Framework which seeks to avoid isolated new homes in the countryside, but which is more supportive of housing to help support the vitality of rural communities. This can be rectified by accepting the possibility of small scale infill developments within these hamlets.

120. Secondly, there is a potential tension within the plan between Policies LP2, LP4 and LP55. For example, when would a field on the edge of a settlement in Tiers 3, 4, 5 and 6 be regarded as an ‘appropriate’ location for housing and when would it regarded as a site within the countryside which should be determined against the more restrictive Policy LP55? There is no easy answer to this, because deciding whether a particular location is ‘appropriate’ will require an assessment against the various relevant policy criteria, including in Policies LP2, LP4 and LP26. If it fails those tests it would be considered against LP55. However, the plan should recognise that this is an issue which will need to be decided upon in the context of individual applications. (MM/2)

121. Achieving these changes logically requires that Tier 7 is divided into two tiers, Hamlets (Tier 7) and the Countryside (Tier 8) setting out a different approach in each (MM/2). A consequential change also needs to be made to Part D of Policy LP55 to ensure internal consistency (MM/71). Whereas Policies LP2 and LP4 specify that additional development can come forward through Neighbourhood Plans, the same text has not been used for hamlets. But this does not mean that the preparation of Neighbourhood Plans would be unsuitable. Instead, Policy LP2 (as modified) seeks to allow a level of development that would be proportionate within what are typically very small settlements of less than 50 houses.

The effectiveness of Policies LP2 and LP4

122. Policies LP2 and LP4 set out a quite different policy approach to the management of housing growth from that which previously applied in the plan area, particularly with regard to the small and medium settlements. Furthermore, the approach will be somewhat complex to apply. For example, in the Small and Medium Villages the decision-maker will need to assess what capacity is left in the village, whether the site complies with the sequential test, whether it is it appropriately located, falls within the specified site sizes, and, if the percentage growth limit for the village has been exceeded, whether there is clear local community support.

\(^5\) PPG ID 50-001-20160519
123. The plan is setting out a largely un-tried and fairly complex approach and there are some risks in terms of potentially foreseeable complications and unintended consequences. For example, if a committed development in a Small or Medium Village starts but then stalls, the growth level could be left unfulfilled over a long period of time. Inevitably there are some uncertainties about whether the approach will be effective and sufficiently clear to decision-makers and developers. Nor can it be known for sure how local communities will respond to the responsibilities placed on them by this policy, given the potentially direct effect they could have on some planning outcomes. However, the extent to which Neighbourhood Plans have been pursued in the area is a positive sign that this role will be handled responsibly.  

124. We appreciate that the Committee consider the similar policy in Fenland is working well. Nevertheless, two changes are required to deal with these potential risks. Firstly, to ensure that there is clarity for decision makers, local people, parish councils and potential applicants, the plan needs to commit to providing regular (at least quarterly) up-to-date information about the remaining growth levels in the small and medium villages. This should replace the table in Appendix B of the plan which specifies the remaining growth levels as of March 2015 and so is already out-of-date and, therefore, potentially misleading (MM/7 and MM/75). Secondly, the plan should include a clear commitment that this policy approach will be monitored to ensure that it is delivering appropriate levels of growth in the right locations and that it is providing an effective framework for decision-making. The Plan should also confirm that, if necessary, following monitoring corrective action will be taken, for example, through a partial review of the plan. (MM/1)  

125. Although concerns were expressed at the hearings about whether the growth levels in the Small and Medium Villages will be correctly applied or treated as a ceiling, the way a Council applies its own policies is outside the scope of this examination.

Conclusions on Policies LP2 and LP4

126. Subject to the recommended main modifications Policies LP2 and LP4 will be capable of providing an effective basis for determining planning applications and should help achieve an appropriate distribution of housing growth.

Issue 5 – Whether the process for selecting the Sustainable Urban Extensions was robust, and whether they are justified, viable and capable of being developed within the plan period.

Contribution to housing requirement

127. Policy LP48 allocates 8 SUEs around the edges of Lincoln, Gainsborough and Sleaford. The SUEs aim to deliver around 14,700 dwellings over the plan period, or roughly 40% of the identified housing requirement. The rationale for pursuing SUEs is consistent with the Framework which states that the

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51 Inspectors’ Note: Document ED017 – as of 7 November 2016, 4 Neighbourhood Plans have been ‘made’, 4 are at referendum or examination stage and 6 are being prepared and have been, or are about to be, consulted upon.
52 Committee’s Matter 3 Statement – Question 26
supply of new homes can sometimes be best achieved through planning for larger scale development.

128. Although the SUEs are expected to make a significant contribution to the housing requirement, over half of the planned housing growth would be spread over a range of other sites throughout Central Lincolnshire. As identified above, this includes new development across a range of different settlements from the Lincoln Urban Area to infilling in hamlets. As a consequence, the plan does not place an over-reliance on the SUEs in order to meet the housing requirement during the plan period.

Site Selection

129. Appendix 6 of the IIA sets out the overall approach taken to the selection of the SUEs. This started with a strategic assessment of the three principal urban areas of Lincoln, Gainsborough and Sleaford, which reflects the spatial vision and distribution of housing in the plan. By focusing the SUEs in and around the main urban areas it also enables significant new housing to come forward close to existing services, facilities and infrastructure. This is an entirely reasonable approach to adopt.

130. Lincoln, Gainsborough and Sleaford were then divided into segments and tested against SA objectives to determine their potential to accommodate an urban extension. Within each ‘segment’ candidate zones were identified and tested again. For Lincoln the appraisals identified that areas within the existing and planned by-passes scored significantly higher than sites beyond. This was primarily due to their proximity to the City Centre and ability to limit their landscape and visual impact and prevent coalescence with surrounding villages.

131. One further zone to the south of Lincoln was identified as being suitable for an urban extension. However, due its potential landscape impact in the short-medium term, and its deliverability, land south of Waddington Low Fields is instead identified as a broad location for future growth under Policy LP54. It is likely that this area would come forward after completion of the Lincoln Southern By-pass (‘LSB’), and compared to the other zones around the city, was not reasonably a preferred option for this plan period.

132. A similar pattern emerged for Gainsborough, with segments to the north-east and south-east benefitting from close proximity to the town centre and a lower risk of flooding. The area to the north-east of the town is also partially contained by existing landscape features. Due to the geography of the town, bounded to the west by the River Trent, and taking into account that the Gainsborough Southern Neighbourhood already has outline planning permission, there were no clearly preferable alternatives.

133. Similarly, throughout Sleaford areas within the by-pass and the railway line scored considerably better than sites outside, primarily due to their accessibility and landscape impact. Access to the town centre from the east/south-east is also limited by the Grade II listed former Bass Maltings site, with uncertainties regarding the deliverability of the Sleaford link-road. Sites to the south and west therefore represented the preferred location for growth at this point, with the A15 providing a clearly defined boundary to the town.
134. Based on the assessments that have been carried out we are satisfied that the Committee has considered reasonable alternatives for the location of the SUEs, and adequately justified their distribution across Central Lincolnshire.

Lincoln Western Growth Corridor (WGC)

135. The WGC encompasses roughly 390ha of land to the east of the City Centre extending west up to the A46. One of the main constraints to development is the location of the site within Flood Zones 2 and 3.

136. The Framework advises that that Local Plans should apply a sequential, risk-based approach to the location of development, with the aim to steer new development to areas with the lowest possibility of flooding. However, it also confirms that if, following application of the sequential test, it is not possible “consistent with wider sustainability objectives” for the development to be located in zones with a lower probability of flooding then, where appropriate, the exception test can be applied. This requires proposals to demonstrate that the wider benefits outweigh the flood risk and that the development would be safe for its lifetime.

137. Such an approach has been adopted at the WGC. Despite being located in Flood Zones 2 and 3 the site is within close proximity to the City Centre. It therefore provides an opportunity to deliver new a mixed-use development that would make a substantial contribution to housing needs in an accessible urban location. By containing development within the boundary of the A46 it would also enable significant growth without extending the existing footprint of the City beyond the by-pass. For the purposes of the Framework, there is nothing to suggest that it is possible (consistent with wider sustainability objectives) to locate the SUE in an area with a lower probability of flooding.

138. In terms of flood risk a working group was established in 2012. This consists of the Environment Agency (‘EA’), the Upper Witham Internal Drainage Board and LCC as the lead local flood authority. The group has carried out a number of investigations and tests using the EA’s approved flood model which demonstrates that only roughly the northern half of the site would be affected by a 1 in 100 year + climate change fluvial flood event. This also indicates that raising parts of the site and carrying out upgrades to existing infrastructure would create a developable area outside the highest area of risk.

139. During the hearing sessions the EA confirmed that parts of the site would have to be raised by around 1m in total, which would not increase the risk of flooding elsewhere. On the contrary, modelling has demonstrated that by adopting a strategic, collaborative approach to the management of water in the area there would be some benefits to local residents. Subject to upgrading existing pumps improved management practices would reduce, rather than increase the likelihood of localised flooding. The evidence presented therefore indicates that the risks to both new and existing development could be adequately mitigated as part of the final design.
140. Due to the size of the allocation there would also be an inevitable increase in traffic on local roads, especially around Skellingthorpe Road which provides a direct link between the City Centre and the A46. Nevertheless, LCC confirm that recent work with the site promoters has shown that access could be taken from Skellingthorpe Road without the residual cumulative impacts becoming severe. Similarly, Highways England advise that whilst the WGC and other planned developments would have a direct impact on the A46 and some local roads, where this occurs appropriate mitigation could be put in place through the development management process. Network Rail has also confirmed that agreement has been reached to allow a new link over the railway line to provide a direct connection with Beevor Street and the City Centre. We conclude the effects of the WGC on the local road network have therefore been adequately considered, and based on the evidence provided the allocation can be accessed without requiring a link onto the A46 for the early phases. Should connections be required at a later date this is provided for in Policy LP30.

141. A requirement of all the Lincoln SUEs is that proposals ‘consider’ the need for a park and ride. However, this is not an effective policy requirement as there is no mechanism to actually provide such facilities. There is also no evidence to substantiate that park and ride facilities are needed, that the SUEs are the appropriate location for them, or that they have been considered as part of a wider parking strategy for Lincoln. As a result, this part of Policy LP30 is unjustified, ineffective and should be removed. Instead, MM/38 introduces a requirement that proposals maximise the use of sustainable modes of transport such as walking, cycling and public transport. This is consistent with the Framework’s Core Planning Principles and could potentially include park and ride facilities, if justified.

142. Other constraints include the proximity of the site to Lincoln’s historic core to the north east, Hartsholme Country Park to the south (a Registered Park and Garden) and a Scheduled Ancient Monument (‘SAM’) at Decoy Farm to the west. Given the size of the site, and subject to an appropriate design and layout it should be feasible for development to respect key views of Lincoln Cathedral and the historic core of the City, which are requirements of Policy LP30. Similarly, through a sympathetic layout the setting of Hartsholme Country Park would be preserved.

143. With regard to The Old Decoy the indicative masterplan in the latest Topic Paper53 illustrates residential development south of the SAM. However, large areas of land would be retained around the pond as part of landscaping and for drainage purposes as part of flood mitigation measures. Alternative designs and/or layouts could also come forward as part of a detailed masterplanning process. Given the size of the allocation we are satisfied that this process would allow the site to come forward without causing any substantial harm to the significance of this heritage asset.

144. In terms of the site’s deliverability plans to develop the WGC have been ongoing for a number of years. National housebuilders who have previously been involved with the site have since decided not to proceed. However, a local developer active in Lincoln has recently secured a large part of the site.

53 Document E014B2
and has expressed confidence in bringing it forward. At the hearing sessions it was suggested that constructive dialogue between the developer and the City of Lincoln Council has been taking place for a number of months, and that following financial re-appraisals it was possible to develop the site without grant funding. A planning application for Phase 1 (around 500 new homes) is expected in 2017 and would be relatively ‘infrastructure light’. As a result, based on the evidence provided there is nothing to indicate that the site cannot be developed over the plan period.

145. In order to ensure that the allocation is deliverable, effective and sufficiently flexible, several modifications are required to Policy LP30. MM/40 is needed to confirm that ‘approximately 20ha’ of land is proposed for employment and leisure purposes, rather than a fixed amount for each use, which is still to be decided. Due to the size of the site and scale of development proposed a Local, rather than a Neighbourhood Centre is also more appropriate (MM/37).

146. In terms of education provision the requirement to provide a specific type of primary and/or secondary school could change depending upon when the majority of the site comes forward. The same objectives can also be achieved by a more flexible approach that requires education provision on site if the scale of the urban extension justifies it. If not, then a contribution towards off-site provision would also be appropriate to meet the needs generated by the development. MM/34 and MM/39 therefore remove references to education under Policy LP30 in favour of a more flexible, pragmatic approach for all the SUEs under Policy LP28. The same reasoning applies to all of the SUEs, and to ensure internal consistency changes are required to the remainder of Policy LP30 and Policies LP39 and LP44 (MM/49 and MM/55).

Lincoln North East Quadrant (NEQ)

147. The NEQ is intended to provide around 1,400 dwellings on and around the site of the former Greetwell Quarry. Roughly the eastern half of the site falls within the administrative boundary of West Lindsey District Council and has outline planning permission for up to 500 dwellings. It would be bounded by the proposed Lincoln Eastern by-pass (‘LEB’). The remainder of the site encompasses the former quarry and is a designated Site of Special Scientific Interest (‘SSSI’), a Local Geological Site (‘LGS’) and part of a Local Wildlife Site (‘LWS’).

148. The primary interest of the SSSI is the former quarry face. However, both the Committee and landowners confirm that the design and layout of Phase 2 could avoid the quarry face and provide a buffer to the nearest development in order to maintain its integrity and geological interests. To inform the design and layout of potential future planning applications Policy LP30 therefore requires proposals to protect and enhance the SSSI. It also states that development should protect and enhance the setting of designated heritage assets and ensure, where practicable, that the archaeology of ironstone mining is retained. The plan therefore provides an appropriate framework to protect the integrity of the SSSI and LGS.

149. Immediately to the west of the site is the Greetwell Hollow Nature Reserve. There is evidence that this is important to local residents as an area of accessible open space and is popular with dog walkers. In response Policy
LP30 requires existing important open spaces within, or adjacent to the site to be protected and enhanced, or, that proposals provide adequate compensatory open space to account for any loss. It also specifies that an appropriate buffer would be required between any new development and the LNR, along with measures to address visitor management issues. However, for clarity MM/41 is necessary to introduce a specific reference to ‘Greetwell Hollow’, rather than simply referring to ‘adjacent’ areas.

150. As drafted Policy LP30 also requires a phased approach to development of the NEQ which reflects the LEB. Although this could potentially delay delivery of the site, the Committee confirms that the route has been safeguarded, has planning permission and that funding has been secured with work set to start in 2017 for a period of approximately 2 years. Given the timescales involved in preparing reserved matters and commencing development, the phased approach with regard to the LEB is unlikely to prejudice the SUE from coming forward and being developed in the plan period.

151. Given that the second phase involves the construction of new housing in a former quarry, ground conditions could pose a risk to the timely delivery of the site. Nevertheless, the latest Topic Paper54 confirms that the site owners have undertaken investigations which demonstrate that the former quarry can be developed through a combination of land stabilisation and the use of suitable foundations. On this basis there is nothing to suggest that redevelopment of the site is unviable or unfeasible.

152. For consistency with the other SUEs, and to ensure that the policy is flexible and effective it is necessary to specify the requirement for employment land as an ‘approximate’ figure. To reflect the fact that the plan seeks to provide a flexible approach to employment land at the NEQ it is also necessary to amend Policy LP30 to confirm that the employment land can come forward to provide a range of job creating uses (MM/40). This approach is justified at the NEQ given its size, location and context of its surroundings.

Lincoln South East Quadrant (SEQ)

153. The SEQ is the largest of the proposed SUEs and is expected to deliver around 6,000 new homes in total, with approximately 3,500 over the plan period.

154. It lies on a limestone plateau in between the villages of Canwick and Bracebridge Heath. In recognition of their proximity to the site Policy LP30 requires proposals to come forward without causing coalescence between the new community and the neighbouring villages. It also requires proposals to protect and enhance important open spaces adjacent to the site and include an appropriate buffer to the South Common and the International Bomber Command Centre memorial. The policy therefore provides a robust framework to prevent any harmful coalescence or development that would undermine locally important landscape features.

155. In terms of the impacts from additional traffic movements LCC have been involved with the preparation of the plan and have raised no objections to the SEQ, concluding that the cumulative adverse impacts would not be severe. A

54 Document E014A2
MM is nevertheless required to Policy LP30 for soundness. Aside from the park and ride (as discussed above in relation to the WGC) Policy LP30 sets out a presumption that a bus priority lane will be provided on the B1188 Canwick Road. This is overly prescriptive and does not require proposals to consider the feasibility or practicalities of undertaking such works. To ensure that the policy is effective **MM/38** is necessary to provide more flexibility surrounding the provision of bus connections between the site and the City Centre.

156. As with the NEQ, the SEQ would also come forward in phases in accordance with completion of the LEB. However, given that work on the LEB is due to commence shortly and take roughly 2 years to complete it will not constrain development of the site. A national housebuilder is actively involved with the project and a planning application for the first phase has been submitted. The allocation is developable within the plan period.

157. Finally, given the flexible approach advocated in Policy LP30 towards employment provision on the site, and for the same reasons as the NEQ, **MM/40** is necessary to make it clear that approximately 7ha of land should be provided for a wide range of job creating uses.

**Lincoln South West Quadrant (SWQ)**

158. Compared to the other Lincoln SUEs the SWQ is at a much earlier stage in its preparation and the majority of development is subject to providing the first phase of the LSB. However, whilst this represents a significant piece of infrastructure, development of the site only requires the initial connection from the A46 at the Newark Road junction to the site’s primary access. At the hearing sessions the site promoters confirmed that this was not an unusual requirement for urban extensions of this nature, and that the landowner has experience of bringing forward such projects in the past. When considering that the plan period runs until 2036, this does not present an insurmountable obstacle to the development of the SUE.

159. Nevertheless, **MM/42** is necessary to correct an error in the plan which refers to connections from Meadow Lane. This should specify that connections to Meadow Lane would be required with construction of the next phase of the LSB from South Hykeham Road.

160. Whereas a more flexible approach towards employment land is justified at the NEQ and SEQ, the Committee confirmed during the examination that this was not the intention for all of the SUEs. For example, Policy LP30 requires proposals at the SWQ to provide around 5ha of land to compliment and expand the neighbouring Boundary Lane Enterprise Park. This is identified as an Existing Employment Area (‘EEA’) under Policy LP5 where proposals falling within Use Class B1/B2/B8 are supported (Site Ref E23). As such, a different approach is warranted to reflect the opportunities to expand the EEA. In order to make this clear the plan should refer to land for development within the ‘B’ Use Classes, rather than ‘mixed-use employment’. (**MM/40**)

161. To the north-east of the site is the South Hykeham Water Recycling Centre (WRC) operated by Anglian Water. The plan includes a requirement under Policy LP30 that proposals “undertake a detailed odour assessment to demonstrate no adverse impact on future residents”. This is necessary to ensure that the relationship between the WRC and the proposed development...
is considered as part of the masterplanning process. Although the policy would benefit from some additional text to provide clarity, it is not unsound as currently written. Requiring a consideration of air quality and odour is also set out in Policy LP26 and there is no need to duplicate any further tests in Policy LP30. As such, the proposed MM/43 as consulted upon is not required for soundness.

Gainsborough Southern Neighbourhood

162. The Southern Neighbourhood is expected to deliver around 2,500 dwellings in total, with approximately 1,400 in the plan period. Outline planning permission for 2,500 new homes with a mix of employment and community services and facilities was approved in 2011 (Ref 125020).

163. Although Policy LP39 refers to the date of the planning permission as 2010, this drafting error does not affect the soundness of the plan. Despite being consulted upon as a MM (MM/48), it can therefore be amended by the Committee as an additional modification upon adoption.

164. Given that no development has occurred on the site since the approval of planning permission in 2011 concerns have been raised regarding deliverability. However, planning permission was secured shortly after a period of recession. At the hearings the Committee also confirmed that the local market has started to improve in Gainsborough over the past few years and several sites have come forward for development, increasing confidence in the town. In addition, Gainsborough has been identified as one of 20 Housing Zones outside London and is due to benefit from roughly £18m of investment aimed at heritage-led regeneration and housing-led economic growth. This will assist in the further stimulation of growth and development.

165. Furthermore, the landowners have been working to secure an infrastructure provider with experience of unlocking large sites. On the back of this involvement the site has been marketed and an offer has recently been put forward. In summary therefore, developer interest in the site has intensified and planning permission is already in place. As a result, the allocation is justified and should be developable within the plan period.

166. However, Policy LP39 is very prescriptive and refers to the amount of floorspace approved in the 2011 scheme. This fails to anticipate the possibility of revised schemes coming forward or the acceptability of different amounts of development. It is also unnecessary for the plan to mirror precisely what has been approved. For effectiveness a MM is therefore required to provide further flexibility. (MM/50)

Gainsborough Northern Neighbourhood

167. The Gainsborough Northern Neighbourhood is allocated for approximately 2,500 dwellings, but only roughly 750 are expected to come forward in the plan period. Although this allocation has not reached the same advanced stage as the Southern Neighbourhood, discussions are on-going between West Lindsey District Council and the landowners regarding submission of a planning application for the first phase in early 2017. As with the Southern
Neighbourhood, the site is a relatively flat, unconstrained area of predominantly arable land. Subject to securing a developer there is nothing to indicate that 750 units cannot be developed over the plan period.

168. As drafted Policy LP39 includes a requirement that the 7ha of employment land should come forward before or alongside dwelling completions. This is not justified and risks prejudicing the delivery of housing. **MM/51** is therefore needed to amend the policy and remove this requirement.

**Sleaford South Quadrant (Handley Chase)**

169. Sleaford South Quadrant, or ‘Handley Chase’ as it is referred to by the latest **Topic Paper** proposes 1,450 dwellings over the plan period in accordance with an outline planning permission approved in 2015.

170. Since planning permission was granted the landowners have been progressing details for the first phase of development, and a reserved matters application for an initial 32 units has been submitted. Although this represents a relatively small number, the landowners are seeking to deliver the initial access and drainage works and in doing so, generate interest for serviced plots across the remainder of the site. Work is therefore actively on-going to bring the allocation forward.

171. As with the Gainsborough Southern Neighbourhood, there is no need for the policy to precisely reflect an existing planning permission. To be effective **MM/57** is necessary to provide greater flexibility and anticipate the possibility of revised schemes coming forward. The change does not remove the requirement to provide community facilities of a suitable size, type and location. This would be for the development management process to determine should a revised scheme come forward in the future.

172. Similarly, the requirement to mitigate "**unacceptably adverse transport impacts on Silk Willoughby, Quarrington, King Edward Street and Castle Causeway**" directly relates to the approved scheme and should be amended. The reference to the mitigation of ‘unacceptably adverse’ transport impacts is also imprecise and ambiguous. This should be clarified by **(MM/58)**, which still requires proposals to provide appropriate transport mitigation measures.

173. Finally, Policy LP44 relates to the ‘Sleaford Area’. It implies that a specific ‘Area’ has been defined when it has not. This should be clarified by changing the emphasis of the policy wording. **(MM/56 and MM/59)**.

**Sleaford West Quadrant**

174. Sleaford West is allocated for approximately 1,400 dwellings over the plan period. The first phase of development is to be accessed from Covel Road, Stokes Drive and St Deny’s Avenue. Thereafter the remaining site will be delivered from the adjacent A15.

175. There are some local concerns regarding accessing the site from existing streets. However, the wording of Policy LP44 makes it clear that this would

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55 Document E014G2
only be for limited development informed by traffic modelling. It also directs that the primary vehicular access would be from the new junction with the A15, which would be required to deliver subsequent phases. As a result, sufficient safeguards are in place to prevent any harmful levels of additional traffic using the surrounding residential streets.

176. Similar concerns have been raised in respect of The Drove/Drove Lane, which provides access to allotments to the south and west of the site. But due to the limited capacity of this route Policy LP44 seeks to ensure that it would only be used by allotment holders, cyclists, buses, existing residents and a limited number of new dwellings. This could be implemented and controlled by the final design and development management process.

177. With regard to wider transport considerations criterion g. is ambiguous in its requirement that proposals must manage adverse impacts on movement within the wider Sleaford area. **MM/60** is therefore required to rectify this by referring to the aims and objectives of the Sleaford Transport Strategy. For consistency with the other SUEs and the Framework, and to ensure that the site can be accessed by a wide range of transport measures, **MM/60** is also needed to amend criterion i. by making reference to measures to encourage walking, cycling and public transport.

178. The River Slea is located to the south of the SUE which is fed by a Catchwater Drain running along the northern side of Drove Lane. The submission plan therefore includes a requirement to ensure that any development is safe from flooding by applying the sequential test to inform the site layout. This is consistent with the Framework and ensures that development can come forward across those parts of the site which are at the lowest risk of flooding.

179. In contrast to some of the other SUEs in the plan, the Sleaford West Quadrant specifies that proposals for employment should mainly incorporate uses within Use Class B1. This is because of the site’s location next to the A15 corridor, with offices better suited to creating an attractive frontage and gateway to Sleaford than B2 and B8 uses. There are also other locations in Sleaford which are more appropriate for such uses, including the Sleaford Industrial Area and the Sleaford Enterprise Park. The emphasis on providing land for mainly B1 operators is therefore appropriate and justified.

180. Similar to other SUEs, Policy LP44 is very prescriptive on the site areas that should be provided for the local centre, health facilities and education. In order to ensure that the site comes forward effectively **MM/59** is necessary to provide a more flexible approach.

181. Finally, Policy LP44 does not include reference to a hotel. However, it does not preclude such a use either. This would be a matter for the development management process to consider, and the policy is not unsound by failing to refer specifically to hotel developments.

**Contingency arrangements**

182. For the reasons given above each of the SUEs are developable within the plan period. However, these are all large, strategic sites. Several have significant infrastructure costs and/or no developers in place. A review mechanism is therefore required should their delivery stall.
183. This is provided for in Policy LP54, which allows any post-2036 capacity on the SUEs to come forward before the end of the plan period should any of the sites come forward more quickly than anticipated. A higher demand and build-out rate on one SUE could therefore potentially compensate for a lower rate of delivery on another. The plan also includes a wide range of sites with some 150 residential allocations, in addition to a flexible approach to development in villages with no settlement boundaries. This is not a plan which rests on the delivery of a particular site or project. Consequently, there is no requirement to amend LP54 in favour of releasing sites in Large Villages, for example, if any of the SUEs stall.

Conclusions on SUEs

184. In conclusion the process of selecting the location of the SUEs was robust. Subject to the recommended main modifications the plan will provide a flexible, effective framework for proposals to follow. Based on the evidence provided all of the SUEs are justified, viable and developable within the plan period.

Issue 6 – Whether the other residential allocations are justified, have been subject to a robust process of site selection and are sound.

Methodology

185. A number of assessments have been used to consider whether or not sites proposed for allocation by representors should have been carried forward into the submission CLLP. This includes the Residential Allocations Evidence Report56, the IIA57 (Including Appendices) and the Strategic Housing and Economic Land Availability Assessment Update (SHELAA).58

186. With the exception of land at Hemswell Cliff59 (Ref CL4673) the plan only allocates land for housing in Tiers 1-4 of the settlement hierarchy. Residential development in the Medium and Small Villages and Hamlets is provided for in Policies LP2 and LP4. We have already concluded that the strategy in this regard is justified. Accordingly, it was reasonable for the Committee to focus the search for allocations in only Tiers 1-4.

187. The starting point for considering residential allocations is that sites had to be capable of delivering 25 dwellings or more. While smaller sites can also make an important contribution to housing land supply, especially in rural areas, this is a reasonable approach given that the plan only seeks to allocate land in ‘Large’ Villages and above. Windfall development, including on smaller sites, is positively supported and facilitated throughout the hierarchy by Policies LP2 and LP4.

188. Where sites of 25 units or more were identified in Tiers 1-4 the assessment in document PS.EVR48-54 considered them against a number of criteria, including matters relating to the natural and built environment, landscape

56 Document PS.EVR48-54
57 Document E001C
58 Document E005
59 Inspectors Note: Land South of Willingham Road, Lea is also allocated for housing. However, for the purpose of the draft Local Plan the site falls under Policy LP50: Residential Allocations in the Main Towns.
Central Lincolnshire Local Plan, Inspectors’ Report April 2017

character and heritage, education, transport and infrastructure. This involved a desk-based assessment, site visits and consultation with external bodies such as the EA, Natural England, Anglian Water, Severn Trent and LCC highways, education and minerals and waste departments. The description of each site also includes commentary on its current status and confirms whether it has been previously developed. Sites were then scored against the relevant criteria using a Red/Amber/Green system.

189. However, these values do not, in isolation, indicate whether a site should be allocated. There is no particular weight given to each value and sites have not been selected by adding up the number of ‘Green’ scores. Instead, the matrix identified potential suitable sites which were then considered alongside reasonable alternatives in the IIA. The use of a site and its proximity to employment formed part of this process, as did factors such as accessibility by public transport. The scores, taken together with the matrix in PS.EVR48-54, were then used to make an informed judgment about which sites to allocate.

190. The methodology and the presentation of evidence has been criticised, with concerns that there is no transparent reasoning why one site was allocated but another, with similar constraints, was not. However, the IIA and assessment in PS.EVR48-54 have been developed to ensure that the overall sustainability merits of sites have been tested on a broadly consistent basis. Given the extent of this task, and bearing in mind that it relies on involvement from various consultees (such as LCC and the EA), there may well be some inconsistencies in the assessment. There may also be instances where it would have been helpful to expand on conclusions, rather than summarising that “other better sites are available”. But this does not mean that the site selection process is flawed, or that the wrong sites have been allocated.

191. Furthermore, planning decisions about which sites to allocate are inevitably based on professional judgement. This is not a simple exercise of adding up scores to filter out ‘the best’ sites for a particular area. As the Committee advised at the hearing sessions, some planning constraints may carry more ‘weight’ than others, such as flood risk. In summary therefore, the site selection process has been adequate and reasonable alternatives have been taken into account.

192. The approach adopted by the Committee has also resulted in varying levels of new housing being proposed across the Large Villages. For example, Witham St. Hughs has allocations totalling 1,355 dwellings, yet the village only has roughly 1,123 existing houses. On the other hand, around 384 new properties are proposed in Bracebridge Heath, which is one of the largest Tier 4 villages. But this is because Witham St. Hughs is identified in the existing North Kesteven Local Plan as a location where a new village was proposed, and the allocation for 1,250 homes (Ref CL1100) comprises Phase 3 of this scheme. Bracebridge Heath is also situated adjacent to the Lincoln SEQ, a development of approximately 6,000 new homes. Due to this relationship Policy LP30 seeks to prevent any harmful coalescence between the existing and proposed communities, which is also reflected in the size and location of allocations.

193. This demonstrates that given the specific circumstances of the Large Villages it is not appropriate to simply apply a generic 10/15/20% growth rate and allocate land for housing to meet a set figure. Instead, the Committee’s
judgement is based on the premise that significant new development should be focused in locations which are, or can be made, sustainable. Based on the evidence provided and our site visits of the various Large Villages there is nothing to indicate that this judgement is unsound, or that any settlements are going to be ‘left behind’. The majority of Large Villages have generous allocations that will see significant numbers of new houses built.\textsuperscript{60} As modified Policy LP2 also allows additional development to come forward within the existing built up areas of the Large Villages, and in exceptional circumstances, non-allocated sites on the edges of settlements. The plan is positively prepared in this regard and will allow sustainable forms of development to come forward over the plan period.

194. On the other hand a reoccurring theme throughout the hearing sessions was the ability of existing services and facilities within the Large Villages and Market Towns to cope with the level of growth proposed. However, both the level and distribution of growth set out in Policy LP3, and the individual allocations in Policies LP48-54, have been subject to consultation with LCC having regard to highways and education, the EA and relevant drainage authorities. None of these consultees have raised any overriding objections to sites allocated in the plan, either individually or cumulatively in any given location. It is also important to consider that the identification of a site for housing does not negate the need for decision-makers to consider other policies in the plan. Instead, Policy LP12 states that planning permission will only be granted if it is demonstrated that there is, or will be sufficient infrastructure capacity to support a proposed development. This ensures that appropriate mitigation will be put in place where required, even for allocations.

195. In summary therefore, the methodology used to assess site allocations, and to determine their size and location is adequate and is based on transparent evidence. The level of growth proposed by the allocations across the settlements broadly reflects the intended spatial distribution of housing and is sound.

Site allocations

\textit{Lincoln Urban Area (Policy LP49)}

196. Several allocations in the Lincoln Urban Area have already been constructed. Although the plan period runs from 2012 these allocations should be deleted as they now represent completions, rather than planned housing growth (site Refs CL452, CL516 and CL920). Conversely, additional sites with planning permission granted since the start of the examination are now proposed for allocation (site Refs CL4735 and CL540). \textbf{MM/69} is therefore necessary to amend the list of sites in Policy LP49, and their geographical illustration is shown on the Inset maps which accompanied the MM consultation. For clarity the descriptions of sites should also remove references to previous local plans. \textbf{(MM/69)}

197. As with the table in Appendix B, the ‘Status’ column in Policy LP49 is already out-of-date. For effectiveness, and to avoid confusion it should therefore be

\textsuperscript{60} Inspectors’ Note: the exception to this is Middle Rasen where no allocations are proposed. However, it is situated close to Market Rasen which is a Market Town with allocations for 640 dwellings
deleted (MM/68). However, as a consequence of this change an amendment is required to the final column to reflect circumstances where construction has started and/or is being delivered in phases. A change should also be made to the supporting text to make it clear what the figure in the final column, as amended, relates to (MM/65).

198. Several of the allocations in the Lincoln Urban Area relate to former school sites. Sport England has raised objections to allocations at Usher Junior School and on land adjacent to Yarborough School in particular, stating that the plan results in the loss of playing fields contrary to the Framework. Paragraph 74 of the Framework states that playing fields should not be built on unless, amongst other things, it has been clearly shown that the land is surplus to requirements.

199. However, the Usher Junior School closed in roughly 2011, pupils have moved to a new academy and the buildings on site have been cleared. This formed part of a comprehensive review of assets by the education authority and the site is therefore clearly surplus to requirements. A similar process has been followed at the former Moorland Infant and Nursery School and the old Ermine Community Infant School on Thoresway Drive. All of the sites have been redundant for a number of years, and their allocation and reuse for housing is appropriate and justified in this instance.

200. Land adjacent to Yarborough School (CL703) is different, as this is not a derelict former school site. Instead, the allocation relates to a grassed area of land to the south of the school and to the east of a leisure centre. Based on the evidence provided and clarifications from the Committee at the hearing sessions it is not a playing field, and the northernmost part of the site is used for car parking. Thus, use of the land for housing is appropriate in principle.

201. Part of the Romangate Development in Lincoln is allocated for roughly 99 dwellings under Ref CL4615. However, the developer advises that the site boundary does not reflect what is likely to be delivered on site, with an area nearest the roadside benefitting from extant planning permission for a commercial use. MM/69 is therefore necessary to amend the site area and capacity under Policy LP49. The revised geographical illustration of the allocation should also omit the commercial area on the policies map.

Main Towns (Policy LP50)

202. As with allocations throughout the Lincoln Urban Area, for clarity and effectiveness MM/69 is needed to remove sites that have been completed, and amend site descriptions that are unclear or refer to references from existing local plans. A MM is also required to amend the indicative dwelling capacity from 450 to 245 on site Ref CL4686. This is because a Local Development Order (‘LDO’) has now been approved with a revised estimated dwelling capacity. In addition, land adjacent to site Ref CL4691 has planning permission for housing and so the allocation should be enlarged accordingly. As a consequence of this change the site area and indicative dwelling figures

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need changing (MM/69), and the geographical illustration of the site should be shown on a revised policies map.

203. Lea is a village in its own right and has its own unique character and appearance. However, the village is physically connected to Gainsborough. When leaving Gainsborough and travelling south along the A156 there is an unbroken row of houses down the north-bound side of the road. This continues into Lea and there is no visible break in development. A similar relationship occurs to the north of the town which has merged with Morton. The built-up area of Gainsborough therefore includes, without any meaningful separation, the adjoining villages of Lea to the south and Morton to the north.

204. Because of this relationship the Committee has sought to allocate land for housing in Lea and Morton in order to contribute towards Gainsborough’s housing needs. This is a reasonable and justified approach given the geography of the area. No sites were identified as being suitable in Morton due to the risk from flooding, but one site is proposed on land south of Willingham Road in Lea (Ref CL3044).

205. This does not mean that future development in Lea will be considered in the same way as Gainsborough. Despite having an allocation Lea is defined as a Medium Village with a 15% growth rate. The allocated site would represent approximately a 14% increase and any significant future growth would be subject to the tests under Policies LP2 and LP4. To make this clearer, and to ensure the effectiveness of the plan, further reasoning concerning the application of Policies LP2 and LP4 should be provided. The Key Diagram should also be amended to make the distinction that whilst Lea contains an allocation, for the purposes of Policy LP2 it is not part of Gainsborough. (MM/2, MM/6, MM/46 and MM/52)

206. In considering the suitability of the site in Lea LCC highways have assessed the allocation and raised no objections in principle subject to providing a crossing to enable pedestrians to reach the footpath on the opposite side of the road. Although the site assessment process identified known waste-water capacity issues, no objections have been raised by Severn Trent Water or the Environment Agency either. Ensuring that adequate drainage could be provided on the site would be a matter for the detailed design at the planning application stage. Similarly, no concerns regarding healthcare provision have been raised by any of the relevant authorities. As a result, having regard to available infrastructure capacity the site would be developable in the plan period. With an indicative capacity of 68 dwellings the allocation would not be out of scale in this location.

207. The submitted evidence demonstrates that the site was once likely part of the parkland associated with Lea Hall, and that a track runs along the western site boundary to the neighbouring Grade I Listed Church of St Helen. However, Lea Hall has been substantially demolished and the site does not form part of a registered park or garden. It is also located on the opposite side of Willingham Road to the Church of St Helen and is separated from it by mature trees. Whilst the effect of a proposal on the significance of neighbouring heritage assets would be a matter for the detailed layout, scale and design of a scheme to consider, in principle new residential development would not harm the setting of the church. Given the size of the site there is nothing to
indicate how or why any important features such as pedestrian links or mature trees and landscaping could not be retained as required in the design process.

208. The site is also part of an Area of Great Landscape Value that stretches to the south and east of Gainsborough. Nevertheless, this does not prevent development from coming forward. Instead, Policy LP17 requires proposals to respond positively to landscape and townscape features and take account of views in to, out of and within development areas. The plan therefore provides a robust framework to help ensure that development of the site respects its surroundings, including the setting of the village. In summary, the allocation is justified, sound and developable.

**Market Towns (Policy LP51)**

209. For the reasons identified above, and consistent with other settlements, a MM is required to amend descriptions, site areas and dwelling capacity figures to reflect the most up-to-date position in Caistor and Market Rasen. Site Ref CL1356 has also been completed and should be deleted. *(MM/69)*

210. In total around 640 new dwellings are allocated in Market Rasen. Although this is a significant number of new houses, Market Rasen is a Tier 3 settlement. Given the size of the town, which has roughly 2,085 existing houses, the level of residential development proposed is proportionate to its size, role and function. The scale of development proposed through the allocations will not change its position in the hierarchy of settlements behind Gainsborough and Sleaford, which are both considerably larger and have a much wider range of services and facilities.

211. To the north of Market Rasen site Ref CL1364 is allocated for around 200 dwellings. Part of the reason for this is because the northern half of the site falls within Flood Zone 3, owing to the proximity of Brimmer Beck. Other parts of the site also fall within Flood Zone 2. The capacity was therefore reduced to allow for mitigation and in order avoid the areas at risk of flooding.

212. However, during the hearings the Committee and site promoters confirmed that masterplanning work submitted with a live planning application demonstrated that up to 300 dwellings could be achieved on the site without encroaching onto the northernmost field adjacent to Brimmer Beck. This is a reasonable position and was the only reason why the site was limited to around 200 dwellings in the Submission Local Plan. Accordingly, to ensure that Policy LP51 is effective and reflects the latest position *(MM/69)* is required to increase the indicative dwelling capacity. In the event that further investigations by the EA indicate that dwelling numbers need to be limited, or certain parts of the site restricted from new development, then other policies in the plan would ensure that the effects of flooding would be mitigated.

**Large Villages (Policy LP52)**

213. Cherry Willingham is situated to the east of Lincoln and falls within the LSA. Five sites are proposed for allocation, two with planning permission to the

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62 Document E018
west of the village which will provide 59 dwellings, and three sites to the east of the village which shall provide around 373 additional dwellings.

214. The edge of the easternmost allocations would run broadly in line with the eastern edge of the village north of the railway line, and would represent a logical ‘rounding-off’ to the settlement. There would be no impact on the Green Wedge to the north-east which separates the village from Reepham, and a generous gap would remain between Cherry Willingham and Fiskerton. In summary, no harmful coalescence with neighbouring settlements would occur.

215. By allowing development on sites CL1179, CL4433 and CL1181 there would inevitably be some intrusion into the open countryside. Given the flat, open fields that surround the village new housing would be clearly visible, especially from the public footpath to the west of the village. But this would not be dissimilar from a similarly sized expansion to the west of the village, which is also surrounded by predominantly flat, agricultural land. Along the immediate western boundary the urban influence of Lincoln is limited and new residential development of the scale proposed would inevitably have a visual impact too. As a result, the eastern edge of the village is not an unsuitable or unsound location for additional growth in Cherry Willingham. The application of Policy LP26 should help to ensure an acceptable standard of design, including in terms of layout, landscaping and boundary treatments.

216. In Scotter two sites are allocated either side of North Moor Road. The rationale for their location has been to position new housing downstream of the settlement. This is to avoid any increased risk of flooding to the rest of the village in the absence of any deliverable flood alleviation schemes. This is a logical approach to shaping future growth of the village. Moreover, sites CL1456 and CL4674 relate well to the village with housing on two sides. They are also within walking distance of services and facilities in the village and no objections have been raised from either the highways or education authorities. The scale of development proposed (around 93 dwellings) is appropriate, and there is no evidence to suggest this would exceed infrastructure capacity subject to providing appropriate mitigation and upgrades.

Medium and Small Villages (Policy LP53)

217. As identified above, the plan only seeks to include allocations in Tiers 1-4 with the exception of sites at Hemswell Cliff and Lea. The site at Lea is included under Policy LP50 as contributing to Gainsborough’s housing needs.

218. The 4 other sites under Policy LP53 have been included because they have planning permission. However, the effect of this approach is that the sites will continue to count towards the relevant growth level for each village even if the permission lapsed. By comparison, housing permissions on any other sites would only be counted as long as they remained extant. There is no sound justification for making this distinction and, in any case, specifically allocating sites runs counter to the general approach taken by Policies LP2 and LP4 in these villages. The sites with planning permission should therefore be deleted.

219. The reason for the exception at Hemswell Cliff is because the existing Business Park has been identified as a national Food Enterprise Zone. In order to complement the level of employment growth expected in the village, and to
promote a balanced, mixed and sustainable community the plan includes a site for 180 dwellings. Any further growth would be subject to the requirements of Policy LP4. Due to the unique circumstances and the levels of growth promoted by the LDO this approach is appropriate. Although it has been cited as an example to justify allocating housing in other locations, such as Bassingham and Riseholme, the position elsewhere is not directly comparable. However, this position should be made more explicit throughout the plan to avoid any confusion by MM/2, MM/6, MM/46, MM/69 and MM/70.

Conclusions on residential allocations

220. The plan has taken forward the most suitable options for allocating new housing sites having regard to the assessments in the IIA, PS.EVR48-54 and the Committee’s professional judgement. Although the justification for not taking forward certain omission sites could have been clearer, subject to the recommended main modifications the proposed allocations represent the most appropriate strategy for new housing over the plan period. The other residential allocations are justified, have been subject to a robust site selection process and are sound.

Issue 7 – Whether there is a reasonable prospect of a five-year supply of deliverable housing sites on adoption, and whether the policies and allocations in the plan will ensure that the housing requirement is met.

Five-Year Housing Land Supply

Housing Requirement

221. Policy LP3 aims to facilitate the delivery of 36,960 new homes over the plan period (2012-2036), or 1,540 dpa. This is reflected in the housing trajectory as amended by MM/67 to take account of the latest position regarding sites, including those which have been added and/or deleted through MMs. This is the starting point for calculating the five-year requirement.

222. To put the housing requirement into context, 1,540 dpa is similar to the annual rates of delivery achieved across Central Lincolnshire between 2001/2 and 2007/8. During this pre-recession period output ranged from roughly 1,438 to 1,989 dpa. Based on past performance it is therefore a positive, but attainable requirement.

223. The Framework states that LPAs should include a 5% buffer to the five-year requirement to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery the buffer should be increased to 20%.

224. The Committee’s Hearing Statement\(^{63}\) compares housing delivery across Central Lincolnshire against relevant targets. This dates back to 2001/2 and includes targets against the Lincolnshire Structure Plan, the East Midlands Regional Plan and the submission Central Lincolnshire Local Plan. In

\(^{63}\) Hearing Statement Matter 6
summary, it demonstrates that since 2006/7 there has been a persistent under-delivery of housing, peaking at 967 dwellings in 2011/12. A 20% buffer is therefore applicable, at this point.

225. The under-delivery of housing across Central Lincolnshire since the start of the plan period in 2012 has resulted in a shortfall of some 2,425 units. It is general practice to apply the 20% buffer to the annual average housing requirement as adjusted to recover the shortfall. The implications of using this methodology are set out in Document ED022.

226. The next factor to consider is how the shortfall should be addressed, either within the next five years (the ‘Sedgefield’ method), or over the remainder of the plan period (the ‘Liverpool’ method). The PPG advises that local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period ‘where possible’.

227. However, the CLLP seeks to deliver around 40% of its planned housing delivery on SUEs, or around 14,700 dwellings. By their very nature these are large sites, several of which require significant new infrastructure. Many have also taken a significant period of time to progress and are the result of several years’ worth of dialogue with key stakeholders. When taking this into account, and considering the fact that the SUEs are intended to start delivering the bulk of new housing mid-way through the plan, the circumstances in Central Lincolnshire justify seeking to meet the shortfall over the longer-term (the ‘Liverpool’ method). Furthermore, seeking to address the shortfall over the first five years would result in a housing requirement of around 2,532 dpa. Bearing in mind that the highest annual output since 2001/2 was 1,989, based on the best past performance in recent years this is likely to be unrealistic. To provide clarity to decision-makers it is necessary to confirm this approach in the plan through MM/8.

228. In summary therefore, the housing requirement as defined in the plan is 1,540 dpa. Added to this are the shortfall (spread over the plan period) and a 20% buffer. This results in a five-year housing requirement of 10,141 dwellings, or 2,028 dpa at this point.64

Components of Supply

229. The Committee has identified sites which it considers can provide 12,712 dwellings over the next five years, equating to 6.27 years’ worth of supply.65 This includes sites with planning permission at 31 March 2016, sites with planning permission since 31 March 2016, allocations and windfall sites in Lincoln and the rural areas.

SUEs

230. Due to their size and complexity SUEs can take longer than smaller sites to start delivering new housing. For some sites this could take several years. However, in broad terms, each of the SUEs identified in the CLLP are capable of delivering housing within the plan period. In particular, none of the

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64 Document ED022 – Scenario 4
65 Documents ED022 and Appendix 1 of E007D as corrected by E007E
participants at the public examination provided any evidence of site specific constraints or infrastructure requirements that would prevent or very seriously delay any of these developments.

231. That being said, in some cases the Committee’s position on the rate and timing of delivery is optimistic. This is considered below.

232. The WGC is expected to deliver 275 units within five years. This is based on a relatively ‘infrastructure-light’ first phase and having a local developer in place. Even so, at the time of the hearing sessions no planning applications had been submitted. Selling the first houses in 2018/19 as suggested by the Committee is therefore very optimistic.

233. However, discussions regarding the WGC have been on-going for several years and a significant amount of work has already been done, for example in respect of flooding and site access. This reduces the likelihood of a drawn-out planning application process. A local developer is also involved and confirmed at the hearing sessions that the site is viable and deliverable, potentially avoiding the need for lengthy negotiations over the sale of the land. Thus, the delivery of some new houses on the first phase over the next five years is realistic.

234. The SEQ is slightly further progressed and an outline planning application for the first phase was submitted in 2016. It also has a developer involved who confirms that the site is deliverable. Reserved matters approval would still be required and conditions would need to be discharged. It would also take time to increase output to the levels envisaged by the Committee. Nevertheless, we have no reasons to suggest that the site cannot start delivering residential development within five years.

235. At the NEQ outline planning permission for the first phase has been granted. Based on updates at the hearing sessions final bids from interested developers were expected in late 2016 with reserved matters applications anticipated to follow early this year. Detailed designs would then need to be progressed, submitted and approved. Realistically this is a process which is highly unlikely to yield any completions in 2017/18. On the other hand, given that planning permission is in place, and the first phase relates to a relatively unconstrained parcel of greenfield land, there is a good prospect of it being deliverable in a timescale which reflects the anticipated construction of the LEB. No delivery has been attributed to the SWQ, which is at a much earlier stage and requires construction of part of the LSB to access the main site. This is reasonable.

236. In Gainsborough the Southern Neighbourhood also has the benefit of planning permission. Despite being secured in 2011 no reserved matters applications have been submitted and there is no developer in place. It is therefore highly unlikely that the site will deliver houses in 2017/18 as envisaged by the Committee. Nevertheless, the site promoters have been working with an experienced infrastructure provider since 2015. The role of the infrastructure provider is to deliver serviced land for housebuilders to take forward on a plot-by-plot basis. This is intended to speed-up delivery of the site as there would be fewer constraints to overcome. The Committee has also referred to the increasing confidence in Gainsborough, which has Housing Zone status. When taking these factors into account, and in the absence of any site specific
evidence which points to the site being undeliverable, it is reasonable to assume that some housing delivery will take place over the next five years.

237. At the Gainsborough Northern Neighbourhood the scope of an outline planning application for Phase 1 has been agreed with the local planning authority and is expected to be submitted this year. Whilst progress is still at a reasonably early stage, the first phase is expected to come forward for around 150 units on a relatively unconstrained area of predominantly flat, arable land. Delivering the majority of this modest first phase is therefore realistic, albeit time needs to be factored in to allow for a planning application to be approved, a developer secured and followed-up by reserved matters approval.

238. In Sleaford ‘Handley Chase’ also has outline planning permission and an application for reserved matters has been submitted for 32 units. At the hearing it was suggested that the approach was to enable the initial infrastructure to be put in place and open the site up to housebuilders. But other developers would also need to secure reserved matters approval for subsequent phases. Even with a detailed masterplan, the Committee’s figures for delivery are therefore optimistic.

239. Finally, the Sleaford West Quadrant has a resolution to grant outline planning permission subject to the completion of a Section 106 Agreement. The site is therefore progressing. Subject to allowing time to secure a housebuilder, progress and approve a reserved matters submission and discharge conditions, some delivery on the site over the next five years is to be expected.

240. In summary, when taking into account the size and complexity of the SUEs, and considering that developer intentions and preferences about timing may change, the anticipated supply from the SUEs is optimistic to some degree. However, predicting exact delivery rates is not an exact science. Moreover, as part of this examination very little site specific analysis of the SUEs has been provided which points to any insurmountable obstacles to their delivery. The Topic Papers confirm that a substantial amount of work has already been undertaken with key stakeholders in bringing the sites forward, and those without planning permission are at an advanced stage. In general terms therefore, aside from the SWQ, the first phases of the SUEs are expected to start delivering some new residential development over the next five years.

241. In terms of other sites, the Committee confirms that an outline planning application has been submitted for new residential development at the former CEGB Power Station on Spa Road, Lincoln (site Ref CL525). However, the Central Lincolnshire Plan Viability and Community Infrastructure Levy Study\textsuperscript{66} states that:

\textit{“...The biggest constraint and abnormal cost for this site is the need to relocate the existing EON / Western Power cabling and kit which would involve a five year lead in time to move, and requires some 80\% of the £5.226m costs upfront to facilitate... Given the site’s complications and abnormal works required to clear this site for development, delivery is not...”}

\textsuperscript{66} Document E011A
expected to take place in the first five years of the plan, and this scheme should be considered as part of the medium to longer term strategy”

242. At the hearing it was suggested that discussions are on-going regarding funding, and that there is a small area of the site close to the main access which could be developed without the need for the pylon and sub-station to be relocated. But no details have been submitted. Based on the information available it is not a site likely to be deliverable within the next five years.

243. The Committee’s figures also include 150 units coming forward in the same year (2019/20) on land to the rear of 283-335 Newark Road, Lincoln (Ref CL704). Although the timing of their delivery could change, the scheme relates to a block of apartments which has the benefit of planning permission. Even accounting for a phased delivery over a 2-3 year period, there is nothing to indicate that the planning permission cannot be implemented and the 150 apartments delivered within five years.

244. Finally, land at Mill Lane, Billinghay (Ref CL1101) has been identified as delivering 25 units in 2017/18. This is unlikely given the time required to secure planning permission and make a start on site. Nevertheless, the site is allocated in the CLLP and is only expected to provide around 65 dwellings. In the absence of any site specific assessment we find no reasons why this relatively modest allocation cannot be delivered in five years.

Windfall Allowance

245. The Committee’s calculations for the purposes of the five-year supply include a windfall allowance of approximately 748 dwellings. This includes 75 units per year in the City of Lincoln, and 112 per year in the rural areas.  

246. The Framework states that local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that sites have consistently become available. In this case the Committee confirm that 75 is the lowest number of dwellings that have come forward on sites of less than 25 units in Lincoln over recent years. There is no reason to doubt that this number at least will be achieved.

247. The plan includes a flexible approach to development in Tiers 5-7 by removing settlement boundaries. Comparing data from previous local plan periods is therefore unlikely to give a true reflection on windfall rates in the rural areas. However, there are a significant number of settlements in Tiers 5 and 6 spread over two local authority areas which, in principle, can each grow by 10-15%. As modified Policy LP2 also allows infill housing to come forward in hamlets. When considering the wide scope for new housing to come forward across the villages and rural areas of Central Lincolnshire following the removal of settlement boundaries, adopting a windfall rate of 112dpa for the purpose of this assessment is reasonable.

248. Furthermore, no windfall allowance has been included for non-allocated sites in Gainsborough, Sleaford, Market Rasen or Caistor. Development is explicitly supported in both Main Towns and the Committee confirms that developer

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67 Inspectors’ Note: The windfall allowance is only applied to Years 2-5 to avoid double-counting commitments
interest is on the rise, with sites referred to at the hearing sessions which have come forward recently. Appropriate infill, intensification and renewal of the urban areas in the Market Towns are also supported by Policy LP2. It is therefore highly likely that additional development will be realised in the five-year period. On this basis the overall windfall allowance of 748 dwellings over the next five years is a conservative one.

Conclusion on Five-Year Housing Land Supply

249. The Committee’s anticipated lead-in times and rates of delivery on some of the SUEs are too optimistic given the size and complexity of the sites. However, a significant amount of work over a number of years has gone into their preparation, some of which have planning permission, active developers and/or applications progressing. No persuasive evidence has been provided to indicate that some residential development cannot be delivered in five years.

250. Similarly, it is possible that there may be other sites that do not deliver to the levels anticipated. But this has to be balanced against the conservative windfall allowance for Lincoln and the rural areas. Given that the plan removes settlement boundaries and allows a flexible approach to Categories 5, 6 and 7 this is a figure which could easily be exceeded, especially during the first five years before growth levels in some villages are exhausted. Unallocated sites in the Main Towns are also highly likely to come forward, especially given the Housing Zone status in Gainsborough.

251. In conclusion, the Committee’s supply identifies land sufficient for 12,712 new houses over the next five years. Even applying more conservative estimates to delivery on the SUEs, we are satisfied that the deliverable supply would exceed the five-year housing requirement of 10,141 dwellings. As a result, based on the evidence provided there is a good prospect that there will be an up-to-date supply of specific deliverable sites sufficient enough to provide five years’ worth of housing against the requirements of the plan upon adoption.

Future Supply

252. The Housing Trajectory is included on page 110 of the Plan. This sets out how new residential development will come forward over the plan period from sites with planning permission, allocations and from windfall sites. The preceding table on page 109 breaks the totals down by location and considers the growth against the spatial distribution of housing in Policy LP3.

253. Both are now out-of-date and should be amended to reflect the latest position (MM/66). As a result of MM/66 the table on page 108 would identify a total of 38,475 dwellings. This exceeds the housing requirement of 36,960.

254. In terms of allocations the plan identifies sites sufficient to provide around 22,485 new dwellings over the plan period. Over 14,000 dwellings are expected to come forward from the planned SUEs, a number of which have outline planning permission already. The main component of the growth envisaged from the SUEs is therefore likely to be developed in years 6-10.
255. Policy LP54 includes broad locations for future growth. These sites are not included in the trajectory but have been identified as able to accommodate some 5,750 dwellings if delivery exceeds the housing requirement. Additional capacity on the SUEs is also identified beyond the plan period.

256. An allowance of 3,621 dwellings from windfall sites is also included in the growth assumptions on page 109. This comprises around 2,452 units within the LSA and approximately 1,169 ‘elsewhere’. Lincoln is the main city in the sub-regional area. Policy LP2 seeks to significantly strengthen its role by making the Lincoln Urban Area ‘the principal focus for development’ in Central Lincolnshire. Over a plan period of 24 years it therefore is not unreasonable to expect some new housing to come forward on unallocated sites.

257. In summary, the policies and allocations in the plan identify a supply of sites and broad locations for growth for years 6-10 and 11-15. In addition, as discussed above the windfall assumptions are conservative. The plan therefore makes adequate provision, through identifying a range of different sites, to ensure that there is a reasonable prospect of maintaining a rolling five-year supply over the plan period.

**Issue 8 – Whether the plan makes adequate provision to meet the needs of gypsies and travellers and travelling showpeople.**

**Need**

258. The Committee’s evidence relating to gypsy and travellers is contained within Document PS.EVR56 and the 2013 Central Lincolnshire Gypsy and Traveller Accommodation Assessment (GTAA)\(^68\). In summary, it identifies a need for 72 residential pitches from 2013-33 across Central Lincolnshire.

259. Rather than providing a simple annualised requirement the assessment breaks down the 20-year period down into segments. From 2013-18 there is a need to provide 16 pitches. This is the same for 2018-23. Thereafter the requirement increases. There is also a need for 4 emergency stopping places and 1 plot for travelling showpeople.

260. Since publication of the GTAA the National Planning Policy for Traveller Sites (PPTS) has updated the definition of ‘gypsies and travellers’ and ‘travelling showpeople’. Previously included within the definition were those who had ceased to travel temporarily or permanently for reasons of health, education or old age. Although representors suggest that the change may have reduced the need for new pitches, we have seen nothing to substantiate this. Other than the GTAA there is no evidence at this time which sets out an alternative assessment of accommodation needs in Central Lincolnshire. However, this change will need to be taken into account as part of any review of local housing needs.

**Supply**

*Residential Pitches*

\(^{68}\) Document E004
261. Policy LP56 allocates 3 sites which will provide between 14 and 17 residential pitches. The allocations are intended to represent specific, deliverable sites sufficient to provide five-years’ worth of supply against the target of 16 pitches from 2013-18. Thereafter the plan identifies that 5-10 pitches would come forward on each of the SUEs, which have the scope to provide roughly 30-60 pitches in total\textsuperscript{69}. It is expected that these pitches would come forward in years 6-10 and 11-15.

262. The first allocation at Westrum Lane, Brigg (site Ref CL4738) has been granted planning permission for 6 pitches. The principle of this extension is therefore justified. The second allocation seeks an extension to an existing site at Washingborough Road, Lincoln (site Ref CL4675). This comprises a relatively flat, square parcel of land benefitting from an existing access on the edge of Lincoln. Although the northern half falls within Flood Zone 2 sufficient land is available to locate pitches outside this area. Other constraints include the presence of local wildlife site designations within and adjacent to the site, but there is nothing to indicate that the allocation would have any significant adverse effects on interests of nature conservation. However, to ensure that this objective is met Policy LP56 should be amended by rewording the requirement that ‘Any wildlife lost should be mitigated’, which is unclear and imprecise. (MM/72)

263. It is apparent that there is strong local concern regarding the third allocation at Trent Port Road, Marton (site Ref CL1337). Marton is defined as a Tier 5 Medium Village. It is therefore a location where new residential development is acceptable, and proposals of up to 9 dwellings would be supported in principle under Policy LP4.

264. The Settlement Hierarchy and Growth Distribution Study\textsuperscript{70} identifies 312 dwellings in Marton and Policy LP4 allows 10% growth. This equates to roughly 31 additional houses. In this context between 3 and 6 residential pitches would be proportionate in scale to the level of growth permitted by other policies in the plan. The allocation would not dominate the village, nor would it not lead to isolated pitches in the countryside. From Trent Port Road potential future occupants would be able to walk to the primary school and bus stops in the village.

265. The PPTS states that policies should seek to promote peaceful and integrated co-existence between sites and the local community. In seeking to achieve this objective there is inevitably a fine balance to be struck between identifying a site where potential future occupants feel part of an existing community whilst protecting the living conditions of nearby residents.

266. In this case the site extends to approximately 1.9ha and only the parcel of land to the south is adjacent to an existing residential property. As a result, the layout, siting and orientation of the pitches could be arranged in a way that contains the majority of development to the rear of the site which has been used by caravans in the past. This would be a matter for the planning application process to consider against the criteria in Policy LP56. In addition,

\textsuperscript{69} Inspectors’ Note: Although in the case of the Gainsborough Southern Neighbourhood and Sleaford South this would require schemes coming forward separately to the approved outline planning permissions.

\textsuperscript{70} Document E018
only between 3 and 6 pitches are proposed. It would therefore be a relatively modest development. When taking all of these factors into account, neither the scale of development nor proximity to existing housing indicates that the allocation is unsound. Containing pitches to the rear of the site, away from Trent Port Road and in Flood Zone 1 would also reduce the risk of flooding.

267. With regard to access Trent Port Road gradually narrows from east to west. In places it is only wide enough for a single vehicle. Nevertheless, LCC highways have not objected to the use of the site for 3-6 pitches. Trent Port Road is reasonably straight with good forward visibility and only serves a limited number of houses, a graveyard and provides access to the river. The entrance into the site has also been used by caravans in the past without anything to suggest that large amounts of hedgerow needed removing. As a result, the provision of up to 6 pitches would be unlikely to give rise to any highway safety concerns arising from the frequency or volume of traffic movements.

268. In terms of utilities this is not an isolated site and there are existing houses along Trent Port Road, including immediately adjacent to the proposed allocation. It has also been used as a caravan site in the past. Accordingly, there is nothing to indicate that the site cannot be provided with electricity and water to service potential future occupiers. Such a limited number of pitches would also be able to accommodate surface and foul water drainage on site, such as the use of septic tanks for example, if they were the preferred drainage solution.

269. In considering whether or not the allocation is sound it is important to note that all proposals, including on allocated sites, would also have to meet the requirements set out in Policy LP56. This provides a robust framework for decision-makers to consider planning applications and take into account factors such as the living conditions of residents, access and drainage in the final design. However, the term ‘acoustic privacy’ is ambiguous and should be deleted. Instead the policy should provide a reference to Policy LP26 which thoroughly covers issues relating to living conditions. (MM/72)

270. During the examination the Committee confirmed that the allocations are not intended to represent an ‘indicative’ number of pitches that can be exceeded, and that figures in Policy LP56 should be expressed as a maximum. This was consulted upon as part of changes to Policy LP56 (MM/72). However, this is contrary to the approach to other residential allocations in the plan. Moreover, should a planning application come forward on any of the allocated sites that exceeded the figures in LP56, or should future applications seek to expand sites further, then this would be for the development management process to determine. Specifying the figures in Policy LP56 as a ‘maximum’ is not necessary in order to make the plan sound.

271. In addition to the allocations there are strong concerns regarding the provision of gypsy and traveller sites on the SUEs. However, these are large sites, close to urban areas, transport infrastructure and services. They are intended to provide a variety of uses to create new mixed and balanced communities. As such, they are ideally placed to include residential pitches which can be considered upfront as part of the masterplanning process.
272. Furthermore, whilst it has been suggested that providing pitches on the SUEs will affect viability, no evidence has been submitted to substantiate such concerns. Similarly, there is nothing to suggest that 5-10 pitches could not be provided somewhere on the SUEs without compromising their deliverability or market attractiveness. Reasonable alternative strategies have been tested through the IIA and including pitches on the SUEs is appropriate.

273. In terms of their location relative to demand, the GTAA identified that the greatest demand for pitches was in West Lindsey. A specific site has been allocated in West Lindsey and additional provision will be made through SUEs in the area. Although the CLLP also relies on sites within North Kesteven and the City of Lincoln, it has sought to meet the housing needs of the area across Central Lincolnshire, rather than specifically at a local authority level. This includes the needs arising for gypsies and travellers, and is a sound approach to take.

Emergency Stopping Places and Travelling Showpeople Plots

274. No sites have been identified to meet the needs for the 4 emergency stopping places identified in the GTAA. This is because if the stopping places are identified and provided before the shortfall in permanent pitches is met, the GTAA advises there is a risk that they will become used as permanent residential sites, with the resultant management issues that would occur. The problems likely to arise from identifying and providing the stopping places at this stage therefore outweigh their benefit. Accordingly, in this particular case relying on stopping places to come forward from windfall sites is justified, especially given the small number of places that have been identified.

275. Similarly, because only 1 plot is required for travelling showpeople it is expected that this would be provided on a windfall basis, rather than allocating a very small site. Subject to a modification which makes it clear that Policy LP56 also applies to travelling showpeople, the policy provides an appropriate framework to consider such sites over the plan period. (MM/72)

Conclusion

276. Subject to the recommended main modifications the plan makes adequate provision to meet the needs of gypsies and travellers and travelling showpeople.

Issue 9 – Whether the strategy for job growth and employment, including the employment allocations and policies concerning employment sites is sound.

Employment Land Requirements

277. Using the baseline forecast the ENA\textsuperscript{71} expects 11,894 full-time equivalent (FTE) jobs to be generated across Central Lincolnshire between 2012 and 2036. Despite being at the lower-end of the forecasts in the ENA, this is a reasonable and attainable growth target and represents roughly an 11% increase aggregated over the 3 authorities. However, it is not currently set

\textsuperscript{71} Document E008
out in policy. A MM is therefore necessary to define the level of jobs growth in Policy LP3 rather than referring to an "appropriate amount of employment land" which is unclear and ambiguous. (MM/4)

278. The ENA converts the 11,894 FTE jobs into a requirement for additional employment land. In summary, it states that there will be a need for around 45.9ha of additional land in Use Classes B1, B2 and B8 over the plan period. It also forecasts that there will be a reduction in the demand for general industrial land within Use Classes B1c and B2, leaving a net requirement for approximately 23ha of employment land.72

279. In contrast, Policy LP5 allocates roughly 111ha on Strategic Employment Sites (SEs) and around 42ha of employment land on SUEs (ESUs). Even allowing for choice and competition in the market for land, the possibility that some sites may not come forward and that some sites may be redeveloped for other uses, this is significantly more land than is required.

280. The reasons for this are twofold. Firstly, several of the SES already have planning permission. Secondly, in order to ensure that the SUEs provide a mix of uses all but one of the allocations includes provision for employment land. This is consistent with one of the Framework’s Core Planning Principles which seeks to promote mixed use developments. It is a reasonable and justified approach.

281. To ensure internal consistency a MM is required to Policy LP5 to specify that the SUEs should provide a mix of job creating uses, with an ‘approximate’ figure for each site (MM/12). This flexibility has resulted in the overall figure for “employment land” increasing, because the 9ha envisaged for leisure uses at the Western Growth Corridor has been included in the figure in Policy LP5. Despite this increase, in practice these changes could result in less employment land coming forward for typical Class B1/B2/B8 uses.

282. In the event that a substantial amount of the employment land in Policy LP5 is developed there could be a mismatch between the need for workers and available housing. This could result in employees having to commute into Central Lincolnshire from outside the plan area, leading to a likely increase in car usage and more unsustainable travel patterns.

283. However, Policy LP54 includes a trigger mechanism to address such a scenario. In the event that the net increase in jobs since 2012 has, on average, been above 496 FTE jobs per year,73 and house completions have been around 1,540 dpa, then the broad locations for future growth would be considered. This would only apply post-2026 to ensure that the allocations in the plan are prioritised. Thereafter the ‘reserve’ locations for growth have the capacity to provide around 5,750 new dwellings. Through Policy LP54 the plan therefore contains an adequate mechanism in the event that the take-up of land results in higher jobs growth and an increased need for new housing. Alternatively, either a full or partial review may be required.

72 Inspectors’ Note: 45.6ha – losses of 23ha = roughly 23ha to allocate
73 Inspectors’ Note: 11,894 / 24 years = 496 FTE jobs per year
284. Given that some of the reserve sites represent large-scale development opportunities, they will inevitably take time to deliver the required housing. Nevertheless, the reserve sites at Gainsborough, Sleaford and Lincoln reflect the spatial distribution of development in the plan. In addition, only one is a new SUE and the remainder range in size from 350 – 1,900 dwellings. Larger sites could also be delivered in phases, as many of the allocated SUEs are doing. As a result, there is nothing to indicate that the reserve sites in Policy LP54 are unsound. Their size and location are appropriate, and they accord with the aims and vision of the plan.

Strategic Employment Sites (SESs) and Existing Employment Areas (EEAs)

285. A total of 7 SESs are allocated through Policy LP5. All either have planning permission already or form part of an LDO, such as the Agri-Food Enterprise Zone.

286. In addition to the sites allocated for new employment land provision, a total of 21 EEAs are identified. Across these sites only proposals for development falling within predominantly Use Classes B1/B2/B8 will be supported. By adopting this approach Policy LP5 will help support small and medium-sized businesses by safeguarding a supply of suitable premises and land. It will also help to provide existing occupiers with the confidence to invest and expand.

287. A number of criteria were used to determine whether or not existing employment sites should be identified as EEAs. This included considering the market attractiveness of sites, with a requirement that they should be generally of a good quality and represent popular locations for business. As a consequence, Policy LP5 does not include sites where there is no reasonable prospect of them being used for employment purposes. This is consistent with paragraph 22 of the Framework.

288. An example of this is site Ref E14 – land at Waterside South. It has been suggested that a lease for the buildings is due to expire shortly and that any potential renewal would unlikely extend beyond the plan period. A more flexible approach is sought in the event that a key employer is lost from the site. However, there is no evidence to suggest that existing occupiers are about to vacate the premises, that the buildings are no longer suitable for their needs or that the site would be unsuitable for other businesses in the area. The identification of the site as an EEA is appropriate and justified.

289. The former Sunblest Bakery site on Deacon Road, Lincoln also forms part of an EEA (site Ref E11 – Outer Circle Road). Despite being situated on the opposite side of the road to the main part of the EEA the site has a clear association with the industrial estate. Access can be taken from Deacon Road and there are established commercial and industrial operators opposite to the south. Moreover, although the site has been vacant for a number of years, no specific marketing evidence has been provided to substantiate comments regarding a lack of demand for typical ‘B’ use classes. Including the site as part of E11 is therefore appropriate and justified.

74 Document PS.EVR5
290. Finally land at Long Leys Road (site Ref E10) forms part of a wider allocation in the existing *City of Lincoln Local Plan* which is limited to only Class B1 uses. However, identification of the site as an EEA suitable for B2 and B8 purposes reflects some of the existing uses on site, which includes a builder’s depot and storage yard. Furthermore, whilst the principle of development in Classes B1/B2/B8 is supported by Policy LP5, this is only where proposals are of a scale that respects the character of the area and/or neighbouring land uses. In the event that a scheme came forward for development within Classes B2 or B8, the plan therefore provides an appropriate policy framework to consider its relationship with surrounding residential uses. The allocation is appropriate and justified.

**Local Employment Sites (LES)**

291. Proposals for new development falling within Classes B1/B2/B8 on existing, but unallocated Local Employment Sites (LES) are also supported by Policy LP5. This provides occupiers of local, unallocated sites with confidence to invest by supporting the principle of further economic development. For clarity, and in order to be effective the second bullet point should be amended to specify that proposals should not harm the character of the locality and/or the amenities of neighbouring occupiers. *(MM/13)*

**Other Employment Proposals**

292. As currently worded Policy LP5 states that other employment proposals in locations not covered by SES, ESUE, EEA and LES categories will be ‘considered on their merits’. This is different to new proposals in the categories above where Policy LP5 expressly supports economic development.

293. The Committee confirms that it is not the intention of Policy LP5 to make this distinction. Moreover, the Plan’s vision states that "*villages will not be left behind, with appropriate and sensitive development being permitted to ensure they remain sustainable, thriving local communities*". To ensure that economic development is promoted in other locations, including rural settlements, Policy LP5 should therefore be amended to specifically support proposals, subject to meeting certain criteria *(MM/14)*. This ensures that Policy LP5 is consistent with the Framework which seeks to promote sustainable development in rural areas.

294. In order to be effective further changes are also needed to the bullet point list used to consider ‘other employment proposals’. The first criterion refers to searching for other appropriate sites in existing ‘settlements’. This is unclear, and requiring applicants for small, local employment proposals to consider alternative sites across the whole of Central Lincolnshire would be prohibitive and unreasonable. A MM is therefore required to specify that proposals should consider allocated sites or those within the built-up area of the settlement where they are located. Subject to meeting this requirement there is no need for the final criterion which effectively repeats the same test (i.e. to demonstrate that proposal cannot be located on an allocated site). Finally, to ensure that the policy is effective it is necessary to ensure that proposals are commensurate with the scale and character of an existing settlement, and do not harm the character of the locality and/or the amenities of neighbouring occupiers. *(MM/14)*
Loss of Employment Sites and Buildings to Non Employment Uses

295. Policy LP5 seeks to protect allocated sites and allow the redevelopment and reuse of unallocated land and buildings where appropriate. This is set out in the supporting text which confirms that in addition to the strategic employment sites there are a number of existing employment areas which are of such importance to the local economy and have the potential for expansion that they are protected. However, as drafted the policy text under the heading ‘Loss of Employment Sites and Buildings to Non Employment Uses’ is not particularly clear what it relates to. In order to be effective a MM is required to confirm that it relates to sites not allocated as either a SES or EEA (MM/15).

296. The Committee also confirmed that where a proposal seeks to reuse or redevelop a non-allocated employment site it is not the intention of Policy LP5 to require proposals to meet all of the listed criteria. Instead, proposals should be considered on their merits having regard to the evidence provided against each bullet-point. Again, this is unclear and an additional paragraph is required under the supporting text to explain the approach. (MM/11)

297. The first bullet point requires decision-makers to consider whether or not a proposal would affect economic growth and employment opportunities in the ‘catchment’ area of a building. However, this would be difficult to determine. In addition, a storage and distribution premises may have a regional or national ‘catchment’. The first bullet should therefore be amended to refer to the area where the relevant building is located.

298. Furthermore, as drafted Policy LP5 requires a 12 month period of marketing on terms that reflect the lawful use and condition of the premises. In light of the evidence that we have read and heard in this particular case, 12 months is an unnecessarily long period of time and should be reduced to 6. That being the case, to ensure that robust evidence is provided and that the exercise meets the aims and objectives of the policy the text should be amended to specify that marketing should be proportionate. Finally, as a result of the additional supporting text at paragraph 3.5.9 there is no need for the concluding sentence which confirms that evidence of marketing is not in itself sufficient justification for the loss of employment workspace. (MM/15)

Conclusion

299. Subject to the recommended main modifications the strategy for job growth and employment, including the employment allocations and policies concerning employment sites are sound.

Issue 10 – Whether the plan makes adequate provision for new infrastructure, and whether the approach to accessibility and transport and community facilities is sound.

Infrastructure

300. Policy LP12 states that planning permission will only be granted if it can be demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all the necessary requirements arising from a proposed
development. It also requires that consideration is given to the timing of infrastructure provision through phasing.

301. Although it has been suggested that Policy LP12 should set out what types of infrastructure it relates to, appropriate examples are provided in the supporting text. Calls for the policy to introduce a hierarchy of infrastructure by importance to local areas are also unnecessary, and could quickly become out-of-date as development comes forward. The plan therefore includes an adequate basis upon which new development can be managed in a way that does not undermine existing infrastructure.

302. Where new facilities are necessary as part of a development Policy LP15 confirms that they should be provided within or adjacent to the site in the first instance. Appropriate criteria are included which make it clear to developers and decision-makers when off-site provision may be considered acceptable as an alternative. This approach is reasonable.

303. In addition to Policy LP12 the City of Lincoln Council, North Kesteven District Council and West Lindsey District Council are also progressing draft CIL charging schedules alongside the CLLP. These will help to finance some of the infrastructure required to support the planned levels of growth including the LEB and secondary and 6th form education.

304. Reference is also made to specific infrastructure needed to facilitate strategic developments over the plan period. For example Policies LP28, LP30, LP39 and LP44 set out the infrastructure requirements for the SUEs. The route of the LEB and proposed Sleaford Link Road are also safeguarded. However, with regard to the latter, on-going work since publication of the submission version Local Plan has identified that alternative, more cost-effective options may be available. A MM is therefore required to provide further flexibility to Policy LP47 by safeguarding the route unless it is confirmed that the Link Road is no longer required and/or deliverable. (MM/64)

Accessibility and Transport

305. Policy LP13 provides an overarching framework for accessibility and transport. Although the broad transport objectives are justified, the requirement that all development proposals must contribute towards them is not. For example, it would be unreasonable and impractical for a small infill development within a hamlet to contribute towards strategic transport objectives in larger urban areas. A more proportionate approach is therefore required as proposed by MM/24 which introduces the caveat ‘where necessary’.

Community Facilities

306. Policy LP15 seeks to protect existing community facilities such as leisure facilities, libraries, public houses, places of worship, community halls or any registered asset of community value. This is consistent with paragraph 70 of the Framework. Amongst other things it requires planning policies to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs.

307. However, as written LP15 only refers to loss from redevelopment. In order to remove any ambiguity that could undermine the effectiveness of the policy
**MM/25** is necessary to specify that this also includes proposals for demolition or change of use (i.e. any form of development that results in the loss of the community facility).

**Conclusion**

308. Subject to the recommended main modifications the plan makes adequate provision for new infrastructure in order to support the levels of growth envisaged, and the approach to accessibility and transport and community facilities is sound.

**Issue 11 – Whether the strategy for the visitor economy, tourism and retailing is sound.**

**Visitor Economy and Tourism**

309. Policy LP7 supports development that delivers high quality, sustainable visitor facilities. However, the approach to requiring such uses to be within existing settlements does not take into account the location of some facilities, which may already be located in rural areas. In this regard Policy LP7 is not positively prepared or effective. **MM/17** is therefore necessary to make it clear that development should be in settlements, unless it relates to an existing visitor facility which is seeking redevelopment or expansion. This is consistent with the Framework which requires planning policies to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

310. Elsewhere Policy LP8 supports a range of uses associated with the Lincolnshire Showground such as conference facilities, expansion of the agricultural college functions, employment and a hotel. Given the strategic importance of the showground as one of the key agricultural show venues in the UK this is justified. It will also assist in promoting the agri-food sector which is a priority for the area.

**Retailing**

**Hierarchy of Centres**

311. Policy LP6 supports a hierarchy of centres starting with Lincoln City Centre, then the town centres of Sleaford, Gainsborough, Market Rasen and Caistor. A series of District Centres are also illustrated on the policies map along with new Local Centres proposed as part of the SUEs.

312. The general approach is to direct proposals for main town centre uses to the Tier 1-4 settlements and ensure that they are appropriate in scale and nature to the size and function of the relevant centre. Within the Lincoln Central Mixed Use Area a flexible approach allows for a range of uses from retail to leisure to residential development, including student accommodation. In the rural settlements the plan seeks to promote primarily convenience shopping and services to meet local needs. This approach is consistent with the Framework which requires plans to pursue policies to support the viability and
vitality of town centres, define a hierarchy of centres that is resilient to change and promote customer choice and a diverse retail offer. It is therefore sound.

Sequential and Impact Tests

313. To ensure that the remainder of Policy LP6 accords with national policy **MM/16** is necessary to define that the sequential test applies to ‘main town centre’ uses, rather than retail and ‘other’ uses. For the same reasons the MM needs to make it clear that the impact test will be required for any retail, leisure or office proposals where they meet the relevant thresholds. Similar changes are needed to Policies LP42 and LP46 to refer to main town centre uses in Gainsborough and Sleaford. (**MM/53** and **MM/63**)

314. Where an impact assessment is required Policy LP6 sets out local floorspace thresholds. These are based on evidence contained in the *Central Lincolnshire City and Town Centre Study*. The approach to District and Local Centres is reasonable and appropriate.

315. The plan deviates from the study in respect of Lincoln. The City and Town Centre Study recommended that an impact test should be carried out where proposals exceed 500 sq. m, regardless of location. In contrast Policy LP6 states that an impact test should be required for proposals greater than 500 sq. m unless they fall within 1 km of Lincoln City Centre, where a 2,500 sq. m threshold applies. Given the size, role and function of Lincoln, which is the principal city in the sub-region and has a healthy retail core, this approach is justified. However, the plan does not define a ‘City Centre’ boundary. To be effective **MM/16** is therefore necessary to amend Policy LP6a. by referring to the Primary Shopping Area (‘PSA’) as illustrated on the policies map.

316. **MM/16** is also required to specify that in locations not covered by a-c (i.e. outside of the Lincoln PSA, District Centres and Local Centres) proposals over 500 sq. m would also require an impact assessment. However, an unintended consequence of this MM is that all proposals would be required to conduct an impact assessment. This is not meant to be the case. For consistency with national policy the MMs included in the Appendix to this report therefore confirm that this applies to any ‘edge-of-centre or out-of-centre’ proposals. It is also necessary to remove ‘is located’ under a-d as this is superfluous.

Primary Shopping Areas

317. The main shopping area in Lincoln extends along High Street and continues over the railway line, which, for the majority of the time does not pose a significant physical barrier to pedestrians. Main town centre uses dominate on both sides of the street all the way to St. Marks, a modern development incorporating national retailers anchored by a large department store. Although the area to the west is dominated by car parking and contains a different retail offer focused around bulky goods, it is still part of the same broad area where retail development is concentrated. The proposed PSA boundary is therefore justified, and reflects the position on the ground. The

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75 Document E019
PSAs for Gainsborough and Sleaford also reflect the main retail cores of each town centre.

Meeting Retail Needs

318. In seeking to promote competitive town centre environments the Framework states that local plans should allocate suitable sites to meet the needs for a range of uses in town centres. This is to ensure that the needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability.

319. As identified above, the specific SUE policies each include the requirement that proposals should incorporate a range of shops, services and facilities as part of new local and/or district centres. This ensures that the needs of each new community will be met in full. The WGC also includes a requirement to provide leisure uses, with the supporting text to Policy LP30 confirming that the site has the potential for a regional leisure centre.

320. Apart from the requirement to provide new retail and community facilities on the SUEs, no sites are allocated in Lincoln to meet future retail needs. However, Policy LP33 confirms that the PSA will remain the focus for comparison shopping in the City. As a result, should land at the St. Mark’s Retail Park come forward for redevelopment then the plan provides an appropriate framework to support town centre uses. By encompassing the retail park within the PSA the plan allows for the future expansion of retailing in this location, and there is no need for a specific site allocation. Given that the site legitimately falls within the PSA imposing a cap on potential new retail development would be unjustified, and there is no requirement to protect one part of the shopping area over another in national policy. This approach is reasonable, and by extending the PSA the plan has identified an area suitable for expansion to meet future comparison retail needs.

Conclusion

321. Subject to the recommended main modifications the strategy for the visitor economy, tourism and retailing is sound.

Issue 12 – Whether the policies and designations concerning Green Wedges, Local Green Spaces, other Important Open Spaces and sports and recreation facilities are sound.

Green Wedges

322. Green Wedge designations are included in the existing City of Lincoln, North Kesteven and West Lindsey Local Plans. The latter also includes ‘Settlement Breaks’ which perform a similar function. The CLLP consolidates these designations into a series of Green Wedges under Policy LP22. Their main aims and objectives are to prevent the physical merging of settlements, create continuous links to the open countryside beyond urban areas, provide an accessible recreational resource and conserve and enhance local wildlife to create wildlife corridors.
323. Existing designations have all been reviewed through the *Central Lincolnshire Green Wedge and Settlement Breaks Review*. This evidence sets out, in a clear and transparent manner, why certain areas should be included within a Green Wedge, and why some should not.

324. To the north of Lincoln the primary role of the Burton to Nettleham Green Wedge is to prevent Nettleham and Riseholme from merging with Lincoln and to protect the character and setting of Lincoln, and the Riseholme Historic Park and Garden. Including land up to and including the University of Lincoln’s Riseholme Campus is therefore justified. However, areas to the north of Riseholme and to the west of Burton do not fulfil these criteria. They are separated from Lincoln by intervening tracts of Green Wedge and are not required to prevent coalescence with the City or to protect the character of the Historic Park and Garden. As a result, their removal is warranted.

325. The eastern edge of the Burton to Nettleham Green Wedge is bounded by the A158 and Greetwell Lane. Although it has been suggested that the Green Wedge should extend further east it is not the intention of the plan to introduce a policy which is similar in effect and purpose to a Green Belt. The likelihood of potential coalescence between Nettleham/North Greetwell/Cherry Willingham would also be prevented by other policies of the plan. In particular Policy LP26 includes the requirement that proposals should not result in visual or physical coalescence. No changes are required to make the plan sound in this location.

326. To the north-east of Lincoln the villages of Dunholme and Welton are separated by a relatively narrow stretch of land which is defined in the *West Lindsey Local Plan First Review* as a ‘Settlement Break’. The gap narrows along Ryland Road to the north of Dunholme and the existing fields either side of the road provide an important degree of separation between the opposing villages. The inclusion of this area as Green Wedge is therefore essential to maintaining a physical and visual break between the settlements. Although there may be parts of the gap which are narrower, for example north of Honeyholes Lane, this does not justify amending the Green Wedge and eroding what continues to be an important strategic gap between Dunholme and Welton.

327. It emerged during the examination that the Green Wedge as illustrated on the policies map for Dunholme and Welton goes beyond the area considered in PS.EVR22. Rather than running along Dunholme Beck the Green Wedge on the policies map continues to the east. Nevertheless, although this is an omission in the evidence report, the same justification as the remainder of the Green Wedge applies. Due to the proximity of the settlements to one another, the lack of any built development and the open nature of the fields east of Ryland Road this area also makes a positive contribution to the physical and visual break between Dunholme and Welton. Accordingly, its inclusion as part of the Green Wedge is justified.

328. East of Lincoln the Committee has proposed the removal of land at Greetwell Hollow (Parcels J1 and J2). Although local residents have raised strong

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*76 Document PS.EVR22 and Appendix*
concerns regarding this omission, the areas do not prevent the coalescence of settlements and do not penetrate into the urban area. Moreover, despite forming part of the Greetwell Hollow SSSI, LGS and LWS no evidence of any linkages to neighbouring open spaces has been provided. Based on the evidence provided neither J1 nor J2 therefore perform a role as a Green Wedge and their removal is necessary.

329. To the south of Lincoln the Waddington to Bracebridge Heath Green Wedge extends up to Urban Street and includes a parcel of land bounded by development on 3 sides. As part of the previous Local Plan process the Inspector found that:

"The site...forms part of a structural Green Wedge running up the eastern side of Lincoln, incorporating the Lincoln Cliff at its foot. I accept that is an important strategic policy. However, the site is of marginal value in that context, being unused contaminated land on the very edge of the urban area. Its loss would not have a significant material effect on the setting of the City or the appearance of the Green Wedge. Because of its former use it makes no significant recreational or wildlife contribution. There has been an informal footpath use along the western boundary of the site but, at my site visit this appears to have been fenced off."

330. However, despite finding that the site was only of marginal value and made no significant positive contribution to the setting or appearance of the Green Wedge, the Inspector did not recommend any changes to the plan in the interests of soundness. Instead, it was concluded that “In my view, the objector’s proposals are not yet at the stage where the benefits can be fully evaluated, and I consider that the Local Plan satisfactorily reflects the position in North Kesteven at the present time. I therefore see no reason to modify the plan at this stage.”

331. Although the site is bounded by school buildings and playing fields it remains relatively open. From the footpaths within and adjacent to the site views of the Lincoln Cliff are possible and the site has not been disconnected from the swathe of countryside that opens up to the south. As such, based on the evidence provided and observations from visiting the site, it forms part of a wider green lung that penetrates into the city and the boundary in this location is logical, appropriate and reasonable.

332. To the south-west of Lincoln the Green Wedge forms part of a chain of lakes that are an important strategic landscape and wildlife link around Hykeham Pits. In this location it prevents the merging of Lincoln and North Hykeham, provides a recreational resource, a green lung into the City and a strategic network of wetland habitat. An exception is the northern part of Zone E3 which used to be part of a landfill site. The Committee’s evidence\(^\text{77}\) concludes that “the land is publicly inaccessible and cannot be easily viewed from outside the GW along Whisby Road or Station Road due to grass embankments. Based on the evidence gathered through this review, this part of Zone E3 doesn’t meet the GW criteria and could be considered for removal”. We agree that the suggested removal of this area from the Green Wedge

\(^{77}\) Document PS.EVR22
adjacent to the North Hykeham Energy from Waste facility is therefore necessary.

333. However, based on representations and observations from site inspections the area of landfill referred to in Document PS.EVR22 continues to the south. In this location the former landfill site is equally inaccessible to the public and is also largely screened from view. The land has also been clearly raised as a result of landfill activity and is bounded to the south and east by a combination of housing and employment allocations (CL2098 and E18). The same reasons for removing the area of land from the Green Wedge to the north therefore also apply. In order to ensure that Policy LP22 is sound an amendment to the policies map is required in this location.

334. In response to the MM consultation it has been suggested that the amended boundary proposed at Hykeham Pits goes too far, and that land to the north and west should also be excluded from the Green Wedge. However, the exact line of the Green Wedge is invariably going to be a matter of judgement, and the Committee has sought to distinguish the boundary to an area that was licensed for landfill activities. For the purposes of the designation the boundary is therefore based on a reasonable judgement in this particular case.

335. It is also pertinent to consider that where proposals fall within the Green Wedge the plan does not place a blanket restriction on new development. Instead, Policy LP22 limits new development to proposals that do not conflict with the aims and objectives of the Green Wedge, or, where it is essential to be located in the Green Wedge and the benefits would override any impact.

336. Although this indicates when a scheme may be acceptable, further clarity is needed to ensure that the policy is effective. Additional supporting text should therefore be included to confirm that whilst the purpose of the Green Wedges is to protect open and undeveloped areas, it is not intended that they operate as an absolute restriction on all development. For example, there are existing uses within the Green Wedges which should not be unduly restricted, including house extensions, agricultural and forestry development or outdoor sport and recreation uses. There are also instances where development needs to be located in a Green Wedge, such as works by a utility company to fulfil their statutory obligations (MM/27). It is not the intention of Policy LP22 to require applicants to provide compensatory land in such scenarios, nor is the policy unsound by including such a test.

337. As consulted upon MM/27 referred to ‘sport and recreation uses’. However, in referring to examples of types of development that may be acceptable in the Green Wedge this should have referred to outdoor sport and recreation – i.e. not activities suited to being located within an urban area. We have amended the MM to clarify this. As drafted the MM provides sufficient clarity that operational works required by utilities companies, for example, may also be acceptable.

**Local Green Spaces**

338. Paragraphs 76-77 of the Framework confirm that Local Green Spaces are not appropriate for most open areas, and should only be used where the area is reasonably close to the community it serves, holds a particular importance and is local in character (i.e. not an extensive tract of land). Sites put forward by
local communities have been assessed against these criteria in the *Central Lincolnshire Local Green Spaces and other Important Open Space Evidence Report*. It includes a robust methodology and ensures that sites have been considered on a sound, transparent and consistent basis.

339. Where sites have been rejected reasons have been given against the criteria in Document PS.EVR23. One site that has not been assessed, because it was not put forward until the proposed submission stage, is ‘Waterhills’ in Caistor. However, this area encompasses a large tract of land bounded by Canada Lane and existing properties on North Street. As a result, it does not meet the criteria for designation and the plan is not unsound by failing to identify it.

340. Where sites are included because they hold a particular local significance, for example because of their beauty, this invariably involves a matter of planning judgement on behalf of the Committee. Nevertheless, based on the details provided none of the sites included for this reason are unjustified. Land at The Manor Paddock in Fiskerton contributes to the rural character at the centre of the village and provides important views across the site to the Grade I listed Church of St. Clements of Rome and the Grade II listed Manor House and Barn. Despite being a matter of judgement, its inclusion is based on clear reasoning.

**Important Open Spaces (IOS)**

341. Areas of Important Open Space (‘IOS’) are different to Local Green Spaces and have not been identified by local communities. The sites are all taken from the adopted Local Plans in West Lindsey, North Kesteven and the City of Lincoln. The CLLP consolidates a range of sites from play areas to open spaces and designates them as IOS. However, this is not currently made clear in the plan. For clarity additional supporting text should be included as proposed by MM/28.

342. Although the IOS designations have not been subject to the same criteria-based evaluation as Local Green Spaces, they have been tested through local-plan examinations already. Using this as a starting point the Committee carried out a desk-based exercise to determine whether there had been any material change in circumstances, for example, if a site had been redeveloped. This is a reasonable and proportionate approach to take. The precise use of sites across a number of settlements is also set out in the *Central Lincolnshire Open Space Audit and Provision Assessment*. This differentiates between public parks and gardens, amenity greenspace, space for children and young people, allotments and outdoor sports facilities etc. It provides further justification for the designations and an up-to-date assessment of their current use.

343. In Keelby a relatively narrow parcel of IOS stretches from Riby Road behind properties on Woodlands Avenue towards allocated site CL1305. Although the area is within separate, private ownerships, the Committee maintains that the undeveloped gap makes a positive contribution to the character and appearance of the area, and that there have been no material changes in

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78 Document PS.EVR23 including Appendix
79 Document E055
circumstances since identification of the site as IOS in the *West Lindsey Local Plan First Review*. Based on the information provided we have seen no compelling evidence to reach a different view and the designation is justified. The exception to this is two small parts of the site to the south and south-west corners which benefit from planning permission for new development. In order to be effective the Policies Map should be amended to remove both parcels of land from the area of IOS as illustrated on the Inset maps accompanying the MM consultation.

344. In Skellingthorpe land bounded by Ferry Lane and High Street is also designated as IOS. Although the site is bounded by dense boundary tree planting, it is still visible from parts of High Street. A public footpath also runs diagonally across the field. From both High Street and the footpath the area of open space provides views towards St. Lawrence’s Church and makes a positive contribution to the rural character and setting of the village. Its inclusion as an area of IOS is justified.

345. Land comprising the Clayton Sports and Social Club in Lincoln is also designated as IOS. Although the site is within the ownership of a housebuilder, is no longer occupied throughout and several buildings have been removed, part of the site remains in use. Moreover, no robust evidence has been provided to substantiate comments that there is no longer a demand for the site, or to justify that adequate compensatory provision could be provided elsewhere. Based on the information provided the designation is therefore appropriate.

346. There are, however, some areas where the areas of IOS are not justified. The designation to the west of Horsley Road/Greystones Road in Gainsborough includes two very different areas of land. To the south are a number of pitches associated with a sports ground. The area to the north is not part of the same site, is not integral to any wider green infrastructure network and in its current condition does not contribute positively to its surroundings. As an area of overgrown grassland on the edge of a housing estate the Policies Map should also be amended to remove this area from the IOS designation.

347. The designation adjacent to Wolsey Way in Lincoln includes a relatively thin parcel of land between properties on Larkspur Road and Hurstwood Close/Westholm Close. This area is separated from the adjacent King George’s playing fields by a fence and row of trees. The site is largely overgrown, has no formal access and is within private ownership. Whilst we appreciate this is important to some local residents, it serves no recreational purposes nor does it make a positive contribution to its surroundings. As an area of private land there is also no formal access to the countryside or area of open space proposed to the north, which is on the other side of Wolsey Way. The Policies Map should therefore be amended to remove this parcel of land.

348. The identification of a site as IOS does not preclude appropriate new development from coming forward. Instead, Policy LP23 provides a list of criteria for assessing development proposals within them. Part a. states that sites will be safeguarded unless it can be demonstrated that there is an identified over provision of that particular type of open space, and the site is not required for alternative recreational uses. Alternatively part b. requires suitable alternative open space to be provided or the enhancement of existing
areas serving the community. However, as worded this would apply to all sites, including privately owned ones identified for their contribution to the character of the area, or the setting of a village. For effectiveness a MM is required to combine parts a. and b. and make it clear that this relates to publically accessible areas of open space (MM/29).

Sports and Recreation

349. Policy LP24 confirms that the authorities will seek to reduce public open space deficiency, improve the quality and access to public open space, and ensure that new developments make appropriate new provision. The relevant standards for new development are set out in Appendix C of the CLLP.

350. However, this refers to the amount of land in hectares per 1000 population. A change is therefore needed to Policy LP24 to clarify that it relates to new residential development. For the same reasons the reference to major development in Appendix C should also stipulate that this relates to residential proposals (MM/30). As a result of this change reference to the Town and Country Planning Act (Development Management Procedures) Order is superfluous and should be removed.

Conclusion

351. Subject to the recommended main modifications the policies and designations concerning Green Wedges, Local Green Spaces, other Important Open Spaces and sports and recreation facilities are sound.

Issue 13 – Whether the approach to Lincoln’s Universities and Colleges is sound.

352. The submission CLLP states that Lincoln’s universities and colleges play an important role in raising skills, and that the further development of the University of Lincoln, Lincoln College and Bishop Grosseteste is pivotal. The approach of Policy LP32, which supports on-going development of higher and further education establishments in Lincoln, is therefore appropriate.

353. However, by only referring to higher and further education in Lincoln the plan omits reference to the University of Lincoln’s Riseholme Campus. As identified at the hearing sessions, the Riseholme Campus is an integral part of the teaching, education and research carried out by the University and one cannot successfully exist without the other. The consequence of Policy LP32 is that the plan offers no support for continued improvements to the facilities on offer at Riseholme.

354. Given that the University of Lincoln is identified as playing such an important role to the area through the supporting text, both socially and economically, the failure to allow for development and growth at the Riseholme site is not sound. This is a backwards step from the existing West Lindsey Local Plan First Review which allows education, teaching and research. A MM is therefore needed to ensure that the plan offers the same in-principle support that will enable the University to continue to expand and grow its education, teaching and research functions (MM/45).
355. Policy CRT6 of the current *West Lindsey Local Plan First Review* allows for the expansion and alteration of existing educational uses at Riseholme provided that there are no unacceptable impacts on heritage, traffic and the living conditions of local residents. MM/45 is different in that it supports education, teaching and research subject to meeting ‘wider planning policies’. Although this does not list the specific matters to be considered, the policy is not ambiguous. It provides a clear indication that decision-makers should support new buildings for education, teaching and research subject to meeting other policies relating to pertinent planning issues.

356. MM/45 also makes reference to the made Riseholme Neighbourhood Plan. However, the Local Plan has not relied upon the Neighbourhood Plan to set strategic policy. Instead, the MM seeks to introduce in-principle support for education, teaching and research at Riseholme to reflect its importance to higher and further education in Central Lincolnshire. Reference to the Neighbourhood Plan simply directs a decision-maker to consider the ‘wider planning policies’. This provides further clarity and would not be undermined by listing Riseholme as a Hamlet rather than a Small Village in the settlement hierarchy. The campus is also illustrated on the policies map for the area by virtue of its inclusion within the Neighbourhood Plan. As a result, no changes to the inset maps submitted with the CLLP are required in this respect.

357. In addition to education, teaching and research uses the University is also seeking a substantial residential development to help cross-subsidise development of the Lincoln Institute for Agri-Food Technology (‘LIAT’). At the examination it was suggested that the draft Local Plan is unclear how such proposals should be considered, and that a mixed-use allocation would give confidence to investors and release capital to deliver the LIAT.

358. However, although the University states that redevelopment of some of Riseholme Park is essential to realise a capital receipt to leverage funding for Phase 2 of the LIAT, we have seen no compelling evidence to show that this could only be facilitated by new residential development of the scale proposed. Furthermore, Policies LP2 and LP4 (as amended) clearly set out how decision makers, developers and local communities are expected to consider proposals for residential development. For the reasons given above this approach is justified, and based on the methodology used by the Committee Riseholme is defined as a Tier 7 Hamlet with no housing allocations.

359. There is no reason to depart from this strategy in order to correct any issues of soundness at Riseholme. Although there is an exception at Hemswell Cliff, this is to complement job growth as part of an Enterprise Zone. Hemswell Cliff is also a Medium Village, and is therefore materially different to Riseholme. The circumstances are not comparable. Given that the plan makes provision for Agri-Food Enterprise Zones at Hemswell Cliff and the Lincolnshire Showground, it has taken a positive approach to supporting this sector and identified suitable sites.

**Conclusion**

360. Because the plan seeks to promote additional teaching, research and education by Lincoln’s Universities and Colleges it should make similar provisions at the Riseholme Campus, which has links with existing facilities in
the City. However, this only needs to extend to education-based development. We are not persuaded that development of the LIAT, or the effectiveness of the plan’s approach to supporting and growing the agri-food sector has to be underpinned by a residential allocation at Riseholme. This would be contrary to the spatial distribution of housing set out in Policies LP2 and LP4 and is not justified or necessary in the interests of soundness. In conclusion, subject to the recommended main modification the plan’s approach to Lincoln’s Universities and Colleges is sound.

**Issue 14 – Whether the plan makes adequate provision for the development of Ministry of Defence land and assets.**

361. Large areas of Central Lincolnshire have been, and continue to be, used by the Ministry of Defence (‘MoD’). In recognition of this Policy LP57 supports the principle of defence-related development within, or adjoining MoD sites.

362. The Plan also recognises that the MoD is committed to making the most efficient use of existing land and buildings. Appropriate redevelopment is therefore also supported in principle. This is consistent with the Framework which seeks to make the most efficient use of existing land and buildings.

363. However, it is not the Committee’s intention that this relates to all sites, for example former MoD sites that have been abandoned for a significant period of time. It is therefore necessary to amend LP57 to ensure that the second part of the policy refers to the redevelopment or change of use of currently, or recently operational MoD land and facilities (MM/74). For clarity and effectiveness additional supporting text should also be included to assist decision-makers and clarify what the policy is intended to refer to. (MM/73)

364. Furthermore, as drafted Policy LP57 does not take into account the location of sites, which could be isolated with limited access to services and facilities. Although there would be benefits to redeveloping brownfield land, bringing forward sites for new housing in remote rural areas could be contrary to the spatial distribution of housing that the plan seeks to deliver. A MM is therefore needed to introduce a presumption against significant increases in population on MoD sites unless the proposal accords with the overall spatial strategy and settlement hierarchy (MM/74).

365. While determining what constitutes a ‘significant’ increase would require some degree of planning judgment, it is sufficiently clear to allow decision-makers to determine the suitability of large-scale residential-led redevelopment proposals. For the same reasons the policy should also require proposals to demonstrate that the new community can access higher level services (such as jobs), either within the development or nearby by sustainable modes of transport. (MM/74).

366. Subject to the recommended main modifications the plan makes adequate provision for the development of Ministry of Defence land and assets.

**Issue 15 – Whether policies relating to health, well-being and accommodation needs are justified, consistent with national policy and are sound.**

Health
367. The *Joint Health and Wellbeing Strategy for Lincolnshire*\(^{80}\) sets out the health priorities for the area from 2013-2018. This states that estimated levels of obesity are higher in Lincolnshire than both the England and the East Midlands averages, and that generally in Lincolnshire, adults are less active. The requirement for development proposals to promote, support and enhance physical activity and mental health and wellbeing is therefore relevant, and justified.

368. In order to achieve this Policy LP9 requires schemes of 25 dwellings or more, or on sites of over 0.5ha to submit a Health Impact Assessment ('HIA'). This is a recognised way of considering health matters and the PPG\(^{81}\) advises that a HIA may be a useful tool to use where there are expected to be significant impacts. The threshold of 25 dwellings is consistent with this advice and ensures that HIAs are used on larger schemes where significant impacts are more likely. It also uses the same threshold as sites considered for allocation.

369. During the hearing sessions the Committee confirmed its intention to publish guidance on the use of HIAs. However, this is not set out in the plan. To ensure that there is a consistent approach to the preparation and use of HIAs across the authorities, and for the effectiveness of the policy, this should be referred to in the plan. \((\text{MM/18})\)

**Technical Housing Standards – Access and Water**

370. The SHMA identifies that the majority of people limited by long-term disability do not live in communal establishments. This leads to the conclusion that there is an on-going need to provide a sufficient supply of adapted homes. The SHMA also identifies that the largest projected population increases will occur from ages 65-90+.

371. To ensure that specific housing needs are met through appropriate stock Policy LP10 requires schemes of 6 or more dwellings to provide 30% of housing at higher Building Regulation Part M4(2) standards, unless the characteristics of the site indicate that this would be inappropriate or impractical. Based on evidence in the SHMA this is justified. A lower threshold of 4 or more houses is also required in the Small Villages to ensure that dwellings with higher access standards are delivered in the rural areas. Both scenarios have been tested by the *Central Lincolnshire Local Plan and Community Infrastructure Levy Viability Study* and will not render the vast majority of schemes unviable.

372. The submission version Local Plan also includes the requirement that where possible higher accessible homes should be located close to any existing or proposed local centres and transport connections. Although this is appropriate it excludes other areas such as town and district centres. \((\text{MM/20})\) is therefore needed to refer to the hierarchy of centres in Policy LP6.

373. With regard to water, both Anglian Water and the EA have confirmed that the whole of Central Lincolnshire falls within an area of serious water stress where drought is a serious concern. The specific local circumstances therefore substantiate the requirement in Policy LP14 that proposals must meet the

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80 Document E035  
81 ID: 53-004-20140306
standard of 110 litres of water per occupier per day. This requirement has not been explicitly tested through the Local Plan viability report in the same way as the higher access standards. However, the Committee’s Hearing Statement refers to a DCLG publication\(^{82}\) which puts the cost at only roughly £9 per dwelling. In the context of the overall cost of constructing a new house this is highly unlikely to make schemes unviable. There is no evidence to the contrary.

**Meeting other Accommodation Needs**

374. It has been suggested that the plan is not effective or positively prepared because it does not make provision for self-build plots or allocate land for specific types of housing such as bungalows. However, there is nothing in the SHMA or other evidence-based documents that point to a specific demand for self-build plots in any particular area of Central Lincolnshire. The SHMA recognises that whilst West Lindsey could see increases in self-build through the Right to Build Vanguard, the project is only in its infancy and the extent to which needs can be met through this type of development are unclear.

375. Even in the event that this position changes, Policies LP2 and LP4 confirm that growth on non-allocated sites in appropriate locations in the Lincoln Urban Area, the Main Towns and the Market Towns will be considered favourably. They also support appropriate infill in the Large Villages, and, the removal of settlement boundaries in Tiers 5 and 6 provide opportunities for smaller sites to be developed in the rural areas. Furthermore, the introduction of infilling in Hamlets ensures that further opportunities for individual plots will be supported in even the smallest settlements. The plan therefore adopts a flexible approach that will support opportunities for self-build housing everywhere except the countryside.

376. It is also important to note that Policy LP10 expects developers to provide housing solutions that contribute towards meeting the housing needs of the area as identified in the latest SHMA. As a result, should a specific need arise for a particular type of housing, such as self-build plots or bungalows, the plan enables decision-makers to ensure that the right housing comes forward in the right places. Because the SHMA is not the only source of local evidence a MM is required to widen the scope of documents that can be taken into account. This reflects the supporting text to Policy LP10 which refers to other appropriate evidence such as the Joint Strategic Needs Assessment and the Lincolnshire Extra Care Strategy. (**MM/19**)  

377. Subject to the recommended main modifications policies relating to health, well-being and accommodation needs are justified, consistent with national policy and are sound.

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\(^{82}\) *Housing Standards Review – Cost Impacts (DCLG, September 2014)*
Issue 15 – Whether the plan provides sufficient measures to protect, preserve and enhance the built and natural environments.

Design Principles and the Historic Environment

378. The historic core of Lincoln is concentrated around the uphill area which contains the Cathedral and the Castle. Policy LP29 seeks to protect the dominant views of this area from new development, which is justified. However, the policy wording and supporting text do not refer to the Castle. As suggested by Historic England a MM is therefore needed to rectify this. (MM/36)

379. Policies LP38 and LP43 are very similar in seeking to protect the setting and character of Gainsborough and Sleaford. Although the shared approach is reasonable, the first criterion of each policy requires development proposals to preserve and enhance the character, setting and appearance of the relevant conservation areas. This is contrary to the statutory test which requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas83. Both policies should be amended by deleting criteria a). (MM/47 and MM/54).

380. Similarly, when considering the effect of a proposal on the character and appearance of an area Policy LP26 requires development to respect and enhance local distinctiveness. This is unclear for decision-makers. In some cases it may not be possible to respect a certain characteristic and also enhance it. As a result, to ensure that the policy is effective a modification is necessary to specify that proposals must take into account the character and local distinctiveness of an area, and enhance or reinforce it as appropriate (MM/32). For the same reasons a similar change should be made to Policy LP25 (MM/31). The requirements of Policy LP26 apply to development proposals across Central Lincolnshire and do not need to be location specific.

381. In considering character and appearance issues Policy LP31(d) refers to the attractiveness of the ‘Lincoln area’. This is ambiguous and could cause some confusion with the indicative built up area of Lincoln which is used elsewhere in the plan. Use of the word ‘area’ should therefore be removed. (MM/44)

382. Finally, the approach to listed buildings in Policy LP25 is justified. However, the tests relating to proposals which result in substantial harm to, or the loss of, listed buildings is not consistent with the Framework. This should be rectified by MM/31.

Amenity Considerations

383. The second half of Policy LP26 is concerned with living standards. In order to align the requirements with national planning policy it is necessary to amend the wording so that it relates to the living conditions of all existing and future occupants of land and buildings. To ensure that the policy is effective it should also confirm that a proportionate approach shall be taken to considering proposals against criterion ‘m’ to ‘u’ (MM/33). For example, not all schemes will have an impact on air quality from odour, fumes, smoke or dust.

83 Section 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990
384. The final part of Policy LP26 refers to existing ‘bad neighbour’ uses. It states that proposals should not prejudice their on-going operation, and, should provide a satisfactory standard of living for potential future occupiers. Although this is reasonable, as drafted this only relates to proposals ‘adjacent’ to such uses. In order to be effective, consideration should be given to existing sites that may be within the vicinity of a development proposal. Issues such as noise or smell are not necessarily confined to adjacent land and buildings. **MM/33** is therefore required to consider sites within the vicinity of ‘bad neighbour’ uses. Finally, because it would be difficult for decision-makers to accurately determine the ‘normal’ use of a site, this requirement should also be removed as part of the same modification.

**Areas of Great Landscape Value (AGLV)**

385. In additional to the Lincolnshire Wolds AONB the accompanying Policies Maps identify Areas of Great Landscape Value (‘AGLV’). Policy LP17 confirms that seeking to protect and enhance the intrinsic value of landscapes, including key local views and vistas, are particularly important in the AONB and AGLV. This is consistent with advice in the PPG that “Local Plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. This includes designated landscapes but also the wider countryside.”

386. Neither the policy nor the supporting text refer to specific AGLVs. Nor does the plan define why they are important, or what features should be protected. Nevertheless, amongst other things the Landscape Character Assessments used to justify the areas provide evidence of relevant key features, which areas are sensitive to change and opportunities for enhancement. It is therefore unnecessary to duplicate this in the plan, especially in the event that landscape character assessments are updated.

387. Criticisms of Policy LP17 suggest that it has an overly restrictive approach to development within the AGLV. This is not the case. All proposals are subject to the same criteria under Policy LP17, namely; that they protect and enhance landscape character, landscape setting and key views. The policy then reinforces that particular emphasis should be given to such considerations where sites are located in an AGLV. This is a reasonable and sound approach to adopt to development in these areas. Policy LP17 does not place a blanket restriction on development coming forward. For example, SUEs in Gainsborough fall within an AGLV.

**Biodiversity and Geodiversity**

388. Amongst other things paragraph 117 of the Framework directs local planning authorities to identify and map components of local ecological networks. In this case a Biodiversity Opportunity Mapping Study has been prepared for Central Lincolnshire and maps areas for landscape-scale habitat improvements. Policy LP21 confirms that development proposals should create new habitats, and links between habitats, in line with the Biodiversity Mapping evidence. It also requires the preservation, restoration and re-creation of priority habitats, ecological networks and priority species set out in

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84 Documents E036 and E037
the Lincolnshire Biodiversity Action Plan and Geodiversity Action Plan. This is consistent with the Framework.

389. Paragraph 117 also advocates that local planning authorities should plan for biodiversity at a landscape-scale across local authority boundaries. The plan has followed this approach by producing a joint local plan between the City of Lincoln, West Lindsey District and North Kesteven District.

390. However, at present Policy LP21 states that “proposals for major development should adopt a landscape scale and ecosystem services approach to biodiversity and geodiversity...” This is not the intention and a MM is required to avoid confusion and misinterpretation. Instead, it is proposed that major development should adopt an ecosystem services approach, whilst large scale major development (such as the SUEs) should adopt a landscape scale approach. MM/26 clarifies the difference and gives certainty to what is required for proposals on the SUEs. A consequential change is also required to the supporting text to reflect this (MM/23).

Conclusion

391. Subject to the changes identified above the plan will provide a robust framework which includes sufficient measures to protect, preserve and enhance the built and natural environment where appropriate.

Issue 16 – Whether the policy on sustainable development is justified and consistent with national policy.

392. The first part of Policy LP1 confirms that the three districts will take a positive approach to development and will work proactively with applicants. This is reasonable. The second part of the policy broadly repeats the second part of paragraph 14 of the Framework in relation to decision-taking. It is unclear whether there is any positive benefit in translating this national policy on decision-taking into a development plan policy. However, its presence does not make the plan unsound.

Overall Conclusion and Recommendation

393. The CLLP has a number of deficiencies in respect of soundness which mean that we recommend non-adoption of the plan as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

394. However, the Committee has requested that we recommend MMs to make the plan sound and capable of adoption. With the recommended main modifications set out in the accompanying Appendix we conclude that the CLLP satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the Framework.

Jeremy Youle and Matthew Birkinshaw
Inspectors

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This report is accompanied by an Appendix containing the Main Modifications (including annexes A to E)
Planning and Compulsory Purchase Act 2004
(as amended)
Section 20

Report on the Examination of the
Canterbury District Local Plan

The Plan was submitted for examination on 20 November 2014.
The examination hearings were held between 14 July and 29 July 2015 and between 19 July and 22 September 2016.

File Ref: PINS/J2210/429/5
## Abbreviations used in this report

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<thead>
<tr>
<th>Abbreviation</th>
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<tr>
<td>AHLV</td>
<td>Area of High Landscape Value</td>
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<td>AQAP</td>
<td>Air Quality Action Plan</td>
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<td>Area of Outstanding Natural Beauty</td>
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Non-Technical Summary

This report concludes that the Canterbury District Local Plan provides an appropriate basis for the planning of the District, provided that a number of main modifications (MMs) are made to it. Canterbury City Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared a schedule of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. In some cases I have amended their detailed wording. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Increase objectively assessed housing need to 800 dwellings per annum or 16,000 dwellings over the plan period;
- Include a commitment to assess the latest sub national household projections and undertake a partial review of the plan if necessary;
- Amend requirements for Strategic Site Allocations, including the relationship with Herne and Sturry Relief Roads;
- Introduction of additional Strategic Site Allocations at Thanington and Whitstable;
- Introduction of additional smaller housing sites;
- Changes to approach to affordable housing for consistency with national policy;
- Changes to approach to gypsy and traveller accommodation for consistency with national policy;
- Update policies as a result of the Government’s housing standards review;
- Deletion of some employment sites, including at Canterbury West Station;
- Clarification of retail hierarchy and approach to the Wincheap Retail Area;
- Phasing of new retail convenience goods floorspace provision over the plan period;
- Amend approach to heritage assets for consistency with national policy;
- Amend approach to development affecting European wildlife sites;
- Deletion of Local Green Space at West Beach, Whitstable;
- Deletion of Green Gap between Canterbury and the University of Kent;
- Amend references to the relationship between the plan and Supplementary Planning Documents or other reports and strategies; and
- Various other changes to ensure that the plan is legally compliant, effective, justified and consistent with national policy.
Introduction

1. This report contains my assessment of the Canterbury District Local Plan (LP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the LP’s preparation has complied with the duty to co-operate. It then considers whether the LP is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework (‘the Framework’) (paragraph 182) makes it clear that, in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.

2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Canterbury District Local Plan Publication Draft, submitted in November 2014 is the basis for my examination. It is the same document as was published for consultation in June 2014.

The Examination Process

3. The hearings part of the examination was planned to take place in two stages, commencing in July 2015 with consideration of legal compliance (including the duty to co-operate), the overall strategy, the scale and distribution of development and the strategic site allocations (referred to in this report as the Stage 1 hearings). This was to be followed in September 2015 with the non-strategic aspects (the Stage 2 hearings).

4. However, after Stage 1 was concluded I issued my preliminary findings on a number of matters. At the hearings Canterbury City Council (‘the Council’) had accepted that on adoption the plan would be unlikely to result in a 5-year housing land supply. There were also issues concerning the delivery of critical infrastructure and viability relating to the strategic allocations. Accordingly, the Stage 2 hearings were postponed. Amongst other things, the Council undertook further work that sought to remedy these concerns.

5. The Council consulted on a number of additional proposed housing sites with an accompanying Sustainability Appraisal. I have taken account of the representations made. It also undertook further technical work on infrastructure and viability. The hearings resumed in July 2016 with Stage 2 considering not only the outcome of this additional work and the response to it but also the outstanding non-strategic matters.

Consultation

6. Concern has been expressed at the Council’s pre-submission consultation process. However, on the evidence before me the Council has generally followed the principles set out in its adopted Statement of Community Involvement (SCI) (2007). Although this predates the Framework, this accords with its aim of engaging a wide section of the community. The public consultation was full and wide-ranging, engendering a significant response, including many critical of the LP. This indicates that the consultation process gave residents and other interested persons an adequate opportunity to express their views.
7. There has been criticism of the number of documents produced by the Council after consultation on the submission LP had taken place and therefore which had not been subject to consultation. However, a great many of the documents in the evidence base had been published prior to the June 2014 consultation. Some of the documents produced after consultation (for example, the Topic Papers) were drawing together the Council’s case from other published information. It is inevitable that as part of a process of seeking to resolve objections or concerns there will be some further documents produced and new information will become available.

8. In accordance with my Examination Guidance Notes participants were able to comment on the implications of the additional documents in their further written statements to the Examination. This also applied to the additional documents produced as a result of my conclusions on the Stage 1 hearings. In some instances they featured in the list of matters, issues and questions that I had identified for the examination. Many respondents have taken these opportunities to comment on the additional documents and their views have been taken into account in my consideration of the LP.

9. During the Stage 1 hearings I was asked by the Council if, in the light of what it had stated in the Publication Draft consultation material, I would consider the representations that were made on the Preferred Options consultation that took place in 2013. There is no requirement to do this under the Regulations, but in the particular circumstances here I have complied with the request. However, what I have read does not change the list of matters, issues and questions. Document CDLP 3.8, submitted in accordance with Regulation 22, is a fair summary by the Council of the main issues raised at that stage.

10. There is concern that the Council did not properly consider the consultation response to the additional housing sites identified following my preliminary findings on the housing land supply. In particular, it is suggested that it did not comply with Regulation 22 in terms of producing a summary of main issues raised and how the representations made were taken into account.

11. The Council has produced a brief summary of the issues raised in the consultation (CDLP 16.29.31). It was given the opportunity to comment on the response but in the event declined to do so in detail, simply confirming that the representations did not affect its overall position as agreed prior to the consultation.

12. Regulation 22 relates to the plan as submitted for examination. As such, it does not apply to what happened during the examination, including to the consultation that took place post submission on possible changes to the plan. The Council cannot change its plan once submitted for examination. The responses to its consultation are matters for me to consider in determining what changes, if any, are necessary to make the plan sound. These in turn have been subject to public consultation as main modifications (see below). This does not give rise to an issue of legal compliance therefore. The Council’s consultation itself would appear to be consistent with the approach used during the preparation of the submitted plan in the context of the SCI and drew a substantial public response.
Main Modifications

13. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and /or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form MM1, MM2, MM3 etc, and are set out in full in the Appendix.

14. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report. In this light I have made some amendments to the detailed wording of the main modifications, mainly for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.

Policies Map

15. The Council must maintain an adopted Policies Map (referred to by the Council as a Proposals Map – PM) which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission PM showing the changes to the adopted PM that would result from the proposals in the submitted local plan. In this case, a submission PM (CDLP 1.1b) has been included with the LP document. To show the changes made to that in the adopted PM the Council has submitted a further document ‘Proposal Map Changes from Adopted Local Plan 2006 to Publication Draft June 2014’.

16. The PM is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan’s policies require further corresponding changes to be made to the PM. In addition, there are some instances where the geographic illustration of policies on the submission PM is not justified and changes to it are needed to ensure that the relevant policies are effective.

17. These further changes to the PM were published for consultation alongside the MMs (Changes to the Proposals Maps, February 2017 – document CDLP 16.29.61).

18. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan’s policies, the Council will need to update the adopted PM to include the changes proposed in CDLP 1.1b as amended or added to by the further changes published alongside the MMs in CDLP 16.29.61.
Assessment of Duty to Co-operate

Background

19. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan’s preparation.

20. Under the Act there is a legal duty for local planning authorities to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. If an authority cannot demonstrate that it has complied with the duty then the Local Plan will not be able to proceed further in examination.

21. The Council has summarised the engagement that has taken place in Topic Paper 5: Duty to Co-operate Statement. There is a record of meetings with key stakeholders in the Consultation Statements and further information in terms of some Committee papers and minutes was provided during the examination.

Other District Councils

22. The Council is a member of the East Kent Regeneration Board, comprising five District Councils and the County Council. It is supported by a Chief Executives’ Forum and ensuring compliance with the duty is one of its objectives. It will clearly provide a focus for ongoing engagement on strategic matters.

23. There is clear evidence of collaboration between the local planning authorities of East Kent in a number of areas, including on provision for travellers’ accommodation (Joint Gypsy and Traveller Accommodation Assessment, 2014) and green infrastructure. In terms of housing, in 2009 a Strategic Housing Market Assessment (SHMA) was produced for the whole of the East Kent area. Since then the individual Councils have moved forward their Core Strategies or full Local Plans at different paces. The approach is one of the East Kent authorities meeting their own objectively assessed housing needs in their plans. This was confirmed by the individual Councils at the hearings. In that context, significant joint working on this aspect would not be necessary.

24. In the case of Swale Borough Council, in 2013 a request had been made to Canterbury and other local Councils to accommodate some of its unmet housing needs, which Canterbury considered that it could not meet. Since then the Swale Local Plan has been submitted for examination. This commits that Council to an early review. Swale’s position is that, in the context of its unmet need being from a relatively self-contained housing market, the short term nature of this need and the review mechanism, it is no longer necessary to address unmet need elsewhere. It has resolved that there is no longer a need to co-operate with Canterbury on this matter.

25. Dover District Council made representations on the submitted plan relating to proposed new retail floorspace at Wincheap and the Council’s approach to mitigation of European designated wildlife sites. A duty to co-operate issue was not raised at that stage. However, in a further statement prior to the
hearing Dover expressed concern that the process followed by Canterbury was not sufficient to enable them to assess whether the impacts of the LP’s proposals would be acceptable and therefore whether engagement was appropriate. Since then Canterbury has undertaken further analysis of the retail requirements and capacity and there have been meetings between the two Councils. While not ideal, the co-operation prior to submission was adequate and I am therefore not persuaded that this amounts to an issue of such significance that the duty to co-operate has been breached. In terms of habitats mitigation this was a detailed matter in which the Council was still engaged in discussions with Natural England and relates to soundness rather than the duty.

26. In conclusion, there is clear evidence of joint working with concrete outcomes in some areas. Taken as a whole there has been sufficient collaboration with neighbouring Councils for the duty to be satisfied.

**Mayor of London and the GLA**

27. While there is a list of prescribed bodies for the purposes of the duty, whether the Council should engage with each and every one of them will depend on the particular circumstances of the individual case. The possibility that London may not be able to accommodate all its housing needs arose in the Report of the Inspector who examined the Further Alterations to the London Plan, published in November 2014. The Mayor/GLA have begun a process of dialogue with Councils in the South East in which Canterbury are participating and will no doubt continue to do so as appropriate. However, given its distance from London and, until November 2014, no indication of possible unmet needs from London for South East Councils to address, there has not been a breach of the duty to co-operate by Canterbury in this case.

**Kent County Council**

28. The City Council has been jointly preparing a District Transport Strategy with Kent County Council, a revised draft of which was submitted with the LP. Concern has been expressed about approval of the draft Strategy by the County Council and various aspects of the working relationship between the two Councils on transport and highways matters. However, the duty is not a duty to agree. In any event, the County Council has endorsed the principles of the Transport Strategy. The preparation of the Strategy, the supporting traffic modelling and further action by the County Council as highway authority during the examination are evidence of sustained joint working and the duty has clearly been achieved in this respect.

**Office of Rail and Road**

29. The LP includes allocations for employment or residential use at existing car parks adjacent to Canterbury West Station. This includes some land owned by Network Rail (NR). The Office of Rail and Road (formerly the Office of Rail Regulation) (ORR) is a prescribed body for the purposes of the duty and its consent is required before NR can dispose of land. There is no evidence of any correspondence or liaison with the ORR. However, these are allocations carried forward from the existing Local Plan adopted in 2006. The Council had some discussions with NR about the emerging new LP. Development on the
car parks could potentially have implications for access to the station and its fast HS1 services to London (considered further under soundness, below). However, I consider that this is essentially a local matter relating to access for residents of Canterbury city and the surrounding area. As such, it is not a strategic matter to which the duty would apply.

**Natural England**

30. Natural England (NE) is a prescribed body. NE submitted representations on the submission Local Plan expressing concern that it could not conclude that the LP would not have a significant effect on internationally designated sites. Again, the duty is not a duty to agree. However, local planning authorities should make every effort to secure the necessary co-operation on strategic cross boundary issues before they submit their Plans for examination. There were meetings between the Council and NE prior to submission. Since then there has been a constructive dialogue between the Council and NE and a Statement of Common Ground agreed based on various suggested modifications to the LP. NE has recorded how the Council has worked positively to resolve its concerns. While agreement had not been reached pre-submission, co-operation to that point was adequate. There has been ongoing constructive engagement and on that basis the duty has been complied with in this regard.

**Conclusion**

31. Overall I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the LP and that the duty to co-operate has therefore been met.

**Assessment of Legal Compliance**

**Sustainability Appraisal**

32. The LP was submitted with a Sustainability Appraisal (SA), June 2014, prepared by AMEC Environment & Infrastructure Ltd. Subsequently there have been two Addenda relating to the Council’s consultation on proposed amendments to the plan to address the 5-year housing land supply and to the MMs. My principal consideration is whether this amounts to reliable evidence underpinning the selection of the spatial strategy and the allocated sites. The main comments relating to the SA concerned the approach to the consideration of alternatives, whether a ‘paper chase’ is required to understand the SA, the selection of the preferred sites, cumulative effects of development and transport, and the description of the environmental characteristics of the area.

33. In 2010 the Council appraised nine broad spatial strategy options in the Core Strategy SA. An option that combined elements of five of these was considered the most appropriate basis for further consideration. The Council then produced a Development Requirements Study (DRS) which included 10 different scenarios for the amount of development. These were appraised
against the 16 SA objectives and a preferred scenario selected. Whereas the DRS was not accompanied by a compliant SA there was an appraisal in a Technical Note which used the same methodology as the subsequent SAs.

34. The quantum of development chosen from the DRS was substantially greater than that used in the initial spatial alternatives and it is suggested that the preferred spatial option should have been revisited in that context. However, the Council undertook an appraisal of the Preferred Option Local Plan in 2013 which included two alternative configurations of sites - 'Canterbury Focus’ and ‘Coastal Towns and Hersden Focus’. The process by which the Plan has evolved and the alternatives considered is set out in both the 2013 and 2014 SAs. The Plan has been assessed against reasonable alternatives.

35. The evolution of the submission LP has taken place over a number of years from the Core Strategy Development Options in 2010. Accordingly, there have been various iterations with SA work taking place alongside them. This is summarised in the submitted SA which includes the findings and the reasons for selecting preferred options. It does not contain all the detail of earlier documents but provides sufficient information for it to be understood how the submission LP had been derived. This could not be described as an extended paper chase.

36. The SA sets out the process by which sites were selected in terms of their relationship with the overall spatial strategy, having regard in particular to transport and infrastructure delivery considerations and the relationship with other LP policies. 181 sites were appraised in the first instance and another 19 added following the Preferred Option consultation. All were appraised in the same manner against the 16 SA objectives.

37. Reference has been made to possible errors and inconsistencies in the way that different sites have been scored in the SA, arguably to the disadvantage of some strategic omission sites or other potential allocations. The SA has been prepared over a long period and it is inevitable that some circumstances may change. However, this does not significantly undermine the reliability of the SA. The scores against the different SA factors are often a matter of planning judgement and, overall, this has been exercised reasonably. I have considered further the position of some of the strategic omission sites in my consideration of soundness, below.

38. The cumulative effects of the Plan as a whole are identified in section 3.5 and Table 3.15 of the SA. These include the effects on the transport SA objective. The cumulative effects of policies are assessed on a chapter by chapter basis with commentary where appropriate.

39. The SA includes a summary of the key sustainability issues for Canterbury, describing its environmental characteristics in some detail. It cannot reasonably be characterised as lacking in this regard. Overall, the 2014 SA and its subsequent Addenda are an appropriate part of the evidence base.

**Habitats Regulations Assessment**

40. In June 2014 the Council undertook a Habitats Regulations Assessment (HRA) to inform screening for appropriate assessment which concluded that the LP
was not likely to result in significant effects on European sites. However, NE raised concerns with the submission LP as it needed more detail on impacts in order to determine their effect on the integrity of the European sites. The Council then produced Topic Paper 3: Habitat Regulations Issues, which included additional evidence, and a further HRA (both November 2014). NE and the Council then agreed the Statement of Common Ground incorporating suggested MMs to the LP on the basis of which NE were able to conclude that the LP would have no likely significant effects.

41. It has been contended that the wording of Policies SP7 and LB5 was such that they permitted the possibility of likely significant effects and therefore an appropriate assessment should have been undertaken. There was some confusion over the relationship between the 2014 HRAs and Topic Paper 3 in this regard. This is clarified in the document entitled Habitat Regulations Assessment (CDLP 10.14) (June 2016). It confirms that the June and November 2014 HRA documents constitute stage 1 or screening assessments. In the light of the concerns raised by NE on its findings a second stage or appropriate assessment was undertaken which was detailed in Topic Paper 3. CDLP 10.14 includes a series of appendices that contain the earlier reports and details of avoidance, monitoring and mitigation measures. The Council considers that these documents taken together constitute the HRA. Having regard to the conclusions of the HRA and the position of NE, I consider that overall the Council has complied with the legal requirements in respect of the Habitats Regulations.

Other Legal Compliance Matters

42. The version of the Local Development Scheme (LDS) submitted with the LP had not been formally adopted. This was remedied by securing approval at a full Council meeting in July 2015. The updated current version was adopted by the Council in June 2016.

43. MM187 introduces into the LP a list of those policies in the adopted Local Plan that are superseded. This is required by the Regulations and therefore necessary for legal compliance.

44. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all subject to the above MM.

<table>
<thead>
<tr>
<th>LEGAL REQUIREMENTS</th>
<th></th>
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<tbody>
<tr>
<td>Local Development Scheme (LDS)</td>
<td>The LP has been prepared in accordance with the Council’s LDS (June 2016).</td>
</tr>
<tr>
<td>Statement of Community Involvement (SCI) and relevant regulations</td>
<td>The SCI was adopted in April 2007. Consultation on the LP and the MMs has complied with its requirements.</td>
</tr>
<tr>
<td>Sustainability Appraisal (SA)</td>
<td>SA has been carried out and is adequate.</td>
</tr>
</tbody>
</table>
Habitats Regulations Assessment (HRA) | The Habitats Regulations Assessment (June 2016) sets out why, with the avoidance, monitoring and mitigation measures proposed, the LP will not have a likely significant effect on European sites. Natural England supports this.
---|---
National Policy | The LP complies with national policy except where indicated and MMs are recommended.
2004 Act (as amended) and 2012 Regulations. | The LP complies with the Act and the Regulations.

**Assessment of Soundness**

**Main Issues**

45. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified 14 main issues upon which the soundness of the Plan depends. In some cases the issues identified previously for the purposes of the examination process have been merged or recast for this report. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

**Issue 1 – Whether the spatial strategy has been positively prepared and is soundly based and justified, presenting a clear spatial vision for the District in accordance with national policy.**

**Vision and objectives**

46. ‘At a Crossroads: Canterbury Futures Study’, published in 2006, identified possible outcomes for the District over the next 20 years, with stakeholder consultation influencing its conclusions. In the light of the changed economic circumstances following the economic downturn after 2008 the study was revisited in 2011 and its time horizon extended to 2031. This concluded that the 2006 preferred scenario remained valid but could be harder to achieve. The Study identified three preferred outcomes that form the basis of the spatial vision and four high level plan objectives set out in the LP. In that regard, the Study provides an appropriate context for the LP. The vision and objectives do not contain empirical targets or projections of the future but are expressed in broad aspirational terms. To that extent, they are also appropriate in providing a strategic direction for the plan.

47. Public opinion research carried out by Ipsos MORI in 2011 found some level of public support for the scale of development in the emerging LP at that time but also particular concerns about the loss of greenfield land and traffic congestion. There has been some criticism of the weight given by the Council to the conclusions of this research but the LP has evolved through a number of stages since then with significant further consultation on the Preferred Options as well as on the submission LP. The research findings have not been misinterpreted or had a disproportionate effect on the submitted LP.
Presumption in favour of sustainable development

48. The general approach to the presumption in favour of sustainable development set out in Policy SP1 is similar to that in a model policy produced in the past by the Planning Inspectorate. However, it differs in various respects. The approach to the presumption is set out in the Framework and MM2 is necessary for SP1 to be consistent with national policy in this regard.

49. The Framework indicates that plans should be positively prepared, with local planning authorities positively seeking opportunities to meet the development needs of their areas. Development which is sustainable should be approved without delay. Many of the individual LP policies are expressed in a restrictive way indicating that development should not take place unless various criteria are met. A more positive wording for these for consistency with the support for sustainable development in the Framework is necessary as part of MM37, MM39, MM42, MM44, MM47, MM61, MM65, MM69, MM146, MM155, MM156, MM167, MM168, MM169, MM170, MM175, MM176, MM177 and MM178.

Alternatives

50. The process of sustainability appraisal, considered above under legal compliance, involved the identification of broad spatial strategy options. Having regard to my earlier conclusions on the SA, reasonable alternatives to the overall spatial strategy in terms of the scale and distribution of development have been considered. There is also a clear audit trail summarised in the SA showing how and why the preferred overall spatial strategy was arrived at. The process undertaken by the Council and the evidence in general demonstrates that it is the most appropriate strategy.

Settlement hierarchy and location of development

51. In addition to the urban areas of Canterbury, Herne Bay and Whitstable, the LP identifies a rural settlement hierarchy comprising a rural service centre (Sturry), local centres, villages and hamlets. As well as the specific allocations made in the LP, the general approach to development in these different categories is set out in Policy SP4.

52. The Framework does not require the identification of a settlement hierarchy. However, it can enable the LP to take account of the different roles and character of different areas, promoting the vitality of main urban areas and supporting thriving rural communities. It can assist in ensuring that development is appropriate in scale and character to the features of individual settlements. Given the diversity of settlements here, the principle of a hierarchy is justified.

53. In this case, the hierarchy is supported by the findings of the Council’s Rural Settlement Hierarchy Study of Canterbury District (2011). While this predates the Framework it nevertheless sets out comprehensively the social, economic and environmental features of each settlement. Taking account of the results of the Study, the categories in the settlement hierarchy are appropriate and justified.
54. Although there have been changes to some of the facilities or services in individual settlements since the report was produced, in general these are not so significant that they would lead to a different conclusion as to the appropriate position for individual places in the hierarchy. However, for clarity and effectiveness the settlements should be named against the categories in Policy SP4 and not just recorded in supporting text (MM16 in part).

55. Development proposals on unallocated sites would be considered in the first instance against the provisions of Policy SP4. Given the reliance on the Strategic Site Allocations in meeting a significant share of the development needs of the area, it is important that this policy provides an appropriate degree of flexibility in dealing with windfall sites. As such, MM16, amongst other things, amends the policy to link development to the size and character of the settlement rather than to whether the proposal would be small scale or minor. Other than for the main urban centres, the PM does not define settlement boundaries. This will also provide flexibility as the most restrictive element of the policy will only apply to the open countryside. With this modification, the strategic approach to the location of development in Policy SP4 has been justified. It will assist in ensuring that the overall strategy is sufficiently flexible to respond to an unexpected change in circumstances.

56. The main urban area boundaries on the PM reflect the physical form of development on the ground rather than the administrative boundaries of town or parish councils. This is the correct approach as they then enable planning considerations to be addressed in an appropriate manner. In this context, the inclusion of Herne village within the Herne Bay urban area is carried forward from the adopted Local Plan PM. While the A299 passes between the village and the main part of the urban area, the juxtaposition of development either side of the road justifies the retention of the existing boundary here.

Conclusion

57. I conclude that, with the MMs identified above, the spatial strategy has been positively prepared and is soundly based and justified, presenting a clear spatial vision for the District in accordance with national policy. The soundness of the detailed LP policies is considered in the remainder of this report, with MMs recommended where appropriate. Subject to that, the LP policies generally reflect the identified spatial vision and objectives.

Issue 2 – Whether the housing strategy has been positively prepared and whether the overall level of housing provision and its distribution are justified and appropriate.

Objectively assessed housing needs

Housing market area

58. The Framework requires that a Local Plan should meet the full, objectively assessed needs (OAN) for market and affordable housing in the housing market area (HMA). The Council’s SHMA was produced jointly with other east Kent authorities but dates from 2009. It shows a complex pattern of HMAs mainly contained within each District but with some overlapping rural markets. However, following clarification from Swale Borough Council as to their
approach to apparent unmet housing needs, the position of neighbouring authorities, confirmed at the hearings, is that they are all aiming to meet their needs within their own administrative areas. Canterbury is also seeking to meet its own needs and, as such, those of the local housing market areas are capable of being addressed. Overall, the Council has taken an appropriate approach to defining the HMA.

London’s housing needs

59. The possibility that London may not be able to accommodate all its housing needs and may look to other Councils in the South East to assist was considered above under the duty to co-operate. In terms of soundness, the aim of boosting significantly the supply of housing would not be best served by delaying the LP until it is clear whether Canterbury should be planning to receive any unmet needs. This should be considered in a future review of the LP if necessary.

Total amount of objectively assessed housing needs

60. The Council’s conclusions on OAN were considered at the Stage 1 hearings and I came to a view on these in my preliminary findings. Subsequently, in July 2016, the Department for Communities and Local Government (DCLG) published new 2014-based sub national household projections (SNHP). I first consider those preliminary findings before going on to address any implications of the new projections.

61. The LP provides for 15,600 dwellings over the period 2011 to 2031 - 780 dwellings per annum (dpa). This was initially based on Scenario E of the DRS undertaken in 2012 by Nathaniel Lichfield and Partners (NLP). In the context of the requirements of the Framework and the publication of 2012-based SNHP in 2015, NLP undertook a Housing Needs Review (HNR) dated April 2015. The national Planning Practice Guidance (PPG) confirms that the SNHP are the starting point estimate of overall housing need. In the case of Canterbury this amounts to an annual increase of 597 new households between 2012 and 2031. Allowing for vacancy and second homes, NLP convert this to 620 dpa and no evidence was presented that would lead me to a different conclusion.

62. The PPG indicates that the housing need number suggested by household projections should be adjusted to reflect appropriate market signals. The HNR identifies problems with house prices, rents and affordability in Canterbury compared to England and Kent. An uplift of 10% to reflect a modest pressure of market signals has been used by Inspectors in other examinations. However, here NLP conclude that the scale of market signal pressure is greater than modest, such that on reasonable assumptions the uplift should be more than 10% with 20% used by way of illustration to give a need figure of 744 dpa.

63. The HNR has updated two of the economic-led scenarios that were part of the 2012 DRS. The housing need number is increased to 717 dpa to bring it in line with the unconstrained projections of employment growth used in the earlier study and to 803 dpa to reflect the higher job growth associated with Scenario E.
64. The 2012-based SNHP show lower rates of household formation than earlier national projections, most likely due to the reduced rates of household formation seen through the recession. To carry this trend forward might result in some needs not being addressed. To reflect this, NLP modelled a ‘partial catch-up’ scenario taking effect from 2018 assuming higher rates of household formation and resulting in a 6% increase in needs to between 744 and 853 dpa.

65. Following the approach set out in the PPG, the HNR identified a range of affordable housing needs of between 490 and 740 dpa. To deliver this based on the proportion of affordable housing (30%) sought in the Plan would require between 1,623 and 2,467 dpa, an amount far in excess of the overall needs identified in the HNR. There is no persuasive evidence that the housing market would support this scale of building throughout the plan period. I consider that simply increasing housing provision in the Plan to these levels would not be an effective way of addressing affordable needs.

66. In the light of these considerations, NLP concluded that full OAN was likely to most reasonably fall with a range of between 744 and 853 dpa. 803 dpa is within the middle of the range and may be seen as an appropriate measure of full OAN. NLP indicated that this may be seen as equivalent to the 780 dpa scenario used to inform the requirement in the Plan.

67. While other projections of housing need, both higher and lower, were put before the Stage 1 part of the Examination, I am satisfied that the HNR is a technically competent and robust basis on which to determine the OAN and that the range it has identified has been justified. However, within that the amount of uplift to be applied to the starting point estimate is a matter of judgement. The PPG indicates that establishing the future need for housing is not an exact science and that no single approach will provide a definite answer. Although the Council’s preferred figure of 780 dpa falls within the HNR range it does not flow from its results. The market signals uplift of 20% is a very significant one and there would be a degree of overlap between that and some of the other needs assumptions. In that context, figures in the upper end of the range would not be appropriate. The middle range figure of 803 dwellings identified by NLP would be almost 30% higher than the 620 dpa starting point.

68. Taking these factors in the round it seemed to me that 803 dpa would achieve an uplift that took reasonable account of market signals, economic factors, a return to higher rates of household formation and affordable housing needs. Accordingly, my preliminary finding was that this represented the full OAN for the LP area. It should be rounded to 800 dpa for the purposes of the Plan – a further 400 dwellings over the Plan period (16,000 in total).

69. While the PPG has not been revised since the publication of the 2014-based SNHP and refers to the 2012-based projections as the most up-to-date estimates of future household growth, it also indicates that local needs assessments should be informed by the latest available information. As such, it is appropriate that the implications of the new projections for the LP are considered. Following their publication, parties were consulted on possible
implications and there was an additional session on this at the Stage 2 hearings.

70. Local Plans should be kept up-to-date. The PPG indicates that a meaningful change in the housing situation should be considered in this context, but this does not automatically mean that housing assessments are rendered outdated every time new projections are issued. In this case the 2014-based projections show about 16,400 additional households (820 per annum) over the plan period. Although the 2012 and 2014-based projections have different base years and the total household estimates for the preceding early years of the plan period are different, there is clearly a significant increase of about one-third on the 2012-based. The main cause of this difference is the underlying population projections rather than any changes to household formation rates. The projections were based in part on earlier sub-national population projections produced by the Office for National Statistics.

71. Notwithstanding the change in the projections, the Council’s view is that the current Plan (with the proposed main modifications) will meet identified needs and therefore no further amendments are required. It points to the 2014-based projections being not dissimilar to my OAN figure of 800 dpa. However, this takes no account of the possibility of an uplift to the amount, as has been included when determining the OAN for the submitted LP in the context of the PPG. The large student population in Canterbury is a factor that may have implications for the projections but this would also be a consideration for those produced earlier.

72. In the time available, the Council has not been able to undertake a detailed reassessment of OAN. While parties have had an opportunity to make submissions on this matter, there are only limited comments on what the OAN figure should be in the light of the new projections.

73. It has been suggested that the examination could be suspended or paused so that the OAN can be reassessed and, if appropriate, further housing sites identified. These could be taken from the SHLAA sites promoted in representations. However, the LP was submitted in November 2014 and the examination has been delayed by the need for further work on, amongst other things, the housing land supply. It is important that the Council has an up to date plan in order to contribute to the achievement of sustainable development, consistent with the principles and policies set out in the Framework. It would provide certainty for the allocated sites and for development management generally.

74. The length of any suspension of the examination cannot easily be predicted as it would be dependent on the outcome of a detailed assessment of the implications of the 2014-based projections. The Council’s updated housing trajectory shows provision for some 17,600 new dwellings over the plan period as a whole, well in excess of the 16,000 requirement that I had recommended. This would provide some flexibility in accordance with the need to boost significantly the supply of housing. As such, the resolution of these matters is not so critical to the LP that it would justify further delay.

75. In the context of all these considerations, the pragmatic and appropriate way forward is for the LP to commit the Council within a fixed timescale to a
thorough assessment of the implications of the new projections, with a partial review of the Plan if this shows that further housing sites are needed. The Plan should therefore be based on an OAN of 800 dpa as in my preliminary findings. MMs are necessary to ensure that the plan is justified and effective in this regard (MM3, MM21).

Needs of different groups

76. The Framework requires that Councils should plan for a mix of housing based on the needs of different groups in the community. The PPG indicates that the overall housing figure should be broken down by tenure, household type and household size. The LP itself does not include such a breakdown but indicates that the mix of tenures, size and types of homes should reflect local needs and will be addressed on an individual site basis.

77. The SHMA has assessed the needs of different groups but was produced in 2009. However, more recent evidence on affordable housing is included in the HNR and the more up to date demographic projections include some information on different households. For students as a group the need is linked to the plans of the universities in Canterbury and the LP proposes joint working as the means of ensuring that is met. The LP has taken appropriate account of the need for a mix of housing.

Land Supply

Overall position

78. The Framework requires that the Council should identify and update annually a supply of specific deliverable sites, sufficient to provide 5 years worth of housing against their housing requirements with an additional buffer. It goes on to indicate that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable sites. There should be a reasonable prospect therefore that, on adoption, the LP will ensure the delivery of a 5 year supply of housing land.

79. On submission of the plan the Council calculated that, having regard to the provisions of the LP, it had 6.4 years supply of housing land. However, in May 2015 the Council and Kent County Council, as highway authority, agreed a position statement concerning the Sturry crossing and relief road. The effect of this would be that a number of the strategic housing allocations (part of Strategic Site Allocations – SSAs) could not come forward until the relief road was constructed. Accordingly, taking account of various other adjustments, the Council recalculated the land supply as 5.26 years in its hearing statement. Then, following discussions at the Stage 1 hearings, the Council revisited its calculation and some of the assumptions. The reworked figure showed about 4.2 years supply against the Council’s OAN of 780 dpa and would self-evidently be less against my figure of 800 dpa.

80. As a result of this, amongst other things, the Council was asked to review the omission or SLAA sites to assess whether there were any that were sustainable and could be brought forward quickly to contribute to the 5-year
supply. Further information was requested on the Sturry Relief Road (SRR) and its relationship with sites in the supply.

81. The Council identified some further sites and suggested the deletion of others. Following public consultation on this the Council estimated that the supply would be 5.74 years from an April 2015 base. It also changed its approach to some of the critical infrastructure relationships. There was further discussion on these matters at a Stage 2 hearing in July 2016, as a result of which the Council reviewed more recent evidence on likely delivery rates and revised the figure to 5.39 years. The base year reflects the most recent housing monitoring data provided by the Council and it is intended that this will be updated to April 2016 in due course. I turn to consider the Council’s methodology and assumptions in more detail.

Shortfall

82. There is a shortfall against the requirement in the early years of the Plan period. The Council has sought to meet this past undersupply across the whole of the remaining plan period (the ‘Liverpool’ method). However, the PPG indicates that this should be dealt with in the first 5 years of the plan period where possible (the ‘Sedgefield’ method).

83. The Council points to the reliance of a number of the SSAs on critical infrastructure, including the SRR, which would mean slower delivery in the short term. The 10 SSAs in the submitted LP would provide over 65% of the Council’s housing requirement figure over the plan period and, if endorsed, would help to secure the local boost in the supply of housing that the Government is seeking.

84. The shortfall in the April 2015 based calculation is about 1,300 dwellings – significantly more than the annual requirement for the Plan period as a whole. Given the likely lead times on any new sites coming forward, if Sedgefield were to be used the shortfall would not be materially addressed until years 4 and 5 of the period at the earliest. The Council’s trajectory already shows a very significant increase in completions in those years. If the full shortfall were added then, in my estimation, the completions required in those years would be substantially higher than ever achieved over the last 20 years, including at the top of the market. Notwithstanding that the land supply may have been restricted in the past, the likely difference is so large that this would be an unrealistic assumption even if more sites were allocated.

85. The PPG allows the possibility that a method other than Sedgefield could be used. In this case the need for a realistic approach points to the Liverpool method as the means of securing the aspiration of addressing the past shortfall, as proposed by the Council.

Buffer

86. The Framework requires that the Council should provide an additional buffer of 5% above the 5 years’ worth of housing sites against the housing requirement in order to provide choice and competition in the market for land. This should be increased to 20% where there has been a record of persistent under delivery. The Council has assumed a 5% buffer.
87. In line with many other Councils, house completions in Canterbury dropped back significantly after 2008/09 due to the recession. Recent completion rates have been below that envisaged in the LP. However, variations around the annual requirement are to be expected. Taking the longer term view, including both peaks and troughs of the housing market cycle, and measured against the requirements of the former South East Plan which was operative over much of this time, the Council had a good record of cumulative delivery. In this context, there has not been persistent under delivery of housing and the Council’s assumption of a 5% buffer, added to the 5 year requirement including the shortfall, is justified.

Windfall sites and lapsed planning permissions

88. Windfall sites can be taken into account in the 5 year land supply if there is compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. In this case the Council has shown that windfalls have accounted for almost 49% of all completions since 1993. However, this should be treated with some caution as windfalls are sites not identified as available in the Local Plan process. Rates can therefore depend on the provisions of the development plan and its age. In this case the saved policies of the extant Local Plan date from 2006.

89. In that context, the Council has proposed a windfall allowance of 138 dpa for small sites only (less than 5 units) based on the rate achieved between 2006 and 2014 and excluding garden land. No allowance is made for larger sites which have made a significant contribution to supply in the past. Certain changes of use to residential are now permitted development. In its most recent calculation of the land supply the Council has removed windfall completions from the first 3 years of the 5 year period as these are most likely to be included already as planning permissions. In the light of these considerations the Council’s windfall allowance is clearly justified.

90. The Council has not made any provision for the possibility that some existing planning permissions may lapse. There is no requirement for this in either the Framework or the PPG. No evidence has been presented on fallout rates. In the light of the conservative assumption made about windfalls I consider that a specific estimate of lapsed permissions is not necessary in this case.

Sites

91. The Council estimates that its proposed additional site allocations would result in over 550 additional dwellings in the 5-year supply period. In addition, it considers that, as the timescale for and means of delivery of the SRR have been clarified, some of the SSAs are no longer constrained and can now contribute housing to this supply. However, critical to the land supply calculation remains the relationship of some SSAs to the SRR and lead times and build out rates for strategic sites in general.

92. For the SRR the Council has committed part funding from the South East Local Enterprise Partnership and has agreed Heads of Terms with the developers of the Sturry/Broad Oak and North of Hersden SSAs and Kent County Council in terms of the remaining funding and delivery of the scheme. There is
reasonable certainty that the road will be delivered as intended and in that context would not be a constraint on other strategic sites.

93. The justification for the housing allocations in the submitted plan and the additional sites identified by the Council and their deliverability is considered under Issues 4 and 6. Overall, in terms of lead times and build out rates, concern has been expressed that these are too optimistic, requiring good progress to be made on all sites with little room for slippage. However, the Council has shown how its development management procedures, with an emphasis on pre-application discussions, have led to a good recent record in determining major planning applications without delay, including those for some of the SSAs. The projected build out rates relate to more recent evidence, including from developers of the strategic allocations. There is a tendency for developers to be over optimistic about delivery on their sites but I note that the Council has not accepted their assumptions in all cases.

94. As the delivery rate information in the current 5-year land supply calculation is much more recent (July 2016) than the base year (April 2015), this has resulted in significantly higher numbers of house completions in the final years of the supply period than at the beginning. However, if I were to find that the Council could not demonstrate a 5-year supply, given the lead times involved it is in any event likely that any significant contribution that additional sites would make would not be until those later years.

95. I have considered whether, in the light of the Council’s reliance on larger sites, a ‘stepped’ approach to the housing trajectory would be appropriate. This would entail a lower requirement in the earlier part of the plan period so affecting the 5-year land supply calculation. However, based on the evidence on the deliverability of the strategic sites and with the shortfall being addressed across the whole of the plan period in any event, such an approach is not justified at this time.

96. Some further evidence relevant to the 5-year land supply was submitted in representations on the MMs. It was suggested that, in the light of this new information, the supply requirement would not be met on plan adoption. Amongst other things, this would be due to delays and slower delivery rates on some of the SSAs.

97. The land supply calculation is a snapshot at a particular moment in time. There is a Framework obligation on the Council to monitor and update its land supply on an annual basis. Before or shortly after the LP is adopted it has indicated that it intends to have rolled forward the supply calculation. In which case, the SSAs are likely to be able to make a more substantial contribution than in the current period. The changes to Policy SP4 as a result of MM16 will introduce a greater degree of flexibility in determining planning applications on potential windfall sites which will assist the Council in fulfilling its role.

98. Sustained progress on implementing the SSAs is likely to be critical to maintaining an on-going 5-year supply. The reliance on these sites and the tight current assessment is a weakness for the LP. However, on the evidence before me, tested at the hearings and based on parties involved in delivery doing as they intend, there is a reasonable prospect that there would be a
supply of specific deliverable sites sufficient to provide 5 years worth of housing against the requirements. For clarity, and therefore effectiveness, MM26 is necessary to set out how the current land supply (5.34 years) has been calculated and the assumptions on which it is based.

99. In the period beyond the 5-year supply the SSAs should be on stream and delivering completions. While the housing trajectory (in tabular form), updated for clarity and consistency (MM184), shows a reduction in annual completions towards the end of the plan period, the total provision across the whole period is well in excess of the requirement. This provides flexibility and overall the LP is likely to result in an appropriate supply of specific deliverable sites or broad locations for growth in the plan period beyond 5 years.

100. The Framework requires local planning authorities to set out a housing implementation strategy for the full range of housing, describing how they will maintain delivery of a 5-year supply of housing land to meet the housing target. The Council does not have a separate implementation strategy document. The approach here is for annual monitoring of different types of housing against needs and the expectations of the LP, identifying areas where the strategy is not being delivered and requires more immediate review. The Council’s development management practice in relation to the SSAs will assist in maintaining delivery. The LP is not unsound as a result of this approach.

**Distribution**

101. The strategic approach to the location of development is set out in Policy SP4 with the urban areas being the principal focus. The distribution of new housing between different settlements and parts of the plan area is generally in accordance with this overall spatial strategy. Reasonable alternatives to the distribution of housing development were considered as discussed above in the context of the spatial strategy options.

102. The Framework encourages the re-use of previously developed land. The LP SA considers the use of land (Objective 14), including the promotion of previously developed land, and potential housing sites have been considered through the SA process. The LP itself has sought to achieve this aim, linking it to what is described as a sequential approach to the location of development, with the focus on the urban centres. However, given the amount of new housing needed and the rural character of much of the plan area it is unsurprising that most of the new allocations are on greenfield sites. For windfall sites, Policy SP4 emphasises the main urban areas as the principle focus for development where opportunities to re-use land are likely to be greater. Overall, the plan has an adequate approach to new housing development on previously developed land.

**Phasing**

103. The LP refers to the phasing of housing development in the context of 5 year bands. Phasing can be justified where there is a clear link to the provision of essential infrastructure or services. However, limiting the release of land for reasons other than the delivery of key infrastructure could prevent sites coming forward at the earliest opportunity in accordance with the national aim of boosting significantly the supply of housing. In this case, the bands have
not been justified and their deletion in **MM22** is necessary for the LP to be effective.

**Other aspects and conclusion**

104. In February 2017 the Government published its Housing White Paper, ‘Fixing our broken housing market’. All of its proposals relevant to plan making are subject to consultation before any new policy or regulatory changes would come into force later this year. The Council will in due course need to consider if the plan should be reviewed in the light of this new policy or statutory requirements. However, I am satisfied that the White Paper does not materially affect my conclusions on the soundness of the LP.

105. With the MMs indicated the LP will assist in boosting significantly the supply of housing and the housing strategy is sufficiently flexible to adapt or respond to changed or new circumstances. I conclude that the strategy has been positively prepared and the overall level of housing provision and its distribution are justified and appropriate.

**Issue 3 – Whether the infrastructure requirements for the Local Plan are soundly based and deliverable and whether there are clear mechanisms for implementation and monitoring?**

**General**

106. The Council’s Draft Infrastructure Delivery Plan (IDP) identifies the key infrastructure necessary to support the development proposed in the LP. There is clear evidence of ongoing working with those organisations responsible for infrastructure and facilities. Taking account of their comments on the LP, the identification by the Council of a number of items as critical to the delivery of the LP is justified. They are all transport schemes, required in relation to the SSAs (A2 Bridge Interchange, SRR, Herne Relief Road (HRR) and South Canterbury Fast Bus Link) and to address existing issues and retail needs at Wincheap (A2 eastbound off slip and A28 Wincheap Relief Road). The relationship between these transport projects and development is central to the success of the LP strategy. Their individual justification and prospect of delivery are considered elsewhere in this report.

107. The IDP sets out the likely cost and potential funding sources for the infrastructure needed and provides sufficient clarity in this regard. The delivery of various bus priority improvements in Canterbury and the A28-A257 link road are seen as the infrastructure required in the early years of the plan and it is clear how they will be funded and provided.

**Transport**

108. The draft Canterbury District Transport Strategy 2014-31 sets out an approach to transport issues that aligns with the LP and is reflected in the principles set out in Policy T1. The forecasts of traffic growth relating to this approach are provided by the VISUM transport model. There have been a series of reports relating to model validation and testing of development scenarios. The most recent update, in March 2016, incorporates the transport measures and development envisaged in the LP. The model has a 2008 base year and, as
such, uses data from that time. Since then there has been growth in the student population in particular. However, bespoke accommodation generally has no car parking for the students and the evidence indicates that overall traffic levels have been fairly constant since the mid 2000s. A 2012 validation report concluded that the model met the standards set by the Department for Transport.

109. The model is mainly focused on the city of Canterbury and its immediate area, where it provides a fine level of detail, whereas zoning is at a coarser level elsewhere. This reflects the character of the area. A particular consideration is the effect on the Canterbury ring road. The model remains an appropriate basis for forecasting peak traffic flows and assessing the overall impact of development. It shows potentially significant increases in travel demand and journey times, especially at the city of Canterbury.

110. The Strategy proposes to reduce the forecast potential increase in vehicle trips by encouraging alternatives to the private car, a car parking strategy and reducing travel demand, as well as through new highway schemes. It provides an appropriate basis for the LP in general terms.

111. In and around the city of Canterbury the Strategy seeks to address the cumulative traffic impact of the SSAs and other developments. These include the critical infrastructure identified above but also other smaller schemes or initiatives relating to walking, cycling and public transport. The detailed transport impacts of individual developments will need to be assessed as specific proposals come forward but in principle, with the measures proposed, the traffic impacts of the development envisaged in the LP are capable of being addressed to the extent that they would not be severe.

112. A number of the LP Policies facilitate the use of sustainable modes of transport. Policy T2 safeguards the cycle and pedestrian routes shown on the PM. Other proposals for cycle and pedestrian routes have been promoted in representations but these are not essential to the soundness of the plan. Appropriate provision is made for bus and rail improvement measures in Policies T3 and T4.

113. Policies T5 to T7 ensure that land is identified for the expansion of the Canterbury Park and Ride sites at Wincheap and Sturry Road and for the relocation and expansion of the New Dover Road site as part of the South Canterbury SSA. These are justified as part of the overall Transport Strategy. With an appropriate reference to impacts on nature conservation interests (MM82) Policy T8 provides appropriate guidance for park and ride facilities at Whitstable.

114. In addition to the expanded Park and Ride facility, the LP identifies a package of measures to address existing and forecast traffic problems at Wincheap. These include the A2 off slip road and an A28 relief road through the industrial estate. They relate to retail proposals at Wincheap and other development in the locality and are likely to be secured through a mixture of developer and public funding some of which is already in place. Highways England has raised no in principle objection to the slip road. There is a reasonable prospect that the measures can be funded and implemented in the required timescale.
115. The justification and delivery of the other main improvements to the highway network (included in Policies T12 to T15) are considered under the relevant SSAs in Issue 4.

116. The Written Ministerial Statement (WMS) of March 2015 indicates that local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network. In this case it has not been shown that there is a case to impose standards across the District that meets this test. In order for Policy T9 to accord with national policy therefore MM84 is necessary to ensure that compliance with the Council’s standards is not a requirement. MM116 in part achieves the same change for Policy DBE3. Furthermore, as the Framework requires that policy on local standards should be set out in the Local Plan, the introduction of a new appendix containing the appropriate advisory standards is necessary and achieved through MM81, MM83 and MM186.

Other infrastructure and services

117. The Water Resources Management Plans affecting the District have taken account of anticipated development. There have been no in principle objections to the LP from the water companies. On the submitted evidence water resources should not be a constraint on development in the plan period. The possibility of a new reservoir at Broad Oak is a preferred option for South East Water in the longer term. Further details on this proposal and its impacts are required but the LP makes appropriate reference to it.

118. It is not necessary for the policies for every individual site to refer to the need for suitable arrangements for the disposal of foul water. A general reference in Policy CC13 (MM108) will ensure that the LP is effective in this regard. Based on the available evidence, waste water infrastructure is unlikely to be a significant constraint on development.

119. The IDP shows that the Council has been working with a range of providers responsible for education and other elements of social and community infrastructure. Overall, this supports the assumptions about the requirements for those facilities. However, the more general expression of these in individual policies, including the more general wording for the SSAs used in MM4 to MM14, is acceptable as it provides flexibility when detailed proposals for development come forward for consideration.

Implementation

120. The PPG indicates that evidence should be proportionate to ensure that plans are informed by a broad understanding of viability. Assessing the viability of plans does not require individual testing of every site and site typologies may be used. In this context, the approach that has been taken in the Viability Assessment Main Report (2012) (VA) and its subsequent updating reports is an appropriate methodology.

121. The Council’s viability evidence has taken account of the likely infrastructure requirements and policies on housing standards and affordable housing provision. The overall viability of development has been appropriately
assessed and the implementation of the LP as a whole would not be put at risk.

122. The Council has indicated that it intends to introduce a Community Infrastructure Levy (CIL) once the LP is adopted. In the meantime it will be subject to the limitation on the pooling of five or more planning obligations under CIL Regulation 123. It has indicated that in its view all the identified critical infrastructure could be delivered by less than five contributions. On the submitted evidence there is reasonable certainty that would be the case. However, there would still be other transport or community infrastructure which the IDP identifies as requiring CIL funding, particularly to address the impacts of development taking place on smaller sites.

123. The Written Ministerial Statement of 28 November 2014 and changes to the PPG include a requirement that tariff-style contributions should not be sought through planning obligations on small developments. The Council envisages that this will not have significant implications for the LP. Whereas for the SSAs s106 agreements and other mechanisms compliant with the Regulation 123 limits would be used, on smaller sites CIL would be applied to fund other measures in any event. The Council will need to bring forward a CIL promptly to ensure that this intention is achieved.

124. The approach to infrastructure requirements generally complies with CIL Regulation 122 where they would be sought by means of planning obligations. However, MM87 and MM136 are necessary to ensure that the provision of public art in developments accords with the Regulation tests.

125. There are several LP policies (including SP3, SP7, EMP11, TCL10, and LB1) where there are references to Supplementary Planning Documents (SPDs), development briefs or other reports as a mechanism to assist with implementation. These are in many cases worded in such a way as to confer development plan status on the other documents. However, they have not been subject to the same process of preparation, consultation and examination as a local plan. MM15, MM20, MM51, MM78, MM79, MM80, MM90, MM144 and MM147 would ensure that the policies reflect legal and national policy requirements in terms of the role of SPDs and other documents in relation to the development plan.

126. The LP briefly sets out an intention to monitor delivery of the strategic and other development sites through its annual monitoring mechanisms. Examples of annual monitoring reports form part of the evidence base and this is an appropriate way to manage and monitor plan implementation.

127. I conclude that the infrastructure requirements for the LP are soundly based and deliverable, with clear mechanisms for implementation and monitoring.
Issue 4 – Whether the Strategic Site Allocations are justified and deliverable

General

128. The LP identifies 10 Strategic Site Allocations (SSAs) in Policy SP3 which would be the focus for a significant part of the new development needed in the area. They are located in or on the edge of existing settlements.

129. The Council’s approach to the identification and selection of sites is set out in the Strategic Housing Land Availability Assessment (SHLAA) Summary of Methodology and Assessment of Sites (2013), updated in 2014 to take account of further site submissions and comments made during the Preferred Options consultation. The SHLAA sites were also subject to sustainability appraisal. The basis on which the Council allocated sites (and rejected others) is clear and robust on the evidence of the process of selection and evaluation.

130. Most of the SSAs are on greenfield sites and many would involve development on best and most versatile agricultural land. The Framework requires that the economic and other benefits of such land should be taken into account. Where significant development of agricultural land is demonstrated to be necessary local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

131. The District has a significant amount of best and most versatile agricultural land. One of the SA objectives relates to the use of land. It seeks to deliver more sustainable use of land in more sustainable location patterns. The SA identifies a key question as being whether the plan would promote the wise use of land and has generally recorded significant negative impacts where best and most versatile land is involved. There is a limited supply of previously developed land and there are many factors that need to be balanced in determining which sites should be allocated for development, having regard to national policy. Overall, the site identification process has taken appropriate account of agricultural land quality. Where an SSA contains best and most versatile agricultural land, I have taken this into account in the consideration of that individual site, alongside those other significant material factors identified below.

132. The infrastructure and service requirements for each site are set out in Policy SP3. To provide an appropriate degree of flexibility in some instances and updating to reflect changed circumstances since the LP was submitted, MMS to MM10 include some changes to these provisions. With these MMs the policy would be effective in providing an appropriate balance between flexibility and certainty. General considerations of the traffic and other infrastructure implications of development have been mainly considered under Issue 3 rather than under individual SSAs. The outcome of this has nevertheless been taken into account in the conclusions on the SSAs. Policies OS11 and DBE12, taken with the changes in MM172 and MM136, will ensure that SSAs make proper provision for public open space, including for sport.

133. The Council’s VA did not address each SSA individually but examined a range of scenarios for a number of site sizes. An additional report, Provision of Further Economic Viability Assessment of Strategic Sites and a Whole Plan
Assessment in Canterbury District (October 2014), examined various strategic site typologies. The subsequent Viability Assessment of Strategic Sites in Canterbury District (April 2016) assessed the viability of the SSAs, including the two additional allocations to address the 5-year land supply, with 30% affordable housing. Promoters of the sites were asked for information that would aid the assessment. I am satisfied that the update to the VA is based on reasonable assumptions and a robust methodology. Whereas there may be some variation when detailed proposals come forward there is reasonable certainty that the SSAs can be delivered having regard to the policies in the LP.

134. The LP intends that development briefs should be prepared for each of the SSAs prior to granting planning permission. However, given the need to boost significantly the supply of housing this additional step could unnecessarily delay progress on sites. As part of MM15 the Council has proposed that the development brief approach should be replaced with a requirement that masterplans for each SSA are submitted with any planning application for all or part of the site. The Council would retain control as development would still have to accord with the LP requirements. The MM is necessary to ensure that the LP is effective.

135. LP Appendix 1 includes draft illustrative layout plans for some of the SSAs. While these will have assisted during public consultation they do not represent the only possible outcomes and may be misleading if retained in the adopted LP. The modified Policy SP3 would include provision for masterplans to be submitted in any event. Accordingly, MM4 and MM183 delete the appendix.

136. Policy SP3 expects development on the SSAs to reflect ‘garden city’ principles. The Framework recognises that the supply of new homes can sometimes be best achieved by planning for larger scale development that follows such principles. While avoiding unnecessary prescription, for the LP to be effective in this respect some overall guidance on what these principles would entail is necessary. The Council’s MM183 would add an appendix to the LP that would achieve this.

137. Where appropriate, the PM changes extend the urban area boundaries for Canterbury, Herne Bay and Whitstable to include the SSAs. This is a logical consequence of the allocation of these sites.

**Canterbury sites**

**Site 1 – South Canterbury**

138. The LP proposes an urban extension that would include 4,000 dwellings, 70,000sqm of employment floorspace and local shopping and local community facilities. There would be a relocated and extended park and ride site and provision for the relocation of the Kent and Canterbury Hospital.

139. The site comprises mostly open farmland on the edge of the city but includes the Old Dover Road park and ride site. Most of the SSA is within the Canterbury Area of High Landscape Value (AHLV). Policy LB2 refers to development within this AHLV as having regard to the historic setting of the city and the Canterbury World Heritage Site (WHS). The proposed
development of the site could potentially affect this setting, including as perceived from the approaches to the city in the sector.

140. The Bell Harry Tower of the Cathedral is the tallest structure in the city centre and is the focus of a number of long distance views including those identified in the Canterbury Conservation Area Appraisal (2010). These include views with the Tower set against the backdrop of the valley sides that form part of the setting of the city. However, the location of the site and the topography of the area limit any inter-visibility with the Tower.

141. The site is crossed by the historic Pilgrim’s Way, which is part of the North Downs Way long distance trail, providing an approach to the city for walkers and cyclists. It also straddles the New Dover Road which carries general traffic from the A2. The character of these approaches would be changed by the development. Plainly it would result in significant change to the site itself and this would be a substantial extension to a small city. However, there would be some mitigation if appropriate care was taken with the layout, landscaping and design of the development, embracing garden city principles as required by Policy SP3. Other LP policies would be applied including Policy HE2 on the WHS, and in the context of these considerations any harm to its setting would be likely to be less than substantial.

142. There is a substantial separation distance between the SSA and the Kent Downs Area of Outstanding Natural Beauty (AONB), such that a layout and form of development should be possible without significantly affecting its setting. The proposed Green Gap between Canterbury and Bridge would ensure an adequate separation between the settlements.

143. A development of this size has the potential to result in significant travel movements and traffic impacts. Taking account of the VISUM model outputs, the LP proposes both highway improvements and substantial sustainable transport measures to address this. The new A2 junction and improvements to the existing junction, the fast bus link to the city centre and the extended park and ride facility are all justified as part of a package of proposals. Policy T17 provides for Travel Plans, which would be appropriate in this case in order to deliver sustainable transport initiatives.

144. The inclusion of a significant amount of employment floorspace and provision for community, local shopping, education and health care facilities within the development, as required by policy SP3, is likely to assist in moderating its wider travel impacts. There has been no objection in principle to the SSA by the local highway authority.

145. The mitigation measures will require a considerable commitment from the developer and the local Councils. Development would need to be phased in accordance with the delivery of the key infrastructure. In this context, there is a Statement of Common Ground between the Council and the site promoters on the transport infrastructure required and its phasing. Provided that the necessary measures are introduced successfully the residual cumulative impacts of the development are unlikely to be so significant that they could be regarded as severe.

146. The SSA could accommodate acceptable provision for education, other community facilities and open space, the delivery of which could be phased in
accordance with the progress of the development. The viability evidence indicates that this could be funded as appropriate through the development. There are no in principle objections from agencies or utility providers relating to waste water treatment or surface water drainage and it is likely that appropriate measures to deal with these matters could be resolved at the planning application stage.

147. The Hospital Trust has not yet made a decision as to whether it would wish to relocate to the site. As such, MM5 refers to reserving land for a potential relocation. This would provide an appropriate degree of flexibility without prejudicing the overall development and is necessary for effectiveness.

148. The site would provide a quarter of the new homes required in the District over the plan period and provide employment opportunities. The loss of a section of AHLV, the development of mainly best and most versatile agricultural land and other adverse impacts of the development must be balanced against the significant contribution that it would make towards meeting housing needs.

149. The submitted evidence indicates that this is a viable site, having regard to the LP policies relating to affordable housing and infrastructure. The Council has resolved to grant planning permission for a hybrid application that would include provision for up to 4,000 new dwellings. There is currently a High Court challenge to the Secretary of State’s decision not to ‘call in’ the application. However, the SSA is both justified and developable with the changes included in MM5.

Site 10 – Land at the Kent & Canterbury Hospital, Ridlands Farm and Langton Field

150. This site includes the buildings and land of the Kent and Canterbury Hospital and areas of adjoining farmland on the edge of the city. The allocation would include 810 dwellings and part of the fast bus link from the South Canterbury site to South Canterbury Road. However, in the context of the uncertainty over the Hospital Trust’s intentions as to whether the hospital should be relocated, the Council is proposing as part of MM12 to reduce the housing allocation to 310 dwellings at this stage. A proposed change to the PM would also remove the current hospital site from the allocation. The LP policy for Site 1 would nonetheless retain land for a potential hospital relocation. This is a pragmatic and flexible response to the current position.

151. With the reduction in the size of the site some potential points of access would no longer be available. However, a route through the site will be necessary to carry the fast bus link from Nackington Road to South Canterbury Road. The Council is working to ensure that this is achieved and the highway authority has raised no objections to the amended allocation. The housing trajectory anticipates that the site would be available so that it could provide the link at an appropriate point in the development of Site 1.

152. The modified site is within an existing AHLV. However, it is on the edge of the urban area and adjacent to the hospital. Any development would be seen in that context. Part of the site is included in a larger area designated in the adopted Local Plan for protection from development to enable future use as public playing fields. However, the Council is proposing to retain an area
adjacent to Stuppington Lane and protected under Policy OS5 for this purpose. Policy SP3 would also require provision of public open space within the SSA.

153. There is no persuasive information that would contradict the Council’s viability evidence on this site. Its inclusion in the LP as modified by MM12 is justified.

Site 9 – Land at Howe Barracks, Canterbury

154. The site comprises a former army barracks within the built-up area of Canterbury, apart from the ‘western slopes’ at one end of the site which are in an AHLV. There is a significant part of the site that comprises previously developed land. The proposed allocation is for 400 dwellings with a new A28-A257 link road. Policy SP3 seeks to protect the open western slopes. On this basis, the principle of the allocation here is justified.

155. The link road would provide benefits by removing some A28 ring road traffic. Planning permission has been granted for the redevelopment of the site for up to 500 dwellings, including provision of the road. However, Policy SP3 does not set a ceiling on development. The Council has proposed a change to the PM so that the allocation reflects the boundary of this permission. In the context of the permission, which addresses infrastructure requirements and affordable housing through a s106 agreement, this is a deliverable site.

Herne Bay sites

General

156. Policy SP3 links all of the Herne Bay area SSAs to the provision of critical transport infrastructure. It indicates that proportionate contributions should be made to both the Herne Relief Road (HRR) and the SRR by Sites 3, 4 and 6. In the case of Site 5 the HRR should be provided through the allocation with a proportionate contribution to the SRR.

157. The A291 is the main route between Herne Bay and Canterbury and passes through the village of Herne. In the centre of the village there are tight bends. Taking account of the highway evidence, including the Sturry and Herne Highway Capacity Study (April 2016), there is justification for a relief road. The Council envisages this as a link from the A299/A291 junction to Bullockstone Road through the Strode Farm SSA, together with improvements to Bullockstone Road to where it joins the A291 south of the village.

158. The Statement of Apportionment (2016) for the HRR and SRR considers the impact that the Herne Bay SSAs would have on traffic through Herne and identifies a basis on which contributions to the HRR would be made. The Council has agreed a Statement of Common Ground (October 2016) with the promoters of the relevant sites and the County Council as highway authority that considers the relationship between the scheme and development in terms of works or financial contributions. The County Council has indicated that it would forward fund the road to secure its delivery. On this basis there is reasonable certainty that the HRR can be provided within an appropriate timescale.

159. The position in relation to the SRR has changed in the context of the additional work the Council has undertaken on its justification and delivery, considered
under Issue 2 and also the Rural SSAs, below. It no longer seeks contributions from Herne Bay sites.

160. In the light of these conclusions the relevant changes to Policy SP3 in MM7, MM8, MM9 and MM10 and to Policy T13 in MM85 are necessary for the LP to be effective. The requirement for contributions to the SRR is deleted. The Herne Bay SSAs requirements are variously amended to reflect the changed position on the HRR, with Site 5 Strode Farm required to provide a new highway through the site and improvements to Bullockstone Road. In the light of representations made on the MMs, I have amended some to provide greater clarity in respect of the roles of other SSAs in the provision of the HRR, consistent with the Statement of Common Ground.

Site 3 – Hillborough site, Herne Bay

161. 1,300 dwellings are proposed with 33,000sqm of employment floorspace as an extension to the adjacent Altira Park. This is a large site comprising mainly agricultural land. There would be a loss of the open rural landscape but the site is between the A299 Thanet Way and the edge of the built up area and is crossed by the North Kent railway line.

162. It has been suggested that the north-western part of the site (which is in separate ownership) is capable of being developed separately from the rest and that this should be acknowledged in the LP. However, large sites are often in different ownerships and it is appropriate that there should be a masterplan for the whole SSA. The way in which it is carried forward is a detailed matter and the LP is not unsound for the approach that it is taking.

163. The evidence indicates that the infrastructure necessary to the development of the site, including local highway improvements, is achievable without compromising viability. With changes to the infrastructure requirements in MM7 to reflect the position on the HRR and other updates the SSA is justified and developable within the plan period.

Site 4 – Herne Bay Golf Course

164. This allocation is for 600 dwellings with 1ha of commercial uses, local community facilities and sports and leisure provision on the former golf course. Planning permission was initially granted in 2015 for a hybrid application which would include housing, community facilities and sports provision broadly in accordance with the requirements of the policy.

165. The site was initially considered for a smaller number of dwellings. However, on the basis of masterplanning work relating to the planning application it is clear that the amount proposed in the LP can be accommodated in an acceptable development. While mainly on open land the site is situated between the A299 and the edge of the urban area of Herne Bay. The evidence indicates that it is both justified and deliverable, with the relevant changes in MM8 relating to infrastructure.

Site 5 – Strode Farm, Herne Bay

166. The LP allocates 800 dwellings and 15,000sqm of employment floorspace with local community facilities.
167. At present, the SSA comprises mainly open agricultural land with a complex of farm buildings. It is situated between Herne village and the A299 Thanet Way. On the opposite side of this road is Site 4, the former golf course, so it has been contended that there would be the loss of a substantial green gap. There would be new development extending from the edge of the village to the existing urban area at Greenhill.

168. The identity of the village is clearly a significant matter for local residents. However, there is already continuous development to the north east towards Broomfield where there is some development immediately on the other side of the A299. The inclusion of Herne village within the urban area boundary in the adopted Local Plan PM reflects the position that there is currently some continuous development back to Herne Bay, albeit bisected by the A299. The existing agricultural landscape has an open character with views across the site but carries no special designation. The relationship between the SSA and the village is a matter that can be addressed through a masterplan and the development management process.

169. Although the Site 5 development would be a substantial extension to the village, Policy SP3 includes provision for community facilities, including a new parish hall, which could have some wider benefits. With MM9 it would require education and health care impacts to be addressed. The HRR has been considered above and would assist in mitigating the effects of additional traffic generated by the development.

170. The site is adjacent to a Conservation Area, with a very small part within it. While the setting would change as a result of the SSA, it has not been demonstrated that in this case the effect on the heritage asset would be such that it would affect the principle of the development. It could be addressed in the detailed layout and design of the site.

171. Although the site is fairly close to the Altira Park employment allocation, it is well related to the A299 and an overall need for additional employment land in the plan period has been demonstrated, as considered under Issue 7. As such, an employment component to the SSA is appropriate.

172. The Council’s viability evidence uses similar assumptions for this SSA as for the nearby Site 4 where there is a s106 agreement in place. The precise mix of development in detailed proposals for this site would be subject to a specific financial assessment, taking account of the requirements of the various LP policies. However, there is sufficient certainty to conclude that this is a viable and deliverable site and overall that, with MM9, it is justified for inclusion in the LP.

Site 6 – Land at Greenhill, Herne Bay

173. 300 dwellings with community facilities are proposed here. This is a reduction from 600 dwellings in the Preferred Option Consultation Draft LP. The change was based on concerns from the highway authority about the impact of a higher figure on the highway network. Further evidence has been submitted by both the site promoter and the highway authority. Taking this into account it is not clear that a higher figure could be accommodated without a potentially
severe impact on the local network. As such the lower figure in the submitted LP is appropriate.

174. The site comprises a large field and an area of open space between Greenhill and the A299. While not considered appropriate for housing by a previous Inspector following an earlier local plan inquiry, the site has been assessed against other options and its inclusion in the LP has been justified with the changes in MM10.

**Whitstable site**

**Site 7 – Thanet Way site, Whitstable**

175. The site comprises mainly open farmland with some areas of woodland. It is adjacent to Duncan Down which has Village Green status and includes a Local Wildlife Site. A small part of the Wildlife Site is within the allocated area. The LP provides for 400 dwellings, the extension of Duncan Down Country Park and additional open space, including allotments.

176. There are some extensive existing views across the site from Thanet Way (A2990) towards the urban area of Whitstable. However, the indicative plan in the submitted LP and details submitted with a planning application for the site show that it is large enough for the amount of housing proposed to be accommodated on land adjacent to existing development on the edges of the settlement. This would leave an extensive part of the site available as open space, including areas adjacent to the Country Park. The areas of woodland could be retained.

177. There have been concerns expressed about the effect of the development on Duncan Down. However, the site is capable of being developed in such a way that the wildlife and open space interests associated with Duncan Down could be protected and potentially enhanced.

178. The Council has resolved to grant outline planning permission for up to 400 dwellings, including up to almost 20ha of public open space, subject to a s106 agreement. There are no unusual infrastructure requirements and the evidence indicates that what is proposed would be viable.

**Rural sites**

**General**

179. In addition to the Herne Bay SSAs, Policy SP3 identifies a new Sturry crossing as infrastructure necessary for the ‘Rural’ Sites 2 and 8.

180. The A291 joins the A28 on a tight bend, close to where the A28 passes over the railway line at the Sturry level crossing. The Sturry and Herne Highway Capacity Study summarises the significant issues caused by the peak periods closure of the crossing for trains to pass. These include substantial queuing on both the ‘A’ roads. Furthermore, some traffic on the A291 seeking to avoid the Sturry crossing uses an unclassified road through Broad Oak village to reach another crossing. There is clear justification for a scheme to tackle these problems.
The SRR is proposed as the means of addressing these concerns. It would entail a new link road across Site 2 from the A291 and A28 to a new bridge over the railway line with a river crossing and further new section of road to then re-join the A28 into Canterbury at Sturry Road. Through the Statement of Apportionment the Council has provided a reasonable basis for determining the impact of the traffic generated by SSAs on the crossing and the contribution that they should make to the SRR.

The Council has secured some part funding for the route from the South East Local Enterprise Partnership. It has agreed Heads of Terms for agreement to deliver the SRR with the County Council and the promoters of Sites 2 and 8. This shows that it would be constructed in part by the developers of Site 2 and in part by the County Council and indicates the developer contributions required. The County Council would forward fund construction if necessary. The details give sufficient certainty that the SRR can be provided within a reasonable timescale to ensure that it does not prevent development coming forward. The relevant parts of MM6, MM11 and MM86 are necessary to ensure that this approach is reflected in the LP.

Site 2 – Land at Sturry/Broad Oak

This allocation includes 1,000 dwellings, some local business floorspace and community facilities. It is currently a mixture of woodland, orchards, ponds, paddocks and fields with some farm buildings on the edge of the villages of Broad Oak and Sturry.

Part of the site is within the existing small designated Green Gap between Sturry and Broad Oak. This Green Gap is considered under Issue 13 and can be addressed through the masterplanning process.

An extension to the Canterbury and Sturry Green Gap is proposed on part of the SSA and again this is a matter for the masterplan.

A much larger section of the site, including woodland and open fields, is within an AHLV. However, that must be balanced against the need for housing land and the advantages of the site. It is well located in relation to Sturry railway station, capable of being well served by buses and would include part of the SRR. It is reasonably close to Canterbury. Evidence on masterplanning indicates that ancient woodland within the site could be retained and Policy SP3 requires its protection and management. In terms of wildlife impacts, NE has raised no objection in principle. Taking all relevant factors into account, including the alternatives considered through the site selection process, the SSA has been justified.

Taking account of the infrastructure requirements, including the SRR, the conclusions of viability assessments by both the Council and the site promoters and the changes in MM6, the SSA is deliverable in the plan period.

A proposal to extend the site boundary to include land at Shalloak Road, and increase the dwelling capacity of the SSA accordingly, was not part of the Council’s consultation on proposed amendments to address the 5-year land supply issue and is not essential for the LP to be sound.
Site 8 – Land North of Hersden

189. The LP proposes 500 dwellings on this site with 1ha of new business space. It would be an extension to the village of Hersden which is to the east of Sturry on the A28. It currently comprises open cultivated agricultural land.

190. The need for a buffer between development and the listed Bredlands Farmhouse and also in relation to the possible pylon route for a high voltage line as part of the Richborough Connection project had been identified as reasons to limit the allocation to 500 dwellings. However, it is evident that there is sufficient land within the allocation for the setting of Bredlands Farmhouse to be appropriately safeguarded. The pylon route buffer is no longer required and the Council has proposed to revert to an allocation of 800 dwellings as indicated at the Preferred Option stage. Further consultation took place on this as part of the 5-year land supply amendments. The increase is included in MM11 and this is necessary to make effective use of the site.

191. The SSA is located on the Stour valley ridge in a countryside setting. However, this does not carry a special landscape designation. Development would be perceived in the context of the adjacent village. Some off site areas of woodland and appropriate on site planting would assist in addressing impacts on the wider landscape.

192. This would be a substantial extension to a modest village. However, Hersden is a former colliery settlement which has had some recent development that has a distinctly different character to the older part. The SSA would relate well to both areas and the existing schools and other services in the village. It would enhance the provision of local facilities and bring regeneration benefits. The site is close to the Lakeside Business Park. Transport impacts could be appropriately addressed through contributions to the SRR and improvements to the A28.

193. Significant new development at Hersden was rejected by the Inspector following the Inquiry into the adopted Local Plan, describing the site as visually pleasing agricultural land. However, this was over ten years ago and the national policy and housing need context has changed since then. As proposed and with the changes to Policy SP3 in MM11, the benefits of the SSA, including its contribution to meeting housing needs, would outweigh concerns. Its inclusion in the LP has been justified.

194. The site promoter intends to include provision for a new stadium for Canterbury City Football Club at the eastern end of the allocation. The Club has funding that would contribute to the construction costs of delivering the stadium complex but this is time limited. However, its provision is not specified in the mix of uses in Policy SP3 on which consultation has taken place. This is a matter that can be dealt with through the development management process in the context of the LP policies in general. Its inclusion in the LP is not necessary for soundness. In reaching that conclusion no judgement is made on the merits of the proposal.

195. Taking account of the Council’s viability evidence and the provisions of the LP policies on affordable housing and infrastructure this is a deliverable SSA.
Conclusion

196. In the light of these considerations and with the MMs proposed the overall amount and mix of development at these SSAs has been justified. Infrastructure implications have been appropriately considered and having regard to the viability evidence they should be deliverable within the plan period.

Additional strategic sites to address housing land supply

197. Two of the additional housing sites that the Council has proposed to ensure that a 5-year housing land supply will be achieved were promoted as SSA omission sites and are of a size that they can be considered as such. They have been included in **MM13** and **MM14** which would add them to Policy SP3 as Sites 11 and 12. They would assist in providing a continuous supply of specific deliverable sites sufficient to help provide 5 years’ worth of housing against the housing requirement.

Land at and adjacent to Cockering Farm, Thanington (Site 11)

198. This additional site would provide for 1,150 dwellings and some employment space. The amended housing trajectory shows about 190 units being provided in the 5-year land supply period.

199. The site comprises mainly agricultural land on the Canterbury urban fringe to the south of Thanington. The site is within an existing AHLV and development here will have some impact on the wider landscape. However, there is scope for landscaping to limit these effects. The Cathedral can be seen in long distance views from part of the site and there would be an effect on its wider setting and that of the WHS. While attaching considerable weight to the setting of the WHS, with appropriate layout and landscaping the effects should not be so significant that they would prevent the principle of the development here. An appropriate buffer could be formed with the nearby Larkey Valley Woods Site of Special Scientific Interest.

200. Development at Thanington, which is adjacent to the A2/A28 interchange at Wincheap, would have implications for the A28 Wincheap corridor where there are existing traffic issues. The Council has proposed a series of measures to address these. In that context, it has identified various requirements for the Thanington development, including a new eastbound A2 off slip road at the interchange and contributions to the expansion of Wincheap Park and Ride site and to the provision of the A28 Wincheap Relief Road.

201. The Council has granted planning permission for up to 750 dwellings on part of the site. A s106 agreement makes provision for funding of the slip road and various sustainable transport measures, including a contribution to the Park and Ride site. Taking account of the education requirements and provision of affordable housing, the promoter of this part of the SSA is satisfied that the development is viable and there is no persuasive evidence that this would not be the case for the site as a whole.

202. The SSA would be an extension to the existing urban area boundary of Canterbury. It would accord with the overall strategy of focusing development at the urban areas, particularly Canterbury, and is a suitable location for...
development. It would assist in ensuring that a 5-year housing land supply is achieved.

**Land South of Ridgeway (John Wilson Business Park), Whitstable (Site 12)**

203. The additional site includes provision for 300 dwellings, of which the Council’s trajectory shows about 100 would be in the 5-year land supply period. The Council has also included provision for employment space.

204. The report of the Inspector who conducted the Inquiry into the adopted Local Plan concluded that with good design and landscaping the site could accommodate housing (with a notional capacity of 200 dwellings), employment and a large area of landscaped open space. He recommended its inclusion in the plan but this was not pursued by the Council. Since his report there have been changes in circumstances, including to national policy, and the proposal by the Council is for more dwellings.

205. The site mainly comprises an open grassed area, used currently as a hayfield. It is designated in the adopted Local Plan as an area of Protected Existing Open Space and has local visual amenity value due to its open character. However, the public right of access is limited to two footpaths that cross the site.

206. The proposed allocation is within the Whitstable urban area boundary as defined on the PM. It is in an urban setting, being mostly surrounded by development which contains any wider views across the site. The allocation would not result in encroachment of the open countryside. It would provide the opportunity to provide some open space on the site to which the public would have access, as provided for in **MM14**.

207. Part of the site is within Flood Zones 2 and 3. The Framework requires that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Local Plans should apply a sequential approach to the location of development to avoid, where possible, flood risk to people and property. Development should not be allocated if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

208. Flooding from the Swalecliffe Brook, including of nearby properties, has occurred in the past after heavy rainfall. However, the major part of the site is outside Zones 2 and 3. The built residential development could be accommodated on that part of the site and, as such, in sequential terms would be in an area with a lower probability of flooding. No in principle objection to development has been raised by the EA. The Council’s change to the PM would retain part of the site at risk of flooding as Protected Existing Open Space. The details of managing run off from the site and its potential effects on flooding could be dealt with in a detailed flood risk assessment at the planning application stage.

209. While some upgrades to off-site waste water sewerage may be necessary, these should not be such that they would affect the principle of the development. Appropriate provision could be made for education and other services.
210. While there is evidence of wildlife on the site it does not contain any special habitats or significant populations of specially protected species. There could be some ecological enhancement and mitigation on the parts of the site where there was no built development.

211. The main access to the site would be from Reeves Way. This currently serves the John Wilson Business Park and retail and other developments and joins the A2990 Thanet Way at a roundabout. A traffic assessment prepared by the site promoter indicates that with various highway improvements, including to the roundabout, adequate mitigation would be provided to address the impact of the development. Reeves Way is within the higher flood risk zone but the emergency access proposed to Richmond Way would be outside the area of risk. Any current on street parking on Reeves Way that might have to be displaced could be addressed at least in part through replacement provision within the allocation.

212. There has been no in principle objection to the allocation from the local highway authority. There is sufficient evidence to conclude that appropriate mitigation of the transport effects of the development could be achieved to ensure that the residual cumulative impacts of the development would not be severe.

213. The site would assist in meeting the housing needs of the area. On the balance of these main considerations its inclusion in the LP in MM14 has been justified. A hybrid planning application for the development of the site has been submitted to the Council. On the submitted evidence the site is viable and deliverable.

'Omission’ sites

214. A number of other sites (‘omission sites’) were promoted in representations as alternative or additional SSAs. In the context of the Council’s process of site identification and SA and my conclusions on the allocated SSAs and the housing land supply, I am satisfied that the LP is sound without the inclusion of these sites. As such, it is not necessary to consider them in any detail, other than to record some main issues associated with some of these sites. Given these factors none are clear cut options for inclusion as SSAs.

215. Land at Stuppington Lane, Canterbury is on the edge of the city and adjacent to the A2. However, it is not clear whether a new access to that road would be acceptable and, if not, what the implications would be for the local highway network.

216. Former Colliery Land, South of A28, Hersden (SHLAA/041) is proposed for up to 400 dwellings. It was last used in connection with Chislet Colliery over 40 years ago. There are parts of the site that are significantly overgrown and the character of what was previously developed land can change over time. However, that has not yet happened to that extent here and it can still be regarded as brownfield land. Such land has a vital role to play in meeting the need for new homes where it is suitable for housing. In this case, although the site is adjacent to a business park, it sits to the south of the busy A28. Most of Hersden village is to the north of the road. In comparison with SSA Site 8 it is not as well related to the existing community.
217. Land at 42 Golden Hill, Whitstable (SHLAA/135) has been proposed for housing or mixed uses. It would be adjacent to the urban area boundary. However, significant development to the south of Thanet Way and to the west of frontage development on Golden Hill would be a substantial encroachment into the countryside. It is not clear that an acceptable access could be formed as the SHLAA site does not have a Thanet Way frontage.

218. Land at Bodkin Farm, Thanet Way, Chestfield (SHLAA/178) is within the existing Green Gap between Herne Bay and Whitstable. It would be a significant extension to the built up area of Whitstable in the A2990 corridor and harmful to the aims of the Green Gap.

**Overall conclusion**

219. My overall conclusion on this main issue is that, with the MMs identified, the SSAs are justified and deliverable.

**Issue 5 - Whether the Local Plan makes appropriate provision for affordable housing and provides appropriate guidance on the size, type, tenure, range and standard of housing.**

**Affordable housing – percentage and thresholds**

220. Policy HD2 requires on-site provision of 30% affordable housing on sites of 7 or more units. For sites of 2 to 6 units, provision can be either on-site or by way of a financial contribution.

221. Amongst other things, the November 2014 WMS provides that for sites of 10 units or less affordable housing and tariff-style contributions should not be sought. The Council initially suggested that the policy should be modified so that it aligned with the WMS. However, during the course of the examination the Council reconsidered its position in the light of the Court of Appeal judgement in *Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441*. While it proposed various changes to HD2, it sought to retain the thresholds as in the submitted Plan.

222. The judgement confirms the correct approach to the WMS where a Council submits for examination local plan policies with thresholds below that in the national policy. An Inspector must consider whether the evidence base and local circumstances justify the proposed thresholds. The new national policy is only one of the matters to be considered when formulating local plan policies, albeit one to which the Secretary of State considers very considerable weight should be attached.

223. The adopted Local Plan Policy (H4) expects 30% affordable housing on sites in excess of 15 units. As such, the existing policy does not conflict with the WMS. Commuted sums have only been sought in exceptional circumstances. However, based on evidence from the last 5 years the Council has concluded that raising the threshold in the submitted LP in line with the WMS would potentially result in a loss of £2 million of commuted sum receipts and about 11 on-site affordable units annually. When compared with recent schemes delivered using commuted sums alongside funding from registered providers
the £2 million would deliver between 20 and 40 units per annum. In this context the Council estimates that there would be an overall reduction in delivery of about 445 units over the remainder of the plan period. There is a backlog of affordable housing need of about 1,550 households on the Council’s waiting list and significant needs identified in the HNR. However, substantial affordable housing need is not a matter particular to Canterbury and it is not clear that it is materially different here than from many other areas.

224. As current policy uses a higher threshold there is no direct evidence of any effect that affordable housing may have on smaller sites coming forward in Canterbury. The Council’s 2012 VA indicates that in the past small sites have played a major part in housing supply with a large amount of housing delivery from sites that do not qualify to make affordable housing contributions. It has examined the viability of small sites and concludes that size is not a determinant of viability in itself. It comes down to site specifics. In that context, it is likely that small sites will vary in their ability to absorb the cost of providing affordable homes. Developers of such sites would need to assess whether this would be crucial to viability, which could deter some schemes.

225. The aim of the WMS is to assist in tackling a disproportionate burden of developer contributions on small-scale builders. The reduction in potential affordable housing delivery that might result is an inevitable outcome of the Government’s policy. While there is clear evidence of need, I am not persuaded that circumstances locally are of such weight that they justify a departure from the WMS. The lowering of the threshold in Canterbury from 15 at present to 10 in Policy HE2 would provide the opportunity for some additional affordable homes. For soundness therefore, this policy and supporting text should be modified to comply with national policy in accordance with MM29, MM30, and MM33 in part. These take account of a lower threshold for the Area of Outstanding Natural Beauty as a designated rural area under the Housing Act 1985, as permitted by the WMS.

Affordable housing - viability

226. The VA and the updates in 2014 and 2016 provide the basis for the percentage of affordable housing sought and the thresholds in Policy HD2. When taken in the round their conclusions form an adequate basis for the policy, incorporating assumptions about infrastructure and housing standards.

227. The specific costs of developing individual sites will vary according to circumstances. The Council’s MM33 is necessary to introduce more flexibility into Policy HD2 by accepting lower provision where this is supported by a financial appraisal. MM32 and MM33 provide more flexibility for the calculation of commuted sums. In this context, the effect of affordable housing provision on the overall viability of development been appropriately considered.

Affordable housing – other aspects

228. The VA suggests a target of 70% rented and 30% suitable intermediate tenure as being viable and achievable. However, the LP provides appropriate flexibility by indicating that the exact tenure and type of units will be negotiated on an individual site basis. It is likely that the application of vacant
building credits will not have a significant effect on the viability of development and affordable housing delivery. **MM30** and **MM33** are nonetheless necessary to clarify the approach that the Council intends to take.

229. Policy HD3 provides for affordable housing on rural exception sites. The various changes to the policy and supporting text included in **MM34**, **MM36** and **MM37** bring this into accordance with national policy.

**Housing standards**

230. In the light of the March 2015 WMS the Council is proposing to delete references to Lifetime Homes from the plan. However, in achieving this through **MM43**, **MM127**, **MM128**, **MM130**, **MM131**, **MM132** and **MM133** it is instead seeking to meet Part M4(2) of the Building Regulations relating to accessible and adaptable dwellings in 20% of homes on major developments and strategic sites built. This is similar to the Lifetime Homes standard.

231. The PPG indicates that it is for the local planning authority to set out how it intends to demonstrate the need for such dwellings. It gives an indication of the factors which can be considered and taken into account. The SHMA for the East Kent Sub-region (2009) had recommended that 20% of market units should be to the Lifetime Homes standard, based on an assessment of the housing requirements of older people. More recent projections have broadly carried forward the general scale of growth in older households on which this is based. I am satisfied that there is a clearly evidenced need for Part M4(2) to be applied. The MMs are therefore necessary along with other clarifying changes to Policy DBE8.

232. The Council’s suggested modifications to Policy DBE7 and Table D3 would require the application of the nationally described residential internal space standards. These would replace the local standards in the submission LP. The Council’s case is based largely on national evidence. However, the Government has decided that the national standards should not be mandatory. The Council indicates that currently most planning applications conform to these standards in any event. While the evidence base should be proportionate, the specific requirement in the WMs to establish a clearly evidenced need in order to apply the optional standards has not been met. As such, the deletion of the standards in **MM127**, **MM128** and **MM129** is necessary for consistency with national policy.

**Other housing types**

233. **MM28**, **MM31**, **MM35** and **MM37** include changes necessary to anticipate the coming into effect of the Government’s policy towards the provision of starter homes. They are appropriately worded to reflect the current position on this matter. **MM28** also clarifies the Council’s approach to the provision of self build housing in accordance with national policy.

**Travellers**

234. The LDS indicates that the Council will produce a separate Gypsy and Traveller Sites Development Plan Document (DPD). The DPD will identify the need for gypsy and traveller accommodation within the district, and will make the
necessary provision for the period up to 2027. The LDS includes a timetable for this and a call for sites has already taken place. This LP does not identify the accommodation needs of travellers or allocate sites. This is justified as these will be matters for the DPD.

235. Until the DPD is adopted any planning applications relating to traveller accommodation will be considered in accordance with the criteria in LP Policy HD10. In various respects these do not comply with national policy in ‘Planning policy for traveller sites’ (August 2015). MM44 sought to remedy this. As a consequence of representations made in response to the MMs consultation, further changes have been made and incorporated in the final MM44 to ensure full consistency with the national approach.

Conclusion

236. With the above main modifications the LP makes appropriate provision for affordable housing and provides appropriate guidance on the size, type, tenure, range and standard of housing.

Issue 6 – Whether other allocated housing sites are justified and deliverable and whether the development management policies provide an appropriate basis for assessing proposals for residential accommodation.

General

237. In addition to the housing provision made in the SSAs, the LP also makes a number of smaller new residential allocations (generally 200 dwellings or less) and carries forward some existing allocations from the adopted Local Plan, shown on the PM. The new allocations are referred to in a table in supporting text to Policy HD1 but not in the policy itself. MM23, MM24 and MM27 incorporate these new sites into the policy and clarify the position of the retained allocations by reference to an appendix. This is necessary for the policy to be effective.

238. The new smaller allocations were selected through the same process using the SHLAA and SA as the SSAs. The overall basis for their assessment and selection is therefore clear.

239. The cumulative implications of development have been factored into the IDP. Nonetheless, the LP does not identify individual infrastructure requirements for each of the smaller allocations. However, relevant plan policies will apply to each of these sites and it is not essential or practical for the detailed requirements to be specified in every case. The VA has satisfactorily examined the viability of development for different site sizes.

240. In seeking to address the 5-year housing land supply concerns, the Council reviewed some of the existing allocations and, on the basis that it was not certain that they could be delivered by 2031, has proposed that they should be removed from the PM. These changes were subject to public consultation alongside the MMs and are necessary for the LP to be sound in that regard.
New allocations

241. 200 dwellings are proposed at St Martin’s Hospital, Canterbury. This is a complex of public health buildings. Some development principles for the site have previously been prepared, involving a mainly residential development comprising part conversion and part new build. Although the buildings are in a setting of open grounds and within a Conservation Area, the site is within the identified urban area of Canterbury and an acceptable development could be achieved. In terms of deliverability, the Council has adjusted its trajectory for the development to reflect the intentions of the promoters of the site.

242. Provision is made for 15 dwellings at Kingsmead Field, Canterbury on part of an area of grassed public open space. This was originally proposed as a larger allocation of 100 dwellings. However, the site now identified means that a significant and usable playing field would be retained and would be protected as Existing Open Space on the PM. MM163 is necessary to include reference to this in the LP as significant recreational space. The allocation would be reasonably well related to neighbouring development. Other concerns, such as the effect on a wildlife corridor, could be addressed in detailed proposals having regard to other policies in the plan.

243. Land at Bullockstone Road, Herne Bay is allocated for 190 dwellings. The site comprises an agricultural field but abuts the Herne Bay urban area and is separated from the wide countryside by Thanet Way. It is an appropriate location for development. The site is more likely to be developed towards the end of the plan period.

244. Land at Spires, Bredlands Lane, Hersden comprises an area of former school buildings. 81 dwellings are proposed on this previously developed land. Planning permission has been granted and the site is anticipated to contribute to the 5-year land supply. The inclusion of the site in the LP has been appropriately justified and there is no persuasive evidence that it is not deliverable.

245. Barham Court Farm, Church Lane, Barham is proposed for an allocation of 25 dwellings. The site is within the AONB. The Framework attaches great weight to conserving the landscape and scenic beauty of AONBs. In this case the site is also within a Conservation Area. However, it currently mainly comprises vacant agricultural buildings. The scale of development in the context here could not be described as major. The site promoter has undertaken a Landscape Character and Visual Capacity Study. The evidence indicates that an appropriate development could be achieved without unacceptable harm to the AONB or the Conservation Area.

246. Land at Baker’s Lane, Chartham is an allocation for 20 dwellings. While it is mainly a grassed field used for grazing, it is well related to other development in the village. The evidence indicates that it is capable of being developed early in the plan period and that it is a suitable site for inclusion in the LP.

247. Land at Chaucer Road, Canterbury is identified in Policy HD1 as an opportunity site for housing and shown as such on the PM. This is a mainly brownfield site in the Council’s control, comprising its main offices and adjacent housing. The LP identifies the possibility of the site coming forward later in the plan period.
As such, **MM27** includes the proviso in Policy HD1 that this is intended as a site for the longer term and it is not included in the housing trajectory for this reason. With this change the inclusion of the site is justified.

**Additional sites to address housing land supply**

248. In addition to those allocated in the LP the Council is also proposing some further smaller sites as part of the measures to help ensure that a 5-year housing land supply will be achieved. These were all subject to SA and public consultation.

249. *Land at rear of 51 Rough Common Road* entails an extension to an existing allocation of 16 dwellings to give 28 in total. It comprises mainly grassed agricultural land and is within an AHLV. However, the allocation would be contained on three sides by existing development in Rough Common and would avoid the adjacent steeply sloping land towards Canterbury where there would be a more significant visual impact. The inclusion of the site in the LP has been justified.

250. An additional allocation of 14 dwellings is proposed on *land adjacent to Cranmer and Aspinall Close, Bekesbourne*. The site has had problems with fly-tipping in the past and is adjacent to an existing residential area in a small village. Trees and hedging provide some screening from the wider countryside. It is a suitable housing site.

251. These additional sites are included in **MM27**, which is necessary in order to ensure that there is a reasonable prospect that the LP will result in a supply of specific deliverable sites sufficient to provide 5 years worth of housing against the requirements.

252. A further site which the Council had sought to add to the LP as part of its additional land supply allocations is *Land at Brickfield Farm, Mill Lane, Bridge* (SHLAA 186) where 40 dwellings were proposed. The site is within the AONB. It is in the ownership of the Council and could therefore potentially be brought forward quickly for development.

253. In the context of the size of the village and the general extent of the AONB, the scale of the development proposed could not be described as major. However, the proposed allocation would entail an extension of the village potentially beyond existing development into surrounding countryside. There are views of the site from Mill Lane and from public footpaths. While it is adjacent to a recent small development at Brickfield Close, I am informed that this is affordable housing, permitted as an exception. It has not been demonstrated that the amount of housing proposed here could be accommodated without material harm to the AONB landscape.

254. A Neighbourhood Plan (NP) for Bridge is in preparation. The Council has indicated that Brickfield Farm is a site being considered but I heard that other options for more housing were preferred by those promoting the NP. Bridge has good services and facilities. However, it is washed over by the AONB so landscape impacts are likely to be an important consideration for all possible sites. The most appropriate location for further development in Bridge is a matter that could be addressed in the NP. The site is not so large that the 5-
year land supply is critically dependent on it. The additional allocation here has not been justified at this point and it has not been included in the MMs.

255. With this exception, the evidence indicates that the allocated sites in the LP and those brought forward in MMs to remedy the housing land supply position are justified and deliverable.

Other sites

256. The Council included *Herne Bay Golf Driving Range and land adjacent* in its consultation and SA on housing land supply additional sites. This is next to the SSA at Herne Bay Golf Course (Site 4) and could provide some 80 dwellings. It is unlikely to contribute to the land supply at adoption of the plan. However, while the land is open in character it would provide a logical extension of the SSA to infill with existing development at Herne Bay. It would also provide some flexibility in the longer term and its inclusion in **MM27** is therefore justified.

257. A number of the housing allocations carried forward from the adopted LP relate to existing car parks in Canterbury, owned by the Council. At the hearings the Council indicated that there was a commitment to no overall loss of parking in the city centre and that any decisions about development on these sites would take account of its overall parking strategy. **MM79** makes it clear that the location of new development will have regard to the parking strategy and that the disposal of smaller city centre car parks is linked to replacement at other locations, having regard to the overall supply. In that context, the continued allocation of these sites is justified.

Omission Sites

258. About 20 other sites were promoted for housing development in representations on the submitted LP and a further 10 or so as part of comments made as a result of the Council’s consultation on the additional housing land supply sites. I have considered the written submissions on these sites and the oral evidence where promoters appeared at hearings. As with the SSAs, in the context of the Council’s process of site identification and SA and my conclusions on the allocated sites and the housing land supply, I am satisfied that the LP is sound without the inclusion of these omission sites.

Development Management

259. Canterbury is a small city with a significant student population. The Council has identified issues relating to the impact of houses in multiple occupation (HMOs), arising at least in part by the increasing number of student private rented properties in the city. These include the loss of family housing, disturbance, untidy gardens, litter and poor refuse storage. Since the LP was submitted for examination, an Article 4 Direction has been adopted by the Council that results in planning permission being required for changes of use from a dwellinghouse to a HMO. The Direction applies to wards in the city of Canterbury and surrounding area. **MM40, MM41** and **MM185** amend Policy HD6, its supporting text and an appendix to take account of this. Based on the evidence submitted, the approach to HMOs in the designated area in Policy HD6 is justified.
260. Policy HD7 seeks to encourage the construction of purpose built student accommodation as part of a joint approach with the universities to some of the issues relating to HMOs. It is mainly a criteria based policy and, subject to MM42 which includes support for provision on campus, provides an appropriate framework for the consideration of proposals.

261. Policies HD8 and HD9 make appropriate provision for the retention of housing accommodation and bringing empty property into residential use.

Conclusion

262. To conclude on this Issue, with the main modifications indicated, the housing sites are justified and deliverable and the development management policies provide an appropriate basis for assessing proposals for residential accommodation.

Issue 7 – Whether the Local Plan would proactively drive and support sustainable economic development. Whether the allocated employment sites are justified and deliverable and whether the development management policies provide an appropriate basis for assessing proposals for employment and tourism development.

Strategy

263. The Council’s vision for the District includes support for the growth needed to deliver a strong dynamic economy. In that context, the LP objectives include strengthening and broadening the local economy and supporting economic growth. The DRS has examined a number of potential economic trajectories and the preference for the ‘Preferred Economy Led’ Scenario (Scenario E) has been carried forward into the development requirements in the plan. As such, the LP sets out a clear economic vision and strategy for the area which proactively encourages sustainable economic growth.

Objectively assessed needs

264. The DRS sets out the basis on which the need for new employment floorspace has been derived, consistent with Scenario E. I have already concluded that the amount of housing to be provided should be somewhat higher than that in this Scenario. However, given the assumptions necessary in determining the relationship between population and job growth and the conversion of that into floorspace requirements, this does not materially affect the LP conclusions on the amount of employment development required.

265. The LP incorporates a development requirement of some 96,775sqm of employment floorspace. This is based on reasonable assumptions set out in the DRS and the Canterbury District Employment Land Review (2013) (ELR). It is an appropriate basis on which to determine the amount of employment land or premises required.

Employment floorspace provision

266. The ELR identifies a gross supply of employment floorspace of over 240,000sqm, which is well in excess of the requirement. However, it has
identified a range of factors that might affect this notional supply, both in quantitative and qualitative terms. It has appraised individual sites and, based on this robust analysis, has drawn conclusions about those that could be released or de-allocated. This brings down the supply to about 159,000sqm, still substantially above that needed. A different scenario shows a supply running out some 3 years before the end of the plan period. However, this is related to pessimistic assumptions about those sites with deliverability or other difficulties. Having regard to the significant provision being made as part of some strategic site allocations (118,000sqm of employment floorspace) and reasonable assumptions about deliverability the LP makes appropriate provision to meet needs.

267. The ELR demand projections are split between Canterbury, Herne Bay, Whitstable and the rural parts of the District. The additional allocations in the LP directed at Canterbury and Herne Bay ensure that there is a reasonable distribution of employment floorspace against the spatial requirements.

268. Taken as a whole, the LP assists in providing a supply of land for economic development that is sufficient and suitable to meet the identified needs. My findings on some individual employment sites, below, do affect the total land supply but not to the extent that they would disturb this conclusion.

Sites

269. In addition to the provision made as part of the SSAs, considered under Issue 4, the LP allocates a number of sites for business purposes in Policy EMP1. Some of these are carried forward from the adopted plan while others are new.

270. Site assessments were undertaken as part of the ELR. This included a review of existing allocations and other sites in employment use as well as some new sites that had been put forward by consultees.

271. Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The Council has robustly assessed the position on individual sites in the ELR and its updates. With the changes to Policies EMP1 and EMP4 in MM45 (in part) and MM47 and the provisions of Policy EMP2 the approach to the protection or release for redevelopment or change of use of existing employment sites or premises is consistent with national policy. Overall, the Council has used an appropriate methodology for assessing which employment sites to include in the LP.

272. The LP allocates Land at Sturry Road, Canterbury that is within both the existing Green Gap between Sturry and Canterbury and an Area of High Landscape Value. However, it is adjacent to a waste water treatment works and would be contained by the line of the SRR which would form a logical new edge to the Gap. This would still leave a meaningful Gap between the settlements. Concerns relating to flood risk could be addressed satisfactorily at the planning application stage.

273. Policy EMP1 allocates the site for uses other than Class B, including D1, D2 and possible sui generis uses such as car showrooms. Given the range of
possible uses and with clarification of the position of trade counters as part of MM45, the allocation is justified and deliverable.

274. **Land adjacent to Canterbury West Railway Station** is an existing employment allocation proposed for retention which is currently in use mainly as a surface car park. There is an existing development brief for the site and the Council has suggested a main modification that would require replacement car parking as part of any development proposal.

275. The site is owned by the Council. During the course of the examination it resolved to provide a two-deck multi storey car park with funding provision being made in the capital programme. While there may be an element of commercial development, particularly on the road frontage, the primary use of the site would remain as a car park. Given the very clear intentions of the Council, on the evidence before me the site cannot be regarded as developable for employment purposes. For the LP to be effective and therefore sound in this respect the allocation should be deleted from Policy EMP1 (MM45, part) and the PM.

276. An extension is proposed to the employment site at Altira Park, Herne Bay, which is adjacent to the SSA at Hillborough. Some enabling development and infrastructure provision have already taken place and the site benefits from a new access on to the A299 Thanet Way. Since the ELR was undertaken planning permission has been granted for a Class A1 superstore on part of the site. This has been built but not occupied. The site has been promoted for employment for some time, with an outline planning permission granted in 2003 and some subsequent reserved matter approvals. However, even though recent marketing has taken place no lettings or sales of units or land have been achieved as a result.

277. Various changes to Policy EMP1 in MM45 provide more flexibility towards the possible uses on employment sites in general, while retaining their main focus. Given the length of the plan period, the identified need and that some land has already been released for alternative uses, it would be premature to make more explicit provision for other forms of economic development, such as further retail. This is a prominent ‘gateway’ site, very well located in relation to the highway network. The allocation is justified and, if the Council works with the developer in the context of the modified policy, has a reasonable prospect of being used for the allocated purpose in the plan period.

278. The former Metric site is a small allocation reflecting a previous planning permission. Although not yet developed, it is adjacent to the Hillborough Business Park and there are no obvious reasons why it should not be implemented within a reasonable period.

279. **Land at Wraik Hill, Whitstable** (Chaucer Business Park) has some current business activity but also a recent planning permission for various retail and community uses, which is being implemented. This would take up the remaining developable land. In this context, the Council has suggested that the site should not be retained as an employment allocation and included its removal from the LP in MM45 (and in a change to the PM). This modification is necessary as the site is no longer deliverable for its original intended purpose.
280. *Land at the Joseph Wilson Business Park, Whitstable* is an extension to the existing employment area. This was evaluated in an ELR addendum note (2014). The site comprises farmland within an AHLV. It is quite close to existing residential development. However, development here would be seen or experienced in the context of the existing buildings and activity on the business park. Adverse impacts could be mitigated by appropriate landscaping and any other potential issues could be addressed through the planning application process. There is a need for employment land in the Whitstable area over the plan period and the advantages of extending an existing site here would outweigh any concerns.

281. Development at *Office Connection site, St Andrews Close, Canterbury* has been completed and its deletion from Policy EMP1 as part of MM45 (and from the PM) is therefore appropriate.

282. Other sites identified in Policy EMP1 include the Innovation Centre, University of Kent, Broad Oak/Vauxhall Road, 3 sites at Eddington Lane, Herne Bay and the Canterbury Business Park (Highland Court). On the evidence before me these sites are both justified and deliverable.

283. With some adjustments to some site areas to reflect changed circumstances as part of MM45 and with the other modifications indicated the LP has identified soundly based sites for employment purposes.

284. Representations were made in support of other potential ‘omission’ employment sites. Some of these had been considered by the Council through the ELR process but the additional sites were also evaluated in further worksheets in June 2016.

285. Among the other sites promoted is the former *FDS Site, Hawthorne Corner, Hillborough*. This has been an allocated site but is not included in Policy EMP1. Whether planning permission for commercial development on the site had been lawfully commenced was not agreed between the Council and the site owner. However, given the acceptable employment land supply position the allocation of this site is not crucial to soundness. More generally, the Council has demonstrated that it has identified sufficient employment land to meet the objectively assessed needs and has evaluated alternative sites in an appropriate manner. Accordingly, the LP is not unsound by virtue of excluding the additional or alternative sites that were promoted in representations.

*Employment development management policies*

286. MM47 would ensure that Policy EMP4 was positively worded. While there have been recent changes to permitted development rights, the parts of the policy affected by this would only operate where planning permission was required and further changes are not essential for soundness. MM46 clarifies this position. Policies EMP3 and EMP5 concerning office use of retail and commercial premises and home-working are justified and consistent with national policy.
**Education sector**

287. Subject to **MM49** for clarity, Policy EMP7 provides an appropriate planning framework for the further development of the University of Kent. The PM defines an amended boundary for the extent of the campus. The University is preparing a masterplan which could identify proposals outside this boundary. **MM48** recognises this possibility and sets out how this might be addressed in terms of planning applications or a future review of the plan. It is necessary for the plan to be effective in this respect. Other LP policies would ensure that proposals would be subject to the necessary planning considerations. Policy EMP8 and the campus boundary shown on the PM provide an appropriate context for the development of Canterbury Christ Church University.

288. **MM50** to Policy EMP9 is necessary for the LP to be effective through the Council working with all education providers to ensure that provision is made for needs arising from new development.

**Whitstable Harbour**

289. Policy EMP11 provides the context for addressing development proposed at Whitstable Harbour, whereas Policy TV5 deals generally with any proposals for marinas along the coast. It has been suggested that there should be a specific site allocated for a marina at Whitstable and there is evidence of need in North Kent between Ramsgate and the Medway estuary. However, while Whitstable may be an appropriate location for this and it would bring economic benefits, there may be other possibilities in the District. A general policy as proposed is therefore a more appropriate and flexible way of dealing with this matter. The inclusion in **MM89** of a requirement in Policy TV5 for there to be a masterplan or development brief for such proposals would be an effective way of carrying forward development and ensuring that it accorded generally with the LP.

290. The LP seeks to maintain an appropriate balance of operational and non-operational uses at the Harbour which is also within Whitstable town centre and subject to the provisions of Policy TCL10. Ensuring that the business use of the Harbour is maintained is an important consideration. With more positive wording and a more appropriate expression of the relationship of the LP to the non-statutory Whitstable Harbour Strategic Plan in Policy EMP11, incorporated in **MM51**, the LP makes appropriate provision for development at Whitstable Harbour.

**Tourism and culture**

291. Policies TV1 and TV2 broadly provide a justifiable and effective strategy for the promotion of tourism and culture.

292. The requirement in Policy TV3 for a minimum marketing period of two years prior to the loss of visitor staying accommodation is unduly onerous and is therefore not justified. It is however, reasonable in principle for there to be a marketing requirement and **MM88** introduces an acceptable shorter period. There are sufficient safeguards in Policy TV4, which cross refers to other LP policies, for environmental considerations to be appropriately addressed when considering proposals for touring and static caravans. Policies TV3 (as
modified) and TV4 are supported by the evidence base and consistent with national policy.

Conclusion

293. Taken in the round, the LP policies for economic development and tourism support the role of the city of Canterbury in the economy of the District while ensuring that the needs of the plan area as a whole are met. With the MMs proposed the LP employment policies are sufficiently flexible that they could accommodate needs not anticipated in the plan.

294. I conclude that, subject to the MMs indicated, the LP would proactively drive and support sustainable economic development. The allocated employment sites are justified and deliverable and the development management policies provide an appropriate basis for assessing proposals for employment and tourism development.

Issue 8 – Whether the Local Plan provides a sound basis for retail and leisure development and the management and growth of town and local centres

Objectively assessed needs

295. The strategy for retail and town centre uses is based on the conclusions of the Canterbury Retail and Leisure Study (2011) and the Herne Bay and Whitstable Retail Capacity Study (2011) in terms of objectively assessed needs. After the completion of outstanding planning permissions, retail provision between 2011 and 2031 of some 50,000sqm of comparison shopping floorspace in Canterbury and 3,250sqm in Whitstable is made in Policy SP2 (with no provision for convenience goods). However, the more recent Canterbury Retail and Leisure Study 2015 concludes that there is less capacity for growth in comparison floorspace, with 8,564sqm (net) in Canterbury by 2020, growing to 19,924sqm by 2025, and 33,800sqm by 2031. While there is no current need for more convenience floorspace, forecast expenditure growth would support 266sqm of additional net retail floorspace by 2025, growing to 2,608sqm (net) by 2031.

296. The 2015 Study is a robust basis for the objective assessment of needs and MM3 which would incorporate these revised figures into Policy SP2 is therefore necessary for the LP to be effective in that regard. The Council’s strategy to accommodate these needs is based on retaining market share for Canterbury district.

Retail hierarchy

297. The Framework requires the definition of a network and hierarchy of centres that is resilient to future economic changes. The LP includes a retail hierarchy with Canterbury city centre as a sub-regional centre, district centres at Whitstable and Herne Bay, local neighbourhood centres and larger village centres. This is referred to in supporting text but the Council has proposed MM54 to MM58 which explain the hierarchy and set it out in a new policy which includes, in Canterbury city, the network of other retail locations, including the Wincheap Industrial Estate. The latter is considered in more
detail below. However, this approach recognises the limited opportunities for growth in the city centre and for a substantial role for additional floorspace to be accommodated elsewhere in the city. With these MMs the LP would contain an appropriate and effective retail hierarchy.

Wincheap Retail Area

298. Policy TCL7 allocates the current Wincheap Industrial Area and Riverside Retail Park as a satellite retail area in Canterbury that would accommodate the identified additional comparison goods floorspace by the end of the plan period. The redevelopment of this area would have regeneration benefits. The Canterbury Sequential Assessment and Wincheap Capacity Study (2016) has considered whether there is scope for in or edge of centres sites that could accommodate the identified needs in preference to Wincheap. There are some retail planning permissions and some capacity on centre or edge of centres sites but this would leave in excess of 25,000sqm still to be found. This provides justification for the selection of the site as a satellite retail area. The 2016 Study also demonstrates that there is on site capacity to accommodate the required floorspace.

299. On the face of it, the total amount of retail and leisure floorspace proposed at Wincheap could result in the District total exceeding the identified need. However, **MM77** in part would phase provision in accordance with the requirements of Policy SP2 as amended by **MM3**. Floorspace capacity would be expressed as a maximum, with impact assessments needed for any applications that would take the District total above that in any of the phasing periods in Policy SP2. Such assessments would clearly need to take account of any relevant new planning permissions elsewhere in the District. A series of MMs to supporting text (**MM70 to MM76**) would explain how provision at Wincheap would relate to overall need and would be taken forward. These changes are necessary to ensure that there would not be harmful impacts on the city centre and other centres, including those in neighbouring authorities, while providing an appropriate degree of flexibility. As a result there would be an appropriate scale of retail and leisure floorspace at Wincheap.

300. The delivery of the Retail Area is linked to measures to manage traffic in the Wincheap area and, in particular, the impact of traffic on the A28 corridor, considered under Issue 3. This should not be a constraint on the Wincheap development as the main part is phased towards the latter part of the plan period. The measures include a relief road/mini gyratory system through the industrial estate. As the Council controls a significant amount of the land this also should not present a development constraint. For effectiveness, **MM76** and **MM77** include appropriate references to the traffic management measures. With these safeguards the LP is consistent with the conclusions of the 2015 Retail and Leisure Study.

Mixed use sites

301. Policy TCL10 includes a number of sites allocated for mixed use, carried forward from the adopted Local Plan. There would be regeneration benefits from redevelopment in most cases. However, some are out of centre locations. **MM78** makes it clear that any retail or leisure elements should satisfy the requirements of Policy TCL6 in respect of its test for main town
centre uses in such locations and, on that basis, the approach and mix of development is justified.

Town Centres, Primary Shopping Area and Shopping Frontages

302. MM59 ensures that Policy TCL1 is effective in providing clarity over the approach to development in town centres.

303. The Canterbury Primary Shopping Area defined on the PM is consistent with the definition in the Framework and is justified. The Primary Shopping Frontages (PSF) for Canterbury, Herne Bay and Whitstable are also shown on the PM. It has been contended that the St Georges Street (west) and Clock Tower Square frontages of the Whitefriars Shopping Centre in Canterbury should be more appropriately Mixed Shopping Frontages as the smaller units there are more difficult to let and there is already a significant presence of A3 operators. However, there is no evidence of significant vacancy in this area, which is at a ‘gateway’ to the Shopping Centre, and the PSF here is justified.

304. Policy TCL2 sets out the basis for considering changes of use from A1 within a PSF. This includes the need for marketing evidence for a period of at least one year in Canterbury or 6 months in Herne Bay and Whitstable. The PSF is intended to include a high proportion of retail uses and there is a need for some mechanisms to ensure that the retail function for the centre is maintained where possible in order for it to remain competitive. The policy provides some flexibility where a proposal would clearly be beneficial to the vitality and viability of the primary retail function. As such, the marketing aspect of the policy is acceptable.

305. The Mixed (Secondary) Shopping Frontages at Canterbury, Herne Bay and Whitstable and the Canterbury Cultural Enhancement Area shown on the PM and their relevant policies are consistent with national policy and justified by the evidence base. MM60 to MM64 are necessary to ensure that there is clarity over the terminology applied to Frontages and the policy approach.

Other development management policies

306. With MM65 Policy TCL5 provides a justifiable and effective approach to development in Local Centres. Policy TCL6 on main town centre uses includes a threshold of 920sqm above which planning applications outside town centres would require an impact assessment. However, the Council accepted that there was not appropriate evidence to support this and for consistency with national policy has suggested MM68 and MM69 which would increase the threshold to the default of 2,500sqm in the Framework. With this, and other changes in MM66, MM67 and MM69 in order to clarify the sequential approach and the relationship with other LP policies, Policy TCL6 is both justified and consistent with national policy. Other town centre and leisure policies in LP Chapter 4 are justified and likely to be effective in supporting the viability and vitality of town centres.

307. I conclude that with the proposed MMs the LP provides a sound basis for retail and leisure development and the management and growth of town and local centres.
Issue 9 – Whether the Local Plan is consistent with national policy relating to development in the countryside

308. Within settlements the strategic approach to new development set out in Policy SP4 will apply. However, the PM only defines settlement boundaries for the main urban areas so elsewhere a judgement must be made as to whether proposed development would be within a settlement or in the countryside. The relevant policies must therefore be considered and applied in this context. Policy HD4 provides for new dwellings in the countryside. MM38 includes changes to this policy necessary to align it with the Framework.

309. The Framework supports the re-use of redundant or disused rural buildings as dwellings where this would lead to an enhancement to the immediate setting. It is therefore appropriate for Policy HD5 to include tests by which it can be established that the building is redundant and to secure the appropriate enhancement. However, a two year marketing requirement is too onerous. Subject to a reduction in this and to inclusion of a reference to ecological factors in MM39, HD5 is consistent with national policy.

310. Allocated sites on best and most versatile agricultural land have been considered above, as appropriate. With MM52 Policy EMP12 concerning the general approach to development on agricultural land is consistent with national policy in this regard.

311. Subject to appropriate criteria, Policies EMP13, EMP14 and EMP15 promote the development and diversification of agriculture and land-based businesses. MM53 is necessary to explain the relationship of Policy EMP14 to permitted development rights. Subject to this, these policies accord with the Framework. Policies TV6 to TV8 are supportive of sustainable rural tourism and leisure developments. Policy OS8 on sports and recreation in the countryside does not conflict with the Framework. Overall, the LP takes a positive approach to sustainable new development in rural areas. With the MMs proposed I conclude that the LP is consistent with national policy relating to development in the countryside.

Issue 10 – Whether the Local Plan makes appropriate provision to address climate change, flood risk and coastal change management

Climate change

312. Policies CC1, CC2 and DBE2 together are the main policies setting out the LP strategy to promote energy from renewable and low carbon sources. The Council has accepted that following the WMS of 18 June 2015 there is a need to amend the LP in respect of wind energy development. The WMS requires that planning applications for wind turbines should only be approved where the site is in an area identified as suitable for wind energy as part of a local plan. In this case the Council is proposing to delete references to wind energy schemes while undertaking an assessment of the District to ascertain where such development might be appropriate. This could then be taken forward in an early review of the LP or a separate DPD as appropriate. MM91 to MM96 and MM114 carry forward this and other changes necessary for consistency with national policy.
313. Policy CC3 includes a requirement for developments over 200 units to provide site wide renewable or gas fired Combined Heat and Power (CHP) or to connect with an existing CHP distribution network. There is evidence that CHP may not be the appropriate option in all cases. MM97 and MM98 would allow other alternatives to be considered and for viability or feasibility factors to be dealt with appropriately. This is necessary for the LP to be justified and effective in this respect.

314. The LP generally and Policy DBE1 in particular, seek the achievement of Code for Sustainable Homes Level 4. However, following the review of housing technical standards and the WMS of 25 March 2015 the Government has withdrawn the Code. Councils should not set any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings, including requiring any level of the Code. In this context, the Council’s series of changes proposed in MM109 to MM112 that, amongst other things, delete reference to the Code are appropriate in order to comply with national policy. MM97 would simplify Policy CC2, requiring that any measures to reduce carbon and greenhouse gas emissions should be proportionate.

315. Policy CC13 requires water efficiency and water recycling measures in new homes that would accord with Code Level 4. The new system comprises additional optional Building Regulations on water which can be required in a local plan if addressing a clearly evidenced need and where impact on viability has been considered. The Council has suggested in MM108 that the lower national technical standard of 110 litres maximum allowable usage per person per day should apply.

316. As the lower standard is in excess of that in the submitted LP it is less onerous than that tested in the VA and would not have an unacceptable effect in this regard. The Water Resources Management Plans for both Southern and South East Water draw attention to East Kent being a particularly dry area with low rainfall and growing water supply demand. There are areas of serious water stress. Improved water efficiency is identified as part of the response to this. The lower national technical standard is clearly justified. As such, MM108 (and a supporting text change in MM107) is necessary for the LP to be both effective and consistent with national policy.

317. Policy DBE6 sets out the circumstances in which a sustainability statement would be required, including an energy statement. MM126 would delete the policy while in part MM112 would introduce a clause in the overall sustainable design and construction policy (DBE1) that would limit to major developments the circumstances in which these would be required. Changes to Table D1 to which the latter policy refers are included in MM113, while MM124 and MM125 would delete Table D2 on energy statements. These changes are necessary for the requirements to be proportionate and clearly expressed.

318. Following the March 2015 WMS, the Council is more limited in the extent to which it can influence the sustainability of dwellings where these are matters included in the Building Regulations. However, there are aspects not covered by the Regulations and which would assist in the achievement of sustainable development. As such, with the MMs identified the requirements for a sustainability statement have been justified.
319. In the context of the Council’s VAs, it has been demonstrated that with the MMs the LP requirements for climate change mitigation measures would not threaten the viability of development. Overall, the LP contains a proactive strategy to mitigate and adapt to climate change.

**Flood risk**

320. Policies CC4, CC5 and CC6 set out the approach to development proposed in areas of flood risk. **MM99** and **MM100** are necessary to ensure that this complies with the sequential approach in national policy and would be effective in managing flood risk.

321. The Government’s expectation is that sustainable drainage systems will be provided wherever this is appropriate. In major developments they are expected to be put in place unless demonstrated to be inappropriate. **MM105** would make changes to Policy CC11 that ensured it was consistent with this. Other changes in **MM103** and **MM104** would carry this through in supporting text.

**Coastal management**

322. A series of policies for the coast (CC7 to CC10) broadly reflect the conclusions of the Isle of Grain to South Foreland Shoreline Management Plan Review 2010. Subject to the amended wording in **MM101** and **MM102**, the approach to coastal management is justified and consistent with national policy.

323. My overall conclusion on this Issue is that with the MMs indicated the LP makes appropriate provision to address climate change, flood risk and coastal change management.

**Issue 11 – Whether the Local Plan provides an appropriate strategy and policies for the conservation and enhancement of the historic environment and the achievement of good design**

**Design**

324. The LP contains a series of policies that seek to promote high quality design. These include some overlap, with the potential for confusion. Amongst other changes, **MM115** to **MM119**, **MM122** and **MM135** would include deletion of Policy DBE4 and amendment to DBE3 and DBE10. They are necessary for the plan to be effective in this regard. With these changes the design policies provide an appropriate degree of detail. The MMs would simplify and clarify the LP and result in robust and comprehensive policies that set out the quality of development that will be expected for the area. Overall, I am satisfied that the LP’s provisions relating to inclusive design and accessible environments are consistent with the Framework.

325. In the light of the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 for the submission of Design and Access Statements, the deletion of Policy DBE5 in **MM123** and relevant supporting text in **MM120** and **MM121** is necessary for consistency with the statutory approach.
326. The Council’s proposed deletion of Policy DBE9 on residential intensification (**MM134**) is justified as the concerns it seeks to address would be covered by other policies.

**Heritage assets**

327. Policy HE1 sets out the overall approach to the historic environment and heritage assets. It is supported by a series of policies (HE2 to HE13) relating to individual types of heritage asset. In various respects some of the policies do not accord with the Framework and for this reason **MM137** to **MM143** are necessary modifications. Some parties questioned whether the Council had sufficient resources to ensure the effective implementation of the heritage policies. However, as modified they will provide an effective basis for development management.

328. Development affecting the Canterbury WHS and its Buffer Zone is addressed in Policy HE2. The boundary of the Buffer Zone as defined on the PM is derived from the WHS Management Plan (2002). It is reasonably tightly drawn, including the gaps between the three component parts of the WHS (the Cathedral and Precincts, St Augustine’s Abbey and St Martin’s Church) and also their immediate surroundings. The boundary is based on the position as it was some years ago but any change should be addressed through the Management Plan review process. As such, on the current evidence, it is appropriately defined and justified. Policy HE3 provides a robust approach to protecting significant views of the WHS. Together the policies provide a sound approach to the protection and enhancement of the WHS.

329. Subject to the MMs the LP provides an appropriate strategy and policies for the conservation and enhancement of the historic environment and the achievement of good design.

**Issue 12 – Whether the Local Plan provides an appropriate strategy and policies for the protection and enhancement of the landscape and for nature conservation and biodiversity**

**Kent Downs Area of Outstanding Natural Beauty (AONB)**

330. Subject to **MM144** the requirements of Policy LB1 relating to the AONB are consistent with national policy.

**Areas of High Landscape Value (AHLV)**

331. The LP defines AHLVs with the approach to development in those areas being contained in Policy LB2. More generally, Policy LB4 requires consideration to be given to the landscape character of the locality when considering development proposals. The Canterbury Landscape Character and Biodiversity Appraisal (2012) defines landscape character areas and the policy expects developments to address its findings.

332. The Framework seeks to protect valued landscapes, indicating that criteria based policies should be set, against which development proposals in landscape areas will be judged. In principle therefore the use of AHLVs and
character areas is not inconsistent with national policy. With appropriately positive wording and references to the Landscape Character Appraisal document incorporated in MM145 and MM147, Policies LB2 and LB4 accord with national policy. In combination they are an effective and consistent way of addressing the landscape impacts of development.

333. The six AHLVs defined on the PM are an amalgamation of Special Landscape Areas (SLAs) identified by Kent County Council and previous AHLVs identified by Canterbury. They have been carried forward from the existing adopted Local Plan PM as a single designation. The SLAs were identified as having county significance whereas the AHLVs were seen as having local significance. This reflects their different origins. The LP AHLVs have different characteristics. However, in policy terms making a separate distinction is unnecessary as the test of any proposals in Policy LB2 is based on the effect on local landscape character. In principle therefore the merger into a single designation is justified.

334. The Inspector who conducted the Inquiry into the adopted Local Plan considered the evidence base for these designations and their boundaries. His main concern related to the Canterbury AHLV which he supported as a designation that might help prevent visual damage to the setting of the city but considered did not have exceptional landscape quality. Amongst other things, he recommended a review of the boundary to reflect this, setting out some parameters by which this should be done. A study for the Council was subsequently undertaken by Jacobs Babtie in 2005 and its recommendations were taken on board in changes to the outer boundary of the AHLV in the adopted Local Plan. The Council has relied on this and the adopted Plan evidence base as justification for the AHLV designation in the LP.

335. I have considered representations that suggest that the designated Canterbury AHLV includes areas that do not play a role in the protection of the setting of the historic city and that no review of the inner boundary took place. As a result it is contended that the Inspector’s recommendations were not followed in full. However, the Jacobs Babtie conclusions were not before him and are persuasive in supporting a meaningful continuous designation area rather than the ‘mosaic’ the Inspector may have favoured.

336. I share my predecessor’s view that the reasons for the Canterbury AHLV relate to the setting of the city rather than to significant landscape quality. Representations have been made to exclude some areas from the AHLV because they do not contribute to that setting. The LP does include some allocations within the AHLV that have been established through the plan making process. However, other piecemeal changes to the AHLV in the absence of a further overall review may lead to inconsistencies. Furthermore, this is not necessary for the LP to be sound, provided that the policy recognises that any development proposed on a particular site in this AHLV should be assessed in terms of its impact on the historic setting of the city. This is achieved in MM145. There is no evidence that demonstrates that the other AHLVs have not been appropriately defined.
European wildlife sites

337. There are a number of habitat or species sites of international importance in or adjacent to the District. The HRA identifies particular issues for the coastal sites – the Thanet Coast and Sandwich Bay Special Protection Area (SPA)/Ramsar site and the Swale SPA/Ramsar site - arising from the development proposed in the plan.

338. Strategic Access Management and Monitoring Strategies (2014) have been developed to address potential disturbance impacts in these areas, especially to wintering birds. They consider alternative mitigation measures and zones of influence. The zones, within which development would be expected to contribute to the mitigation, have been developed through an analysis of visitor survey information. The Council is proposing MM19 and MM20 that incorporate these measures in the plan and also changes to the PM to show the extent of the zones. They are supported by the evidence base and are justified for the LP to be effective in preventing significant adverse impacts on these international sites. In terms of delivery, the Council’s evidence indicates that the measures that would be funded through tariff style planning obligations would not be capital projects and therefore would not be subject to the pooling limitations imposed by the CIL Regulations.

339. The agreed Statement of Common Ground between the Council and Natural England supports the approach in the MMs. With MM149 to MM154, which deal with the policy towards European sites in general (LB5) and supporting text, Natural England is satisfied that the LP would be compliant with the Habitat Regulations.

Other wildlife sites and biodiversity policies

340. The Framework requires that the degree of protection afforded to the hierarchy of wildlife sites should be commensurate with their status. Policies LB6 to LB8 concern other sites and biodiversity networks. They include appropriate differences in their amount of protection in accordance with national policy. MM148 and MM157 are necessary to ensure that appropriate consideration is given to creating and maintaining a network of habitats.

341. Policy CC12 seeks to ensure that the quality of the water environment is maintained or enhanced and is supported by the EA. Subject to MM106, which gives it a clear focus on meeting the Water Framework Directive, the policy is sound. Neither Southern Water nor South East Water have objected to the scale and distribution of development in the LP and Policy CC12. There is no compelling evidence that the development envisaged in the LP would compromise Water Framework Directive objectives.

342. Policy LB9 sets out the Council’s approach towards the impact of development proposals on nature conservation interests generally. With MM158 which is necessary to ensure consistency with the Framework the policy is sound. Subject to MM159 to MM161 the other biodiversity policies (LB10 to LB13) are justified, effective and consistent with national policy.
Regionally Important Geological/Geomorphological Sites (RIGS)

343. Planning policies should aim to prevent harm to geological conservation interests. The Council has provided appropriate evidence to support the designation of a number of RIGS on the PM with the approach to development that might affect the sites defined by Policy LB7.

344. I conclude that the LP provides an appropriate strategy and policies for the protection and enhancement of the landscape and for nature conservation and biodiversity, provided that it includes the MMs indicated.

Issue 13 – Whether the Local Plan provides an appropriate strategy and policies for the protection, enhancement or designation of open space

Local Green Space

345. The Framework enables communities to identify for special protection green areas of particular importance to them. However, this Local Green Space (LGS) designation will not be appropriate for most green areas or open space and the circumstances in which it can be used are prescribed in the Framework.

346. The Council has adopted a rigorous approach to the designation of Local Green Space (LGS). It has set out in assessments in April 2014 and June 2016 its reasons for designating some areas while rejecting others, based on the Framework criteria. In the cases of Prospect Field, Whitstable and Columbia Avenue Recreation Ground, Whitstable the criteria are clearly met and the designation justified.

347. The Council has also sought to designate West Beach, Whitstable. It originally considered the whole stretch of Whitstable Beach from the Sportsman public house in Seasalter to the coastguard cottages at Swalecliffe, an area of about 38ha covering 9.5km of coast. It decided not to proceed with designation as this would be an extensive tract of land, has protection in other ways and serves the wider district. It further considered that designation could impact upon flood protection and coastal works, leisure activities and business uses, including harbour operations, fisheries and redevelopment. Furthermore, maintenance and enhancement of flood and erosion defences may alter the character and value of the beach.

348. Instead the Council has sought to designate a single section of the beach (West Beach) between Whitstable Harbour and the West Beach Pavilion Caravan Park, an area of about 4.26ha, covering 1.17km of coast. It is mainly a pebble beach with some grassed areas adjacent to the sea wall. It is in close proximity to Whitstable Town Centre and residential areas, having no promenade, and has historic associations with boatbuilding and oyster fisheries. However, many of the reasons for not designating the full length of beach apply here. While special to the local community, West Beach has much wider usage, including by visitors and holidaymakers in the summer. Although the area concerned is not large, it nevertheless still relates to an extensive length of coast. The beach contains groynes and other features that protect it from coastal erosion and the town centre from flooding – a wide area is in Flood Zone 3. Policy OS1 would allow engineering or other operations
required for public safety but these might change the character of the beach as a public space.

349. The Beach is part of a Site of Special Scientific Interest and SPA, within a Conservation Area and designated as Existing Open Space in the adopted LP. It therefore receives a significant existing degree of protection. For the reasons given above West Beach should not be designated as LGS in the LP but should be retained as Existing Open Space. **MM162 (part)** to Policy OS1 is therefore necessary and the designation should not be included on the PM.

350. A number of other locations have been promoted in representations for designation as LGS. These have been considered by the Council in either its 2014 or 2016 assessments. The conclusions clearly demonstrate that they do not meet the Framework criteria and therefore their inclusion in the plan is not necessary for soundness.

351. **MM162 (part)** includes changes to Policy OS1 so that it is consistent with policy for Green Belts in accordance with the Framework.

*Green Gaps*

352. Policy OS6 sets out the basis on which development proposed in identified Green Gaps designated on the PM would be assessed. These are mainly carried forward from the adopted Local Plan but include some new proposals.

353. The Green Gaps are intended to retain the separate identities of existing settlements by preventing their coalescence through development. The LP indicates that in the main they have been identified between built up areas which are gradually expanding, particularly on road frontages. They have mostly been limited to ‘pinch points’ where settlements are at particular risk of coalescence.

354. There are no references to Green Gaps in the Framework. However, local plans should identify land where development is inappropriate. Taking account of the different roles and character of different areas is part of a core planning principle underpinning national policy. The Gaps can contribute to local distinctiveness and identity. In principle therefore, while they have been part of local planning policy for some time, they are also consistent with current national policy. The criteria in Policy OS6 are appropriate in seeking to maintain their open character.

355. The LP proposes a new Green Gap between the main part of the city of Canterbury and the University of Kent. It comprises an area of undeveloped open or wooded land sloping down from the university towards central Canterbury. It forms a backdrop to the historic city and there are views across it towards the Cathedral. The Council indicates that the designation here is intended to provide a separating function between the residential area of Canterbury and the University, highlighting the importance of the setting of the city with far reaching views of the Cathedral.

356. The purpose of the designation here is not related to the potential coalescence of distinct settlements but more to the role that the land plays in the historic setting of Canterbury. In this regard, the proposed Green Gap is within the
Canterbury AHLV which has been identified to protect the historic and landscape setting of the city and the WHS. Policy LB2 generally does not permit development that would impact directly upon historic settings and in the Canterbury AHLV requires that particular regard is paid to the historic setting of the city and the WHS.

357. This land also falls within the University boundary as designated on the PM. The University is preparing a masterplan that is intended to provide the context for the future development of the campus. This is in its early stages but should take account of the aims of the AHLV. Policy LB2 would provide the appropriate context for the Council to consider any proposals that might come forward as a result of the masterplan. Green Gap policy is intended to serve different objectives and the designation here has not been justified. As such, the Canterbury and University of Kent Green Gap should be deleted from the LP (MM165, in part, and MM166) and the PM.

358. In the context of the South Canterbury SSA the new Green Gap between Canterbury and the village of Bridge has been justified. The Green Gap between Sturry and Broad Oak overlaps SSA Site 2. A masterplan for the allocation is proposed which could indicate a change to the Gap while still fulfilling its objectives. However, it is not clear what form this might take. In the circumstances, for effectiveness the Gap should be retained as proposed but with an appropriate reference to its relationship with the masterplan included in the LP (MM165 in part).

359. The Green Gap between Blean and Rough Common includes land that is not easily seen from Whitstable Road. However, there are public footpaths adjacent to it and the Gap is limited in its extent. The retention of the existing designation is therefore justified. The Sturry and Westbere Gap still serves the purposes of designation. Reference has been made to appeal decisions relating to Green Gaps elsewhere but my conclusions relate to the specific circumstances here.

360. Policy OS7 relates specifically to the Herne Bay to Whitstable Green Gap. The possible development that might be acceptable in this Gap is somewhat different to elsewhere, particularly in terms of education, leisure and allotment uses. This reflects the character of these coastal settlements. Subject to clarification of the leisure uses that would be appropriate in the Gap (MM168) for consistency with Policy OS6, the policy is justified.

361. Other proposals for Green Gaps were made in representations. However, in the light of other plan policies and the location of these proposals they are not necessary to achieve the prevention of coalescence. The LP is therefore not unsound by their omission.

Playing fields

362. In various respects the criteria in Policy OS2 relating to the loss of playing fields do not accord with the Framework. This would be addressed by MM164. While Policies OS3 to OS5 relate to particular playing field allocations, there is no evidence to indicate that they are unsound.
Other open spaces

363. Policies OS9 and OS10 deal with the circumstances in which a loss of open spaces in general could be justified while OS11 relates to the provision of open space on new developments. In part MM172 is necessary in order to ensure a consistent, and therefore effective, approach to protecting open space provided as part of new developments.

364. The wording of Policy OS9 is derived from that in the equivalent policy in the adopted Local Plan. This was included in that plan as the result of the recommendation of the Inspector who conducted the Public Inquiry into it, as he had misgivings about the large number of open spaces that were designated in the absence of a completed Open Space Strategy. The Policy accordingly provides for some flexibility by referring to the possibility of balancing harm arising from the loss of such space against the need for development.

365. The LP carries forward from the adopted Local Plan designated areas for the Protection of Existing Open Space, shown on the PM, where Policy OS9 would apply. The Council has produced a Draft Open Space Strategy 2014 to 2019 but this does not include details of individual sites and the basis for their inclusion on the PM. The retained areas include SHLAA site 136 (land at Grasmere Road, Chestfield) which is designated for its visual amenity value as public access is limited to a footpath.

366. Since the current Local Plan was adopted the Framework has been published. Its definition of open space includes that which acts as a visual amenity. The Framework open space policy does not refer to balancing need against harm. However, on the basis of the evidence presented to the examination and subject to some changes for clarity and consistency with national policy (MM170) the flexibility included in Policy OS9 is justified. Taking that approach, circumstances have not changed to the extent that any of the previously designated open spaces should be deleted from the PM.

367. The LP also designates some new areas of existing open space. Having regard to the above, the suitability of these new locations was confirmed by my visits to them. Although the LP might be clearer if all the areas of protected open space were listed in the plan as well as shown on the PM, this is not crucial to soundness.

368. Policies OS14 and OS15 provide soundly based guidance for the provision and protection of allotments.

Open space standards

369. Local open space standards for new development are included in the LP. However, in parallel to the process of producing the LP the Council had been consulting on revised standards as part of its Open Space Strategy. For the LP to be effective it is necessary for these to be substituted for those existing as they are the latest available (MM171). There is some concern that the Strategy and standards are out of date but in the absence of more recent evidence the LP is not unsound in this regard. This could be addressed as appropriate in a future review of the plan.
Green infrastructure

370. Guidance for the preparation of a Green Infrastructure Strategy is included in Policy SP5. Although the LP should plan positively for green infrastructure networks and such a strategy can play an important part in this, the policy does not provide a basis for deciding what will or will not be permitted and where. This is addressed in Policy OS12. The Council’s proposed MM17 and MM18 would delete Policy SP5 while largely retaining the supporting text. At the same time, MM173 would amend Policy OS12 to reflect the provisions of the Framework. With these changes the LP would provide an effective basis for considering the Green Infrastructure implications of development.

River corridor

371. The Council has a Riverside Strategy for the River Stour between Chartham and Sturry. Amongst other things, this seeks to improve access to the riverside and manage its environment. Policy OS13 seeks to protect land from development within the corridor as identified on the PM. Subject to MM174, which clarifies the relationship between the Strategy and the PM, Policy OS13 provides an effective basis for protecting the river corridor.

372. During the examination the Council adopted an updated Riverside Strategy, entailing a process of public consultation, as a result of which additional areas for protection of open space at Tannery Park and Kingsbrook Park have been proposed for inclusion on the PM. These are necessary for the plan to be effective in achieving its aims for the riverside corridor.

373. Provided that the MMs indicated are made, I conclude that the LP provides an appropriate strategy and policies for the protection, enhancement or designation of open space.

Issue 14 – Whether the Local Plan plans positively for the provision and use of community facilities and other local services, including health services, and whether it has taken appropriate account of air quality.

General

374. Policies QL1 to QL7 set out how the LP would deal with proposals for a variety of community facilities, the loss of existing services and the allocation of land for community purposes.

375. The Framework promotes the retention of local services and facilities in villages. It seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs. Local communities have the ability to nominate facilities as assets of community value but would need an appropriate opportunity to assemble their case. In that context, the demonstration that the loss of village and community facilities is no longer viable by Policy QL3 requiring a 2 year marketing period is justified in this instance.

376. Policy QL5 requires provision of community facilities within new residential and mixed use facilities. However, this will depend on the scale of the development and the availability of existing facilities in the area. On larger,
phased sites it may not be possible to identify the funding for the community facilities prior to planning permission as the policy seeks. As such, more flexibility is needed for the policy to be effective. This is achieved by MM177. Otherwise the LP includes appropriate policies for the provision and protection of valued community facilities and services in accordance with national policy.

Health

377. Amongst other things, Policy QL8 seeks to ensure that adequate provision is made for health and social care facilities arising from the impact of new development. As the provision is linked to impact this would ensure that it was of a scale and kind that is fairly and reasonably related to the development. Where it was achieved by the pooling of contributions this would be limited by the CIL Regulations but this will be a matter that the Council can consider in deciding whether to proceed with the Levy.

378. MM179 and MM180 are necessary following the changed position concerning the potential relocation of the Kent and Canterbury Hospital which was considered under Issue 4. With these changes the LP includes appropriate and soundly-based policies for the provision of health care facilities.

Air quality

379. Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMAs) and the cumulative impacts on air quality from individual sites in local areas.

380. The links between poor air quality and health are well established and it is a factor in determining the pattern of development. Air quality was a consideration in the SA of the plan (Objective 7).

381. The Council declared an AQMA in the Broad Street and Military Road part of the city of Canterbury in 2006 and produced an Air Quality Action Plan (AQAP) for nitrogen dioxide (NO₂) in 2009. A wider AQMA including the original area but also the city centre ring road and various arterial roads was declared in 2009. The Council is updating and revising the AQAP to cover the wider AQMA.

382. There have been continued exceedances of NO₂ limits within the AQMA. The High Court judgement in ClientEarth (No 2) v Secretary of State for the Environment, Food and Rural Affairs [2016] EWHC 2740 (Admin) declared that the Government’s Air Quality Plan for achieving compliance with the EU limit values for NO₂ was inadequate in extent and timescale for compliance. It did not accord with the requirements of Directive 2008/50/EC. However, it remains in place until modified in accordance with a timetable set by the Court. The judgement was issued after the hearings had concluded and so the views of parties on any implications were sought and have been taken into account in this report.

383. The main source of NO₂ emissions is road traffic. The LP seeks to control the environmental impact of vehicular traffic, including through encouraging alternatives to the private car and reducing travel demand. Even so, the scale
and distribution of development proposed around the city will potentially increase traffic. The Council will need to monitor carefully the achievement of modal shift targets. However, the time horizon of the LP, to 2031, means that there will be the opportunity for the introduction of appropriate local measures if necessary as well as cleaner vehicles and more use of alternative fuels. The High Court judgement nonetheless means that there is some uncertainty over future emissions projections.

384. Canterbury was not one of the five cities identified as a particular focus for action in the Government’s plans. Although the Council does not have an AQAP for the extended AQMA, the work in hand on this will in due course identify the actions necessary to achieve compliance. The judgement requires a quicker national response to improving air quality. The emerging AQAP can take account of the most up to date information, including any revised projections of air quality produced by the Department for the Environment, Food and Rural Affairs as a result of the judgment.

385. Reference has been made also to issues with ozone and particulate matter. However, the evidence does not indicate that these are so significant that they would require material changes to the LP.

386. I am not persuaded on the basis of current evidence that the overall amount and pattern of development should be changed as a result of air quality considerations. However, there is a need to ensure that particular proposals, individually or in combination, do not result in unacceptable air quality.

387. Policy QL11 makes it clear that development that could directly or indirectly result in material additional air pollutants and worsening levels of air quality within the area surrounding the development site will not be permitted. The Council’s suggested MM strengthened this by including reference to impacts on the AQMA and requiring an air quality assessment if the proposal is likely to have a significant impact in this regard. However, it does not refer to cumulative impacts. For the LP to be both consistent with national policy and effective in addressing the effects of development a requirement for cumulative impacts to be part of any assessment is included in MM181. The modified Policy QL11 will ensure that there will not be unacceptable effects on air quality as a result of development. Overall, the LP has given appropriate consideration to air quality matters and achieving compliance with limit values and national targets for pollutants.

Waste

388. Following the adoption by the County Council of the Kent Minerals and Waste Plan in July 2016, Policy QL13 on waste management and recycling is unnecessary and may cause confusion if retained. The Council’s MM182 to delete the policy is appropriate therefore.

389. My overall conclusion on this main issue is that, as modified, the LP plans positively for the provision and use of community facilities and other local services, including health services. It has taken appropriate account of air quality.
Other Matters

390. The Framework requires that a Local Plan should have a key diagram indicating broad locations for strategic development. The LP was submitted without this but MM1 remedies the omission.

Overall Conclusion and Recommendation

391. The Plan has a number of deficiencies in respect of soundness and/or legal compliance for the reasons set out above, which mean that I recommend non- adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

392. The Council has requested that I recommend MMs to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Canterbury District Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

M J Moore

Inspector

This report is accompanied by an Appendix containing the Main Modifications.
Cornwall Local Plan Strategic Policies - Examination

PRELIMINARY FINDINGS FOLLOWING THE HEARINGS IN MAY 2015

Inspector: Simon Emerson BSc DipTP MRTPi

1. INTRODUCTION

1.1 I confirmed at the hearings that I would issue some Preliminary Findings following the first week of hearings. In this note I identify matters covered in the first week where the plan is unsound and some matters on which it is not compliant with the Regulations. The purpose of issuing these findings now is to enable the Council to consider how it wishes to proceed and to enable me to conduct the Examination in the most efficient manner. As a result of my findings, I would not be in a position to recommend adoption of the plan without the Council undertaking further work and consulting on various possible changes to the plan.

1.2 The changes likely to be necessary to make the plan sound may also affect the policies for the Community Network Areas (CNAs). As I indicated at the hearings, I have decided to postpone the hearings that were scheduled to take place at the end of July which would have covered the policies for CNAs (and some other matters). This postponement will ensure that the implications for the CNAs of the Council’s proposed changes are made clear before any such hearings are held.

1.3 The next step will be for the Council to consider how it wishes to respond to this note. If it wishes the Examination to proceed by way of a suspension, it should set out the further work it considers necessary and the timetable for undertaking that work, including appropriate consultation on changes. Provided that I consider that there are reasonable prospects for a successful outcome within a reasonable period, I would then formally suspend the Examination. I would not resume the Examination until the consultation on changes is complete and the representations made in response have been duly organised for my consideration. Following any resumption, it is likely that further hearings will be required on some of the matters already covered, as well as those not yet considered at hearings.

1.4 If the Examination does proceed by way of a suspension, I will issue a further note to cover concerns or questions I have on other matters in the plan not yet considered at hearings. That note would not, of course, come to any conclusion on those matters, but would highlight where I am unclear as to the Council’s intentions, where there appears to be ambiguity in the wording of the plan, or where there seems, on its face, an inconsistency with national policy. This second note would enable the Council to consider whether it should include possible changes in the consultation to clarify matters I highlight.
1.5 The primary purpose of this note is to enable the Council to decide how it should proceed and what further work is required. Accordingly, I comment only briefly or not at all on matters which I consider are sound. Comments on this note from other parties are not invited and will not be accepted.

2. STATUTORY AND REGULATORY MATTERS

Duty to Cooperate

2.1 By the time of the hearings, there was no substantial challenge with regard to the Duty. During the long period over which the plan was developed various concerns had been raised by the Council’s Duty to Cooperate partners, but these issues had been overcome or were no longer regarded as raising a conflict with the Duty. The Council’s record of working with its Duty partners and its response to concerns expressed is set out in its Duty to Cooperate Statement and Appendices (A.7). I am satisfied that the statutory Duty has been met.

2.2 Plymouth City Council has a well-established aim of growing the city well above demographic projections. A new Strategic Plan which aims to continue this approach is due to be submitted for Examination in March 2016. The City Council is not currently seeking any of its aspirational need to be met in Cornwall. Whether or not the City’s needs/aspirations are justified and whether they can be adequately met outside Cornwall will be a matter for the Examination of the City’s Plan in due course. But at the present time there is no requirement for additional housing for Plymouth to be accommodated in Cornwall. More detailed considerations of the relationship between the south east corner of Cornwall and Plymouth will be addressed (where necessary and relevant) in any later hearings on the Community Network Areas.

Habitats Regulations Assessment

2.3 I have previously highlighted (ID.01) the concerns of Natural England (NE) with 2 inconsistencies between the assumptions and conclusions of the HRA (the most recent version being October 2014, A.6) and the contents the plan. Firstly, with regard to measures necessary to protect the water quality of the River Camel Special Area of Conservation (SAC) and, secondly, with regard to recreational pressure on 7, mainly coastal, SACs/SPA. There needs to be a very clear read-across between the mitigation measures set out in the HRA and what the plan proposes. I give particular weight to the views of NE as it is the Government’s principal adviser on the protection of European sites, with experience of such issues across the country.

2.4 The various changes to text and policy in relation to the River Camel in the Council’s Updated Schedule of Proposed Further Significant Changes (ID.01.CC.2.4.1) are necessary for regulatory compliance in relation to the River Camel SAC.
2.5 In relation to 7 SACs/SPA and recreational pressures, there is not the evidence base to be certain about the effect of development. It is agreed between the Council and NE that recreational visitor surveys need to be undertaken this summer (due to commence imminently) and a detailed mitigation strategy derived from that evidence, including the distance from the SACs where development is likely to give rise to in-combinations effects. In the meantime, it is necessary to put in place an interim mitigation strategy including interim buffer zones on a precautionary basis where proposals will need to be subject to a site-level HRA and/or contribute to interim mitigation measures. Substantial changes to put this approach into effect had been included in the Council’s Schedule of Proposed Further Significant Changes, but NE were not satisfied with the robustness of the wording.

2.6 Immediately prior to the hearing, the Council and NE agreed additional substantial wording (HD.CC.01) to be inserted in policy 23 (Natural Environment) so as to provide a clear policy context for both the interim situation and the necessary hook for the subsequent detailed mitigation strategy to be set out in a Supplementary Planning Document (SPD), as done elsewhere. Wording along these lines is necessary for regulatory compliance. As I raised at the hearing, given that, pending the further evidence, the buffers zones and need for mitigation are based on assumptions and the precautionary principle, the policy must allow for an exception to the interim requirements, namely: unless demonstrated as unnecessary by a site-specific HRA. This caveat should be included. As a separate issue, the Council will need to consider whether the policy as amended will have any impact on the expected delivery of sites included in its 5 year land supply.

2.7 Notwithstanding all the above, I remain unclear as to whether a bespoke approach or separate explanation in the text is needed for Carrine Common SAC. The HRA (paragraph 4.4.10) concluded that there would be no adverse effect from recreational pressures, but NE considers that significant effects cannot be ruled out and the Council has included Carrine Common in the Table of SACs to be included in the plan. In agreement with NE, the Council should clarify the position and amend the changes if required.

Sustainability Appraisal (SA)

2.8 NE has consistently expressed serious concerns about the adequacy of the SA (A.5), particularly in relation to the assessment of the impacts on landscape (notably the national designated landscapes of the AONBs) and of the apportionment of housing development to the individual Community Network Areas (CNAs) in the absence of testing the individual CNA policies on landscape. I share the central concerns expressed by NE and for the reasons given below consider that the SA is not adequate and regulatory compliant.

2.9 I accept that the assessment of development options for Cornwall as a whole was made with adequate regard to landscape impacts. There was
adequate baseline information for Cornwall and appropriate SA objectives and decision criteria were set out. Assessments at this scale are inevitably fairly broad-brush, but the SA was sufficient at that stage.

2.10 The extent and proportion of protected landscapes (and other international/national designations such as the World Heritage Site WHS) vary considerably between CNAs, as does their proximity and setting to the main town(s) within each CNA. For each CNA, the potential impact of the scale of development proposed on such assets, taking account of the capacity of each CNA outside the protected areas and their settings, needs to be assessed.

2.11 I acknowledge that the Sustainability Appraisal, Planning Future Cornwall: Preferred Approach, December 2011 (E.3), tested policies for each CNA (as then proposed) against the SA objectives including landscape, heritage and so on. But the assessments are all very similar and generalised. The mitigation measures proposed in the light of identified potential impacts focus on the wording of policies. There is no assessment of the actual ability of each CNA to accommodate the scale of development proposed so as to be able to comply with the policy wording suggested.

2.12 Accordingly, with regard to landscape alone this shortcoming requires a revision to the SA for the CNAs. In relation to potential landscape impacts the evidence and policy context in which the housing distribution to the CNAs needs to be assessed has developed since the SA was published. The Council is proposing an amendment to policy 3 to confirm that major development in AONBs will not be supported and that small scale affordable housing proposals will need to consider the landscape character of the AONBs and their setting. New evidence has assessed the deliverability of the housing apportionments within the rural areas without requiring sites in the AONBs (A.17). Further work is being undertaken on the potential for housing development to affect the setting of the AONBs. Accordingly, it should now be possible to address this particular shortcoming effectively and will overcome NE’s concern about the lack of evidence.

2.13 However, the impact on landscape is only part of a wider concern I have with the justification and testing through the SA process of the apportionment of housing to the CNAs and, within each CNA, between its main town(s) and its rural area. Similar concerns arise in relation to SA objectives such as on heritage (eg the effect on the WHS and its setting) and biodiversity (eg the European sites already discussed).

2.14 I had postponed to the later hearings the justification for the apportionment of housing as it is clearly most relevant to the policies for the individual CNAs. But given the further work that is required, I set out this wider concern now on a preliminary basis so that the Council can take it into account in considering how it should respond to these findings and the scale of work that would be required during a suspension.
Policy 2, part 7 refers to dispersed development in a proportional manner and policy 3 indicates that development and investment should be proportionate to the role and function of places. But proportional to what? Documents A.12 and BN18 present differing ways of measuring proportionality.

The plan’s proposals result in an apportionment of 63% of new housing to the 16 main towns, 32% outside those and 5% to the eco-community (A12, p5). This is a hybrid outcome from the 3 core spatial strategy options tested in 2011. Whilst the 3 options originally tested may be sufficient to explain and test the outcome on a Cornwall-wide basis (eg as shown in Table 9 A.12) further assessment and testing is required for the consequential apportionment to the CNAs and the split within each CNA between main town(s) and rural area.

Document A.12 gives a summary of how the apportionments have evolved between stages of the plan, but given the fluctuating overall requirement at these various stages and the different types of adjustment made, it is impossible to follow what were the final remaining reasons for the resulting apportionment. It is unclear, for example, how the 3 bullet considerations highlighted on p18 were applied to individual CNAs.

Where the allocation to a CNA varies materially from a straightforward pro rata apportionment of the existing position (that base line having been defined) and/or where the main town/rural split within a CNA various materially from the existing split (also having been defined) there needs to be a clear explanation for those variations. I note from Table 7 in A.12 that variations in the apportionment from the pro-rata existing position range between about 1%-2% below to 1%-4% above the existing proportion of households. These might seem small variations, but the table gives a false impression of insignificance. One per cent of the housing requirement is 475 dwellings. This is a significant proportion of the allocation for many CNAs. The Council will have to identify a suitable threshold to test and justify variations from the pro-rata positions.

Overlaying the need to address the above concerns, the Council will need to justify and carry out SA for the overall increase in the housing requirement flowing from the Council’s response to my conclusions; its revised apportionment to CNAs; and of any changes required to ensure compatibility with the land use requirements of the economic strategy. In these circumstances I cannot be prescriptive about the methodology to be used.

I am satisfied that all other statutory and regulatory matters are met.
3. OBJECTIVELY ASSESSED NEED (OAN) AND THE HOUSING REQUIREMENT

Background

3.1 The plan (policy 2, part 4) provides for 47,500 homes at an average annual rate of 2,300. This figure is consistent with the dwelling requirement identified in the Strategic Housing Needs Assessment (SHMNA) July 2013 (C.9) derived from the rebased Sub National Populations Projection (SNPP) of 2010 (Table 6.24, C.9) which incorporates a 3% vacancy rate to convert future households to dwellings required.

3.2 The demographic projection is only a starting point and national policy and guidance requires consideration of a number of other matters, including whether any uplift is required in response to market signals or to meet in full affordable housing needs and to ensure alignment between the economic strategy and future workforce availability. In Cornwall there is an additional issue relating to holiday/second homes when converting the demographic projection to a dwelling requirement.

Housing Market Area (HMA)

3.3 Cornwall is sufficiently aligned with a single housing market area for housing needs to be considered on a Cornwall-only basis. I have seen no substantial evidence to justify requiring an alternative approach to the geographic coverage of the SHMNA.

The demographic starting point

3.4 A number of representations indicate that past projections for Cornwall by the Office for National Statistics (ONS) and Department of Communities and Local Government (DCLG) over-estimated future growth compared with what actually happened and that therefore they are not a reliable basis for planning. Since the Census of 2011, ONS has undertaken considerable updating and correcting of the data that is used for population/household projections to ensure that projections are as robust as possible. I have not seen evidence to demonstrate that past projections were so out of step with what occurred in Cornwall compared with elsewhere or that such large variations would occur in the future to justify a departure from national policy/guidance on their use as the demographic starting point.

3.5 On 27 February 2015 the (DCLG) published new household projections based on the 2012 SNPP published last year. These projections post-date the SHMNA. From subsequent analysis undertaken on behalf of the Council, publication of these projections would not, in isolation, have justified a change in the housing requirement in the plan (Edge Analytics ID.01.CC.3.3 and ID.01.CC.2.2). However, as explained by Edge Analytics, the latest projections embed revised data, including the revision by the ONS of the inter-census Mid-
Year Estimates on which the components of past changes used for future projections are calculated. These recent projections are thus derived from more robust data than was available for use in the SHMNA. In addition, to provide the most robust projections appropriate to Cornwall, some adjustment to the ONS/DCLG methodology is justified as highlighted below.

3.6 Migration. The demographic model used in the SHMNA and the more recent ONS projection uses migration flows from the previous 5 years only. Given the significance of migration as a component of change for Cornwall and to even-out the likely effect of the recent recession on migration between 2008-2012 a longer period than 5 years would give a more realistic basis for projecting this component. A period of 10-12 years was suggested at the hearing and I consider that this would be reasonable, rather than the 17 year period used in ID.01.CC.3.3. I also consider that the ONS’ Unattributable Population Change component should be assigned to international migration for the reasons given by Edge Analytics in ID.01.CC3.3. This approach was not disputed at the hearing.

3.7 Household formation/headship rate (HR). Tables 5 and Fig 8 in ID.01.CC.3.3 indicate that there is not a substantial difference in the annual household growth rate between projections to 2035 using the 2008-based HR and the 2012-based HR (although the figures would be slightly different if only covering the plan period to 2030). I accept that the 2012 HR used in the new household projections is much more robust than that used in the earlier 2011-based interim projection. There is now no basis to rely on the 2008 HR in full, as done in the SHMNA.

3.8 Nonetheless, the HR 2012 may still embed some recessionary effect. It would be inconsistent with the national policy for growth to project any such effect throughout the plan period. Accordingly, the projections developed as part of this further update should show both the HR 2008 and HR 2012 and the mid-point, blended approach. On the current evidence, I consider that the most robust approach for deriving the housing requirement would be a projection using a blended HR rate. (I am aware that there are various simple and sophisticated methodologies which have been used to blend different HRs to achieve a part return to the earlier trend over the projection period, but I see no need to be prescriptive.)

3.9 In undertaking this further demographic modelling, it would be useful to show alongside the above, the comparable figures derived directly from the SNPP based 2012 projections without the above adjustments (as done in ID.01.CC3.3).

3.10 The updated projections by Edge Analytics are for 2012-2035 which is not the plan period. The annual average requirement will vary depending on the length of the projection period used. The annual requirement for the plan period should be based only on the data that covers this period (to ensure that the
needs arising in that period are met in that period). This approach has the effect of increasing slightly the annual rates from those shown in Table 5 of ID.01.CC3.3.1 (as shown in the Council’s Hearing Statement, top of p5). The latter approach should be the basis on which the housing requirement for the plan period is derived. The further work must also include additional information for the annual household growth rate for the period 2010-2012, so that the full plan period is addressed. All such matters should be clearly explained in the further work so that it is straightforward for all parties to follow. I expect that the combination of the above changes will result in a small increase in the demographic starting point from that shown in the SHMNA.

**Market signals**

3.11 From the range of signals highlighted in the Council’s evidence (mainly Briefing Note 14 and SHMNA) and in representations (eg by Barton Willmore rep 576, and Savills rep 783), I consider that no consistent picture emerges. For example, indexed dwelling stock growth in Cornwall between 2002-2011 was greater in Cornwall than for England. Housing delivery was well above that required by the Structure Plan over this period. Although delivery was below that required by the previously emerging Regional Spatial Strategy (RSS) I do not give much weight to that factor given that the RSS was never formally approved and from 2010 it was clear that it was not going to be progressed. Median house prices are above those for England, but there is no worsening trend.

3.12 Between 1997 and 2002 the ratio of lower quartile house prices to lower quartile earning for Cornwall was similar to the South West and above that for England. The trend was slightly worsening over that period. Between 2003 - 2008, the affordability ratio for Cornwall worsened significantly, rising well above the regional figure, which in turn worsened compared with the figure for England. All 3 of these ratios improved during the recession with Cornwall showing the most improvement (between 2008-2009). But Cornwall remains significantly above the regional and national figures. Over the long term, the picture is of a worsening trend and a position significantly worse than the regional and national averages. National guidance is that a worsening trend in any relevant market signal should result in an uplift. But for the reasons given below I do not consider that I should require such an uplift to be made for Cornwall at this time.

3.13 Given that much of Cornwall forms a largely self-contained HMA, any uplift large enough to make a significant difference would have questionable deliverability because it would be out of step with the availability of households to fill the additional dwellings, based on a robust demographic projection (already including significant net migration). Furthermore, there is considerable variation in average house prices across Cornwall (SHMNA Figs 5.3 and 5.4) and
weak viability affecting delivery in some important towns (see below). In this context a generic uplift would not seem a relevant response to the problem.

3.14 One element of the affordability ratio is earnings and earnings are particularly low in Cornwall (see, for example, BN17 p3). It is one of the issues that the Council and Local Economic Partnership (LEP) are seeking to address (see below). It would be counter-productive for the success of that strategy (which I endorse) if population growth and the resulting increase in the workforce was out of step with the strategy and resulted in earnings not improving as planned. I am requiring further work from the Council to explain its jobs/workforce expectations. It will be for the Council to consider whether an uplift to the demographic projection is required in the wider context of aligning housing and (targeted) economic growth.

3.15 At the hearing, the only specific suggestion for an uplift was the modest 10% required by Inspectors in a few other Examinations recently. But for Cornwall I consider that the 7% I am requiring to recognise second homes/holiday homes is a more specific, evidence-based adjustment to the demographic projection to reflect the realities of an important element of the housing market in Cornwall.

**Affordable housing need**

3.16 The total affordable housing need identified in the SHMNA is 30,912 households (summarised in Table 8 ID.02.CC.1, drawn from SHMNA figs 7.2 and 7.3). To address the backlog element of this need over 5 years and still meet newly arising need would require 2,240 units a year, which is most of the overall annual housing requirement in the plan. At the hearing, there was broad acceptance that the scale of need had been adequately identified.

3.17 The assessment of affordable housing need is separate from the objective assessment of need arising from demographic projections. The existing households in need of affordable housing are not included in the demographic projection. But if such households were able to move from their existing unsuitable private rented accommodation to suitable affordable housing their existing accommodation would become available for others (for whom it may be suitable). So there is no need for this element to be added to the overall OAN. Equally, this element should not be subtracted from the total affordable housing need as suggested by the Council.

3.18 I have found (see below) that expected delivery is likely to be less than the Council’s calculation of 22,000 affordable homes over the plan period (Table 9, final form in HD.CC.06). There is thus a substantial gap between delivery and overall need. The backlog and newly arising need has not been met in the first 5 years of the plan. National Guidance states: *An increase in the total housing figures included in the local plan should be considered where it could help deliver*
the required number of affordable homes. (Paragraph: 029 Reference ID: 2a-029-20140306).

3.19 I do not doubt the Council’s very strong commitment to the delivery of affordable housing using imaginative models to do so and substantial Council funds. Nonetheless, I cannot see in the evidence any serious, objective consideration, as required by national guidance, as to the scope for further narrowing the gap between identified need and expected delivery by some increase in market housing. This is a matter the Council needs to consider afresh in the light of my findings on need and delivery.

3.20 National guidance requires consideration of an uplift; it does not automatically require a mechanistic increase in the overall housing requirement to achieve all affordable housing needs based on the proportions required from market sites. The realism of achieving the intended benefit of additional affordable housing from any such uplift is relevant at this stage, otherwise any increase may not achieve its purpose.

3.21 Any uplift on the demographic starting point such as the 7% addition for second/holiday homes that I am requiring (see below) would deliver some additional affordable housing and can be taken into account in judging whether any further uplift is justified. A very substantial uplift would raise the same concerns as I set out above in relation to market signals, but some further uplift should still be carefully considered by the Council. The weight to be given to any such uplift is clearly related to the proportion of affordable housing that would be delivered as a result. Thus additional delivery in zone 1 would be more beneficial than in zone 5. But the appropriateness of such a response would also need to be considered such as the desirability of meeting needs broadly where they arise, given the size and distinct geography of Cornwall. The Council will need to explain its assessment and response to this matter carefully.

Holiday homes/second homes/vacancy rate

3.22 The SHMNA used a 3% vacancy rate to convert the household projection to a dwelling requirement. The Council’s Briefing Note 11, p5 comments: Second homes account for a significant proportion of dwellings in Cornwall and it could be argued that we need to plan for a number of new dwellings to meet this need in addition to that planned to meet future household growth needs. There is a similar point in Briefing Note 12, Note of Caution 4. But no such allowance has been made.

3.23 The National Planning Policy Framework (NPPF) does not identify second/holiday homes as a “need” and therefore such homes should not be counted as part of the objectively assessed need (OAN) required by the NPPF. But the acquisition of future new dwellings as holiday/second homes would remove those dwellings from the stock available for the needs which have been assessed. More generally, if at 2030 the proportion of the total housing stock
occupied as holiday/second homes is similar to now, additional existing homes would have been acquired as holiday/second homes and be unavailable to meet assessed needs, even if newly built homes in some locations are not attractive for such use. Accordingly, in converting the OAN into a housing requirement for the plan, an allowance should be added for second/holiday homes. It is reasonable to assume that the proportion of holiday homes will not decline over the plan period, especially given recent and planned improvements in transport connections serving Cornwall.

3.24 The 2011 Census recorded unoccupied household spaces as 11.2% of the stock, but this figure includes the 3% vacancy rate already used in the SHMNA. So the maximum rate that could be used for holiday/second homes would be 8.2%. Until 2013, the Council offered a discount on homes occupied as second/holiday homes. Such a discount was given on 5.4% of homes. Many, but not necessarily all qualifying households would have applied for such a discount, given that it was only 10%. The allowance for holiday homes should not therefore be less than 5.4%. The remaining unoccupied households recorded by the census may be accounted for, in part at least, by properties used as short term holiday accommodation as part of a business on which business rates are charged.

3.25 On the evidence currently available and adopting a pragmatic approach between the minimum and maximum figures referred to above, I consider that 7% should be added for second/holiday homes when converting the OAN to the housing requirement for the plan, in addition to the vacancy rate.

The needs of particular groups

3.26 As indicated at the hearing, I find that the need for housing for particular groups (for example, in relation to the private rented sector, self-build, older people, and households with specific needs) has not been adequately assessed and further work is required in this regard. Chapter 8 of the SHMNA provides various relevant demographic information, but there no assessment, for example of the future need for specialist accommodation for older people broken down by tenure and type (eg sheltered, enhanced sheltered, extra care, registered care) or the demand for self-build plots (see National Planning Guidance Paragraph: 021 Reference ID: 2a-021-20150320).

Compatibility with the economic strategy

3.27 Many parties highlighted the much higher household projections based on economic projections (SHMNA, Fig 9.2) and the past high rate of job growth in Cornwall. But those projections (from 2010-2012) do not take into account the LEP’s Economic Strategy. The high rate of past job growth did not overcome the structural weaknesses in the economy of Cornwall, including low earnings/low Gross Value Added. Accordingly, as explained below, I endorse the LEP Strategy and do not consider that reliance on past trends or the economic projections in
the SHMNA are an appropriate basis for assessing the housing requirement. Following the further work required by the Council in ensuring that the plan is delivering the economic strategy and clarification in relation to job expectations, the Council will need to demonstrate that there would be a suitable alignment between economic development, job and workforce growth and the housing requirement.

4. ECONOMIC NEEDS AND STRATEGY

The economic strategy

4.1 The stated intention of the plan (eg paragraph 2.3) is to support the Council’s and the LEP’s Economic Strategies (ID.01.CC.1.4 and ID.01.CC.1.5 respectively) which are closely aligned. These strategies seek to address the underlying and long term economic weaknesses in the economy of Cornwall (summarised for example in ID.01.CC.2.3). The poor performance of the Cornish economy means that Cornwall is the only part of the UK which qualifies for EU regional convergence funding. The LEP strategy is to address these deficiencies by a range of interventions which will include substantial public funding eg targeting companies and sectors that will promote high quality jobs growth; improving infrastructure, including transport connections and broadband; improving skills.

4.2 The only representations which seriously dispute the thrust of the economic strategy of the Council and the LEP are those which argue for a radical alternative model to conventional assumptions about the benefit of economic growth. However, economic growth is a key Government aim which is reflected in the NPPF. The plan is sound in seeking to facilitate the mainstream model of economic growth, albeit with the particular focus already highlighted. Other representations consider that the plan does not sufficiently address the needs of particular sectors (eg agriculture and tourism), but overall the LEP’s and Council’s economic strategy is largely accepted or unchallenged.

4.3 LEPs are the lead body endorsed by the Government for promoting local economic development. The Government is clearly supportive of the LEP’s aims and substantial national and EU funds for economic growth are being channelled through the LEP or in joint programmes in which it is a key partner.

4.4 As already noted, a simple continuation of past trends is unlikely to address the problems which exist. I therefore accept that a more targeted approach is required, as expressed in the LEP’s strategy. The plan is sound in as much as it intends to support and deliver the land use elements of that strategy.

The shortcomings of the plan

4.5 Policy 2, part 1 seeks to improve conditions for business and investment providing an overall increase in jobs and supporting the provision of better paid full time equivalent opportunities to drive an increase in the Gross Domestic
Product to rise above 75% of the EU average. But apart from this headline statement which seeks to align the plan with the LEP strategy, it is not clear whether the policies and proposals in the plan will most appropriately achieve this aim, or achieve it at all. There is no clear evidence and analysis to identify and explain what land use requirements are needed to deliver the economic strategy.

4.6 The main evidence on which the plan does rely for this task is the Employment Land Review (ELR 2010, C.14) but this is inadequate for the reasons below. There are many and varied references in the supporting evidence to future jobs, but it is wholly unclear what is the Council’s expectation or target for job growth over the plan period and whether the proposals for economic development in the plan would deliver that expectation/target (and whether any such expectations are aligned with housing provision).

4.7 The ELR (C.14) was completed in 2010. This makes it relatively dated. But it is not the date per se which is my primary concern. It undertook only a very general assessment of the suitability of existing employment sites to meet future employment needs. NPPF paragraph 161 makes clear that, amongst other matters, economic assessments should include both quantitative and qualitative needs and the suitability of land to meet identified needs. The ELR was undertaken before the LEP’s Economic Strategy was put in place. So there is no assessment of the suitability of existing employment sites and existing commitments to provide sites for the types of development necessary to achieve the aims of the economic strategy.

4.8 The overall scale of new employment floorspace identified in the ELR was first divided-up on the basis of the existing proportions of office/industrial floorspace in 8 Travel to Work Areas and then further subdivided by the Council between the CNAs making up those TWAs. There is not the evidence to know whether the apportionment of the B class employment floorspace to the CNAs and the split between B1 and B2/B8 floorspace is compatible with the economic strategy.

4.9 Several CNAs have very large commitments of existing employment land which the Council notes as having uncertain delivery. For some CNAs these commitments greatly exceed the level of B class floorspace apportioned to them. There is no evidence that these commitments are in locations which are likely to be attractive to the sectors being promoted in the economic strategy. Excessive commitments of potentially unviable employment land in unsuitable places may have a number of negative consequences. The present plan is the place to address, at least in principle, what needs to be done in subsequent plans about such sites.

4.10 The Council highlights the flexibility provided in this plan for more exploration of a range of economic matters in subsequent plans, but in my view that is rather an abdication of the proper role of this strategic plan to provide a
clear framework for consistent subsequent delivery in later plans, including
neighbourhood plans. This is the plan in which any strategic spatial
choices/priorities need to be identified. Flexibility may well be a justified
element of a sound strategy (and there was support for it at the hearing), but as
highlighted by the LEP, businesses are particularly hindered by uncertainty about
the outcome of development proposals. The degree of flexibility must not be so
opaque as to foster uncertainty. The scope for flexibility may need to be
prescribed in the plan eg in relation to the scale or location of proposals, or the
degree of fit with the strategy (where this has been well articulated in land use
terms).

4.11 There is inconsistency between the strategic part of the plan i.e policies 2
and 5 and table 2 and the policies for individual CNAs in relation to the
employment floorspace requirements. Table 2 indicates that for nearly half the
CNAs the residual floorspace to be provided is negative (ie existing over-
provision), but for all CNAs, B class floorspace is expressed as a positive
requirement for specific levels of new floorspace. This is confusing. Where,
following the further analysis required above, there remains a substantial
oversupply in particular CNAs and especially where that supply includes sites
which are not likely to be viable, this plan should make clear the
principles/process by which the future appropriate use for those sites will be
determined and the consequences for any new supply. On this and other
matters this plan does not currently explain clearly what is required of the
Allocations Plan.

4.12 Accordingly, the plan as submitted is unsound because there is not the
evidence to demonstrate that its policies and proposals will achieve its stated
economic aims and there is not sufficient clarity in the wording of the plan’s
policies and proposals to enable them to be effectively delivered.

The way forward

4.13 The core elements of the further work required may be summarised as
follows (several elements are closely interrelated and may require iterative
working so as to be informed by the initial findings of other work):

- Review by the Council, together with the LEP and other relevant partners,
of the key land use implications and requirements necessary to deliver the
agreed strategy and what the plan needs to do to facilitate these.

- Explicit explanation of the Council’s/plan’s economic strategy beyond 2020
(which is the period covered by the current LEP strategy).

- A review (to include both the site-specific characteristics, overall location
and viability, where relevant) of existing employment sites and existing
unimplemented commitments to consider whether they are consistent
with business requirements best fitted to achieve the economic strategy
Assessment of whether the apportionment to the CNAs of new land/floorspace (derived from the ELR) based on the current proportionate approach will deliver the strategy; readjustment as appropriate.

An assessment of whether the strategy requires differentiation between types of B class floorspace and other employment related development or whether, at least at a strategic level, flexibility between different types of economic development is appropriate (thus obviating the need for disaggregation).

Clear explanation of the Council’s expectations for job change/growth over the plan period. The Council has emphasised that the plan is not jobs-led, but this has resulted in a lack of clarity. As explained orally at the hearing by the Council, fulfilment of some of the aims of the economic strategy (e.g., lowering the rate of unemployment, increasing the economic activity rate; a proportion of part-time workers moving to full time jobs etc) and age-related changes to employment could collectively require an additional 30-50,000 jobs. In as much as these are expectations, or the positive consequences of achieving the strategy, the Council needs to demonstrate that the plan enables the necessary scale of employment/economic development to occur. This assessment will need to take into account the workforce arising from the reassessment of the housing requirement.

Clarity as to the task of the Allocations Plan in taking forward the strategic policies.

Clarity and consistency between the strategic part of the plan and the policies for the CNAs.

Care will be needed to check whether in the light of any proposed changes the supporting text throughout the plan remains correct (e.g., any references to a proportionate distribution of employment space).

4.15 I cannot anticipate the outcome of this further work and cannot therefore be more specific as to what needs to be done to make the plan sound. From the outline of my concerns and the possible way forward at the hearing, the Council considered that the necessary work was achievable in a reasonable time.

4.16 I would emphasise that the Council should keep the plan focussed on the land use requirements or implications of achieving the strategy. A single “Economic Strategy” topic paper should bring together the new analysis, making
very specific cross-references to existing evidence or new evidence where relevant. That topic paper, rather than the plan, would be the place to explain (if necessary) how the plan, or changes to it, relate to other non-planning elements eg the LEP’s Training/Skills Plan. All data should be used in a consistent way. Where data in the topic paper has had to be adjusted from the figures in the original source, the adjustment should be explained (eg with a footnote of the calculations). It is particularly important that the topic paper explains how the LEP’s references to jobs targets compare with the Council’s expectations. Care is required in relation to base dates, periods covered and technical terms.

4.17 The Council will appreciate that the above work and any resultant changes to the plan will need to be the subject of further testing as part of the Examination in due course. To make this as efficient and focussed as possible, it is particularly important that the assumptions made and evidence relied on are clearly explained so as to facilitate informed comment from parties in due course and focussed discussion.

4.18 Some representations expressed concern that the plan did not sufficiently recognise or give encouragement to the tourism and agricultural and food sectors. These are undoubtedly very important parts of the Cornish economy and will remain so. However, the plan does not need to be descriptive in reciting what is important, but should focus on what needs to be done to facilitate the strategy. The extent to which any additional specific policies or proposals are required for these sectors will flow from the conclusions of the further work that the Council needs to undertake in relation to the land use consequences and requirements of the economic strategy. Whilst concerns were raised at the hearing about the protection of agricultural land, those are more appropriately considered in the context of policy 22 Best Use of land and existing buildings which will need to be considered at the later hearings.

4.19 Notwithstanding the need for further work, I highlight below some detailed points which need attention (all of which were the subject of pre-hearing and agenda questions):

- NPPF paragraph 154 states that only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan. As previously indicated, the text of Policy 2, part 1 is not appropriate as a policy, particularly given the Council’s comment in paragraph 34 of the Economic Strategy Briefing Paper. If retained, it should be moved to the supporting text.

- I cannot see the justification for the Council to have subtracted the 40% churn allowance made in the ELR from the overall floorspace figures used in the plan. Whilst the Council considers that this could be added back in at a local level in subsequent plans, this seems a recipe for inconsistency and confusion. In as much as the findings and recommendations of the
ELR are intended still to be relied on as part of the further work, this element should be reincorporated.

- Policy 5 states that existing and potential strategic employment land and buildings will be safeguarded. The Council accepts that it would be helpful to include a definition and I consider that this is the minimum necessary to enable the policy to be delivered effectively and consistently through the Allocations Plan. The definition of strategic referred to by the Council may need to be amended in the light of the further work.

- The Key Diagram annotates the whole length of the A30 from Launceston to Bodmin as Logistics Sector. Such a logistics corridor is not mentioned anywhere in the plan and thus there is uncertainty as to what the plan is proposing. The Council accepted that the matter needs clarifying. Whether or not the plan should refer to the A30 corridor or focus logistics and other development only at key towns along the A30 will need to be informed by the further analysis to be undertaken.

- Policy 5, part 1 refers to enhancing the quality and range of tourism facilities and upgrading of existing facilities in sustainable locations. At the hearing, the Council explained that this was not intended simply to involve assessing sustainability in terms of the accessibility of the site, but to encompass all three pillars of sustainable development. I consider that the policy wording is insufficiently clear to be effective and needs to be amplified to provide practical guidance as to how planning applications for tourism related development will be assessed. Given that many existing facilities may be in rural locations, the policy should enable the economic benefits of improved facilities on existing permanent sites to be considered alongside issues of accessibility. The Council needs to bear in mind that in the absence of any planned development plan document (DPD) to contain development management policies, the policies in this strategic plan need to be sufficiently clear to inform in a practical way development management decisions.

Retail

4.20 The retail policies of the plan were informed by the Cornwall Retail Study (2010, C.15). Because of several substantial planning permissions for retail development that have been granted since that study was undertaken and other likely changes in the retail sector, the Council commissioned a further retail capacity study for the 14 main town centres in Cornwall. This was published in March 2015 as Retail Study Update (ID.01.CC.3.1). The new study’s assessments of capacity for the period 2014-2030 are substantially lower than the figures in the plan and the Council is proposing changes to update the retail figures for each CNA with a main town centre.
4.21 Several representations on the plan sought an updating of the retail capacity evidence. In pre-hearing statements and at the hearing there were no objections raised to the use of the figures in the Retail Study Update. Because of the changes which have occurred in the first few year of the plan period the retail figures in the plan are clearly out of date and an updating based on the new evidence is necessary.

4.22 The new retail capacity figures should be presented in a table in association with policy 4. This would ensure a consistent approach to the presentation of strategic matters, given the tables for housing and B class employment distribution in this part of the plan. The table needs to make clear the new base date for the figures. It should provide an overall figure for Cornwall derived from the capacity of the 14 main towns. The capacity figures should also be split into phases over the plan period. Some capacity emerges only towards the end of the plan and new provision too early could have negative consequences. The table should indicate where the assessment of capacity would significantly change if existing unimplemented commitments did not proceed. There was support for, and no objection to, these detailed matters at the hearing.

4.23 The projections in the Retail Study Update are based on existing centres retaining their current market share (or adapting to the consequences of unimplemented permissions in adjoining centres). Policy 2, part 8 refers to supporting retail development in some towns (eg Pool, St Austell and Penzance). In identifying as part of the strategy some towns for retail development, but not others, the plan is ambiguous as to whether such retail development is intended to increase the market share of those towns (which would be at the expense of the market share of other centres in Cornwall). The Council confirmed at the hearing that this was not the intention. This should be clearly stated in policy 4. Consequential amendments or additions to other parts of the text may be required for consistency and clarity.

4.24 Policy 2 8c) proposes to grow Truro’s role as a retail alternative to major centres outside Cornwall. The key diagram states Maintain Truro’s role. There is thus inconsistency in the plan and the wording does not reflect the Council’s intention described above. The Council has proposed an amendment to maintain Truro’s role in the retail hierarchy.

4.25 Where future retail capacity is identified in the text of the plan for various CNAs it is stated as capacity in the centre, edge of centre and out of centre locations of the town (eg paragraph 4.18, but similarly elsewhere). I have not seen any evidence to indicate that edge of centre/out of centre locations are required to accommodate retail growth in all the towns referred to, especially on the basis of the modest future capacity figures now applicable to most centres. Accordingly, such references undermine the centre first/sequential approach of
4.26 In relation to possible out of centre development, policy 4 refers to the sequential test but also, as an alternative, to demonstrating an overriding strategic role for the economic and social sustainability of Cornwall. Such an exception undermines the sequential test in national policy. In any case, it is not necessary to state such an exception in policy, since exceptions can be made if material considerations outweigh adherence to any given policy. This phrase should be deleted. The Council has proposed a change to this effect.

4.27 A party proposed that the plan should introduce a local threshold for impact assessments (NPPF, paragraph 26). The Council does not see the need to do so. Whilst the NPPF assumes there will be a local threshold in most cases, I do not regard it as mandatory and its absence does not make the plan unsound. If the Council were to introduce such a threshold, it would need to be clearly justified on the basis of the up to date evidence on capacity and on vitality and viability.

5. AFFORDABLE HOUSING DELIVERY AND POLICIES

Affordable housing thresholds

5.1 Policy 8 in the plan for the provision of affordable housing has a threshold of 2 dwellings. The plan was finalised prior to the change in national policy as expressed in the Written Ministerial Statement on Small Scale Developers, 28 November 2014 and National Planning Guidance on Planning Obligations (Paragraph: 012 Reference ID: 23b-012-20150326) which indicate that contributions should not be sought from developments of 10 units or less (other than in designated rural areas, where local planning authorities may choose to apply a lower threshold of 5 units).

5.2 The Council had submitted objections to the Government on this new policy at the consultation stage, but those representations were not persuasive. I recognise that that this policy is not a mandatory requirement, but it is clearly a change to which the previous Government attached considerable importance. I am not persuaded that the pattern of development in Cornwall or the past success in delivering affordable housing on small sites is so different in Cornwall to other parts of the country as to justify a departure from this new policy.

5.3 If the new policy has to be applied in principle, the Council wants to introduce the permissible lower threshold of 5 dwellings. This is acceptable. But it also wants to add some additional parishes to the designated rural areas to which the lower threshold would apply. The Council considers that these additional parishes are anomalies, being largely rural in character (Plan at Appendix 2 of the Council’s Hearing Statement). The AONB and rural parishes designated in accordance with the Guidance cover a substantial part of Cornwall national policy and should be deleted. The Council has proposed a change to this effect.
and I see no justification for introducing locally defined designated areas. The policy should be amended to comply with national policy.

5.4 The Council is aware of a pending High Court challenge to the introduction of this policy. The Council will need to take into account any consequences of the Court’s judgement in considering what changes are appropriate. On this and all other matters, I will eventually be determining the soundness of the plan on the basis of the policy and law at the date of my final report and recommendations.

Affordable housing proportions

5.5 The plan (Figure 2) divides Cornwall into 5 house price value zones for the purposes of considering the viability of affordable housing on market sites. Policy 8 requires 50% provision in zones 1 and 2 and 40% in zones 3, 4 and 5. With the exception of Zone 1, the affordable housing targets in policy 8 at the specified tenure proportions are not viable on the basis of the viability evidence at the time the plan was published and submitted—Housing Strategic Viability Appraisal Final Report September 2012 (D6) - nor in the light of the update of that report commissioned by the Council - Viability Study Refresh March 2015 (ID.01.CC3.2).

5.6 The detailed assumptions in the Viability Study Refresh were not seriously challenged. Most parties at the hearing seeking a change to the proportions in policy 8 advocated, or would accept, changes to reflect the findings of the study as summarised on p5 of the Study and set out more fully in Table 7.1. These are Zone 1, 50%; zone 2, 40%; zones 3, 35%; and zone 4, 30%. Zone 5 has very weak values and Table 7.1 indicates that no affordable housing can be provided, but 20% is suggested in the Study to try and capture those sites with some viability to deliver affordable housing.

5.7 In response to my requests for clarification about expected delivery from affordable housing over the plan period, the Council produced a table of planning permissions granted since 2010 and the proportions of affordable housing secured in S106 undertakings. This table underwent 2 revisions to try and remove sites which were not conventional market sites to which policy 8 would normally apply and to separate out any additional affordable housing achieved by public subsidy (ID.02.CC.2.1 and HD.CC.05).

5.8 In summary, this table indicates the following averages have been secured (without any additional public subsidy): 32% and 34% in zones 1 and 2 respectively, but from only a few, small sites; 35% in zone 3; 34% in zone 4; and 29% in zone 5. It is in zone 5 where there is the greatest divergence between the conclusions of the Viability Study Refresh and past S106 agreements, demonstrating that the Council has been more successful in securing affordable housing than the Refresh suggests is currently achievable. However, for none of the zones does the table support the percentages set out
in the policy. This past evidence must be used with caution. A number of the sites in the table were granted outline planning permission a few years ago and have not progressed. Thus what was secured in S106 agreements has not all been delivered. In addition, the split between rented units and intermediate units varies considerably from the target proportions in the policy.

5.9 Local plans should be aspirational, but realistic (NPPF, paragraph 154). The planning system should be plan-led and policies should give a clear indication of how development proposals will be assessed. If affordable housing targets are too high to be achievable on most sites there is uncertainty for developers, the local community and the Council about likely affordable housing delivery; more time is likely to be required in negotiating an acceptable solution; and compromises may be made in the type of affordable housing being provided which may not be best suited to meeting local needs. There is therefore a strong case for affordable housing targets being achievable on most sites.

5.10 The only comprehensive and up to date evidence on which to recommend alternative targets to make the plan sound are those set out in the Refresh. The only exception I would make is in zone 5 where an unusual set of circumstances seems to exist given the divergence between the conclusions of the Refresh and recent delivery. Several sites in the Council’s table, including large sites, have been completed or are underway with affordable housing at 25% or more. For zone 5, I consider that an appropriate balance between aspiration and realism is in the order of 25%, provided that for all other zones the percentages are as recommended in the Study (Table 7.1, with the preferred tenure mix being achieved).

**Detailed matters and other affordable housing policies**

5.11 Policy 8 requires the rented affordable homes to be owned and or managed by a *bona fide affordable housing provider*. Several parties consider that this wording is too prescriptive and discourages or effectively precludes some parties from offering affordable homes (eg rural estates which want to retain their land and property). I appreciate that a *bona fide* provider is the simplest and most effective means of ensuring that homes remain truly affordable, but it is likely to stifle some provision. The definition of social rented housing in the Glossary of the NPPF refers to provision by local authorities and private registered providers, but also to *other persons and provided under equivalent rental arrangements* as agreed with the local authority or the Homes and Communities Agency. Accordingly, I consider that the requirement in the policy is too prescriptive and should be deleted.

5.12 Policy 8 refers to viability and negotiation on tenure split; policy 11 sets out 4 matters, in what is described as a sequential approach to guide negotiations to achieve a deliverable scheme. The reference to these negotiating matters as sequential (ie in order of priority) is too prescriptive. The Council intends that the policy is applied flexibly. Any alterations to the housing
mix should relate only to the affordable housing element rather than the market housing. The developer is best placed to judge the mix (subject to policy 6). Changes are required to reflect these points.

5.13 The text at 2.26 and policy 8 refer (in differing ways) to contributions to affordable housing from non-housing development. The Council accepts that this would apply only in exceptional circumstances (which therefore do not need to be addressed in the plan) and that these references should be deleted. I see no reason to take a different view as these requirements have not been adequately justified or articulated.

5.14 Policy 9 is entitled affordable housing led schemes and is a policy to enable affordable housing schemes in smaller towns, villages and hamlets. The Council accepted at the hearing that this policy is intended as a rural exceptions policy as referred to in paragraph 54 of the NPPF. Such schemes are defined in the Glossary of the NPPF as small sites for affordable housing where sites would not normally be used for housing. The policy allows for up to 50% of the homes or land take to be market housing where it is essential for successful delivery.

5.15 The Council has long operated a policy of this type and it has been remarkably successful in delivering affordable homes. Several such schemes listed in ID.02.CC.2.1 have been large, with several over 100 dwellings and others over 50. The Council accepted that in the absence of an up to date plan there had been something of an overlap between what would better be described as development plan “departure” sites and “exception” sites. The Council also accepted that in the future schemes facilitated by this policy would not be as large as some of those permitted in the past.

5.16 There is an ambiguity in the plan about the role of policy 9. To make the intended scope of the policy clear and consistent with national policy, the text should refer to the policy as a rural exception sites policy in accordance with the NPPF. The NPPF definition would then be engaged and I see no need for a separate definition in the plan. The Council has suggested a change to policy 9 to refer to small scale development in the AONB where there is landscape capacity. This change is consistent with national policy. However, given that the Council intends that the plan be read as a whole, the insertion in policy 9 is unnecessary given the proposed insertion of similar wording in policy 3 which would have wider applicability. I do not comment further here on the policy for the AONB as it was not part of the discussion at the hearing.

5.17 The Council accepts that the reference to “local need” in Policy 9 i) is not intended to apply to the necessary market element of the scheme (necessary to make the scheme viable). Point i) is illogical, unjustified and should be deleted.

5.18 Policy 9 iii) requires local community support for schemes. I am concerned that this could be an unjustified impediment to an otherwise necessary and sustainable development coming forward. It should therefore be
deleted. Further definition within the plan of what is meant by local needs is not required. Local needs is the expression used in paragraph 54 of the NPPF in relation to rural exception sites. The policy requires schemes to be well related to the settlement and appropriate in scale, character and appearance. This is a reasonable test. Although small settlements in Cornwall vary widely in form and character, it is a well-used term capable of assessment in accordance with normal planning judgement.

5.19 Other than in Zone 1, policy 10 seeks a higher proportion of affordable housing (50%) on public sector sites than private sites. I consider that this policy is unsound and should be deleted. It does not have the support of all public sector landowners in Cornwall. It is not supported by the Council’s professional officers. The policy would divert public funds to affordable housing from other important public services. I have seen no assessment of this impact or justification for the policy which takes into account its potential adverse consequences.

5.20 Policy 6 (housing mix) simply highlights what national policy and guidance says is required about meeting the needs of different groups, but it does not take it any further. It does not assist applicants/developers to know what is required. The Council is relying on SPD to provide detail, but SPD can only provide advice. This plan, or a subsequent DPD, should add evidence-based detail about housing mix and the types of accommodation required by different groups so as to address national policy (NPPF, paragraph 159 and the Guidance under Housing and Economic Development Needs Assessment Paragraph: 021 Reference ID: 2a-021-20150326.)

5.21 The Council has already proposed the deletion of the reference to zero carbon in part 6 of policy 14 and the consequential updating of the text. This change is necessary to accord with the outcome of the Housing Standards Review set out in the written Ministerial Statement on various planning matters published on 25 March 2015.

5.22 The content of the Council’s SPD on housing standards or other topics is not a matter for me. The plan can refer to such SPDs, but cannot require adherence to them since SPD should only be providing further detail on matters already addressed in policy. The Council should check that all references to SPDs are factual, rather than prescriptive.

Affordable housing delivery

5.23 The Council’s main evidence on affordable housing delivery is in the Briefing Note that I requested (ID.02.CC.1 in response to ID.02). In particular, Table 9 lists the affordable housing secured or likely to be secured from different sources. Further explanation and revision to some of the figures was made by the Council at the hearing. At my request, the Council updated the table and added notes to reflect what had been explained orally (HD.CC.06). Hearing
participants had the opportunity to comment on this material and I have taken the relevant comments made into account (HD.RE.10)

5.24 Affordable housing completed since 2010 and affordable housing already secured in existing planning permissions not yet built amount to over 8,000 units. The Council has included *First Buy* completions in these figures, but not *Help to Buy*. I am not convinced that *First Buy* is an affordable housing product as defined in the NPPF, but I do not need to determine this point as it does not make a significant difference in the overall analysis. (The figure for completions agreed between the Council and Emery Planning was 3,721, whereas the Council is now counting 3,874 completions.)

5.25 The Council’s estimate for delivery from the remainder of the housing requirement yet to receive planning permission is just under 5,000 units based on the affordable housing percentages recommended in the *Viability Study Refresh* discussed above (applying 20% in zone 5). This figure is thus more realistic than the estimate based on the percentages in the policy which are unjustified. The figure may still be an over-estimate because some sites will still not be viable at those percentages. I am not clear whether the calculation reflects the full application of the new thresholds in national policy (as explored above). The Council will need to update these expectations in the light of the further work required.

5.26 In addition to the above, there are 6 categories where the Council is seeking to deliver additional affordable housing. These categories amount to nearly 9,000 units over the remainder of the plan period. The Council is clearly making a significant commitment to the delivery of additional affordable housing over and above that to be secured in conventional S106 agreements. Nonetheless, the Council’s expectations are ambitious.

5.27 As explained in the Council’s accompanying notes to Table 9, the Council has reduced the figures from those previously given to try and discount any overlap of sites/delivery already accounted for under normal s106 agreements (line 3 of Table 9) so as to properly reflect only the uplift in provision that would be secured by the various sources of public funding. Whilst there will be an overlap of sites between line 3 and some of the other special categories, the Council is seeking to count only the additional affordable housing that would be gained from the special measures.

5.28 Line 6 of Table 9 is future affordable supply from *departure sites*, but from the discussion at the hearing and explanatory notes it is clear that these are *rural exceptions sites* under policy 9 as discussed above. Given the Council’s record of delivery and the scope provided by the policy, this expectation is not unreasonable. But it raises other issues. With the necessary supporting market housing, total housing delivery under the exception heading may be in the order of 4 - 5,000 dwellings or more over the remainder of the plan period. At any resumed hearings, I would need to explore whether such exception sites can be
treated as part of the anticipated housing supply, including counting small exception sites (less than 10 dwellings) in the justification for its windfall allowance (as appears to be the case from A.10 top of p34). The definitions in the NPPF are relevant as windfall sites normally comprise previously developed sites and exceptions sites are where sites would not normally be used for housing. For present purposes, I accept that 3,000 affordable units may arise from exception sites, but currently regard such sites as likely to result in additional delivery to the housing requirement of 47,500 in the plan.

5.29 Line 8 of Table 9 is delivery from spending secured and expected commuted payments where affordable housing has not been provided on site. The £20m not already secured by S106 agreements assume contributions for 50 units a year over the next 15 years. Provided that this is justified by what might arise from development of 6-10 units in designated rural areas, then there would not be double counting with line 3. Payments are collected at the full additional cost of an affordable housing unit (£57,000 which includes a land element), but the £40m assumed to be available to spend is expected to deliver 2,000 units (a subsidy or grant per unit of only £20,000). I do not dispute these cost/subsidy figures in isolation, but it is difficult to accept as reasonable an analysis whereby the Council justifies the collection of commuted payments under S106 at much higher cost per unit than it expects to spend in actually delivering them. I have therefore halved expected delivery under this heading.

5.30 There are inevitable uncertainties about other elements of provision in the table and delivery will require on-going commitments from the Council (eg following the pilot scheme of the Housing Mandate proposals) and from other parties. But with the exceptions explored above, I am satisfied that the remaining elements of the table are reasonable for the purpose of the Examination.

5.31 Total affordable housing delivery is thus likely to be less than the Council’s figure of 22,000 units over the plan period and/or result in housing delivery being above the 47,500 requirement. Irrespective of the precise figures, there is a substantial shortfall compared with the need identified in the SHMNA of about 31,000. I have addressed the response to this shortfall in the assessment of the housing requirement.

5.32 The provision of affordable housing from the sources listed in Table 9 is not mentioned in the plan. Despite my reservations about particular elements of Table 9, expected delivery outside the conventional market/S106 route is so significant that the plan cannot remain silent on the matter. Assumed delivery will be an important consideration in deciding what other steps, if any, should be taken to try to meet affordable housing needs. Accordingly, delivery under these headings must be monitored and significant under-performance over a 5 year period would be a trigger for a review of the plan. The plan should include an affordable housing trajectory for Cornwall, since delivery will not be a simple
proportion of overall delivery as is normally the case. This trajectory should detail expected delivery from the different sources listed in Table 9 and a commitment to monitor delivery under these headings in the Annual Monitoring Report.

6. PROVISION FOR GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE

6.1 The need for new pitches for Gypsies and Travellers in the submitted plan is based on a calculation set out in Appendix 1 of the Gypsy and Traveller Accommodation Briefing Note 19, using a methodology in the South West Gypsy and Traveller Accommodation Needs Assessment (GTNA) May 2014 (produced by GVA Consultants, ID.01.CC.4). National policy is set out in Planning Policy for Traveller Sites (PPTS) 2012.

6.2 I consider that the methodology for identifying the permanent accommodation needs of Gypsies and Travellers is not sufficiently robust and comprehensive to provide a sound figure of need in the plan. I highlight below my main concerns.

6.3 An overarching concern is that the assessment of need has not been developed in conjunction with, or informed by, active and targeted engagement with representatives of the Gypsy and Traveller Community in Cornwall, as required by PPTS (paragraph 6). In the absence of such informed engagement, the assessment is overly reliant on the biannual caravan count and various assumptions applied in a mechanical manner. I cannot be satisfied that the count does not miss out some travellers in need of accommodation who are not currently known to the Council.

6.4 The measure of overcrowding used in the assessment model appears to be only persons per caravan. There is no assessment of overcrowding in relation to caravans per pitch/site (on both public and private sites). Doubling-up on pitches, or overcrowded sites should be counted as a need.

6.5 The assessment of any need arising from Gypsies and Travellers living in bricks and mortar accommodation who are doing so only because of a lack of sites is widely recognised as a difficult task. It is the type of need where the Council would benefit from an informed contribution from Traveller representatives.

6.6 The model assumes 9 vacancies per year from the 3 public sites in Cornwall. This makes a very significant contribution to meeting future arising need, as the Council acknowledge, and therefore it is a figure which needs to be well justified. Despite the discussion of the matter at the hearing, I am not satisfied that this figure represents genuine vacancies which would be available to families with a need who are not already on a public site. Genuine vacancies need to be
distinguished from new tenancies which might arise from existing families moving within a site or between public sites or being issued for other reasons.

6.7 Irrespective of whether 9 is a realistic annual vacancy rate, I am not satisfied that meeting such a high proportion of need on these 3 public sites is reasonable bearing in mind the size of Cornwall, that 2 of the sites are close together; and the unacceptability of living on those sites for some in need of a pitch given the different cultural traditions within the Traveller community.

6.8 There is no up to date assessment of the accommodation needs of Travelling Showpeople. The needs identified in the 2006 GTAA have been extrapolated to 2027. I do not consider that this is a sound assessment of need and an up to date assessment is required. This may not need to be a particularly complicated process, but it must be informed by active engagement of representatives of Travelling Showpeople. The relevant representative organisations often have good knowledge of need among their members.

6.9 The plan relies on the figure in the draft RSS for needed transit sites (extrapolated to 2027). Assessing the need for transit sites is more difficult than the need for permanent pitches and plots and will normally require a more than local approach. Clearly the draft RSS was able to take such a wider view and has some merit for that reason, although it is clearly now dated. It was accepted by Traveller representatives at the hearing that although this was not good up-to-date evidence, the more critical matter at present is making progress on some transit provision and then reviewing need in the light of any such provision made in the near future. A specific proposal is currently being pursued by the Council’s housing company. On balance, rather than requiring a fresh analysis now, I consider that the plan should acknowledge that transit needs are currently only an estimate and needs should be reviewed in the light of any transit provision which is made in the short term.

6.10 The policy sets out needs only until 2027 thus falling short of the full plan period. This is unacceptable. In the further work required, needs for the full plan period should be identified. The Council has accepted that it is also necessary to make clear what is the immediate need and the basis for calculating the current 5 year supply of pitches for Gypsies and Travellers (on the present evidence, 20 pitches).

6.11 Policy 12 sets out criteria for both residential sites and transit sites. I consider that it is unjustified to require all the criteria to be met for all types of sites. The policy needs to address more carefully the different priorities and balance of considerations that are likely to be appropriate when selecting sites for allocation in the forthcoming DPD; sites the subject of applications from private individuals, which may be for a single pitch only; and for transit sites, where accessibility to the main travelling routes may be more important than to a full range of services. The policy should be expressed flexibly to ensure that
sufficient sites can be found to meet all identified needs within the terms of the policy.

7. MINERALS AND WASTE POLICIES

7.1 The Council’s *Updated Schedule of Proposed Further Significant Changes* (ID.01.CC.2.4.1 V2) included some changes to both the text and policies concerning minerals and waste. At the hearing, the Council suggested some other changes and accepted adjustments to them. These were subsequently set out in HD.CC.09.1. Other than those which are solely factual corrections or updating, I consider that these changes are required and should be included in the Council’s consultation for the reasons briefly summarised below.

7.2 There is a large landbank of sites with permission for the extraction of aggregates, but some of this landbank is sites not yet started. The plan (policy 18 and related text) needs to make clear that further development at existing sites is not ruled-out solely because of the landbank and that the benefits of any such proposals will be weighed against harm. More efficient working practices at existing sites should be supported.

7.3 The Council is intending to prepare a Minerals DPD to identify appropriate safeguarded sites/areas, so policy 19 in the present plan is providing the overarching approach rather than the detail. The policy should encompass *existing, planned and potential resources* (NPPF, paragraph 143), include *storage* areas and for metals, *shaft and adits* of (old) mines. Safeguarding should be considered for all minerals, not just aggregates.

7.4 Because of the risk of bird strikes, aviation safety is a relevant consideration to be highlighted in both minerals and waste policies to ensure activities, including restoration uses, do not result in a dangerous concentration of birds near airfields/airport (NPPF, paragraph 143).

7.5 It is important to ensure that the effective operation of existing waste sites are not prejudiced by new incompatible development being permitted nearby. This should be a strategic principle included in policy 20.

7.6 As a result of representations made, the Council reworked and significantly reduced its assessment of recycling capacity for commercial and industrial waste (HD.CC.07). However, I am satisfied that the revised evidence does not point to a need for new allocations to be made in the plan. The plan needs to make clear that, given the importance of moving the treatment of waste up the waste hierarchy, proposals for additional reuse/recycling/recovery will be supported notwithstanding the Council’s assessment of capacity.

7.7 As indicated at the hearing, a number of other matters raised by parties are concerned with operational waste matters, such as the collection of waste, or the interpretation and enforcement of environmental regulations. These are not matters for me or for this plan.
8. Council’s Response

8.1 As explained in the introduction, the Council should consider how it wishes the Examination to proceed in the light of these findings. It would be helpful to have a response by Friday 26 June. Comments on this note from other parties are not invited and will not be accepted.

Simon Emerson

5 June 2015
Planning and Compulsory Purchase Act 2004
(as amended)
Section 20

Report on the Examination of the
Canterbury District Local Plan

The Plan was submitted for examination on 20 November 2014
The examination hearings were held between 14 July and 29 July 2015 and between 19 July and 22 September 2016

File Ref: PINS/J2210/429/5
Abbreviations used in this report

AHLV  Area of High Landscape Value
AQAP  Air Quality Action Plan
AQMA  Air Quality Management Area
AONB  Area of Outstanding Natural Beauty
CHP   Combined Heat and Power
CIL   Community Infrastructure Levy
DCLG  Department for Communities and Local Government
DRS   Development Requirements Study
DPD   Development Plan Document
EA    Environment Agency
HMA   Housing Market Area
HMO   House in Multiple Occupation
HNR   Housing Needs Review
HRA   Habitats Regulations Assessment
HRR   Herne Relief Road
IDP   Infrastructure Delivery Plan
LDS   Local Development Scheme
LGS   Local Green Space
LP    Canterbury District Local Plan
MM    Main Modification
NE    Natural England
NP    Neighbourhood Plan
NR    Network Rail
OAN   Objectively Assessed Need
ORR   Office of Rail and Road
PPG   Planning Practice Guidance
PM    Policies/Proposals Map
PSF   Primary Shopping Frontage
RIGS  Regionally Important Geological/Geomorphological Site
SA    Sustainability Appraisal
SCI   Statement of Community Involvement
SHLAA Strategic Housing Land Availability Assessment
SHMA  Strategic Housing Market Assessment
SLA   Special Landscape Area
SNHP  Sub National Household Projections
SPA   Special Protection Area
SPD   Supplementary Planning Document
SRR   Sturry Relief Road
SSA   Strategic Site Allocation
VA    Viability Assessment
WHS   World Heritage Site
WMS   Written Ministerial Statement
Non-Technical Summary

This report concludes that the Canterbury District Local Plan provides an appropriate basis for the planning of the District, provided that a number of main modifications (MMs) are made to it. Canterbury City Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared a schedule of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. In some cases I have amended their detailed wording. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Increase objectively assessed housing need to 800 dwellings per annum or 16,000 dwellings over the plan period;
- Include a commitment to assess the latest sub national household projections and undertake a partial review of the plan if necessary;
- Amend requirements for Strategic Site Allocations, including the relationship with Herne and Sturry Relief Roads;
- Introduction of additional Strategic Site Allocations at Thanington and Whitstable;
- Introduction of additional smaller housing sites;
- Changes to approach to affordable housing for consistency with national policy;
- Changes to approach to gypsy and traveller accommodation for consistency with national policy;
- Update policies as a result of the Government’s housing standards review;
- Deletion of some employment sites, including at Canterbury West Station;
- Clarification of retail hierarchy and approach to the Wincheap Retail Area;
- Phasing of new retail convenience goods floorspace provision over the plan period;
- Amend approach to heritage assets for consistency with national policy;
- Amend approach to development affecting European wildlife sites;
- Deletion of Local Green Space at West Beach, Whitstable;
- Deletion of Green Gap between Canterbury and the University of Kent;
- Amend references to the relationship between the plan and Supplementary Planning Documents or other reports and strategies; and
- Various other changes to ensure that the plan is legally compliant, effective, justified and consistent with national policy.
Introduction

1. This report contains my assessment of the Canterbury District Local Plan (LP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the LP’s preparation has complied with the duty to co-operate. It then considers whether the LP is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework (‘the Framework’) (paragraph 182) makes it clear that, in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.

2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Canterbury District Local Plan Publication Draft, submitted in November 2014 is the basis for my examination. It is the same document as was published for consultation in June 2014.

The Examination Process

3. The hearings part of the examination was planned to take place in two stages, commencing in July 2015 with consideration of legal compliance (including the duty to co-operate), the overall strategy, the scale and distribution of development and the strategic site allocations (referred to in this report as the Stage 1 hearings). This was to be followed in September 2015 with the non-strategic aspects (the Stage 2 hearings).

4. However, after Stage 1 was concluded I issued my preliminary findings on a number of matters. At the hearings Canterbury City Council (‘the Council’) had accepted that on adoption the plan would be unlikely to result in a 5-year housing land supply. There were also issues concerning the delivery of critical infrastructure and viability relating to the strategic allocations. Accordingly, the Stage 2 hearings were postponed. Amongst other things, the Council undertook further work that sought to remedy these concerns.

5. The Council consulted on a number of additional proposed housing sites with an accompanying Sustainability Appraisal. I have taken account of the representations made. It also undertook further technical work on infrastructure and viability. The hearings resumed in July 2016 with Stage 2 considering not only the outcome of this additional work and the response to it but also the outstanding non-strategic matters.

Consultation

6. Concern has been expressed at the Council’s pre-submission consultation process. However, on the evidence before me the Council has generally followed the principles set out in its adopted Statement of Community Involvement (SCI) (2007). Although this predates the Framework, this accords with its aim of engaging a wide section of the community. The public consultation was full and wide-ranging, engendering a significant response, including many critical of the LP. This indicates that the consultation process gave residents and other interested persons an adequate opportunity to express their views.
7. There has been criticism of the number of documents produced by the Council after consultation on the submission LP had taken place and therefore which had not been subject to consultation. However, a great many of the documents in the evidence base had been published prior to the June 2014 consultation. Some of the documents produced after consultation (for example, the Topic Papers) were drawing together the Council’s case from other published information. It is inevitable that as part of a process of seeking to resolve objections or concerns there will be some further documents produced and new information will become available.

8. In accordance with my Examination Guidance Notes participants were able to comment on the implications of the additional documents in their further written statements to the Examination. This also applied to the additional documents produced as a result of my conclusions on the Stage 1 hearings. In some instances they featured in the list of matters, issues and questions that I had identified for the examination. Many respondents have taken these opportunities to comment on the additional documents and their views have been taken into account in my consideration of the LP.

9. During the Stage 1 hearings I was asked by the Council if, in the light of what it had stated in the Publication Draft consultation material, I would consider the representations that were made on the Preferred Options consultation that took place in 2013. There is no requirement to do this under the Regulations, but in the particular circumstances here I have complied with the request. However, what I have read does not change the list of matters, issues and questions. Document CDLP 3.8, submitted in accordance with Regulation 22, is a fair summary by the Council of the main issues raised at that stage.

10. There is concern that the Council did not properly consider the consultation response to the additional housing sites identified following my preliminary findings on the housing land supply. In particular, it is suggested that it did not comply with Regulation 22 in terms of producing a summary of main issues raised and how the representations made were taken into account.

11. The Council has produced a brief summary of the issues raised in the consultation (CDLP 16.29.31). It was given the opportunity to comment on the response but in the event declined to do so in detail, simply confirming that the representations did not affect its overall position as agreed prior to the consultation.

12. Regulation 22 relates to the plan as submitted for examination. As such, it does not apply to what happened during the examination, including to the consultation that took place post submission on possible changes to the plan. The Council cannot change its plan once submitted for examination. The responses to its consultation are matters for me to consider in determining what changes, if any, are necessary to make the plan sound. These in turn have been subject to public consultation as main modifications (see below). This does not give rise to an issue of legal compliance therefore. The Council’s consultation itself would appear to be consistent with the approach used during the preparation of the submitted plan in the context of the SCI and drew a substantial public response.
Main Modifications

13. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and /or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form MM1, MM2, MM3 etc, and are set out in full in the Appendix.

14. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report. In this light I have made some amendments to the detailed wording of the main modifications, mainly for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.

Policies Map

15. The Council must maintain an adopted Policies Map (referred to by the Council as a Proposals Map – PM) which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission PM showing the changes to the adopted PM that would result from the proposals in the submitted local plan. In this case, a submission PM (CDLP 1.1b) has been included with the LP document. To show the changes made to that in the adopted PM the Council has submitted a further document ‘Proposal Map Changes from Adopted Local Plan 2006 to Publication Draft June 2014’.

16. The PM is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan’s policies require further corresponding changes to be made to the PM. In addition, there are some instances where the geographic illustration of policies on the submission PM is not justified and changes to it are needed to ensure that the relevant policies are effective.

17. These further changes to the PM were published for consultation alongside the MMs (Changes to the Proposals Maps, February 2017 – document CDLP 16.29.61).

18. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan’s policies, the Council will need to update the adopted PM to include the changes proposed in CDLP 1.1b as amended or added to by the further changes published alongside the MMs in CDLP 16.29.61.
Assessment of Duty to Co-operate

Background

19. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan’s preparation.

20. Under the Act there is a legal duty for local planning authorities to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. If an authority cannot demonstrate that it has complied with the duty then the Local Plan will not be able to proceed further in examination.

21. The Council has summarised the engagement that has taken place in Topic Paper 5: Duty to Co-operate Statement. There is a record of meetings with key stakeholders in the Consultation Statements and further information in terms of some Committee papers and minutes was provided during the examination.

Other District Councils

22. The Council is a member of the East Kent Regeneration Board, comprising five District Councils and the County Council. It is supported by a Chief Executives’ Forum and ensuring compliance with the duty is one of its objectives. It will clearly provide a focus for ongoing engagement on strategic matters.

23. There is clear evidence of collaboration between the local planning authorities of East Kent in a number of areas, including on provision for travellers’ accommodation (Joint Gypsy and Traveller Accommodation Assessment, 2014) and green infrastructure. In terms of housing, in 2009 a Strategic Housing Market Assessment (SHMA) was produced for the whole of the East Kent area. Since then the individual Councils have moved forward their Core Strategies or full Local Plans at different paces. The approach is one of the East Kent authorities meeting their own objectively assessed housing needs in their plans. This was confirmed by the individual Councils at the hearings. In that context, significant joint working on this aspect would not be necessary.

24. In the case of Swale Borough Council, in 2013 a request had been made to Canterbury and other local Councils to accommodate some of its unmet housing needs, which Canterbury considered that it could not meet. Since then the Swale Local Plan has been submitted for examination. This commits that Council to an early review. Swale’s position is that, in the context of its unmet need being from a relatively self-contained housing market, the short term nature of this need and the review mechanism, it is no longer necessary to address unmet need elsewhere. It has resolved that there is no longer a need to co-operate with Canterbury on this matter.

25. Dover District Council made representations on the submitted plan relating to proposed new retail floorspace at Wincheap and the Council’s approach to mitigation of European designated wildlife sites. A duty to co-operate issue was not raised at that stage. However, in a further statement prior to the
hearings Dover expressed concern that the process followed by Canterbury was not sufficient to enable them to assess whether the impacts of the LP’s proposals would be acceptable and therefore whether engagement was appropriate. Since then Canterbury has undertaken further analysis of the retail requirements and capacity and there have been meetings between the two Councils. While not ideal, the co-operation prior to submission was adequate and I am therefore not persuaded that this amounts to an issue of such significance that the duty to co-operate has been breached. In terms of habitats mitigation this was a detailed matter in which the Council was still engaged in discussions with Natural England and relates to soundness rather than the duty.

26. In conclusion, there is clear evidence of joint working with concrete outcomes in some areas. Taken as a whole there has been sufficient collaboration with neighbouring Councils for the duty to be satisfied.

**Mayor of London and the GLA**

27. While there is a list of prescribed bodies for the purposes of the duty, whether the Council should engage with each and every one of them will depend on the particular circumstances of the individual case. The possibility that London may not be able to accommodate all its housing needs arose in the Report of the Inspector who examined the Further Alterations to the London Plan, published in November 2014. The Mayor/GLA have begun a process of dialogue with Councils in the South East in which Canterbury are participating and will no doubt continue to do so as appropriate. However, given its distance from London and, until November 2014, no indication of possible unmet needs from London for South East Councils to address, there has not been a breach of the duty to co-operate by Canterbury in this case.

**Kent County Council**

28. The City Council has been jointly preparing a District Transport Strategy with Kent County Council, a revised draft of which was submitted with the LP. Concern has been expressed about approval of the draft Strategy by the County Council and various aspects of the working relationship between the two Councils on transport and highways matters. However, the duty is not a duty to agree. In any event, the County Council has endorsed the principles of the Transport Strategy. The preparation of the Strategy, the supporting traffic modelling and further action by the County Council as highway authority during the examination are evidence of sustained joint working and the duty has clearly been achieved in this respect.

**Office of Rail and Road**

29. The LP includes allocations for employment or residential use at existing car parks adjacent to Canterbury West Station. This includes some land owned by Network Rail (NR). The Office of Rail and Road (formerly the Office of Rail Regulation) (ORR) is a prescribed body for the purposes of the duty and its consent is required before NR can dispose of land. There is no evidence of any correspondence or liaison with the ORR. However, these are allocations carried forward from the existing Local Plan adopted in 2006. The Council had some discussions with NR about the emerging new LP. Development on the
car parks could potentially have implications for access to the station and its fast HS1 services to London (considered further under soundness, below). However, I consider that this is essentially a local matter relating to access for residents of Canterbury city and the surrounding area. As such, it is not a strategic matter to which the duty would apply.

**Natural England**

30. Natural England (NE) is a prescribed body. NE submitted representations on the submission Local Plan expressing concern that it could not conclude that the LP would not have a significant effect on internationally designated sites. Again, the duty is not a duty to agree. However, local planning authorities should make every effort to secure the necessary co-operation on strategic cross boundary issues before they submit their Plans for examination. There were meetings between the Council and NE prior to submission. Since then there has been a constructive dialogue between the Council and NE and a Statement of Common Ground agreed based on various suggested modifications to the LP. NE has recorded how the Council has worked positively to resolve its concerns. While agreement had not been reached pre-submission, co-operation to that point was adequate. There has been ongoing constructive engagement and on that basis the duty has been complied with in this regard.

**Conclusion**

31. Overall I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the LP and that the duty to co-operate has therefore been met.

**Assessment of Legal Compliance**

**Sustainability Appraisal**

32. The LP was submitted with a Sustainability Appraisal (SA), June 2014, prepared by AMEC Environment & Infrastructure Ltd. Subsequently there have been two Addenda relating to the Council’s consultation on proposed amendments to the plan to address the 5-year housing land supply and to the MMs. My principal consideration is whether this amounts to reliable evidence underpinning the selection of the spatial strategy and the allocated sites. The main comments relating to the SA concerned the approach to the consideration of alternatives, whether a ‘paper chase’ is required to understand the SA, the selection of the preferred sites, cumulative effects of development and transport, and the description of the environmental characteristics of the area.

33. In 2010 the Council appraised nine broad spatial strategy options in the Core Strategy SA. An option that combined elements of five of these was considered the most appropriate basis for further consideration. The Council then produced a Development Requirements Study (DRS) which included 10 different scenarios for the amount of development. These were appraised
against the 16 SA objectives and a preferred scenario selected. Whereas the DRS was not accompanied by a compliant SA there was an appraisal in a Technical Note which used the same methodology as the subsequent SAs.

34. The quantum of development chosen from the DRS was substantially greater than that used in the initial spatial alternatives and it is suggested that the preferred spatial option should have been revisited in that context. However, the Council undertook an appraisal of the Preferred Option Local Plan in 2013 which included two alternative configurations of sites - 'Canterbury Focus’ and ‘Coastal Towns and Hersden Focus’. The process by which the Plan has evolved and the alternatives considered is set out in both the 2013 and 2014 SAs. The Plan has been assessed against reasonable alternatives.

35. The evolution of the submission LP has taken place over a number of years from the Core Strategy Development Options in 2010. Accordingly, there have been various iterations with SA work taking place alongside them. This is summarised in the submitted SA which includes the findings and the reasons for selecting preferred options. It does not contain all the detail of earlier documents but provides sufficient information for it to be understood how the submission LP had been derived. This could not be described as an extended paper chase.

36. The SA sets out the process by which sites were selected in terms of their relationship with the overall spatial strategy, having regard in particular to transport and infrastructure delivery considerations and the relationship with other LP policies. 181 sites were appraised in the first instance and another 19 added following the Preferred Option consultation. All were appraised in the same manner against the 16 SA objectives.

37. Reference has been made to possible errors and inconsistencies in the way that different sites have been scored in the SA, arguably to the disadvantage of some strategic omission sites or other potential allocations. The SA has been prepared over a long period and it is inevitable that some circumstances may change. However, this does not significantly undermine the reliability of the SA. The scores against the different SA factors are often a matter of planning judgement and, overall, this has been exercised reasonably. I have considered further the position of some of the strategic omission sites in my consideration of soundness, below.

38. The cumulative effects of the Plan as a whole are identified in section 3.5 and Table 3.15 of the SA. These include the effects on the transport SA objective. The cumulative effects of policies are assessed on a chapter by chapter basis with commentary where appropriate.

39. The SA includes a summary of the key sustainability issues for Canterbury, describing its environmental characteristics in some detail. It cannot reasonably be characterised as lacking in this regard. Overall, the 2014 SA and its subsequent Addenda are an appropriate part of the evidence base.

**Habitats Regulations Assessment**

40. In June 2014 the Council undertook a Habitats Regulations Assessment (HRA) to inform screening for appropriate assessment which concluded that the LP
was not likely to result in significant effects on European sites. However, NE raised concerns with the submission LP as it needed more detail on impacts in order to determine their effect on the integrity of the European sites. The Council then produced Topic Paper 3: Habitat Regulations Issues, which included additional evidence, and a further HRA (both November 2014). NE and the Council then agreed the Statement of Common Ground incorporating suggested MMs to the LP on the basis of which NE were able to conclude that the LP would have no likely significant effects.

41. It has been contended that the wording of Policies SP7 and LB5 was such that they permitted the possibility of likely significant effects and therefore an appropriate assessment should have been undertaken. There was some confusion over the relationship between the 2014 HRAs and Topic Paper 3 in this regard. This is clarified in the document entitled Habitat Regulations Assessment (CDLP 10.14) (June 2016). It confirms that the June and November 2014 HRA documents constitute stage 1 or screening assessments. In the light of the concerns raised by NE on its findings a second stage or appropriate assessment was undertaken which was detailed in Topic Paper 3. CDLP 10.14 includes a series of appendices that contain the earlier reports and details of avoidance, monitoring and mitigation measures. The Council considers that these documents taken together constitute the HRA. Having regard to the conclusions of the HRA and the position of NE, I consider that overall the Council has complied with the legal requirements in respect of the Habitats Regulations.

Other Legal Compliance Matters

42. The version of the Local Development Scheme (LDS) submitted with the LP had not been formally adopted. This was remedied by securing approval at a full Council meeting in July 2015. The updated current version was adopted by the Council in June 2016.

43. MM187 introduces into the LP a list of those policies in the adopted Local Plan that are superseded. This is required by the Regulations and therefore necessary for legal compliance.

44. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all subject to the above MM.

<table>
<thead>
<tr>
<th>LEGAL REQUIREMENTS</th>
<th></th>
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<tbody>
<tr>
<td>Local Development Scheme (LDS)</td>
<td>The LP has been prepared in accordance with the Council’s LDS (June 2016).</td>
</tr>
<tr>
<td>Statement of Community Involvement (SCI) and relevant regulations</td>
<td>The SCI was adopted in April 2007. Consultation on the LP and the MMs has complied with its requirements.</td>
</tr>
<tr>
<td>Sustainability Appraisal (SA)</td>
<td>SA has been carried out and is adequate.</td>
</tr>
</tbody>
</table>
Habitats Regulations Assessment (HRA) | The Habitats Regulations Assessment (June 2016) sets out why, with the avoidance, monitoring and mitigation measures proposed, the LP will not have a likely significant effect on European sites. Natural England supports this.

National Policy | The LP complies with national policy except where indicated and MMs are recommended.

2004 Act (as amended) and 2012 Regulations. | The LP complies with the Act and the Regulations.

Assessment of Soundness

Main Issues

45. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified 14 main issues upon which the soundness of the Plan depends. In some cases the issues identified previously for the purposes of the examination process have been merged or recast for this report. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

Issue 1 – Whether the spatial strategy has been positively prepared and is soundly based and justified, presenting a clear spatial vision for the District in accordance with national policy.

Vision and objectives

46. ‘At a Crossroads: Canterbury Futures Study’, published in 2006, identified possible outcomes for the District over the next 20 years, with stakeholder consultation influencing its conclusions. In the light of the changed economic circumstances following the economic downturn after 2008 the study was revisited in 2011 and its time horizon extended to 2031. This concluded that the 2006 preferred scenario remained valid but could be harder to achieve. The Study identified three preferred outcomes that form the basis of the spatial vision and four high level plan objectives set out in the LP. In that regard, the Study provides an appropriate context for the LP. The vision and objectives do not contain empirical targets or projections of the future but are expressed in broad aspirational terms. To that extent, they are also appropriate in providing a strategic direction for the plan.

47. Public opinion research carried out by Ipsos MORI in 2011 found some level of public support for the scale of development in the emerging LP at that time but also particular concerns about the loss of greenfield land and traffic congestion. There has been some criticism of the weight given by the Council to the conclusions of this research but the LP has evolved through a number of stages since then with significant further consultation on the Preferred Options as well as on the submission LP. The research findings have not been misinterpreted or had a disproportionate effect on the submitted LP.
Presumption in favour of sustainable development

48. The general approach to the presumption in favour of sustainable development set out in Policy SP1 is similar to that in a model policy produced in the past by the Planning Inspectorate. However, it differs in various respects. The approach to the presumption is set out in the Framework and MM2 is necessary for SP1 to be consistent with national policy in this regard.

49. The Framework indicates that plans should be positively prepared, with local planning authorities positively seeking opportunities to meet the development needs of their areas. Development which is sustainable should be approved without delay. Many of the individual LP policies are expressed in a restrictive way indicating that development should not take place unless various criteria are met. A more positive wording for these for consistency with the support for sustainable development in the Framework is necessary as part of MM37, MM39, MM42, MM44, MM47, MM61, MM65, MM69, MM146, MM155, MM156, MM167, MM168, MM169, MM170, MM175, MM176, MM177 and MM178.

Alternatives

50. The process of sustainability appraisal, considered above under legal compliance, involved the identification of broad spatial strategy options. Having regard to my earlier conclusions on the SA, reasonable alternatives to the overall spatial strategy in terms of the scale and distribution of development have been considered. There is also a clear audit trail summarised in the SA showing how and why the preferred overall spatial strategy was arrived at. The process undertaken by the Council and the evidence in general demonstrates that it is the most appropriate strategy.

Settlement hierarchy and location of development

51. In addition to the urban areas of Canterbury, Herne Bay and Whitstable, the LP identifies a rural settlement hierarchy comprising a rural service centre (Sturry), local centres, villages and hamlets. As well as the specific allocations made in the LP, the general approach to development in these different categories is set out in Policy SP4.

52. The Framework does not require the identification of a settlement hierarchy. However, it can enable the LP to take account of the different roles and character of different areas, promoting the vitality of main urban areas and supporting thriving rural communities. It can assist in ensuring that development is appropriate in scale and character to the features of individual settlements. Given the diversity of settlements here, the principle of a hierarchy is justified.

53. In this case, the hierarchy is supported by the findings of the Council’s Rural Settlement Hierarchy Study of Canterbury District (2011). While this predates the Framework it nevertheless sets out comprehensively the social, economic and environmental features of each settlement. Taking account of the results of the Study, the categories in the settlement hierarchy are appropriate and justified.
54. Although there have been changes to some of the facilities or services in individual settlements since the report was produced, in general these are not so significant that they would lead to a different conclusion as to the appropriate position for individual places in the hierarchy. However, for clarity and effectiveness the settlements should be named against the categories in Policy SP4 and not just recorded in supporting text (MM16 in part).

55. Development proposals on unallocated sites would be considered in the first instance against the provisions of Policy SP4. Given the reliance on the Strategic Site Allocations in meeting a significant share of the development needs of the area, it is important that this policy provides an appropriate degree of flexibility in dealing with windfall sites. As such, MM16, amongst other things, amends the policy to link development to the size and character of the settlement rather than to whether the proposal would be small scale or minor. Other than for the main urban centres, the PM does not define settlement boundaries. This will also provide flexibility as the most restrictive element of the policy will only apply to the open countryside. With this modification, the strategic approach to the location of development in Policy SP4 has been justified. It will assist in ensuring that the overall strategy is sufficiently flexible to respond to an unexpected change in circumstances.

56. The main urban area boundaries on the PM reflect the physical form of development on the ground rather than the administrative boundaries of town or parish councils. This is the correct approach as they then enable planning considerations to be addressed in an appropriate manner. In this context, the inclusion of Herne village within the Herne Bay urban area is carried forward from the adopted Local Plan PM. While the A299 passes between the village and the main part of the urban area, the juxtaposition of development either side of the road justifies the retention of the existing boundary here.

Conclusion

57. I conclude that, with the MMs identified above, the spatial strategy has been positively prepared and is soundly based and justified, presenting a clear spatial vision for the District in accordance with national policy. The soundness of the detailed LP policies is considered in the remainder of this report, with MMs recommended where appropriate. Subject to that, the LP policies generally reflect the identified spatial vision and objectives.

Issue 2 – Whether the housing strategy has been positively prepared and whether the overall level of housing provision and its distribution are justified and appropriate.

Objectively assessed housing needs

Housing market area

58. The Framework requires that a Local Plan should meet the full, objectively assessed needs (OAN) for market and affordable housing in the housing market area (HMA). The Council’s SHMA was produced jointly with other east Kent authorities but dates from 2009. It shows a complex pattern of HMAs mainly contained within each District but with some overlapping rural markets. However, following clarification from Swale Borough Council as to their
approach to apparent unmet housing needs, the position of neighbouring authorities, confirmed at the hearings, is that they are all aiming to meet their needs within their own administrative areas. Canterbury is also seeking to meet its own needs and, as such, those of the local housing market areas are capable of being addressed. Overall, the Council has taken an appropriate approach to defining the HMA.

**London’s housing needs**

59. The possibility that London may not be able to accommodate all its housing needs and may look to other Councils in the South East to assist was considered above under the duty to co-operate. In terms of soundness, the aim of boosting significantly the supply of housing would not be best served by delaying the LP until it is clear whether Canterbury should be planning to receive any unmet needs. This should be considered in a future review of the LP if necessary.

**Total amount of objectively assessed housing needs**

60. The Council’s conclusions on OAN were considered at the Stage 1 hearings and I came to a view on these in my preliminary findings. Subsequently, in July 2016, the Department for Communities and Local Government (DCLG) published new 2014-based sub national household projections (SNHP). I first consider those preliminary findings before going on to address any implications of the new projections.

61. The LP provides for 15,600 dwellings over the period 2011 to 2031 - 780 dwellings per annum (dpa). This was initially based on Scenario E of the DRS undertaken in 2012 by Nathaniel Lichfield and Partners (NLP). In the context of the requirements of the Framework and the publication of 2012-based SNHP in 2015, NLP undertook a Housing Needs Review (HNR) dated April 2015. The national Planning Practice Guidance (PPG) confirms that the SNHP are the starting point estimate of overall housing need. In the case of Canterbury this amounts to an annual increase of 597 new households between 2012 and 2031. Allowing for vacancy and second homes, NLP convert this to 620 dpa and no evidence was presented that would lead me to a different conclusion.

62. The PPG indicates that the housing need number suggested by household projections should be adjusted to reflect appropriate market signals. The HNR identifies problems with house prices, rents and affordability in Canterbury compared to England and Kent. An uplift of 10% to reflect a modest pressure of market signals has been used by Inspectors in other examinations. However, here NLP conclude that the scale of market signal pressure is greater than modest, such that on reasonable assumptions the uplift should be more than 10% with 20% used by way of illustration to give a need figure of 744 dpa.

63. The HNR has updated two of the economic-led scenarios that were part of the 2012 DRS. The housing need number is increased to 717 dpa to bring it in line with the unconstrained projections of employment growth used in the earlier study and to 803 dpa to reflect the higher job growth associated with Scenario E.
64. The 2012-based SNHP show lower rates of household formation than earlier national projections, most likely due to the reduced rates of household formation seen through the recession. To carry this trend forward might result in some needs not being addressed. To reflect this, NLP modelled a ‘partial catch-up’ scenario taking effect from 2018 assuming higher rates of household formation and resulting in a 6% increase in needs to between 744 and 853 dpa.

65. Following the approach set out in the PPG, the HNR identified a range of affordable housing needs of between 490 and 740 dpa. To deliver this based on the proportion of affordable housing (30%) sought in the Plan would require between 1,623 and 2,467 dpa, an amount far in excess of the overall needs identified in the HNR. There is no persuasive evidence that the housing market would support this scale of building throughout the plan period. I consider that simply increasing housing provision in the Plan to these levels would not be an effective way of addressing affordable needs.

66. In the light of these considerations, NLP concluded that full OAN was likely to most reasonably fall with a range of between 744 and 853 dpa. 803 dpa is within the middle of the range and may be seen as an appropriate measure of full OAN. NLP indicated that this may be seen as equivalent to the 780 dpa scenario used to inform the requirement in the Plan.

67. While other projections of housing need, both higher and lower, were put before the Stage 1 part of the Examination, I am satisfied that the HNR is a technically competent and robust basis on which to determine the OAN and that the range it has identified has been justified. However, within that the amount of uplift to be applied to the starting point estimate is a matter of judgement. The PPG indicates that establishing the future need for housing is not an exact science and that no single approach will provide a definite answer. Although the Council’s preferred figure of 780 dpa falls within the HNR range it does not flow from its results. The market signals uplift of 20% is a very significant one and there would be a degree of overlap between that and some of the other needs assumptions. In that context, figures in the upper end of the range would not be appropriate. The middle range figure of 803 dwellings identified by NLP would be almost 30% higher than the 620 dpa starting point.

68. Taking these factors in the round it seemed to me that 803 dpa would achieve an uplift that took reasonable account of market signals, economic factors, a return to higher rates of household formation and affordable housing needs. Accordingly, my preliminary finding was that this represented the full OAN for the LP area. It should be rounded to 800 dpa for the purposes of the Plan – a further 400 dwellings over the Plan period (16,000 in total).

69. While the PPG has not been revised since the publication of the 2014-based SNHP and refers to the 2012-based projections as the most up-to-date estimates of future household growth, it also indicates that local needs assessments should be informed by the latest available information. As such, it is appropriate that the implications of the new projections for the LP are considered. Following their publication, parties were consulted on possible
implications and there was an additional session on this at the Stage 2 hearings.

70. Local Plans should be kept up-to-date. The PPG indicates that a meaningful change in the housing situation should be considered in this context, but this does not automatically mean that housing assessments are rendered outdated every time new projections are issued. In this case the 2014-based projections show about 16,400 additional households (820 per annum) over the plan period. Although the 2012 and 2014-based projections have different base years and the total household estimates for the preceding early years of the plan period are different, there is clearly a significant increase of about one-third on the 2012-based. The main cause of this difference is the underlying population projections rather than any changes to household formation rates. The projections were based in part on earlier sub-national population projections produced by the Office for National Statistics.

71. Notwithstanding the change in the projections, the Council’s view is that the current Plan (with the proposed main modifications) will meet identified needs and therefore no further amendments are required. It points to the 2014-based projections being not dissimilar to my OAN figure of 800 dpa. However, this takes no account of the possibility of an uplift to the amount, as has been included when determining the OAN for the submitted LP in the context of the PPG. The large student population in Canterbury is a factor that may have implications for the projections but this would also be a consideration for those produced earlier.

72. In the time available, the Council has not been able to undertake a detailed reassessment of OAN. While parties have had an opportunity to make submissions on this matter, there are only limited comments on what the OAN figure should be in the light of the new projections.

73. It has been suggested that the examination could be suspended or paused so that the OAN can be reassessed and, if appropriate, further housing sites identified. These could be taken from the SHLAA sites promoted in representations. However, the LP was submitted in November 2014 and the examination has been delayed by the need for further work on, amongst other things, the housing land supply. It is important that the Council has an up to date plan in order to contribute to the achievement of sustainable development, consistent with the principles and policies set out in the Framework. It would provide certainty for the allocated sites and for development management generally.

74. The length of any suspension of the examination cannot easily be predicted as it would be dependent on the outcome of a detailed assessment of the implications of the 2014-based projections. The Council’s updated housing trajectory shows provision for some 17,600 new dwellings over the plan period as a whole, well in excess of the 16,000 requirement that I had recommended. This would provide some flexibility in accordance with the need to boost significantly the supply of housing. As such, the resolution of these matters is not so critical to the LP that it would justify further delay.

75. In the context of all these considerations, the pragmatic and appropriate way forward is for the LP to commit the Council within a fixed timescale to a
thorough assessment of the implications of the new projections, with a partial review of the Plan if this shows that further housing sites are needed. The Plan should therefore be based on an OAN of 800 dpa as in my preliminary findings. MMs are necessary to ensure that the plan is justified and effective in this regard (MM3, MM21).

Needs of different groups

76. The Framework requires that Councils should plan for a mix of housing based on the needs of different groups in the community. The PPG indicates that the overall housing figure should be broken down by tenure, household type and household size. The LP itself does not include such a breakdown but indicates that the mix of tenures, size and types of homes should reflect local needs and will be addressed on an individual site basis.

77. The SHMA has assessed the needs of different groups but was produced in 2009. However, more recent evidence on affordable housing is included in the HNR and the more up to date demographic projections include some information on different households. For students as a group the need is linked to the plans of the universities in Canterbury and the LP proposes joint working as the means of ensuring that is met. The LP has taken appropriate account of the need for a mix of housing.

Land Supply

Overall position

78. The Framework requires that the Council should identify and update annually a supply of specific deliverable sites, sufficient to provide 5 years worth of housing against their housing requirements with an additional buffer. It goes on to indicate that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable sites. There should be a reasonable prospect therefore that, on adoption, the LP will ensure the delivery of a 5 year supply of housing land.

79. On submission of the plan the Council calculated that, having regard to the provisions of the LP, it had 6.4 years supply of housing land. However, in May 2015 the Council and Kent County Council, as highway authority, agreed a position statement concerning the Sturry crossing and relief road. The effect of this would be that a number of the strategic housing allocations (part of Strategic Site Allocations – SSAs) could not come forward until the relief road was constructed. Accordingly, taking account of various other adjustments, the Council recalculated the land supply as 5.26 years in its hearing statement. Then, following discussions at the Stage 1 hearings, the Council revisited its calculation and some of the assumptions. The reworked figure showed about 4.2 years supply against the Council’s OAN of 780 dpa and would self-evidently be less against my figure of 800 dpa.

80. As a result of this, amongst other things, the Council was asked to review the omission or SLAA sites to assess whether there were any that were sustainable and could be brought forward quickly to contribute to the 5-year
supply. Further information was requested on the Sturry Relief Road (SRR) and its relationship with sites in the supply.

81. The Council identified some further sites and suggested the deletion of others. Following public consultation on this the Council estimated that the supply would be 5.74 years from an April 2015 base. It also changed its approach to some of the critical infrastructure relationships. There was further discussion on these matters at a Stage 2 hearing in July 2016, as a result of which the Council reviewed more recent evidence on likely delivery rates and revised the figure to 5.39 years. The base year reflects the most recent housing monitoring data provided by the Council and it is intended that this will be updated to April 2016 in due course. I turn to consider the Council’s methodology and assumptions in more detail.

Shortfall

82. There is a shortfall against the requirement in the early years of the Plan period. The Council has sought to meet this past undersupply across the whole of the remaining plan period (the ‘Liverpool’ method). However, the PPG indicates that this should be dealt with in the first 5 years of the plan period where possible (the ‘Sedgefield’ method).

83. The Council points to the reliance of a number of the SSAs on critical infrastructure, including the SRR, which would mean slower delivery in the short term. The 10 SSAs in the submitted LP would provide over 65% of the Council’s housing requirement figure over the plan period and, if endorsed, would help to secure the local boost in the supply of housing that the Government is seeking.

84. The shortfall in the April 2015 based calculation is about 1,300 dwellings – significantly more than the annual requirement for the Plan period as a whole. Given the likely lead times on any new sites coming forward, if Sedgefield were to be used the shortfall would not be materially addressed until years 4 and 5 of the period at the earliest. The Council’s trajectory already shows a very significant increase in completions in those years. If the full shortfall were added then, in my estimation, the completions required in those years would be substantially higher than ever achieved over the last 20 years, including at the top of the market. Notwithstanding that the land supply may have been restricted in the past, the likely difference is so large that this would be an unrealistic assumption even if more sites were allocated.

85. The PPG allows the possibility that a method other than Sedgefield could be used. In this case the need for a realistic approach points to the Liverpool method as the means of securing the aspiration of addressing the past shortfall, as proposed by the Council.

Buffer

86. The Framework requires that the Council should provide an additional buffer of 5% above the 5 years’ worth of housing sites against the housing requirement in order to provide choice and competition in the market for land. This should be increased to 20% where there has been a record of persistent under delivery. The Council has assumed a 5% buffer.
87. In line with many other Councils, house completions in Canterbury dropped back significantly after 2008/09 due to the recession. Recent completion rates have been below that envisaged in the LP. However, variations around the annual requirement are to be expected. Taking the longer term view, including both peaks and troughs of the housing market cycle, and measured against the requirements of the former South East Plan which was operative over much of this time, the Council had a good record of cumulative delivery. In this context, there has not been persistent under delivery of housing and the Council’s assumption of a 5% buffer, added to the 5 year requirement including the shortfall, is justified.

Windfall sites and lapsed planning permissions

88. Windfall sites can be taken into account in the 5 year land supply if there is compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. In this case the Council has shown that windfalls have accounted for almost 49% of all completions since 1993. However, this should be treated with some caution as windfalls are sites not identified as available in the Local Plan process. Rates can therefore depend on the provisions of the development plan and its age. In this case the saved policies of the extant Local Plan date from 2006.

89. In that context, the Council has proposed a windfall allowance of 138 dpa for small sites only (less than 5 units) based on the rate achieved between 2006 and 2014 and excluding garden land. No allowance is made for larger sites which have made a significant contribution to supply in the past. Certain changes of use to residential are now permitted development. In its most recent calculation of the land supply the Council has removed windfall completions from the first 3 years of the 5 year period as these are most likely to be included already as planning permissions. In the light of these considerations the Council’s windfall allowance is clearly justified.

90. The Council has not made any provision for the possibility that some existing planning permissions may lapse. There is no requirement for this in either the Framework or the PPG. No evidence has been presented on fallout rates. In the light of the conservative assumption made about windfalls I consider that a specific estimate of lapsed permissions is not necessary in this case.

Sites

91. The Council estimates that its proposed additional site allocations would result in over 550 additional dwellings in the 5-year supply period. In addition, it considers that, as the timescale for and means of delivery of the SRR have been clarified, some of the SSAs are no longer constrained and can now contribute housing to this supply. However, critical to the land supply calculation remains the relationship of some SSAs to the SRR and lead times and build out rates for strategic sites in general.

92. For the SRR the Council has committed part funding from the South East Local Enterprise Partnership and has agreed Heads of Terms with the developers of the Sturry/Broad Oak and North of Hersden SSAs and Kent County Council in terms of the remaining funding and delivery of the scheme. There is
reasonable certainty that the road will be delivered as intended and in that context would not be a constraint on other strategic sites.

93. The justification for the housing allocations in the submitted plan and the additional sites identified by the Council and their deliverability is considered under Issues 4 and 6. Overall, in terms of lead times and build out rates, concern has been expressed that these are too optimistic, requiring good progress to be made on all sites with little room for slippage. However, the Council has shown how its development management procedures, with an emphasis on pre-application discussions, have led to a good recent record in determining major planning applications without delay, including those for some of the SSAs. The projected build out rates relate to more recent evidence, including from developers of the strategic allocations. There is a tendency for developers to be over optimistic about delivery on their sites but I note that the Council has not accepted their assumptions in all cases.

94. As the delivery rate information in the current 5-year land supply calculation is much more recent (July 2016) than the base year (April 2015), this has resulted in significantly higher numbers of house completions in the final years of the supply period than at the beginning. However, if I were to find that the Council could not demonstrate a 5-year supply, given the lead times involved it is in any event likely that any significant contribution that additional sites would make would not be until those later years.

95. I have considered whether, in the light of the Council’s reliance on larger sites, a ‘stepped’ approach to the housing trajectory would be appropriate. This would entail a lower requirement in the earlier part of the plan period so affecting the 5-year land supply calculation. However, based on the evidence on the deliverability of the strategic sites and with the shortfall being addressed across the whole of the plan period in any event, such an approach is not justified at this time.

96. Some further evidence relevant to the 5-year land supply was submitted in representations on the MMs. It was suggested that, in the light of this new information, the supply requirement would not be met on plan adoption. Amongst other things, this would be due to delays and slower delivery rates on some of the SSAs.

97. The land supply calculation is a snapshot at a particular moment in time. There is a Framework obligation on the Council to monitor and update its land supply on an annual basis. Before or shortly after the LP is adopted it has indicated that it intends to have rolled forward the supply calculation. In which case, the SSAs are likely to be able to make a more substantial contribution than in the current period. The changes to Policy SP4 as a result of MM16 will introduce a greater degree of flexibility in determining planning applications on potential windfall sites which will assist the Council in fulfilling its role.

98. Sustained progress on implementing the SSAs is likely to be critical to maintaining an on-going 5-year supply. The reliance on these sites and the tight current assessment is a weakness for the LP. However, on the evidence before me, tested at the hearings and based on parties involved in delivery doing as they intend, there is a reasonable prospect that there would be a
supply of specific deliverable sites sufficient to provide 5 years worth of housing against the requirements. For clarity, and therefore effectiveness, MM26 is necessary to set out how the current land supply (5.34 years) has been calculated and the assumptions on which it is based.

99. In the period beyond the 5-year supply the SSAs should be on stream and delivering completions. While the housing trajectory (in tabular form), updated for clarity and consistency (MM184), shows a reduction in annual completions towards the end of the plan period, the total provision across the whole period is well in excess of the requirement. This provides flexibility and overall the LP is likely to result in an appropriate supply of specific deliverable sites or broad locations for growth in the plan period beyond 5 years.

100. The Framework requires local planning authorities to set out a housing implementation strategy for the full range of housing, describing how they will maintain delivery of a 5-year supply of housing land to meet the housing target. The Council does not have a separate implementation strategy document. The approach here is for annual monitoring of different types of housing against needs and the expectations of the LP, identifying areas where the strategy is not being delivered and requires more immediate review. The Council’s development management practice in relation to the SSAs will assist in maintaining delivery. The LP is not unsound as a result of this approach.

**Distribution**

101. The strategic approach to the location of development is set out in Policy SP4 with the urban areas being the principal focus. The distribution of new housing between different settlements and parts of the plan area is generally in accordance with this overall spatial strategy. Reasonable alternatives to the distribution of housing development were considered as discussed above in the context of the spatial strategy options.

102. The Framework encourages the re-use of previously developed land. The LP SA considers the use of land (Objective 14), including the promotion of previously developed land, and potential housing sites have been considered through the SA process. The LP itself has sought to achieve this aim, linking it to what is described as a sequential approach to the location of development, with the focus on the urban centres. However, given the amount of new housing needed and the rural character of much of the plan area it is unsurprising that most of the new allocations are on greenfield sites. For windfall sites, Policy SP4 emphasises the main urban areas as the principle focus for development where opportunities to re-use land are likely to be greater. Overall, the plan has an adequate approach to new housing development on previously developed land.

**Phasing**

103. The LP refers to the phasing of housing development in the context of 5 year bands. Phasing can be justified where there is a clear link to the provision of essential infrastructure or services. However, limiting the release of land for reasons other than the delivery of key infrastructure could prevent sites coming forward at the earliest opportunity in accordance with the national aim of boosting significantly the supply of housing. In this case, the bands have
not been justified and their deletion in MM22 is necessary for the LP to be effective.

**Other aspects and conclusion**

104. In February 2017 the Government published its Housing White Paper, ‘Fixing our broken housing market’. All of its proposals relevant to plan making are subject to consultation before any new policy or regulatory changes would come into force later this year. The Council will in due course need to consider if the plan should be reviewed in the light of this new policy or statutory requirements. However, I am satisfied that the White Paper does not materially affect my conclusions on the soundness of the LP.

105. With the MMs indicated the LP will assist in boosting significantly the supply of housing and the housing strategy is sufficiently flexible to adapt or respond to changed or new circumstances. I conclude that the strategy has been positively prepared and the overall level of housing provision and its distribution are justified and appropriate.

**Issue 3 – Whether the infrastructure requirements for the Local Plan are soundly based and deliverable and whether there are clear mechanisms for implementation and monitoring?**

**General**

106. The Council’s Draft Infrastructure Delivery Plan (IDP) identifies the key infrastructure necessary to support the development proposed in the LP. There is clear evidence of ongoing working with those organisations responsible for infrastructure and facilities. Taking account of their comments on the LP, the identification by the Council of a number of items as critical to the delivery of the LP is justified. They are all transport schemes, required in relation to the SSAs (A2 Bridge Interchange, SRR, Herne Relief Road (HRR) and South Canterbury Fast Bus Link) and to address existing issues and retail needs at Wincheap (A2 eastbound off slip and A28 Wincheap Relief Road). The relationship between these transport projects and development is central to the success of the LP strategy. Their individual justification and prospect of delivery are considered elsewhere in this report.

107. The IDP sets out the likely cost and potential funding sources for the infrastructure needed and provides sufficient clarity in this regard. The delivery of various bus priority improvements in Canterbury and the A28-A257 link road are seen as the infrastructure required in the early years of the plan and it is clear how they will be funded and provided.

**Transport**

108. The draft Canterbury District Transport Strategy 2014-31 sets out an approach to transport issues that aligns with the LP and is reflected in the principles set out in Policy T1. The forecasts of traffic growth relating to this approach are provided by the VISUM transport model. There have been a series of reports relating to model validation and testing of development scenarios. The most recent update, in March 2016, incorporates the transport measures and development envisaged in the LP. The model has a 2008 base year and, as
such, uses data from that time. Since then there has been growth in the student population in particular. However, bespoke accommodation generally has no car parking for the students and the evidence indicates that overall traffic levels have been fairly constant since the mid 2000s. A 2012 validation report concluded that the model met the standards set by the Department for Transport.

109. The model is mainly focused on the city of Canterbury and its immediate area, where it provides a fine level of detail, whereas zoning is at a coarser level elsewhere. This reflects the character of the area. A particular consideration is the effect on the Canterbury ring road. The model remains an appropriate basis for forecasting peak traffic flows and assessing the overall impact of development. It shows potentially significant increases in travel demand and journey times, especially at the city of Canterbury.

110. The Strategy proposes to reduce the forecast potential increase in vehicle trips by encouraging alternatives to the private car, a car parking strategy and reducing travel demand, as well as through new highway schemes. It provides an appropriate basis for the LP in general terms.

111. In and around the city of Canterbury the Strategy seeks to address the cumulative traffic impact of the SSAs and other developments. These include the critical infrastructure identified above but also other smaller schemes or initiatives relating to walking, cycling and public transport. The detailed transport impacts of individual developments will need to be assessed as specific proposals come forward but in principle, with the measures proposed, the traffic impacts of the development envisaged in the LP are capable of being addressed to the extent that they would not be severe.

112. A number of the LP Policies facilitate the use of sustainable modes of transport. Policy T2 safeguards the cycle and pedestrian routes shown on the PM. Other proposals for cycle and pedestrian routes have been promoted in representations but these are not essential to the soundness of the plan. Appropriate provision is made for bus and rail improvement measures in Policies T3 and T4.

113. Policies T5 to T7 ensure that land is identified for the expansion of the Canterbury Park and Ride sites at Wincheap and Sturry Road and for the relocation and expansion of the New Dover Road site as part of the South Canterbury SSA. These are justified as part of the overall Transport Strategy. With an appropriate reference to impacts on nature conservation interests (MM82) Policy T8 provides appropriate guidance for park and ride facilities at Whitstable.

114. In addition to the expanded Park and Ride facility, the LP identifies a package of measures to address existing and forecast traffic problems at Wincheap. These include the A2 off slip road and an A28 relief road through the industrial estate. They relate to retail proposals at Wincheap and other development in the locality and are likely to be secured through a mixture of developer and public funding some of which is already in place. Highways England has raised no in principle objection to the slip road. There is a reasonable prospect that the measures can be funded and implemented in the required timescale.
115. The justification and delivery of the other main improvements to the highway network (included in Policies T12 to T15) are considered under the relevant SSAs in Issue 4.

116. The Written Ministerial Statement (WMS) of March 2015 indicates that local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network. In this case it has not been shown that there is a case to impose standards across the District that meets this test. In order for Policy T9 to accord with national policy therefore MM84 is necessary to ensure that compliance with the Council’s standards is not a requirement. MM116 in part achieves the same change for Policy DBE3. Furthermore, as the Framework requires that policy on local standards should be set out in the Local Plan, the introduction of a new appendix containing the appropriate advisory standards is necessary and achieved through MM81, MM83 and MM186.

**Other infrastructure and services**

117. The Water Resources Management Plans affecting the District have taken account of anticipated development. There have been no in principle objections to the LP from the water companies. On the submitted evidence water resources should not be a constraint on development in the plan period. The possibility of a new reservoir at Broad Oak is a preferred option for South East Water in the longer term. Further details on this proposal and its impacts are required but the LP makes appropriate reference to it.

118. It is not necessary for the policies for every individual site to refer to the need for suitable arrangements for the disposal of foul water. A general reference in Policy CC13 (MM108) will ensure that the LP is effective in this regard. Based on the available evidence, waste water infrastructure is unlikely to be a significant constraint on development.

119. The IDP shows that the Council has been working with a range of providers responsible for education and other elements of social and community infrastructure. Overall, this supports the assumptions about the requirements for those facilities. However, the more general expression of these in individual policies, including the more general wording for the SSAs used in MM4 to MM14, is acceptable as it provides flexibility when detailed proposals for development come forward for consideration.

**Implementation**

120. The PPG indicates that evidence should be proportionate to ensure that plans are informed by a broad understanding of viability. Assessing the viability of plans does not require individual testing of every site and site typologies may be used. In this context, the approach that has been taken in the Viability Assessment Main Report (2012) (VA) and its subsequent updating reports is an appropriate methodology.

121. The Council’s viability evidence has taken account of the likely infrastructure requirements and policies on housing standards and affordable housing provision. The overall viability of development has been appropriately
assessed and the implementation of the LP as a whole would not be put at risk.

122. The Council has indicated that it intends to introduce a Community Infrastructure Levy (CIL) once the LP is adopted. In the meantime it will be subject to the limitation on the pooling of five or more planning obligations under CIL Regulation 123. It has indicated that in its view all the identified critical infrastructure could be delivered by less than five contributions. On the submitted evidence there is reasonable certainty that would be the case. However, there would still be other transport or community infrastructure which the IDP identifies as requiring CIL funding, particularly to address the impacts of development taking place on smaller sites.

123. The Written Ministerial Statement of 28 November 2014 and changes to the PPG include a requirement that tariff-style contributions should not be sought through planning obligations on small developments. The Council envisages that this will not have significant implications for the LP. Whereas for the SSAs s106 agreements and other mechanisms compliant with the Regulation 123 limits would be used, on smaller sites CIL would be applied to fund other measures in any event. The Council will need to bring forward a CIL promptly to ensure that this intention is achieved.

124. The approach to infrastructure requirements generally complies with CIL Regulation 122 where they would be sought by means of planning obligations. However, MM87 and MM136 are necessary to ensure that the provision of public art in developments accords with the Regulation tests.

125. There are several LP policies (including SP3, SP7, EMP11, TCL10, and LB1) where there are references to Supplementary Planning Documents (SPDs), development briefs or other reports as a mechanism to assist with implementation. These are in many cases worded in such a way as to confer development plan status on the other documents. However, they have not been subject to the same process of preparation, consultation and examination as a local plan. MM15, MM20, MM51, MM78, MM79, MM80, MM90, MM144 and MM147 would ensure that the policies reflect legal and national policy requirements in terms of the role of SPDs and other documents in relation to the development plan.

126. The LP briefly sets out an intention to monitor delivery of the strategic and other development sites through its annual monitoring mechanisms. Examples of annual monitoring reports form part of the evidence base and this is an appropriate way to manage and monitor plan implementation.

127. I conclude that the infrastructure requirements for the LP are soundly based and deliverable, with clear mechanisms for implementation and monitoring.
Issue 4 – Whether the Strategic Site Allocations are justified and deliverable

General

128. The LP identifies 10 Strategic Site Allocations (SSAs) in Policy SP3 which would be the focus for a significant part of the new development needed in the area. They are located in or on the edge of existing settlements.

129. The Council’s approach to the identification and selection of sites is set out in the Strategic Housing Land Availability Assessment (SHLAA) Summary of Methodology and Assessment of Sites (2013), updated in 2014 to take account of further site submissions and comments made during the Preferred Options consultation. The SHLAA sites were also subject to sustainability appraisal. The basis on which the Council allocated sites (and rejected others) is clear and robust on the evidence of the process of selection and evaluation.

130. Most of the SSAs are on greenfield sites and many would involve development on best and most versatile agricultural land. The Framework requires that the economic and other benefits of such land should be taken into account. Where significant development of agricultural land is demonstrated to be necessary local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

131. The District has a significant amount of best and most versatile agricultural land. One of the SA objectives relates to the use of land. It seeks to deliver more sustainable use of land in more sustainable location patterns. The SA identifies a key question as being whether the plan would promote the wise use of land and has generally recorded significant negative impacts where best and most versatile land is involved. There is a limited supply of previously developed land and there are many factors that need to be balanced in determining which sites should be allocated for development, having regard to national policy. Overall, the site identification process has taken appropriate account of agricultural land quality. Where an SSA contains best and most versatile agricultural land, I have taken this into account in the consideration of that individual site, alongside those other significant material factors identified below.

132. The infrastructure and service requirements for each site are set out in Policy SP3. To provide an appropriate degree of flexibility in some instances and updating to reflect changed circumstances since the LP was submitted, MMS to MM10 include some changes to these provisions. With these MMs the policy would be effective in providing an appropriate balance between flexibility and certainty. General considerations of the traffic and other infrastructure implications of development have been mainly considered under Issue 3 rather than under individual SSAs. The outcome of this has nevertheless been taken into account in the conclusions on the SSAs. Policies OS11 and DBE12, taken with the changes in MM172 and MM136, will ensure that SSAs make proper provision for public open space, including for sport.

133. The Council’s VA did not address each SSA individually but examined a range of scenarios for a number of site sizes. An additional report, Provision of Further Economic Viability Assessment of Strategic Sites and a Whole Plan
Assessment in Canterbury District (October 2014), examined various strategic site typologies. The subsequent Viability Assessment of Strategic Sites in Canterbury District (April 2016) assessed the viability of the SSAs, including the two additional allocations to address the 5-year land supply, with 30% affordable housing. Promoters of the sites were asked for information that would aid the assessment. I am satisfied that the update to the VA is based on reasonable assumptions and a robust methodology. Whereas there may be some variation when detailed proposals come forward there is reasonable certainty that the SSAs can be delivered having regard to the policies in the LP.

134. The LP intends that development briefs should be prepared for each of the SSAs prior to granting planning permission. However, given the need to boost significantly the supply of housing this additional step could unnecessarily delay progress on sites. As part of MM15 the Council has proposed that the development brief approach should be replaced with a requirement that masterplans for each SSA are submitted with any planning application for all or part of the site. The Council would retain control as development would still have to accord with the LP requirements. The MM is necessary to ensure that the LP is effective.

135. LP Appendix 1 includes draft illustrative layout plans for some of the SSAs. While these will have assisted during public consultation they do not represent the only possible outcomes and may be misleading if retained in the adopted LP. The modified Policy SP3 would include provision for masterplans to be submitted in any event. Accordingly, MM4 and MM183 delete the appendix.

136. Policy SP3 expects development on the SSAs to reflect ‘garden city’ principles. The Framework recognises that the supply of new homes can sometimes be best achieved by planning for larger scale development that follows such principles. While avoiding unnecessary prescription, for the LP to be effective in this respect some overall guidance on what these principles would entail is necessary. The Council’s MM183 would add an appendix to the LP that would achieve this.

137. Where appropriate, the PM changes extend the urban area boundaries for Canterbury, Herne Bay and Whitstable to include the SSAs. This is a logical consequence of the allocation of these sites.

**Canterbury sites**

**Site 1 – South Canterbury**

138. The LP proposes an urban extension that would include 4,000 dwellings, 70,000sqm of employment floorspace and local shopping and local community facilities. There would be a relocated and extended park and ride site and provision for the relocation of the Kent and Canterbury Hospital.

139. The site comprises mostly open farmland on the edge of the city but includes the Old Dover Road park and ride site. Most of the SSA is within the Canterbury Area of High Landscape Value (AHLV). Policy LB2 refers to development within this AHLV as having regard to the historic setting of the city and the Canterbury World Heritage Site (WHS). The proposed
development of the site could potentially affect this setting, including as perceived from the approaches to the city in the sector.

140. The Bell Harry Tower of the Cathedral is the tallest structure in the city centre and is the focus of a number of long distance views including those identified in the Canterbury Conservation Area Appraisal (2010). These include views with the Tower set against the backdrop of the valley sides that form part of the setting of the city. However, the location of the site and the topography of the area limit any inter-visibility with the Tower.

141. The site is crossed by the historic Pilgrim’s Way, which is part of the North Downs Way long distance trail, providing an approach to the city for walkers and cyclists. It also straddles the New Dover Road which carries general traffic from the A2. The character of these approaches would be changed by the development. Plainly it would result in significant change to the site itself and this would be a substantial extension to a small city. However, there would be some mitigation if appropriate care was taken with the layout, landscaping and design of the development, embracing garden city principles as required by Policy SP3. Other LP policies would be applied including Policy HE2 on the WHS, and in the context of these considerations any harm to its setting would be likely to be less than substantial.

142. There is a substantial separation distance between the SSA and the Kent Downs Area of Outstanding Natural Beauty (AONB), such that a layout and form of development should be possible without significantly affecting its setting. The proposed Green Gap between Canterbury and Bridge would ensure an adequate separation between the settlements.

143. A development of this size has the potential to result in significant travel movements and traffic impacts. Taking account of the VISUM model outputs, the LP proposes both highway improvements and substantial sustainable transport measures to address this. The new A2 junction and improvements to the existing junction, the fast bus link to the city centre and the extended park and ride facility are all justified as part of a package of proposals. Policy T17 provides for Travel Plans, which would be appropriate in this case in order to deliver sustainable transport initiatives.

144. The inclusion of a significant amount of employment floorspace and provision for community, local shopping, education and health care facilities within the development, as required by policy SP3, is likely to assist in moderating its wider travel impacts. There has been no objection in principle to the SSA by the local highway authority.

145. The mitigation measures will require a considerable commitment from the developer and the local Councils. Development would need to be phased in accordance with the delivery of the key infrastructure. In this context, there is a Statement of Common Ground between the Council and the site promoters on the transport infrastructure required and its phasing. Provided that the necessary measures are introduced successfully the residual cumulative impacts of the development are unlikely to be so significant that they could be regarded as severe.

146. The SSA could accommodate acceptable provision for education, other community facilities and open space, the delivery of which could be phased in
accordance with the progress of the development. The viability evidence indicates that this could be funded as appropriate through the development. There are no in principle objections from agencies or utility providers relating to waste water treatment or surface water drainage and it is likely that appropriate measures to deal with these matters could be resolved at the planning application stage.

147. The Hospital Trust has not yet made a decision as to whether it would wish to relocate to the site. As such, MM5 refers to reserving land for a potential relocation. This would provide an appropriate degree of flexibility without prejudicing the overall development and is necessary for effectiveness.

148. The site would provide a quarter of the new homes required in the District over the plan period and provide employment opportunities. The loss of a section of AHLV, the development of mainly best and most versatile agricultural land and other adverse impacts of the development must be balanced against the significant contribution that it would make towards meeting housing needs.

149. The submitted evidence indicates that this is a viable site, having regard to the LP policies relating to affordable housing and infrastructure. The Council has resolved to grant planning permission for a hybrid application that would include provision for up to 4,000 new dwellings. There is currently a High Court challenge to the Secretary of State’s decision not to ‘call in’ the application. However, the SSA is both justified and developable with the changes included in MM5.

Site 10 – Land at the Kent & Canterbury Hospital, Ridlands Farm and Langton Field

150. This site includes the buildings and land of the Kent and Canterbury Hospital and areas of adjoining farmland on the edge of the city. The allocation would include 810 dwellings and part of the fast bus link from the South Canterbury site to South Canterbury Road. However, in the context of the uncertainty over the Hospital Trust’s intentions as to whether the hospital should be relocated, the Council is proposing as part of MM12 to reduce the housing allocation to 310 dwellings at this stage. A proposed change to the PM would also remove the current hospital site from the allocation. The LP policy for Site 1 would nonetheless retain land for a potential hospital relocation. This is a pragmatic and flexible response to the current position.

151. With the reduction in the size of the site some potential points of access would no longer be available. However, a route through the site will be necessary to carry the fast bus link from Nackington Road to South Canterbury Road. The Council is working to ensure that this is achieved and the highway authority has raised no objections to the amended allocation. The housing trajectory anticipates that the site would be available so that it could provide the link at an appropriate point in the development of Site 1.

152. The modified site is within an existing AHLV. However, it is on the edge of the urban area and adjacent to the hospital. Any development would be seen in that context. Part of the site is included in a larger area designated in the adopted Local Plan for protection from development to enable future use as public playing fields. However, the Council is proposing to retain an area
adjacent to Stuppington Lane and protected under Policy OS5 for this purpose. Policy SP3 would also require provision of public open space within the SSA.

153. There is no persuasive information that would contradict the Council’s viability evidence on this site. Its inclusion in the LP as modified by MM12 is justified.

Site 9 – Land at Howe Barracks, Canterbury

154. The site comprises a former army barracks within the built-up area of Canterbury, apart from the ‘western slopes’ at one end of the site which are in an AHLV. There is a significant part of the site that comprises previously developed land. The proposed allocation is for 400 dwellings with a new A28-A257 link road. Policy SP3 seeks to protect the open western slopes. On this basis, the principle of the allocation here is justified.

155. The link road would provide benefits by removing some A28 ring road traffic. Planning permission has been granted for the redevelopment of the site for up to 500 dwellings, including provision of the road. However, Policy SP3 does not set a ceiling on development. The Council has proposed a change to the PM so that the allocation reflects the boundary of this permission. In the context of the permission, which addresses infrastructure requirements and affordable housing through a s106 agreement, this is a deliverable site.

Herne Bay sites

General

156. Policy SP3 links all of the Herne Bay area SSAs to the provision of critical transport infrastructure. It indicates that proportionate contributions should be made to both the Herne Relief Road (HRR) and the SRR by Sites 3, 4 and 6. In the case of Site 5 the HRR should be provided through the allocation with a proportionate contribution to the SRR.

157. The A291 is the main route between Herne Bay and Canterbury and passes through the village of Herne. In the centre of the village there are tight bends. Taking account of the highway evidence, including the Sturry and Herne Highway Capacity Study (April 2016), there is justification for a relief road. The Council envisages this as a link from the A299/A291 junction to Bullockstone Road through the Strode Farm SSA, together with improvements to Bullockstone Road to where it joins the A291 south of the village.

158. The Statement of Apportionment (2016) for the HRR and SRR considers the impact that the Herne Bay SSAs would have on traffic through Herne and identifies a basis on which contributions to the HRR would be made. The Council has agreed a Statement of Common Ground (October 2016) with the promoters of the relevant sites and the County Council as highway authority that considers the relationship between the scheme and development in terms of works or financial contributions. The County Council has indicated that it would forward fund the road to secure its delivery. On this basis there is reasonable certainty that the HRR can be provided within an appropriate timescale.

159. The position in relation to the SRR has changed in the context of the additional work the Council has undertaken on its justification and delivery, considered
under Issue 2 and also the Rural SSAs, below. It no longer seeks contributions from Herne Bay sites.

160. In the light of these conclusions the relevant changes to Policy SP3 in MM7, MM8, MM9 and MM10 and to Policy T13 in MM85 are necessary for the LP to be effective. The requirement for contributions to the SRR is deleted. The Herne Bay SSAs requirements are variously amended to reflect the changed position on the HRR, with Site 5 Strode Farm required to provide a new highway through the site and improvements to Bullockstone Road. In the light of representations made on the MMs, I have amended some to provide greater clarity in respect of the roles of other SSAs in the provision of the HRR, consistent with the Statement of Common Ground.

Site 3 – Hillborough site, Herne Bay

161. 1,300 dwellings are proposed with 33,000sqm of employment floorspace as an extension to the adjacent Altira Park. This is a large site comprising mainly agricultural land. There would be a loss of the open rural landscape but the site is between the A299 Thanet Way and the edge of the built up area and is crossed by the North Kent railway line.

162. It has been suggested that the north-western part of the site (which is in separate ownership) is capable of being developed separately from the rest and that this should be acknowledged in the LP. However, large sites are often in different ownerships and it is appropriate that there should be a masterplan for the whole SSA. The way in which it is carried forward is a detailed matter and the LP is not unsound for the approach that it is taking.

163. The evidence indicates that the infrastructure necessary to the development of the site, including local highway improvements, is achievable without compromising viability. With changes to the infrastructure requirements in MM7 to reflect the position on the HRR and other updates the SSA is justified and developable within the plan period.

Site 4 – Herne Bay Golf Course

164. This allocation is for 600 dwellings with 1ha of commercial uses, local community facilities and sports and leisure provision on the former golf course. Planning permission was initially granted in 2015 for a hybrid application which would include housing, community facilities and sports provision broadly in accordance with the requirements of the policy.

165. The site was initially considered for a smaller number of dwellings. However, on the basis of masterplanning work relating to the planning application it is clear that the amount proposed in the LP can be accommodated in an acceptable development. While mainly on open land the site is situated between the A299 and the edge of the urban area of Herne Bay. The evidence indicates that it is both justified and deliverable, with the relevant changes in MM8 relating to infrastructure.

Site 5 – Strode Farm, Herne Bay

166. The LP allocates 800 dwellings and 15,000sqm of employment floorspace with local community facilities.
167. At present, the SSA comprises mainly open agricultural land with a complex of farm buildings. It is situated between Herne village and the A299 Thanet Way. On the opposite side of this road is Site 4, the former golf course, so it has been contended that there would be the loss of a substantial green gap. There would be new development extending from the edge of the village to the existing urban area at Greenhill.

168. The identity of the village is clearly a significant matter for local residents. However, there is already continuous development to the north east towards Broomfield where there is some development immediately on the other side of the A299. The inclusion of Herne village within the urban area boundary in the adopted Local Plan PM reflects the position that there is currently some continuous development back to Herne Bay, albeit bisected by the A299. The existing agricultural landscape has an open character with views across the site but carries no special designation. The relationship between the SSA and the village is a matter that can be addressed through a masterplan and the development management process.

169. Although the Site 5 development would be a substantial extension to the village, Policy SP3 includes provision for community facilities, including a new parish hall, which could have some wider benefits. With MM9 it would require education and health care impacts to be addressed. The HRR has been considered above and would assist in mitigating the effects of additional traffic generated by the development.

170. The site is adjacent to a Conservation Area, with a very small part within it. While the setting would change as a result of the SSA, it has not been demonstrated that in this case the effect on the heritage asset would be such that it would affect the principle of the development. It could be addressed in the detailed layout and design of the site.

171. Although the site is fairly close to the Altira Park employment allocation, it is well related to the A299 and an overall need for additional employment land in the plan period has been demonstrated, as considered under Issue 7. As such, an employment component to the SSA is appropriate.

172. The Council’s viability evidence uses similar assumptions for this SSA as for the nearby Site 4 where there is a s106 agreement in place. The precise mix of development in detailed proposals for this site would be subject to a specific financial assessment, taking account of the requirements of the various LP policies. However, there is sufficient certainty to conclude that this is a viable and deliverable site and overall that, with MM9, it is justified for inclusion in the LP.

Site 6 – Land at Greenhill, Herne Bay

173. 300 dwellings with community facilities are proposed here. This is a reduction from 600 dwellings in the Preferred Option Consultation Draft LP. The change was based on concerns from the highway authority about the impact of a higher figure on the highway network. Further evidence has been submitted by both the site promoter and the highway authority. Taking this into account it is not clear that a higher figure could be accommodated without a potentially
severe impact on the local network. As such the lower figure in the submitted LP is appropriate.

174. The site comprises a large field and an area of open space between Greenhill and the A299. While not considered appropriate for housing by a previous Inspector following an earlier local plan inquiry, the site has been assessed against other options and its inclusion in the LP has been justified with the changes in MM10.

**Whitstable site**

*Site 7 – Thanet Way site, Whitstable*

175. The site comprises mainly open farmland with some areas of woodland. It is adjacent to Duncan Down which has Village Green status and includes a Local Wildlife Site. A small part of the Wildlife Site is within the allocated area. The LP provides for 400 dwellings, the extension of Duncan Down Country Park and additional open space, including allotments.

176. There are some extensive existing views across the site from Thanet Way (A2990) towards the urban area of Whitstable. However, the indicative plan in the submitted LP and details submitted with a planning application for the site show that it is large enough for the amount of housing proposed to be accommodated on land adjacent to existing development on the edges of the settlement. This would leave an extensive part of the site available as open space, including areas adjacent to the Country Park. The areas of woodland could be retained.

177. There have been concerns expressed about the effect of the development on Duncan Down. However, the site is capable of being developed in such a way that the wildlife and open space interests associated with Duncan Down could be protected and potentially enhanced.

178. The Council has resolved to grant outline planning permission for up to 400 dwellings, including up to almost 20ha of public open space, subject to a s106 agreement. There are no unusual infrastructure requirements and the evidence indicates that what is proposed would be viable.

**Rural sites**

*General*

179. In addition to the Herne Bay SSAs, Policy SP3 identifies a new Sturry crossing as infrastructure necessary for the ‘Rural’ Sites 2 and 8.

180. The A291 joins the A28 on a tight bend, close to where the A28 passes over the railway line at the Sturry level crossing. The Sturry and Herne Highway Capacity Study summarises the significant issues caused by the peak periods closure of the crossing for trains to pass. These include substantial queuing on both the ‘A’ roads. Furthermore, some traffic on the A291 seeking to avoid the Sturry crossing uses an unclassified road through Broad Oak village to reach another crossing. There is clear justification for a scheme to tackle these problems.
181. The SRR is proposed as the means of addressing these concerns. It would entail a new link road across Site 2 from the A291 and A28 to a new bridge over the railway line with a river crossing and further new section of road to then re-join the A28 into Canterbury at Sturry Road. Through the Statement of Apportionment the Council has provided a reasonable basis for determining the impact of the traffic generated by SSAs on the crossing and the contribution that they should make to the SRR.

182. The Council has secured some part funding for the route from the South East Local Enterprise Partnership. It has agreed Heads of Terms for agreement to deliver the SRR with the County Council and the promoters of Sites 2 and 8. This shows that it would be constructed in part by the developers of Site 2 and in part by the County Council and indicates the developer contributions required. The County Council would forward fund construction if necessary. The details give sufficient certainty that the SRR can be provided within a reasonable timescale to ensure that it does not prevent development coming forward. The relevant parts of MM6, MM11 and MM86 are necessary to ensure that this approach is reflected in the LP.

Site 2 – Land at Sturry/Broad Oak

183. This allocation includes 1,000 dwellings, some local business floorspace and community facilities. It is currently a mixture of woodland, orchards, ponds, paddocks and fields with some farm buildings on the edge of the villages of Broad Oak and Sturry.

184. Part of the site is within the existing small designated Green Gap between Sturry and Broad Oak. This Green Gap is considered under Issue 13 and can be addressed through the masterplanning process.

185. An extension to the Canterbury and Sturry Green Gap is proposed on part of the SSA and again this is a matter for the masterplan.

186. A much larger section of the site, including woodland and open fields, is within an AHLV. However, that must be balanced against the need for housing land and the advantages of the site. It is well located in relation to Sturry railway station, capable of being well served by buses and would include part of the SRR. It is reasonably close to Canterbury. Evidence on masterplanning indicates that ancient woodland within the site could be retained and Policy SP3 requires its protection and management. In terms of wildlife impacts, NE has raised no objection in principle. Taking all relevant factors into account, including the alternatives considered through the site selection process, the SSA has been justified.

187. Taking account of the infrastructure requirements, including the SRR, the conclusions of viability assessments by both the Council and the site promoters and the changes in MM6, the SSA is deliverable in the plan period.

188. A proposal to extend the site boundary to include land at Shalloak Road, and increase the dwelling capacity of the SSA accordingly, was not part of the Council’s consultation on proposed amendments to address the 5-year land supply issue and is not essential for the LP to be sound.
Site 8 – Land North of Hersden

189. The LP proposes 500 dwellings on this site with 1ha of new business space. It would be an extension to the village of Hersden which is to the east of Sturry on the A28. It currently comprises open cultivated agricultural land.

190. The need for a buffer between development and the listed Bredlands Farmhouse and also in relation to the possible pylon route for a high voltage line as part of the Richborough Connection project had been identified as reasons to limit the allocation to 500 dwellings. However, it is evident that there is sufficient land within the allocation for the setting of Bredlands Farmhouse to be appropriately safeguarded. The pylon route buffer is no longer required and the Council has proposed to revert to an allocation of 800 dwellings as indicated at the Preferred Option stage. Further consultation took place on this as part of the 5-year land supply amendments. The increase is included in MM11 and this is necessary to make effective use of the site.

191. The SSA is located on the Stour valley ridge in a countryside setting. However, this does not carry a special landscape designation. Development would be perceived in the context of the adjacent village. Some off site areas of woodland and appropriate on site planting would assist in addressing impacts on the wider landscape.

192. This would be a substantial extension to a modest village. However, Hersden is a former colliery settlement which has had some recent development that has a distinctly different character to the older part. The SSA would relate well to both areas and the existing schools and other services in the village. It would enhance the provision of local facilities and bring regeneration benefits. The site is close to the Lakeside Business Park. Transport impacts could be appropriately addressed through contributions to the SRR and improvements to the A28.

193. Significant new development at Hersden was rejected by the Inspector following the Inquiry into the adopted Local Plan, describing the site as visually pleasing agricultural land. However, this was over ten years ago and the national policy and housing need context has changed since then. As proposed and with the changes to Policy SP3 in MM11, the benefits of the SSA, including its contribution to meeting housing needs, would outweigh concerns. Its inclusion in the LP has been justified.

194. The site promoter intends to include provision for a new stadium for Canterbury City Football Club at the eastern end of the allocation. The Club has funding that would contribute to the construction costs of delivering the stadium complex but this is time limited. However, its provision is not specified in the mix of uses in Policy SP3 on which consultation has taken place. This is a matter that can be dealt with through the development management process in the context of the LP policies in general. Its inclusion in the LP is not necessary for soundness. In reaching that conclusion no judgement is made on the merits of the proposal.

195. Taking account of the Council’s viability evidence and the provisions of the LP policies on affordable housing and infrastructure this is a deliverable SSA.
Conclusion

196. In the light of these considerations and with the MMs proposed the overall amount and mix of development at these SSAs has been justified. Infrastructure implications have been appropriately considered and having regard to the viability evidence they should be deliverable within the plan period.

Additional strategic sites to address housing land supply

197. Two of the additional housing sites that the Council has proposed to ensure that a 5-year housing land supply will be achieved were promoted as SSA omission sites and are of a size that they can be considered as such. They have been included in MM13 and MM14 which would add them to Policy SP3 as Sites 11 and 12. They would assist in providing a continuous supply of specific deliverable sites sufficient to help provide 5 years’ worth of housing against the housing requirement.

Land at and adjacent to Cockering Farm, Thanington (Site 11)

198. This additional site would provide for 1,150 dwellings and some employment space. The amended housing trajectory shows about 190 units being provided in the 5 year land supply period.

199. The site comprises mainly agricultural land on the Canterbury urban fringe to the south of Thanington. The site is within an existing AHLV and development here will have some impact on the wider landscape. However, there is scope for landscaping to limit these effects. The Cathedral can be seen in long distance views from part of the site and there would be an effect on its wider setting and that of the WHS. While attaching considerable weight to the setting of the WHS, with appropriate layout and landscaping the effects should not be so significant that they would prevent the principle of the development here. An appropriate buffer could be formed with the nearby Larkey Valley Woods Site of Special Scientific Interest.

200. Development at Thanington, which is adjacent to the A2/A28 interchange at Wincheap, would have implications for the A28 Wincheap corridor where there are existing traffic issues. The Council has proposed a series of measures to address these. In that context, it has identified various requirements for the Thanington development, including a new eastbound A2 off slip road at the interchange and contributions to the expansion of Wincheap Park and Ride site and to the provision of the A28 Wincheap Relief Road.

201. The Council has granted planning permission for up to 750 dwellings on part of the site. A s106 agreement makes provision for funding of the slip road and various sustainable transport measures, including a contribution to the Park and Ride site. Taking account of the education requirements and provision of affordable housing, the promoter of this part of the SSA is satisfied that the development is viable and there is no persuasive evidence that this would not be the case for the site as a whole.

202. The SSA would be an extension to the existing urban area boundary of Canterbury. It would accord with the overall strategy of focusing development at the urban areas, particularly Canterbury, and is a suitable location for
development. It would assist in ensuring that a 5-year housing land supply is achieved.

**Land South of Ridgeway (John Wilson Business Park), Whitstable (Site 12)**

203. The additional site includes provision for 300 dwellings, of which the Council’s trajectory shows about 100 would be in the 5 year land supply period. The Council has also included provision for employment space.

204. The report of the Inspector who conducted the Inquiry into the adopted Local Plan concluded that with good design and landscaping the site could accommodate housing (with a notional capacity of 200 dwellings), employment and a large area of landscaped open space. He recommended its inclusion in the plan but this was not pursued by the Council. Since his report there have been changes in circumstances, including to national policy, and the proposal by the Council is for more dwellings.

205. The site mainly comprises an open grassed area, used currently as a hayfield. It is designated in the adopted Local Plan as an area of Protected Existing Open Space and has local visual amenity value due to its open character. However, the public right of access is limited to two footpaths that cross the site.

206. The proposed allocation is within the Whitstable urban area boundary as defined on the PM. It is in an urban setting, being mostly surrounded by development which contains any wider views across the site. The allocation would not result in encroachment of the open countryside. It would provide the opportunity to provide some open space on the site to which the public would have access, as provided for in **MM14**.

207. Part of the site is within Flood Zones 2 and 3. The Framework requires that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Local Plans should apply a sequential approach to the location of development to avoid, where possible, flood risk to people and property. Development should not be allocated if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

208. Flooding from the Swalecliffe Brook, including of nearby properties, has occurred in the past after heavy rainfall. However, the major part of the site is outside Zones 2 and 3. The built residential development could be accommodated on that part of the site and, as such, in sequential terms would be in an area with a lower probability of flooding. No in principle objection to development has been raised by the EA. The Council’s change to the PM would retain part of the site at risk of flooding as Protected Existing Open Space. The details of managing run off from the site and its potential effects on flooding could be dealt with in a detailed flood risk assessment at the planning application stage.

209. While some upgrades to off site waste water sewerage may be necessary, these should not be such that they would affect the principle of the development. Appropriate provision could be made for education and other services.
210. While there is evidence of wildlife on the site it does not contain any special habitats or significant populations of specially protected species. There could be some ecological enhancement and mitigation on the parts of the site where there was no built development.

211. The main access to the site would be from Reeves Way. This currently serves the John Wilson Business Park and retail and other developments and joins the A2990 Thanet Way at a roundabout. A traffic assessment prepared by the site promoter indicates that with various highway improvements, including to the roundabout, adequate mitigation would be provided to address the impact of the development. Reeves Way is within the higher flood risk zone but the emergency access proposed to Richmond Way would be outside the area of risk. Any current on street parking on Reeves Way that might have to be displaced could be addressed at least in part through replacement provision within the allocation.

212. There has been no in principle objection to the allocation from the local highway authority. There is sufficient evidence to conclude that appropriate mitigation of the transport effects of the development could be achieved to ensure that the residual cumulative impacts of the development would not be severe.

213. The site would assist in meeting the housing needs of the area. On the balance of these main considerations its inclusion in the LP in MM14 has been justified. A hybrid planning application for the development of the site has been submitted to the Council. On the submitted evidence the site is viable and deliverable.

'Omission’ sites

214. A number of other sites (‘omission sites’) were promoted in representations as alternative or additional SSAs. In the context of the Council’s process of site identification and SA and my conclusions on the allocated SSAs and the housing land supply, I am satisfied that the LP is sound without the inclusion of these sites. As such, it is not necessary to consider them in any detail, other than to record some main issues associated with some of these sites. Given these factors none are clear cut options for inclusion as SSAs.

215. Land at Stupplington Lane, Canterbury is on the edge of the city and adjacent to the A2. However, it is not clear whether a new access to that road would be acceptable and, if not, what the implications would be for the local highway network.

216. Former Colliery Land, South of A28, Hersden (SHLAA/041) is proposed for up to 400 dwellings. It was last used in connection with Chislet Colliery over 40 years ago. There are parts of the site that are significantly overgrown and the character of what was previously developed land can change over time. However, that has not yet happened to that extent here and it can still be regarded as brownfield land. Such land has a vital role to play in meeting the need for new homes where it is suitable for housing. In this case, although the site is adjacent to a business park, it sits to the south of the busy A28. Most of Hersden village is to the north of the road. In comparison with SSA Site 8 it is not as well related to the existing community.
217. *Land at 42 Golden Hill, Whitstable (SHLAA/135)* has been proposed for housing or mixed uses. It would be adjacent to the urban area boundary. However, significant development to the south of Thanet Way and to the west of frontage development on Golden Hill would be a substantial encroachment into the countryside. It is not clear that an acceptable access could be formed as the SHLAA site does not have a Thanet Way frontage.

218. *Land at Bodkin Farm, Thanet Way, Chestfield (SHLAA/178)* is within the existing Green Gap between Herne Bay and Whitstable. It would be a significant extension to the built up area of Whitstable in the A2990 corridor and harmful to the aims of the Green Gap.

**Overall conclusion**

219. My overall conclusion on this main issue is that, with the MMs identified, the SSAs are justified and deliverable.

**Issue 5 - Whether the Local Plan makes appropriate provision for affordable housing and provides appropriate guidance on the size, type, tenure, range and standard of housing.**

**Affordable housing – percentage and thresholds**

220. Policy HD2 requires on-site provision of 30% affordable housing on sites of 7 or more units. For sites of 2 to 6 units, provision can be either on-site or by way of a financial contribution.

221. Amongst other things, the November 2014 WMS provides that for sites of 10 units or less affordable housing and tariff-style contributions should not be sought. The Council initially suggested that the policy should be modified so that it aligned with the WMS. However, during the course of the examination the Council reconsidered its position in the light of the Court of Appeal judgement in *Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council* [2016] EWCA Civ 441. While it proposed various changes to HD2, it sought to retain the thresholds as in the submitted Plan.

222. The judgement confirms the correct approach to the WMS where a Council submits for examination local plan policies with thresholds below that in the national policy. An Inspector must consider whether the evidence base and local circumstances justify the proposed thresholds. The new national policy is only one of the matters to be considered when formulating local plan policies, albeit one to which the Secretary of State considers very considerable weight should be attached.

223. The adopted Local Plan Policy (H4) expects 30% affordable housing on sites in excess of 15 units. As such, the existing policy does not conflict with the WMS. Commuted sums have only been sought in exceptional circumstances. However, based on evidence from the last 5 years the Council has concluded that raising the threshold in the submitted LP in line with the WMS would potentially result in a loss of £2 million of commuted sum receipts and about 11 on-site affordable units annually. When compared with recent schemes delivered using commuted sums alongside funding from registered providers
the £2 million would deliver between 20 and 40 units per annum. In this context the Council estimates that there would be an overall reduction in delivery of about 445 units over the remainder of the plan period. There is a backlog of affordable housing need of about 1,550 households on the Council’s waiting list and significant needs identified in the HNR. However, substantial affordable housing need is not a matter particular to Canterbury and it is not clear that it is materially different here than from many other areas.

224. As current policy uses a higher threshold there is no direct evidence of any effect that affordable housing may have on smaller sites coming forward in Canterbury. The Council’s 2012 VA indicates that in the past small sites have played a major part in housing supply with a large amount of housing delivery from sites that do not qualify to make affordable housing contributions. It has examined the viability of small sites and concludes that size is not a determinant of viability in itself. It comes down to site specifics. In that context, it is likely that small sites will vary in their ability to absorb the cost of providing affordable homes. Developers of such sites would need to assess whether this would be crucial to viability, which could deter some schemes.

225. The aim of the WMS is to assist in tackling a disproportionate burden of developer contributions on small-scale builders. The reduction in potential affordable housing delivery that might result is an inevitable outcome of the Government’s policy. While there is clear evidence of need, I am not persuaded that circumstances locally are of such weight that they justify a departure from the WMS. The lowering of the threshold in Canterbury from 15 at present to 10 in Policy HE2 would provide the opportunity for some additional affordable homes. For soundness therefore, this policy and supporting text should be modified to comply with national policy in accordance with MM29, MM30, and MM33 in part. These take account of a lower threshold for the Area of Outstanding Natural Beauty as a designated rural area under the Housing Act 1985, as permitted by the WMS.

Affordable housing - viability

226. The VA and the updates in 2014 and 2016 provide the basis for the percentage of affordable housing sought and the thresholds in Policy HD2. When taken in the round their conclusions form an adequate basis for the policy, incorporating assumptions about infrastructure and housing standards.

227. The specific costs of developing individual sites will vary according to circumstances. The Council’s MM33 is necessary to introduce more flexibility into Policy HD2 by accepting lower provision where this is supported by a financial appraisal. MM32 and MM33 provide more flexibility for the calculation of commuted sums. In this context, the effect of affordable housing provision on the overall viability of development been appropriately considered.

Affordable housing – other aspects

228. The VA suggests a target of 70% rented and 30% suitable intermediate tenure as being viable and achievable. However, the LP provides appropriate flexibility by indicating that the exact tenure and type of units will be negotiated on an individual site basis. It is likely that the application of vacant
building credits will not have a significant effect on the viability of development and affordable housing delivery. MM30 and MM33 are nonetheless necessary to clarify the approach that the Council intends to take.

229. Policy HD3 provides for affordable housing on rural exception sites. The various changes to the policy and supporting text included in MM34, MM36 and MM37 bring this into accordance with national policy.

**Housing standards**

230. In the light of the March 2015 WMS the Council is proposing to delete references to Lifetime Homes from the plan. However, in achieving this through MM43, MM127, MM128, MM130, MM131, MM132 and MM133 it is instead seeking to meet Part M4(2) of the Building Regulations relating to accessible and adaptable dwellings in 20% of homes on major developments and strategic sites built. This is similar to the Lifetime Homes standard.

231. The PPG indicates that it is for the local planning authority to set out how it intends to demonstrate the need for such dwellings. It gives an indication of the factors which can be considered and taken into account. The SHMA for the East Kent Sub-region (2009) had recommended that 20% of market units should be to the Lifetime Homes standard, based on an assessment of the housing requirements of older people. More recent projections have broadly carried forward the general scale of growth in older households on which this is based. I am satisfied that there is a clearly evidenced need for Part M4(2) to be applied. The MMs are therefore necessary along with other clarifying changes to Policy DBE8.

232. The Council’s suggested modifications to Policy DBE7 and Table D3 would require the application of the nationally described residential internal space standards. These would replace the local standards in the submission LP. The Council’s case is based largely on national evidence. However, the Government has decided that the national standards should not be mandatory. The Council indicates that currently most planning applications conform to these standards in any event. While the evidence base should be proportionate, the specific requirement in the WMs to establish a clearly evidenced need in order to apply the optional standards has not been met. As such, the deletion of the standards in MM127, MM128 and MM129 is necessary for consistency with national policy.

**Other housing types**

233. MM28, MM31, MM35 and MM37 include changes necessary to anticipate the coming into effect of the Government’s policy towards the provision of starter homes. They are appropriately worded to reflect the current position on this matter. MM28 also clarifies the Council’s approach to the provision of self build housing in accordance with national policy.

**Travellers**

234. The LDS indicates that the Council will produce a separate Gypsy and Traveller Sites Development Plan Document (DPD). The DPD will identify the need for gypsy and traveller accommodation within the district, and will make the
necessary provision for the period up to 2027. The LDS includes a timetable for this and a call for sites has already taken place. This LP does not identify the accommodation needs of travellers or allocate sites. This is justified as these will be matters for the DPD.

235. Until the DPD is adopted any planning applications relating to traveller accommodation will be considered in accordance with the criteria in LP Policy HD10. In various respects these do not comply with national policy in ‘Planning policy for traveller sites’ (August 2015). MM44 sought to remedy this. As a consequence of representations made in response to the MMs consultation, further changes have been made and incorporated in the final MM44 to ensure full consistency with the national approach.

Conclusion

236. With the above main modifications the LP makes appropriate provision for affordable housing and provides appropriate guidance on the size, type, tenure, range and standard of housing.

Issue 6 – Whether other allocated housing sites are justified and deliverable and whether the development management policies provide an appropriate basis for assessing proposals for residential accommodation.

General

237. In addition to the housing provision made in the SSAs, the LP also makes a number of smaller new residential allocations (generally 200 dwellings or less) and carries forward some existing allocations from the adopted Local Plan, shown on the PM. The new allocations are referred to in a table in supporting text to Policy HD1 but not in the policy itself. MM23, MM24 and MM27 incorporate these new sites into the policy and clarify the position of the retained allocations by reference to an appendix. This is necessary for the policy to be effective.

238. The new smaller allocations were selected through the same process using the SHLAA and SA as the SSAs. The overall basis for their assessment and selection is therefore clear.

239. The cumulative implications of development have been factored into the IDP. Nonetheless, the LP does not identify individual infrastructure requirements for each of the smaller allocations. However, relevant plan policies will apply to each of these sites and it is not essential or practical for the detailed requirements to be specified in every case. The VA has satisfactorily examined the viability of development for different site sizes.

240. In seeking to address the 5-year housing land supply concerns, the Council reviewed some of the existing allocations and, on the basis that it was not certain that they could be delivered by 2031, has proposed that they should be removed from the PM. These changes were subject to public consultation alongside the MMs and are necessary for the LP to be sound in that regard.
"New allocations"

241. 200 dwellings are proposed at St Martin’s Hospital, Canterbury. This is a complex of public health buildings. Some development principles for the site have previously been prepared, involving a mainly residential development comprising part conversion and part new build. Although the buildings are in a setting of open grounds and within a Conservation Area, the site is within the identified urban area of Canterbury and an acceptable development could be achieved. In terms of deliverability, the Council has adjusted its trajectory for the development to reflect the intentions of the promoters of the site.

242. Provision is made for 15 dwellings at Kingsmead Field, Canterbury on part of an area of grassed public open space. This was originally proposed as a larger allocation of 100 dwellings. However, the site now identified means that a significant and usable playing field would be retained and would be protected as Existing Open Space on the PM. MM163 is necessary to include reference to this in the LP as significant recreational space. The allocation would be reasonably well related to neighbouring development. Other concerns, such as the effect on a wildlife corridor, could be addressed in detailed proposals having regard to other policies in the plan.

243. Land at Bullockstone Road, Herne Bay is allocated for 190 dwellings. The site comprises an agricultural field but abuts the Herne Bay urban area and is separated from the wide countryside by Thanet Way. It is an appropriate location for development. The site is more likely to be developed towards the end of the plan period.

244. Land at Spires, Bredlands Lane, Hersden comprises an area of former school buildings. 81 dwellings are proposed on this previously developed land. Planning permission has been granted and the site is anticipated to contribute to the 5-year land supply. The inclusion of the site in the LP has been appropriately justified and there is no persuasive evidence that it is not deliverable.

245. Barham Court Farm, Church Lane, Barham is proposed for an allocation of 25 dwellings. The site is within the AONB. The Framework attaches great weight to conserving the landscape and scenic beauty of AONBs. In this case the site is also within a Conservation Area. However, it currently mainly comprises vacant agricultural buildings. The scale of development in the context here could not be described as major. The site promoter has undertaken a Landscape Character and Visual Capacity Study. The evidence indicates that an appropriate development could be achieved without unacceptable harm to the AONB or the Conservation Area.

246. Land at Baker’s Lane, Chartham is an allocation for 20 dwellings. While it is mainly a grassed field used for grazing, it is well related to other development in the village. The evidence indicates that it is capable of being developed early in the plan period and that it is a suitable site for inclusion in the LP.

247. Land at Chaucer Road, Canterbury is identified in Policy HD1 as an opportunity site for housing and shown as such on the PM. This is a mainly brownfield site in the Council’s control, comprising its main offices and adjacent housing. The LP identifies the possibility of the site coming forward later in the plan period.
As such, **MM27** includes the proviso in Policy HD1 that this is intended as a site for the longer term and it is not included in the housing trajectory for this reason. With this change the inclusion of the site is justified.

**Additional sites to address housing land supply**

248. In addition to those allocated in the LP the Council is also proposing some further smaller sites as part of the measures to help ensure that a 5-year housing land supply will be achieved. These were all subject to SA and public consultation.

249. **Land at rear of 51 Rough Common Road** entails an extension to an existing allocation of 16 dwellings to give 28 in total. It comprises mainly grassed agricultural land and is within an AHLV. However, the allocation would be contained on three sides by existing development in Rough Common and would avoid the adjacent steeply sloping land towards Canterbury where there would be a more significant visual impact. The inclusion of the site in the LP has been justified.

250. An additional allocation of 14 dwellings is proposed on **land adjacent to Cranmer and Aspinall Close, Bekesbourne**. The site has had problems with fly-tipping in the past and is adjacent to an existing residential area in a small village. Trees and hedging provide some screening from the wider countryside. It is a suitable housing site.

251. These additional sites are included in **MM27**, which is necessary in order to ensure that there is a reasonable prospect that the LP will result in a supply of specific deliverable sites sufficient to provide 5 years worth of housing against the requirements.

252. A further site which the Council had sought to add to the LP as part of its additional land supply allocations is **Land at Brickfield Farm, Mill Lane, Bridge** (SHLAA 186) where 40 dwellings were proposed. The site is within the AONB. It is in the ownership of the Council and could therefore potentially be brought forward quickly for development.

253. In the context of the size of the village and the general extent of the AONB, the scale of the development proposed could not be described as major. However, the proposed allocation would entail an extension of the village potentially beyond existing development into surrounding countryside. There are views of the site from Mill Lane and from public footpaths. While it is adjacent to a recent small development at Brickfield Close, I am informed that this is affordable housing, permitted as an exception. It has not been demonstrated that the amount of housing proposed here could be accommodated without material harm to the AONB landscape.

254. A Neighbourhood Plan (NP) for Bridge is in preparation. The Council has indicated that Brickfield Farm is a site being considered but I heard that other options for more housing were preferred by those promoting the NP. Bridge has good services and facilities. However, it is washed over by the AONB so landscape impacts are likely to be an important consideration for all possible sites. The most appropriate location for further development in Bridge is a matter that could be addressed in the NP. The site is not so large that the 5-
year land supply is critically dependent on it. The additional allocation here
has not been justified at this point and it has not been included in the MMs.

255. With this exception, the evidence indicates that the allocated sites in the LP
and those brought forward in MMs to remedy the housing land supply position
are justified and deliverable.

Other sites

256. The Council included *Herne Bay Golf Driving Range and land adjacent* in its
consultation and SA on housing land supply additional sites. This is next to
the SSA at Herne Bay Golf Course (Site 4) and could provide some 80
dwellings. It is unlikely to contribute to the land supply at adoption of the
plan. However, while the land is open in character it would provide a logical
extension of the SSA to infill with existing development at Herne Bay. It
would also provide some flexibility in the longer term and its inclusion in
MM27 is therefore justified.

257. A number of the housing allocations carried forward from the adopted LP
relate to existing car parks in Canterbury, owned by the Council. At the
hearings the Council indicated that there was a commitment to no overall loss
of parking in the city centre and that any decisions about development on
these sites would take account of its overall parking strategy. MM79 makes it
clear that the location of new development will have regard to the parking
strategy and that the disposal of smaller city centre car parks is linked to
replacement at other locations, having regard to the overall supply. In that
context, the continued allocation of these sites is justified.

Omission Sites

258. About 20 other sites were promoted for housing development in
representations on the submitted LP and a further 10 or so as part of
comments made as a result of the Council’s consultation on the additional
housing land supply sites. I have considered the written submissions on these
sites and the oral evidence where promoters appeared at hearings. As with
the SSAs, in the context of the Council’s process of site identification and SA
and my conclusions on the allocated sites and the housing land supply, I am
satisfied that the LP is sound without the inclusion of these omission sites.

Development Management

259. Canterbury is a small city with a significant student population. The Council
has identified issues relating to the impact of houses in multiple occupation
(HMOs), arising at least in part by the increasing number of student private
rented properties in the city. These include the loss of family housing,
disturbance, untidy gardens, litter and poor refuse storage. Since the LP was
submitted for examination, an Article 4 Direction has been adopted by the
Council that results in planning permission being required for changes of use
from a dwellinghouse to a HMO. The Direction applies to wards in the city of
Canterbury and surrounding area. MM40, MM41 and MM185 amend
Policy HD6, its supporting text and an appendix to take account of this. Based
on the evidence submitted, the approach to HMOs in the designated area in
Policy HD6 is justified.
260. Policy HD7 seeks to encourage the construction of purpose-built student accommodation as part of a joint approach with the universities to some of the issues relating to HMOs. It is mainly a criteria-based policy and, subject to MM42 which includes support for provision on campus, provides an appropriate framework for the consideration of proposals.

261. Policies HD8 and HD9 make appropriate provision for the retention of housing accommodation and bringing empty property into residential use.

Conclusion

262. To conclude on this Issue, with the main modifications indicated, the housing sites are justified and deliverable and the development management policies provide an appropriate basis for assessing proposals for residential accommodation.

Issue 7 – Whether the Local Plan would proactively drive and support sustainable economic development. Whether the allocated employment sites are justified and deliverable and whether the development management policies provide an appropriate basis for assessing proposals for employment and tourism development.

Strategy

263. The Council’s vision for the District includes support for the growth needed to deliver a strong dynamic economy. In that context, the LP objectives include strengthening and broadening the local economy and supporting economic growth. The DRS has examined a number of potential economic trajectories and the preference for the ‘Preferred Economy Led’ Scenario (Scenario E) has been carried forward into the development requirements in the plan. As such, the LP sets out a clear economic vision and strategy for the area which proactively encourages sustainable economic growth.

Objectively assessed needs

264. The DRS sets out the basis on which the need for new employment floorspace has been derived, consistent with Scenario E. I have already concluded that the amount of housing to be provided should be somewhat higher than that in this Scenario. However, given the assumptions necessary in determining the relationship between population and job growth and the conversion of that into floorspace requirements, this does not materially affect the LP conclusions on the amount of employment development required.

265. The LP incorporates a development requirement of some 96,775sqm of employment floorspace. This is based on reasonable assumptions set out in the DRS and the Canterbury District Employment Land Review (2013) (ELR). It is an appropriate basis on which to determine the amount of employment land or premises required.

Employment floorspace provision

266. The ELR identifies a gross supply of employment floorspace of over 240,000sqm, which is well in excess of the requirement. However, it has
identified a range of factors that might affect this notional supply, both in quantitative and qualitative terms. It has appraised individual sites and, based on this robust analysis, has drawn conclusions about those that could be released or de-allocated. This brings down the supply to about 159,000sqm, still substantially above that needed. A different scenario shows a supply running out some 3 years before the end of the plan period. However, this is related to pessimistic assumptions about those sites with deliverability or other difficulties. Having regard to the significant provision being made as part of some strategic site allocations (118,000sqm of employment floorspace) and reasonable assumptions about deliverability the LP makes appropriate provision to meet needs.

267. The ELR demand projections are split between Canterbury, Herne Bay, Whitstable and the rural parts of the District. The additional allocations in the LP directed at Canterbury and Herne Bay ensure that there is a reasonable distribution of employment floorspace against the spatial requirements.

268. Taken as a whole, the LP assists in providing a supply of land for economic development that is sufficient and suitable to meet the identified needs. My findings on some individual employment sites, below, do affect the total land supply but not to the extent that they would disturb this conclusion.

Sites

269. In addition to the provision made as part of the SSAs, considered under Issue 4, the LP allocates a number of sites for business purposes in Policy EMP1. Some of these are carried forward from the adopted plan while others are new.

270. Site assessments were undertaken as part of the ELR. This included a review of existing allocations and other sites in employment use as well as some new sites that had been put forward by consultees.

271. Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The Council has robustly assessed the position on individual sites in the ELR and its updates. With the changes to Policies EMP1 and EMP4 in MM45 (in part) and MM47 and the provisions of Policy EMP2 the approach to the protection or release for redevelopment or change of use of existing employment sites or premises is consistent with national policy. Overall, the Council has used an appropriate methodology for assessing which employment sites to include in the LP.

272. The LP allocates Land at Sturry Road, Canterbury that is within both the existing Green Gap between Sturry and Canterbury and an Area of High Landscape Value. However, it is adjacent to a waste water treatment works and would be contained by the line of the SRR which would form a logical new edge to the Gap. This would still leave a meaningful Gap between the settlements. Concerns relating to flood risk could be addressed satisfactorily at the planning application stage.

273. Policy EMP1 allocates the site for uses other than Class B, including D1, D2 and possible sui generis uses such as car showrooms. Given the range of
possible uses and with clarification of the position of trade counters as part of MM45, the allocation is justified and deliverable.

274. Land adjacent to Canterbury West Railway Station is an existing employment allocation proposed for retention which is currently in use mainly as a surface car park. There is an existing development brief for the site and the Council has suggested a main modification that would require replacement car parking as part of any development proposal.

275. The site is owned by the Council. During the course of the examination it resolved to provide a two-deck multi storey car park with funding provision being made in the capital programme. While there may be an element of commercial development, particularly on the road frontage, the primary use of the site would remain as a car park. Given the very clear intentions of the Council, on the evidence before me the site cannot be regarded as developable for employment purposes. For the LP to be effective and therefore sound in this respect the allocation should be deleted from Policy EMP1 (MM45, part) and the PM.

276. An extension is proposed to the employment site at Altira Park, Herne Bay, which is adjacent to the SSA at Hillborough. Some enabling development and infrastructure provision have already taken place and the site benefits from a new access on to the A299 Thanet Way. Since the ELR was undertaken planning permission has been granted for a Class A1 superstore on part of the site. This has been built but not occupied. The site has been promoted for employment for some time, with an outline planning permission granted in 2003 and some subsequent reserved matter approvals. However, even though recent marketing has taken place no lettings or sales of units or land have been achieved as a result.

277. Various changes to Policy EMP1 in MM45 provide more flexibility towards the possible uses on employment sites in general, while retaining their main focus. Given the length of the plan period, the identified need and that some land has already been released for alternative uses, it would be premature to make more explicit provision for other forms of economic development, such as further retail. This is a prominent ‘gateway’ site, very well located in relation to the highway network. The allocation is justified and, if the Council works with the developer in the context of the modified policy, has a reasonable prospect of being used for the allocated purpose in the plan period.

278. The former Metric site is a small allocation reflecting a previous planning permission. Although not yet developed, it is adjacent to the Hillborough Business Park and there are no obvious reasons why it should not be implemented within a reasonable period.

279. Land at Wraik Hill, Whitstable (Chaucer Business Park) has some current business activity but also a recent planning permission for various retail and community uses, which is being implemented. This would take up the remaining developable land. In this context, the Council has suggested that the site should not be retained as an employment allocation and included its removal from the LP in MM45 (and in a change to the PM). This modification is necessary as the site is no longer deliverable for its original intended purpose.
280. *Land at the Joseph Wilson Business Park, Whitstable* is an extension to the existing employment area. This was evaluated in an ELR addendum note (2014). The site comprises farmland within an AHLV. It is quite close to existing residential development. However, development here would be seen or experienced in the context of the existing buildings and activity on the business park. Adverse impacts could be mitigated by appropriate landscaping and any other potential issues could be addressed through the planning application process. There is a need for employment land in the Whitstable area over the plan period and the advantages of extending an existing site here would outweigh any concerns.

281. Development at *Office Connection site, St Andrews Close, Canterbury* has been completed and its deletion from Policy EMP1 as part of MM45 (and from the PM) is therefore appropriate.

282. Other sites identified in Policy EMP1 include the Innovation Centre, University of Kent, Broad Oak/Vauxhall Road, 3 sites at Eddington Lane, Herne Bay and the Canterbury Business Park (Highland Court). On the evidence before me these sites are both justified and deliverable.

283. With some adjustments to some site areas to reflect changed circumstances as part of MM45 and with the other modifications indicated the LP has identified soundly based sites for employment purposes.

284. Representations were made in support of other potential ‘omission’ employment sites. Some of these had been considered by the Council through the ELR process but the additional sites were also evaluated in further worksheets in June 2016.

285. Among the other sites promoted is the former *FDS Site, Hawthorne Corner, Hillborough*. This has been an allocated site but is not included in Policy EMP1. Whether planning permission for commercial development on the site had been lawfully commenced was not agreed between the Council and the site owner. However, given the acceptable employment land supply position the allocation of this site is not crucial to soundness. More generally, the Council has demonstrated that it has identified sufficient employment land to meet the objectively assessed needs and has evaluated alternative sites in an appropriate manner. Accordingly, the LP is not unsound by virtue of excluding the additional or alternative sites that were promoted in representations.

*Employment development management policies*

286. MM47 would ensure that Policy EMP4 was positively worded. While there have been recent changes to permitted development rights, the parts of the policy affected by this would only operate where planning permission was required and further changes are not essential for soundness. MM46 clarifies this position. Policies EMP3 and EMP5 concerning office use of retail and commercial premises and home-working are justified and consistent with national policy.
**Education sector**

287. Subject to **MM49** for clarity, Policy EMP7 provides an appropriate planning framework for the further development of the University of Kent. The PM defines an amended boundary for the extent of the campus. The University is preparing a masterplan which could identify proposals outside this boundary. **MM48** recognises this possibility and sets out how this might be addressed in terms of planning applications or a future review of the plan. It is necessary for the plan to be effective in this respect. Other LP policies would ensure that proposals would be subject to the necessary planning considerations. Policy EMP8 and the campus boundary shown on the PM provide an appropriate context for the development of Canterbury Christ Church University.

288. **MM50** to Policy EMP9 is necessary for the LP to be effective through the Council working with all education providers to ensure that provision is made for needs arising from new development.

**Whitstable Harbour**

289. Policy EMP11 provides the context for addressing development proposed at Whitstable Harbour, whereas Policy TV5 deals generally with any proposals for marinas along the coast. It has been suggested that there should be a specific site allocated for a marina at Whitstable and there is evidence of need in North Kent between Ramsgate and the Medway estuary. However, while Whitstable may be an appropriate location for this and it would bring economic benefits, there may be other possibilities in the District. A general policy as proposed is therefore a more appropriate and flexible way of dealing with this matter. The inclusion in **MM89** of a requirement in Policy TV5 for there to be a masterplan or development brief for such proposals would be an effective way of carrying forward development and ensuring that it accorded generally with the LP.

290. The LP seeks to maintain an appropriate balance of operational and non-operational uses at the Harbour which is also within Whitstable town centre and subject to the provisions of Policy TCL10. Ensuring that the business use of the Harbour is maintained is an important consideration. With more positive wording and a more appropriate expression of the relationship of the LP to the non-statutory Whitstable Harbour Strategic Plan in Policy EMP11, incorporated in **MM51**, the LP makes appropriate provision for development at Whitstable Harbour.

**Tourism and culture**

291. Policies TV1 and TV2 broadly provide a justifiable and effective strategy for the promotion of tourism and culture.

292. The requirement in Policy TV3 for a minimum marketing period of two years prior to the loss of visitor staying accommodation is unduly onerous and is therefore not justified. It is however, reasonable in principle for there to be a marketing requirement and **MM88** introduces an acceptable shorter period. There are sufficient safeguards in Policy TV4, which cross refers to other LP policies, for environmental considerations to be appropriately addressed when considering proposals for touring and static caravans. Policies TV3 (as
modified) and TV4 are supported by the evidence base and consistent with national policy.

Conclusion

293. Taken in the round, the LP policies for economic development and tourism support the role of the city of Canterbury in the economy of the District while ensuring that the needs of the plan area as a whole are met. With the MMs proposed the LP employment policies are sufficiently flexible that they could accommodate needs not anticipated in the plan.

294. I conclude that, subject to the MMs indicated, the LP would proactively drive and support sustainable economic development. The allocated employment sites are justified and deliverable and the development management policies provide an appropriate basis for assessing proposals for employment and tourism development.

Issue 8 – Whether the Local Plan provides a sound basis for retail and leisure development and the management and growth of town and local centres

Objectively assessed needs

295. The strategy for retail and town centre uses is based on the conclusions of the Canterbury Retail and Leisure Study (2011) and the Herne Bay and Whitstable Retail Capacity Study (2011) in terms of objectively assessed needs. After the completion of outstanding planning permissions, retail provision between 2011 and 2031 of some 50,000sqm of comparison shopping floorspace in Canterbury and 3,250sqm in Whitstable is made in Policy SP2 (with no provision for convenience goods). However, the more recent Canterbury Retail and Leisure Study 2015 concludes that there is less capacity for growth in comparison floorspace, with 8,564sqm (net) in Canterbury by 2020, growing to 19,924sqm by 2025, and 33,800sqm by 2031. While there is no current need for more convenience floorspace, forecast expenditure growth would support 266sqm of additional net retail floorspace by 2025, growing to 2,608sqm (net) by 2031.

296. The 2015 Study is a robust basis for the objective assessment of needs and MM3 which would incorporate these revised figures into Policy SP2 is therefore necessary for the LP to be effective in that regard. The Council’s strategy to accommodate these needs is based on retaining market share for Canterbury district.

Retail hierarchy

297. The Framework requires the definition of a network and hierarchy of centres that is resilient to future economic changes. The LP includes a retail hierarchy with Canterbury city centre as a sub-regional centre, district centres at Whitstable and Herne Bay, local neighbourhood centres and larger village centres. This is referred to in supporting text but the Council has proposed MM54 to MM58 which explain the hierarchy and set it out in a new policy which includes, in Canterbury city, the network of other retail locations, including the Wincheap Industrial Estate. The latter is considered in more
detail below. However, this approach recognises the limited opportunities for growth in the city centre and for a substantial role for additional floorspace to be accommodated elsewhere in the city. With these MMs the LP would contain an appropriate and effective retail hierarchy.

Wincheap Retail Area

298. Policy TCL7 allocates the current Wincheap Industrial Area and Riverside Retail Park as a satellite retail area in Canterbury that would accommodate the identified additional comparison goods floorspace by the end of the plan period. The redevelopment of this area would have regeneration benefits. The Canterbury Sequential Assessment and Wincheap Capacity Study (2016) has considered whether there is scope for in or edge of centres sites that could accommodate the identified needs in preference to Wincheap. There are some retail planning permissions and some capacity on centre or edge of centre sites but this would leave in excess of 25,000sqm still to be found. This provides justification for the selection of the site as a satellite retail area. The 2016 Study also demonstrates that there is on site capacity to accommodate the required floorspace.

299. On the face of it, the total amount of retail and leisure floorspace proposed at Wincheap could result in the District total exceeding the identified need. However, MM77 in part would phase provision in accordance with the requirements of Policy SP2 as amended by MM3. Floorspace capacity would be expressed as a maximum, with impact assessments needed for any applications that would take the District total above that in any of the phasing periods in Policy SP2. Such assessments would clearly need to take account of any relevant new planning permissions elsewhere in the District. A series of MMs to supporting text (MM70 to MM76) would explain how provision at Wincheap would relate to overall need and would be taken forward. These changes are necessary to ensure that there would not be harmful impacts on the city centre and other centres, including those in neighbouring authorities, while providing an appropriate degree of flexibility. As a result there would be an appropriate scale of retail and leisure floorspace at Wincheap.

300. The delivery of the Retail Area is linked to measures to manage traffic in the Wincheap area and, in particular, the impact of traffic on the A28 corridor, considered under Issue 3. This should not be a constraint on the Wincheap development as the main part is phased towards the latter part of the plan period. The measures include a relief road/mini gyratory system through the industrial estate. As the Council controls a significant amount of the land this also should not present a development constraint. For effectiveness, MM76 and MM77 include appropriate references to the traffic management measures. With these safeguards the LP is consistent with the conclusions of the 2015 Retail and Leisure Study.

Mixed use sites

301. Policy TCL10 includes a number of sites allocated for mixed use, carried forward from the adopted Local Plan. There would be regeneration benefits from redevelopment in most cases. However, some are out of centre locations. MM78 makes it clear that any retail or leisure elements should satisfy the requirements of Policy TCL6 in respect of its test for main town
centre uses in such locations and, on that basis, the approach and mix of development is justified.

Town Centres, Primary Shopping Area and Shopping Frontages

302. MM59 ensures that Policy TCL1 is effective in providing clarity over the approach to development in town centres.

303. The Canterbury Primary Shopping Area defined on the PM is consistent with the definition in the Framework and is justified. The Primary Shopping Frontages (PSF) for Canterbury, Herne Bay and Whitstable are also shown on the PM. It has been contended that the St Georges Street (west) and Clock Tower Square frontages of the Whitefriars Shopping Centre in Canterbury should be more appropriately Mixed Shopping Frontages as the smaller units there are more difficult to let and there is already a significant presence of A3 operators. However, there is no evidence of significant vacancy in this area, which is at a ‘gateway’ to the Shopping Centre, and the PSF here is justified.

304. Policy TCL2 sets out the basis for considering changes of use from A1 within a PSF. This includes the need for marketing evidence for a period of at least one year in Canterbury or 6 months in Herne Bay and Whitstable. The PSF is intended to include a high proportion of retail uses and there is a need for some mechanisms to ensure that the retail function for the centre is maintained where possible in order for it to remain competitive. The policy provides some flexibility where a proposal would clearly be beneficial to the vitality and viability of the primary retail function. As such, the marketing aspect of the policy is acceptable.

305. The Mixed (Secondary) Shopping Frontages at Canterbury, Herne Bay and Whitstable and the Canterbury Cultural Enhancement Area shown on the PM and their relevant policies are consistent with national policy and justified by the evidence base. MM60 to MM64 are necessary to ensure that there is clarity over the terminology applied to Frontages and the policy approach.

Other development management policies

306. With MM65 Policy TCL5 provides a justifiable and effective approach to development in Local Centres. Policy TCL6 on main town centre uses includes a threshold of 920sqm above which planning applications outside town centres would require an impact assessment. However, the Council accepted that there was not appropriate evidence to support this and for consistency with national policy has suggested MM68 and MM69 which would increase the threshold to the default of 2,500sqm in the Framework. With this, and other changes in MM66, MM67 and MM69 in order to clarify the sequential approach and the relationship with other LP policies, Policy TCL6 is both justified and consistent with national policy. Other town centre and leisure policies in LP Chapter 4 are justified and likely to be effective in supporting the viability and vitality of town centres.

307. I conclude that with the proposed MMs the LP provides a sound basis for retail and leisure development and the management and growth of town and local centres.
Issue 9 – Whether the Local Plan is consistent with national policy relating to development in the countryside

308. Within settlements the strategic approach to new development set out in Policy SP4 will apply. However, the PM only defines settlement boundaries for the main urban areas so elsewhere a judgement must be made as to whether proposed development would be within a settlement or in the countryside. The relevant policies must therefore be considered and applied in this context. Policy HD4 provides for new dwellings in the countryside. MM38 includes changes to this policy necessary to align it with the Framework.

309. The Framework supports the re-use of redundant or disused rural buildings as dwellings where this would lead to an enhancement to the immediate setting. It is therefore appropriate for Policy HD5 to include tests by which it can be established that the building is redundant and to secure the appropriate enhancement. However, a two year marketing requirement is too onerous. Subject to a reduction in this and to inclusion of a reference to ecological factors in MM39, HD5 is consistent with national policy.

310. Allocated sites on best and most versatile agricultural land have been considered above, as appropriate. With MM52 Policy EMP12 concerning the general approach to development on agricultural land is consistent with national policy in this regard.

311. Subject to appropriate criteria, Policies EMP13, EMP14 and EMP15 promote the development and diversification of agriculture and land-based businesses. MM53 is necessary to explain the relationship of Policy EMP14 to permitted development rights. Subject to this, these policies accord with the Framework. Policies TV6 to TV8 are supportive of sustainable rural tourism and leisure developments. Policy OS8 on sports and recreation in the countryside does not conflict with the Framework. Overall, the LP takes a positive approach to sustainable new development in rural areas. With the MMs proposed I conclude that the LP is consistent with national policy relating to development in the countryside.

Issue 10 – Whether the Local Plan makes appropriate provision to address climate change, flood risk and coastal change management

Climate change

312. Policies CC1, CC2 and DBE2 together are the main policies setting out the LP strategy to promote energy from renewable and low carbon sources. The Council has accepted that following the WMS of 18 June 2015 there is a need to amend the LP in respect of wind energy development. The WMS requires that planning applications for wind turbines should only be approved where the site is in an area identified as suitable for wind energy as part of a local plan. In this case the Council is proposing to delete references to wind energy schemes while undertaking an assessment of the District to ascertain where such development might be appropriate. This could then be taken forward in an early review of the LP or a separate DPD as appropriate. MM91 to MM96 and MM114 carry forward this and other changes necessary for consistency with national policy.
313. Policy CC3 includes a requirement for developments over 200 units to provide site wide renewable or gas fired Combined Heat and Power (CHP) or to connect with an existing CHP distribution network. There is evidence that CHP may not be the appropriate option in all cases. MM97 and MM98 would allow other alternatives to be considered and for viability or feasibility factors to be dealt with appropriately. This is necessary for the LP to be justified and effective in this respect.

314. The LP generally and Policy DBE1 in particular, seek the achievement of Code for Sustainable Homes Level 4. However, following the review of housing technical standards and the WMS of 25 March 2015 the Government has withdrawn the Code. Councils should not set any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings, including requiring any level of the Code. In this context, the Council’s series of changes proposed in MM109 to MM112 that, amongst other things, delete reference to the Code are appropriate in order to comply with national policy. MM97 would simplify Policy CC2, requiring that any measures to reduce carbon and greenhouse gas emissions should be proportionate.

315. Policy CC13 requires water efficiency and water recycling measures in new homes that would accord with Code Level 4. The new system comprises additional optional Building Regulations on water which can be required in a local plan if addressing a clearly evidenced need and where impact on viability has been considered. The Council has suggested in MM108 that the lower national technical standard of 110 litres maximum allowable usage per person per day should apply.

316. As the lower standard is in excess of that in the submitted LP it is less onerous than that tested in the VA and would not have an unacceptable effect in this regard. The Water Resources Management Plans for both Southern and South East Water draw attention to East Kent being a particularly dry area with low rainfall and growing water supply demand. There are areas of serious water stress. Improved water efficiency is identified as part of the response to this. The lower national technical standard is clearly justified. As such, MM108 (and a supporting text change in MM107) is necessary for the LP to be both effective and consistent with national policy.

317. Policy DBE6 sets out the circumstances in which a sustainability statement would be required, including an energy statement. MM126 would delete the policy while in part MM112 would introduce a clause in the overall sustainable design and construction policy (DBE1) that would limit to major developments the circumstances in which these would be required. Changes to Table D1 to which the latter policy refers are included in MM113, while MM124 and MM125 would delete Table D2 on energy statements. These changes are necessary for the requirements to be proportionate and clearly expressed.

318. Following the March 2015 WMS, the Council is more limited in the extent to which it can influence the sustainability of dwellings where these are matters included in the Building Regulations. However, there are aspects not covered by the Regulations and which would assist in the achievement of sustainable development. As such, with the MMs identified the requirements for a sustainability statement have been justified.
319. In the context of the Council’s VAs, it has been demonstrated that with the MMs the LP requirements for climate change mitigation measures would not threaten the viability of development. Overall, the LP contains a proactive strategy to mitigate and adapt to climate change.

Flood risk

320. Policies CC4, CC5 and CC6 set out the approach to development proposed in areas of flood risk. **MM99** and **MM100** are necessary to ensure that this complies with the sequential approach in national policy and would be effective in managing flood risk.

321. The Government’s expectation is that sustainable drainage systems will be provided wherever this is appropriate. In major developments they are expected to be put in place unless demonstrated to be inappropriate. **MM105** would make changes to Policy CC11 that ensured it was consistent with this. Other changes in **MM103** and **MM104** would carry this through in supporting text.

Coastal management

322. A series of policies for the coast (CC7 to CC10) broadly reflect the conclusions of the Isle of Grain to South Foreland Shoreline Management Plan Review 2010. Subject to the amended wording in **MM101** and **MM102**, the approach to coastal management is justified and consistent with national policy.

323. My overall conclusion on this Issue is that with the MMs indicated the LP makes appropriate provision to address climate change, flood risk and coastal change management.

Issue 11 – Whether the Local Plan provides an appropriate strategy and policies for the conservation and enhancement of the historic environment and the achievement of good design

Design

324. The LP contains a series of policies that seek to promote high quality design. These include some overlap, with the potential for confusion. Amongst other changes, **MM115** to **MM119**, **MM122** and **MM135** would include deletion of Policy DBE4 and amendment to DBE3 and DBE10. They are necessary for the plan to be effective in this regard. With these changes the design policies provide an appropriate degree of detail. The MMs would simplify and clarify the LP and result in robust and comprehensive policies that set out the quality of development that will be expected for the area. Overall, I am satisfied that the LP’s provisions relating to inclusive design and accessible environments are consistent with the Framework.

325. In the light of the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 for the submission of Design and Access Statements, the deletion of Policy DBE5 in **MM123** and relevant supporting text in **MM120** and **MM121** is necessary for consistency with the statutory approach.
326. The Council’s proposed deletion of Policy DBE9 on residential intensification (MM134) is justified as the concerns it seeks to address would be covered by other policies.

Heritage assets

327. Policy HE1 sets out the overall approach to the historic environment and heritage assets. It is supported by a series of policies (HE2 to HE13) relating to individual types of heritage asset. In various respects some of the policies do not accord with the Framework and for this reason MM137 to MM143 are necessary modifications. Some parties questioned whether the Council had sufficient resources to ensure the effective implementation of the heritage policies. However, as modified they will provide an effective basis for development management.

328. Development affecting the Canterbury WHS and its Buffer Zone is addressed in Policy HE2. The boundary of the Buffer Zone as defined on the PM is derived from the WHS Management Plan (2002). It is reasonably tightly drawn, including the gaps between the three component parts of the WHS (the Cathedral and Precincts, St Augustine’s Abbey and St Martin’s Church) and also their immediate surroundings. The boundary is based on the position as it was some years ago but any change should be addressed through the Management Plan review process. As such, on the current evidence, it is appropriately defined and justified. Policy HE3 provides a robust approach to protecting significant views of the WHS. Together the policies provide a sound approach to the protection and enhancement of the WHS.

329. Subject to the MMs the LP provides an appropriate strategy and policies for the conservation and enhancement of the historic environment and the achievement of good design.

Issue 12 – Whether the Local Plan provides an appropriate strategy and policies for the protection and enhancement of the landscape and for nature conservation and biodiversity

Kent Downs Area of Outstanding Natural Beauty (AONB)

330. Subject to MM144 the requirements of Policy LB1 relating to the AONB are consistent with national policy.

Areas of High Landscape Value (AHLV)

331. The LP defines AHLVs with the approach to development in those areas being contained in Policy LB2. More generally, Policy LB4 requires consideration to be given to the landscape character of the locality when considering development proposals. The Canterbury Landscape Character and Biodiversity Appraisal (2012) defines landscape character areas and the policy expects developments to address its findings.

332. The Framework seeks to protect valued landscapes, indicating that criteria based policies should be set, against which development proposals in landscape areas will be judged. In principle therefore the use of AHLVs and
character areas is not inconsistent with national policy. With appropriately positive wording and references to the Landscape Character Appraisal document incorporated in MM145 and MM147, Policies LB2 and LB4 accord with national policy. In combination they are an effective and consistent way of addressing the landscape impacts of development.

333. The six AHLVs defined on the PM are an amalgamation of Special Landscape Areas (SLAs) identified by Kent County Council and previous AHLVs identified by Canterbury. They have been carried forward from the existing adopted Local Plan PM as a single designation. The SLAs were identified as having county significance whereas the AHLVs were seen as having local significance. This reflects their different origins. The LP AHLVs have different characteristics. However, in policy terms making a separate distinction is unnecessary as the test of any proposals in Policy LB2 is based on the effect on local landscape character. In principle therefore the merger into a single designation is justified.

334. The Inspector who conducted the Inquiry into the adopted Local Plan considered the evidence base for these designations and their boundaries. His main concern related to the Canterbury AHLV which he supported as a designation that might help prevent visual damage to the setting of the city but considered did not have exceptional landscape quality. Amongst other things, he recommended a review of the boundary to reflect this, setting out some parameters by which this should be done. A study for the Council was subsequently undertaken by Jacobs Babtie in 2005 and its recommendations were taken on board in changes to the outer boundary of the AHLV in the adopted Local Plan. The Council has relied on this and the adopted Plan evidence base as justification for the AHLV designation in the LP.

335. I have considered representations that suggest that the designated Canterbury AHLV includes areas that do not play a role in the protection of the setting of the historic city and that no review of the inner boundary took place. As a result it is contended that the Inspector’s recommendations were not followed in full. However, the Jacobs Babtie conclusions were not before him and are persuasive in supporting a meaningful continuous designation area rather than the ‘mosaic’ the Inspector may have favoured.

336. I share my predecessor’s view that the reasons for the Canterbury AHLV relate to the setting of the city rather than to significant landscape quality. Representations have been made to exclude some areas from the AHLV because they do not contribute to that setting. The LP does include some allocations within the AHLV that have been established through the plan making process. However, other piecemeal changes to the AHLV in the absence of a further overall review may lead to inconsistencies. Furthermore, this is not necessary for the LP to be sound, provided that the policy recognises that any development proposed on a particular site in this AHLV should be assessed in terms of its impact on the historic setting of the city. This is achieved in MM145. There is no evidence that demonstrates that the other AHLVs have not been appropriately defined.
European wildlife sites

337. There are a number of habitat or species sites of international importance in or adjacent to the District. The HRA identifies particular issues for the coastal sites – the Thanet Coast and Sandwich Bay Special Protection Area (SPA)/Ramsar site and the Swale SPA/Ramsar site - arising from the development proposed in the plan.

338. Strategic Access Management and Monitoring Strategies (2014) have been developed to address potential disturbance impacts in these areas, especially to wintering birds. They consider alternative mitigation measures and zones of influence. The zones, within which development would be expected to contribute to the mitigation, have been developed through an analysis of visitor survey information. The Council is proposing MM19 and MM20 that incorporate these measures in the plan and also changes to the PM to show the extent of the zones. They are supported by the evidence base and are justified for the LP to be effective in preventing significant adverse impacts on these international sites. In terms of delivery, the Council’s evidence indicates that the measures that would be funded through tariff style planning obligations would not be capital projects and therefore would not be subject to the pooling limitations imposed by the CIL Regulations.

339. The agreed Statement of Common Ground between the Council and Natural England supports the approach in the MMs. With MM149 to MM154, which deal with the policy towards European sites in general (LB5) and supporting text, Natural England is satisfied that the LP would be compliant with the Habitat Regulations.

Other wildlife sites and biodiversity policies

340. The Framework requires that the degree of protection afforded to the hierarchy of wildlife sites should be commensurate with their status. Policies LB6 to LB8 concern other sites and biodiversity networks. They include appropriate differences in their amount of protection in accordance with national policy. MM148 and MM157 are necessary to ensure that appropriate consideration is given to creating and maintaining a network of habitats.

341. Policy CC12 seeks to ensure that the quality of the water environment is maintained or enhanced and is supported by the EA. Subject to MM106, which gives it a clear focus on meeting the Water Framework Directive, the policy is sound. Neither Southern Water nor South East Water have objected to the scale and distribution of development in the LP and Policy CC12. There is no compelling evidence that the development envisaged in the LP would compromise Water Framework Directive objectives.

342. Policy LB9 sets out the Council’s approach towards the impact of development proposals on nature conservation interests generally. With MM158 which is necessary to ensure consistency with the Framework the policy is sound. Subject to MM159 to MM161 the other biodiversity policies (LB10 to LB13) are justified, effective and consistent with national policy.
Regionally Important Geological/Geomorphological Sites (RIGS)

343. Planning policies should aim to prevent harm to geological conservation interests. The Council has provided appropriate evidence to support the designation of a number of RIGS on the PM with the approach to development that might affect the sites defined by Policy LB7.

344. I conclude that the LP provides an appropriate strategy and policies for the protection and enhancement of the landscape and for nature conservation and biodiversity, provided that it includes the MMs indicated.

Issue 13 – Whether the Local Plan provides an appropriate strategy and policies for the protection, enhancement or designation of open space

Local Green Space

345. The Framework enables communities to identify for special protection green areas of particular importance to them. However, this Local Green Space (LGS) designation will not be appropriate for most green areas or open space and the circumstances in which it can be used are prescribed in the Framework.

346. The Council has adopted a rigorous approach to the designation of Local Green Space (LGS). It has set out in assessments in April 2014 and June 2016 its reasons for designating some areas while rejecting others, based on the Framework criteria. In the cases of Prospect Field, Whitstable and Columbia Avenue Recreation Ground, Whitstable the criteria are clearly met and the designation justified.

347. The Council has also sought to designate West Beach, Whitstable. It originally considered the whole stretch of Whitstable Beach from the Sportsman public house in Seasalter to the coastguard cottages at Swalecliffe, an area of about 38ha covering 9.5km of coast. It decided not to proceed with designation as this would be an extensive tract of land, has protection in other ways and serves the wider district. It further considered that designation could impact upon flood protection and coastal works, leisure activities and business uses, including harbour operations, fisheries and redevelopment. Furthermore, maintenance and enhancement of flood and erosion defences may alter the character and value of the beach.

348. Instead the Council has sought to designate a single section of the beach (West Beach) between Whitstable Harbour and the West Beach Pavilion Caravan Park, an area of about 4.26ha, covering 1.17km of coast. It is mainly a pebble beach with some grassed areas adjacent to the sea wall. It is in close proximity to Whitstable Town Centre and residential areas, having no promenade, and has historic associations with boatbuilding and oyster fisheries. However, many of the reasons for not designating the full length of beach apply here. While special to the local community, West Beach has much wider usage, including by visitors and holidaymakers in the summer. Although the area concerned is not large, it nevertheless still relates to an extensive length of coast. The beach contains groynes and other features that protect it from coastal erosion and the town centre from flooding – a wide area is in Flood Zone 3. Policy OS1 would allow engineering or other operations
required for public safety but these might change the character of the beach as a public space.

349. The Beach is part of a Site of Special Scientific Interest and SPA, within a Conservation Area and designated as Existing Open Space in the adopted LP. It therefore receives a significant existing degree of protection. For the reasons given above West Beach should not be designated as LGS in the LP but should be retained as Existing Open Space. **MM162 (part)** to Policy OS1 is therefore necessary and the designation should not be included on the PM.

350. A number of other locations have been promoted in representations for designation as LGS. These have been considered by the Council in either its 2014 or 2016 assessments. The conclusions clearly demonstrate that they do not meet the Framework criteria and therefore their inclusion in the plan is not necessary for soundness.

351. **MM162 (part)** includes changes to Policy OS1 so that it is consistent with policy for Green Belts in accordance with the Framework.

**Green Gaps**

352. Policy OS6 sets out the basis on which development proposed in identified Green Gaps designated on the PM would be assessed. These are mainly carried forward from the adopted Local Plan but include some new proposals.

353. The Green Gaps are intended to retain the separate identities of existing settlements by preventing their coalescence through development. The LP indicates that in the main they have been identified between built up areas which are gradually expanding, particularly on road frontages. They have mostly been limited to ‘pinch points’ where settlements are at particular risk of coalescence.

354. There are no references to Green Gaps in the Framework. However, local plans should identify land where development is inappropriate. Taking account of the different roles and character of different areas is part of a core planning principle underpinning national policy. The Gaps can contribute to local distinctiveness and identity. In principle therefore, while they have been part of local planning policy for some time, they are also consistent with current national policy. The criteria in Policy OS6 are appropriate in seeking to maintain their open character.

355. The LP proposes a new Green Gap between the main part of the city of Canterbury and the University of Kent. It comprises an area of undeveloped open or wooded land sloping down from the university towards central Canterbury. It forms a backdrop to the historic city and there are views across it towards the Cathedral. The Council indicates that the designation here is intended to provide a separating function between the residential area of Canterbury and the University, highlighting the importance of the setting of the city with far reaching views of the Cathedral.

356. The purpose of the designation here is not related to the potential coalescence of distinct settlements but more to the role that the land plays in the historic setting of Canterbury. In this regard, the proposed Green Gap is within the
Canterbury AHLV which has been identified to protect the historic and landscape setting of the city and the WHS. Policy LB2 generally does not permit development that would impact directly upon historic settings and in the Canterbury AHLV requires that particular regard is paid to the historic setting of the city and the WHS.

357. This land also falls within the University boundary as designated on the PM. The University is preparing a masterplan that is intended to provide the context for the future development of the campus. This is in its early stages but should take account of the aims of the AHLV. Policy LB2 would provide the appropriate context for the Council to consider any proposals that might come forward as a result of the masterplan. Green Gap policy is intended to serve different objectives and the designation here has not been justified. As such, the Canterbury and University of Kent Green Gap should be deleted from the LP (MM165, in part, and MM166) and the PM.

358. In the context of the South Canterbury SSA the new Green Gap between Canterbury and the village of Bridge has been justified. The Green Gap between Sturry and Broad Oak overlaps SSA Site 2. A masterplan for the allocation is proposed which could indicate a change to the Gap while still fulfilling its objectives. However, it is not clear what form this might take. In the circumstances, for effectiveness the Gap should be retained as proposed but with an appropriate reference to its relationship with the masterplan included in the LP (MM165 in part).

359. The Green Gap between Blean and Rough Common includes land that is not easily seen from Whitstable Road. However, there are public footpaths adjacent to it and the Gap is limited in its extent. The retention of the existing designation is therefore justified. The Sturry and Westbere Gap still serves the purposes of designation. Reference has been made to appeal decisions relating to Green Gaps elsewhere but my conclusions relate to the specific circumstances here.

360. Policy OS7 relates specifically to the Herne Bay to Whitstable Green Gap. The possible development that might be acceptable in this Gap is somewhat different to elsewhere, particularly in terms of education, leisure and allotment uses. This reflects the character of these coastal settlements. Subject to clarification of the leisure uses that would be appropriate in the Gap (MM168) for consistency with Policy OS6, the policy is justified.

361. Other proposals for Green Gaps were made in representations. However, in the light of other plan policies and the location of these proposals they are not necessary to achieve the prevention of coalescence. The LP is therefore not unsound by their omission.

Playing fields

362. In various respects the criteria in Policy OS2 relating to the loss of playing fields do not accord with the Framework. This would be addressed by MM164. While Policies OS3 to OS5 relate to particular playing field allocations, there is no evidence to indicate that they are unsound.
Other open spaces

363. Policies OS9 and OS10 deal with the circumstances in which a loss of open spaces in general could be justified while OS11 relates to the provision of open space on new developments. In part MM172 is necessary in order to ensure a consistent, and therefore effective, approach to protecting open space provided as part of new developments.

364. The wording of Policy OS9 is derived from that in the equivalent policy in the adopted Local Plan. This was included in that plan as the result of the recommendation of the Inspector who conducted the Public Inquiry into it, as he had misgivings about the large number of open spaces that were designated in the absence of a completed Open Space Strategy. The Policy accordingly provides for some flexibility by referring to the possibility of balancing harm arising from the loss of such space against the need for development.

365. The LP carries forward from the adopted Local Plan designated areas for the Protection of Existing Open Space, shown on the PM, where Policy OS9 would apply. The Council has produced a Draft Open Space Strategy 2014 to 2019 but this does not include details of individual sites and the basis for their inclusion on the PM. The retained areas include SHLAA site 136 (land at Grasmere Road, Chestfield) which is designated for its visual amenity value as public access is limited to a footpath.

366. Since the current Local Plan was adopted the Framework has been published. Its definition of open space includes that which acts as a visual amenity. The Framework open space policy does not refer to balancing need against harm. However, on the basis of the evidence presented to the examination and subject to some changes for clarity and consistency with national policy (MM170) the flexibility included in Policy OS9 is justified. Taking that approach, circumstances have not changed to the extent that any of the previously designated open spaces should be deleted from the PM.

367. The LP also designates some new areas of existing open space. Having regard to the above, the suitability of these new locations was confirmed by my visits to them. Although the LP might be clearer if all the areas of protected open space were listed in the plan as well as shown on the PM, this is not crucial to soundness.

368. Policies OS14 and OS15 provide soundly based guidance for the provision and protection of allotments.

Open space standards

369. Local open space standards for new development are included in the LP. However, in parallel to the process of producing the LP the Council had been consulting on revised standards as part of its Open Space Strategy. For the LP to be effective it is necessary for these to be substituted for those existing as they are the latest available (MM171). There is some concern that the Strategy and standards are out of date but in the absence of more recent evidence the LP is not unsound in this regard. This could be addressed as appropriate in a future review of the plan.
Green infrastructure

370. Guidance for the preparation of a Green Infrastructure Strategy is included in Policy SP5. Although the LP should plan positively for green infrastructure networks and such a strategy can play an important part in this, the policy does not provide a basis for deciding what will or will not be permitted and where. This is addressed in Policy OS12. The Council’s proposed MM17 and MM18 would delete Policy SP5 while largely retaining the supporting text. At the same time, MM173 would amend Policy OS12 to reflect the provisions of the Framework. With these changes the LP would provide an effective basis for considering the Green Infrastructure implications of development.

River corridor

371. The Council has a Riverside Strategy for the River Stour between Chartham and Sturry. Amongst other things, this seeks to improve access to the riverside and manage its environment. Policy OS13 seeks to protect land from development within the corridor as identified on the PM. Subject to MM174, which clarifies the relationship between the Strategy and the PM, Policy OS13 provides an effective basis for protecting the river corridor.

372. During the examination the Council adopted an updated Riverside Strategy, entailing a process of public consultation, as a result of which additional areas for protection of open space at Tannery Park and Kingsbrook Park have been proposed for inclusion on the PM. These are necessary for the plan to be effective in achieving its aims for the riverside corridor.

373. Provided that the MMs indicated are made, I conclude that the LP provides an appropriate strategy and policies for the protection, enhancement or designation of open space.

Issue 14 – Whether the Local Plan plans positively for the provision and use of community facilities and other local services, including health services, and whether it has taken appropriate account of air quality.

General

374. Policies QL1 to QL7 set out how the LP would deal with proposals for a variety of community facilities, the loss of existing services and the allocation of land for community purposes.

375. The Framework promotes the retention of local services and facilities in villages. It seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs. Local communities have the ability to nominate facilities as assets of community value but would need an appropriate opportunity to assemble their case. In that context, the demonstration that the loss of village and community facilities is no longer viable by Policy QL3 requiring a 2 year marketing period is justified in this instance.

376. Policy QL5 requires provision of community facilities within new residential and mixed use facilities. However, this will depend on the scale of the development and the availability of existing facilities in the area. On larger,
phased sites it may not be possible to identify the funding for the community facilities prior to planning permission as the policy seeks. As such, more flexibility is needed for the policy to be effective. This is achieved by MM177. Otherwise the LP includes appropriate policies for the provision and protection of valued community facilities and services in accordance with national policy.

Health

377. Amongst other things, Policy QL8 seeks to ensure that adequate provision is made for health and social care facilities arising from the impact of new development. As the provision is linked to impact this would ensure that it was of a scale and kind that is fairly and reasonably related to the development. Where it was achieved by the pooling of contributions this would be limited by the CIL Regulations but this will be a matter that the Council can consider in deciding whether to proceed with the Levy.

378. MM179 and MM180 are necessary following the changed position concerning the potential relocation of the Kent and Canterbury Hospital which was considered under Issue 4. With these changes the LP includes appropriate and soundly-based policies for the provision of health care facilities.

Air quality

379. Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMAs) and the cumulative impacts on air quality from individual sites in local areas.

380. The links between poor air quality and health are well established and it is a factor in determining the pattern of development. Air quality was a consideration in the SA of the plan (Objective 7).

381. The Council declared an AQMA in the Broad Street and Military Road part of the city of Canterbury in 2006 and produced an Air Quality Action Plan (AQAP) for nitrogen dioxide ($\text{NO}_2$) in 2009. A wider AQMA including the original area but also the city centre ring road and various arterial roads was declared in 2009. The Council is updating and revising the AQAP to cover the wider AQMA.

382. There have been continued exceedances of $\text{NO}_2$ limits within the AQMA. The High Court judgement in ClientEarth (No 2) v Secretary of State for the Environment, Food and Rural Affairs [2016] EWHC 2740 (Admin) declared that the Government’s Air Quality Plan for achieving compliance with the EU limit values for $\text{NO}_2$ was inadequate in extent and timescale for compliance. It did not accord with the requirements of Directive 2008/50/EC. However, it remains in place until modified in accordance with a timetable set by the Court. The judgement was issued after the hearings had concluded and so the views of parties on any implications were sought and have been taken into account in this report.

383. The main source of $\text{NO}_2$ emissions is road traffic. The LP seeks to control the environmental impact of vehicular traffic, including through encouraging alternatives to the private car and reducing travel demand. Even so, the scale
and distribution of development proposed around the city will potentially increase traffic. The Council will need to monitor carefully the achievement of modal shift targets. However, the time horizon of the LP, to 2031, means that there will be the opportunity for the introduction of appropriate local measures if necessary as well as cleaner vehicles and more use of alternative fuels. The High Court judgement nonetheless means that there is some uncertainty over future emissions projections.

384. Canterbury was not one of the five cities identified as a particular focus for action in the Government’s plans. Although the Council does not have an AQAP for the extended AQMA, the work in hand on this will in due course identify the actions necessary to achieve compliance. The judgement requires a quicker national response to improving air quality. The emerging AQAP can take account of the most up to date information, including any revised projections of air quality produced by the Department for the Environment, Food and Rural Affairs as a result of the judgment.

385. Reference has been made also to issues with ozone and particulate matter. However, the evidence does not indicate that these are so significant that they would require material changes to the LP.

386. I am not persuaded on the basis of current evidence that the overall amount and pattern of development should be changed as a result of air quality considerations. However, there is a need to ensure that particular proposals, individually or in combination, do not result in unacceptable air quality.

387. Policy QL11 makes it clear that development that could directly or indirectly result in material additional air pollutants and worsening levels of air quality within the area surrounding the development site will not be permitted. The Council’s suggested MM strengthened this by including reference to impacts on the AQMA and requiring an air quality assessment if the proposal is likely to have a significant impact in this regard. However, it does not refer to cumulative impacts. For the LP to be both consistent with national policy and effective in addressing the effects of development a requirement for cumulative impacts to be part of any assessment is included in MM181. The modified Policy QL11 will ensure that there will not be unacceptable effects on air quality as a result of development. Overall, the LP has given appropriate consideration to air quality matters and achieving compliance with limit values and national targets for pollutants.

Waste

388. Following the adoption by the County Council of the Kent Minerals and Waste Plan in July 2016, Policy QL13 on waste management and recycling is unnecessary and may cause confusion if retained. The Council’s MM182 to delete the policy is appropriate therefore.

389. My overall conclusion on this main issue is that, as modified, the LP plans positively for the provision and use of community facilities and other local services, including health services. It has taken appropriate account of air quality.
Other Matters

390. The Framework requires that a Local Plan should have a key diagram indicating broad locations for strategic development. The LP was submitted without this but MM1 remedies the omission.

Overall Conclusion and Recommendation

391. The Plan has a number of deficiencies in respect of soundness and/or legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

392. The Council has requested that I recommend MMs to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Canterbury District Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

M J Moore

Inspector

This report is accompanied by an Appendix containing the Main Modifications.
Cornwall Local Plan Strategic Policies - Examination

PRELIMINARY FINDINGS FOLLOWING THE HEARINGS IN MAY 2015

Inspector: Simon Emerson BSc DipTP MRTPI

1. INTRODUCTION

1.1 I confirmed at the hearings that I would issue some Preliminary Findings following the first week of hearings. In this note I identify matters covered in the first week where the plan is unsound and some matters on which it is not compliant with the Regulations. The purpose of issuing these findings now is to enable the Council to consider how it wishes to proceed and to enable me to conduct the Examination in the most efficient manner. As a result of my findings, I would not be in a position to recommend adoption of the plan without the Council undertaking further work and consulting on various possible changes to the plan.

1.2 The changes likely to be necessary to make the plan sound may also affect the policies for the Community Network Areas (CNAs). As I indicated at the hearings, I have decided to postpone the hearings that were scheduled to take place at the end of July which would have covered the policies for CNAs (and some other matters). This postponement will ensure that the implications for the CNAs of the Council’s proposed changes are made clear before any such hearings are held.

1.3 The next step will be for the Council to consider how it wishes to respond to this note. If it wishes the Examination to proceed by way of a suspension, it should set out the further work it considers necessary and the timetable for undertaking that work, including appropriate consultation on changes. Provided that I consider that there are reasonable prospects for a successful outcome within a reasonable period, I would then formally suspend the Examination. I would not resume the Examination until the consultation on changes is complete and the representations made in response have been duly organised for my consideration. Following any resumption, it is likely that further hearings will be required on some of the matters already covered, as well as those not yet considered at hearings.

1.4 If the Examination does proceed by way of a suspension, I will issue a further note to cover concerns or questions I have on other matters in the plan not yet considered at hearings. That note would not, of course, come to any conclusion on those matters, but would highlight where I am unclear as to the Council’s intentions, where there appears to be ambiguity in the wording of the plan, or where there seems, on its face, an inconsistency with national policy. This second note would enable the Council to consider whether it should include possible changes in the consultation to clarify matters I highlight.
1.5 The primary purpose of this note is to enable the Council to decide how it should proceed and what further work is required. Accordingly, I comment only briefly or not at all on matters which I consider are sound. Comments on this note from other parties are not invited and will not be accepted.

2. STATUTORY AND REGULATORY MATTERS

Duty to Cooperate

2.1 By the time of the hearings, there was no substantial challenge with regard to the Duty. During the long period over which the plan was developed various concerns had been raised by the Council’s Duty to Cooperate partners, but these issues had been overcome or were no longer regarded as raising a conflict with the Duty. The Council’s record of working with its Duty partners and its response to concerns expressed is set out in its Duty to Cooperate Statement and Appendices (A.7). I am satisfied that the statutory Duty has been met.

2.2 Plymouth City Council has a well-established aim of growing the city well above demographic projections. A new Strategic Plan which aims to continue this approach is due to be submitted for Examination in March 2016. The City Council is not currently seeking any of its aspirational need to be met in Cornwall. Whether or not the City’s needs/aspirations are justified and whether they can be adequately met outside Cornwall will be a matter for the Examination of the City’s Plan in due course. But at the present time there is no requirement for additional housing for Plymouth to be accommodated in Cornwall. More detailed considerations of the relationship between the south east corner of Cornwall and Plymouth will be addressed (where necessary and relevant) in any later hearings on the Community Network Areas.

Habitats Regulations Assessment

2.3 I have previously highlighted (ID.01) the concerns of Natural England (NE) with 2 inconsistencies between the assumptions and conclusions of the HRA (the most recent version being October 2014, A.6) and the contents the plan. Firstly, with regard to measures necessary to protect the water quality of the River Camel Special Area of Conservation (SAC) and, secondly, with regard to recreational pressure on 7, mainly coastal, SACs/Special Protection Area (SPA). There needs to be a very clear read-across between the mitigation measures set out in the HRA and what the plan proposes. I give particular weight to the views of NE as it is the Government’s principal adviser on the protection of European sites, with experience of such issues across the country.

2.4 The various changes to text and policy in relation to the River Camel in the Council’s Updated Schedule of Proposed Further Significant Changes (ID.01.CC.2.4.1 ) are necessary for regulatory compliance in relation to the River Camel SAC.
2.5 In relation to 7 SACs/SPA and recreational pressures, there is not the
evidence base to be certain about the effect of development. It is agreed
between the Council and NE that recreational visitor surveys need to be
undertaken this summer (due to commence imminently) and a detailed
mitigation strategy derived from that evidence, including the distance from the
SACs where development is likely to give rise to in-combinations effects. In the
meanwhile, it is necessary to put in place an interim mitigation strategy including
interim buffer zones on a precautionary basis where proposals will need to be
subject to a site-level HRA and/or contribute to interim mitigation measures.
Substantial changes to put this approach into effect had been included in the
Council’s Schedule of Proposed Further Significant Changes, but NE were not
satisfied with the robustness of the wording.

2.6 Immediately prior to the hearing, the Council and NE agreed additional
substantial wording (HD.CC.01) to be inserted in policy 23 (Natural
Environment) so as to provide a clear policy context for both the interim
situation and the necessary hook for the subsequent detailed mitigation strategy
to be set out in a Supplementary Planning Document (SPD), as done elsewhere.
Wording along these lines is necessary for regulatory compliance. As I raised at
the hearing, given that, pending the further evidence, the buffers zones and
need for mitigation are based on assumptions and the precautionary principle,
the policy must allow for an exception to the interim requirements, namely:
unless demonstrated as unnecessary by a site-specific HRA. This caveat should
be included. As a separate issue, the Council will need to consider whether the
policy as amended will have any impact on the expected delivery of sites
included in its 5 year land supply.

2.7 Notwithstanding all the above, I remain unclear as to whether a bespoke
approach or separate explanation in the text is needed for Carrine Common SAC.
The HRA (paragraph 4.4.10) concluded that there would be no adverse effect
from recreational pressures, but NE considers that significant effects cannot be
ruled out and the Council has included Carrine Common in the Table of SACs to
be included in the plan. In agreement with NE, the Council should clarify the
position and amend the changes if required.

Sustainability Appraisal (SA)

2.8 NE has consistently expressed serious concerns about the adequacy of the
SA (A.5), particularly in relation to the assessment of the impacts on landscape
(notably the national designated landscapes of the AONBs) and of the
apportionment of housing development to the individual Community Network
Areas (CNAs) in the absence of testing the individual CNA policies on landscape.
I share the central concerns expressed by NE and for the reasons given below
consider that the SA is not adequate and regulatory compliant.

2.9 I accept that the assessment of development options for Cornwall as a
whole was made with adequate regard to landscape impacts. There was
adequate baseline information for Cornwall and appropriate SA objectives and decision criteria were set out. Assessments at this scale are inevitably fairly broad-brush, but the SA was sufficient at that stage.

2.10 The extent and proportion of protected landscapes (and other international/national designations such as the World Heritage Site WHS) vary considerably between CNAs, as does their proximity and setting to the main town(s) within each CNA. For each CNA, the potential impact of the scale of development proposed on such assets, taking account of the capacity of each CNA outside the protected areas and their settings, needs to be assessed.

2.11 I acknowledge that the *Sustainability Appraisal, Planning Future Cornwall: Preferred Approach*, December 2011 (E.3), tested policies for each CNA (as then proposed) against the SA objectives including landscape, heritage and so on. But the assessments are all very similar and generalised. The mitigation measures proposed in the light of identified potential impacts focus on the wording of policies. There is no assessment of the actual ability of each CNA to accommodate the scale of development proposed so as to be able to comply with the policy wording suggested.

2.12 Accordingly, with regard to landscape alone this shortcoming requires a revision to the SA for the CNAs. In relation to potential landscape impacts the evidence and policy context in which the housing distribution to the CNAs needs to be assessed has developed since the SA was published. The Council is proposing an amendment to policy 3 to confirm that major development in AONBs will not be supported and that small scale affordable housing proposals will need to consider the landscape character of the AONBs and their setting. New evidence has assessed the deliverability of the housing apportionments within the rural areas without requiring sites in the AONBs (A.17). Further work is being undertaken on the potential for housing development to affect the setting of the AONBs. Accordingly, it should now be possible to address this particular shortcoming effectively and will overcome NE’s concern about the lack of evidence.

2.13 However, the impact on landscape is only part of a wider concern I have with the justification and testing through the SA process of the apportionment of housing to the CNAs and, within each CNA, between its main town(s) and its rural area. Similar concerns arise in relation to SA objectives such as on heritage (eg the effect on the WHS and its setting) and biodiversity (eg the European sites already discussed).

2.14 I had postponed to the later hearings the justification for the apportionment of housing as it is clearly most relevant to the policies for the individual CNAs. But given the further work that is required, I set out this wider concern now on a preliminary basis so that the Council can take it into account in considering how it should respond to these findings and the scale of work that would be required during a suspension.
2.15 Policy 2, part 7 refers to dispersed development in a proportional manner and policy 3 indicates that development and investment should be proportionate to the role and function of places. But proportional to what? Documents A.12 and BN18 present differing ways of measuring proportionality.

2.16 The plan’s proposals result in an apportionment of 63% of new housing to the 16 main towns, 32% outside those and 5% to the eco-community (A12, p5). This is a hybrid outcome from the 3 core spatial strategy options tested in 2011. Whilst the 3 options originally tested may be sufficient to explain and test the outcome on a Cornwall-wide basis (eg as shown in Table 9 A.12) further assessment and testing is required for the consequential apportionment to the CNAs and the split within each CNA between main town(s) and rural area.

2.16 Document A.12 gives a summary of how the apportionments have evolved between stages of the plan, but given the fluctuating overall requirement at these various stages and the different types of adjustment made, it is impossible to follow what were the final remaining reasons for the resulting apportionment. It is unclear, for example, how the 3 bullet considerations highlighted on p18 were applied to individual CNAs.

2.17 Where the allocation to a CNA varies materially from a straightforward pro rata apportionment of the existing position (that base line having been defined) and/or where the main town/rural split within a CNA various materially from the existing split (also having been defined) there needs to be a clear explanation for those variations. I note from Table 7 in A.12 that variations in the apportionment from the pro-rata existing position range between about 1%-2% below to 1%-4% above the existing proportion of households. These might seem small variations, but the table gives a false impression of insignificance. One per cent of the housing requirement is 475 dwellings. This is a significant proportion of the allocation for many CNAs. The Council will have to identify a suitable threshold to test and justify variations from the pro-rata positions.

2.18 Overlaying the need to address the above concerns, the Council will need to justify and carry out SA for the overall increase in the housing requirement flowing from the Council’s response to my conclusions; its revised apportionment to CNAs; and of any changes required to ensure compatibility with the land use requirements of the economic strategy. In these circumstances I cannot be prescriptive about the methodology to be used.

2.19 I am satisfied that all other statutory and regulatory matters are met.
3. OBJECTIVELY ASSESSED NEED (OAN) AND THE HOUSING REQUIREMENT

Background

3.1 The plan (policy 2, part 4) provides for 47,500 homes at an average annual rate of 2,300. This figure is consistent with the dwelling requirement identified in the Strategic Housing Needs Assessment (SHMNA) July 2013 (C.9) derived from the rebased Sub National Populations Projection (SNPP) of 2010 (Table 6.24, C.9) which incorporates a 3% vacancy rate to convert future households to dwellings required.

3.2 The demographic projection is only a starting point and national policy and guidance requires consideration of a number of other matters, including whether any uplift is required in response to market signals or to meet in full affordable housing needs and to ensure alignment between the economic strategy and future workforce availability. In Cornwall there is an additional issue relating to holiday/second homes when converting the demographic projection to a dwelling requirement.

Housing Market Area (HMA)

3.3 Cornwall is sufficiently aligned with a single housing market area for housing needs to be considered on a Cornwall-only basis. I have seen no substantial evidence to justify requiring an alternative approach to the geographic coverage of the SHMNA.

The demographic starting point

3.4 A number of representations indicate that past projections for Cornwall by the Office for National Statistics (ONS) and Department of Communities and Local Government (DCLG) over-estimated future growth compared with what actually happened and that therefore they are not a reliable basis for planning. Since the Census of 2011, ONS has undertaken considerable updating and correcting of the data that is used for population/household projections to ensure that projections are as robust as possible. I have not seen evidence to demonstrate that past projections were so out of step with what occurred in Cornwall compared with elsewhere or that such large variations would occur in the future to justify a departure from national policy/guidance on their use as the demographic starting point.

3.5 On 27 February 2015 the (DCLG) published new household projections based on the 2012 SNPP published last year. These projections post-date the SHMNA. From subsequent analysis undertaken on behalf of the Council, publication of these projections would not, in isolation, have justified a change in the housing requirement in the plan (Edge Analytics ID.01.CC.3.3 and ID.01.CC.2.2.). However, as explained by Edge Analytics, the latest projections embed revised data, including the revision by the ONS of the inter-census Mid-
3.6 Migration. The demographic model used in the SHMNA and the more recent ONS projection uses migration flows from the previous 5 years only. Given the significance of migration as a component of change for Cornwall and to even-out the likely effect of the recent recession on migration between 2008-2012 a longer period than 5 years would give a more realistic basis for projecting this component. A period of 10-12 years was suggested at the hearing and I consider that this would be reasonable, rather than the 17 year period used in ID.01.CC.3.3. I also consider that the ONS’ Unattributable Population Change component should be assigned to international migration for the reasons given by Edge Analytics in ID.01.CC3.3. This approach was not disputed at the hearing.

3.7 Household formation/headship rate (HR). Tables 5 and Fig 8 in ID.01.CC.3.3 indicate that there is not a substantial difference in the annual household growth rate between projections to 2035 using the 2008-based HR and the 2012-based HR (although the figures would be slightly different if only covering the plan period to 2030). I accept that the 2012 HR used in the new household projections is much more robust than that used in the earlier 2011-based interim projection. There is now no basis to rely on the 2008 HR in full, as done in the SHMNA.

3.8 Nonetheless, the HR 2012 may still embed some recessionary effect. It would be inconsistent with the national policy for growth to project any such effect throughout the plan period. Accordingly, the projections developed as part of this further update should show both the HR 2008 and HR 2012 and the mid-point, blended approach. On the current evidence, I consider that the most robust approach for deriving the housing requirement would be a projection using a blended HR rate. (I am aware that there are various simple and sophisticated methodologies which have been used to blend different HRs to achieve a part return to the earlier trend over the projection period, but I see no need to be prescriptive.)

3.9 In undertaking this further demographic modelling, it would be useful to show alongside the above, the comparable figures derived directly from the SNPP based 2012 projections without the above adjustments (as done in ID.01.CC3.3).

3.10 The updated projections by Edge Analytics are for 2012-2035 which is not the plan period. The annual average requirement will vary depending on the length of the projection period used. The annual requirement for the plan period should be based only on the data that covers this period (to ensure that the
needs arising in that period are met in that period). This approach has the effect of increasing slightly the annual rates from those shown in Table 5 of ID.01.CC3.3.1 (as shown in the Council’s Hearing Statement, top of p5). The latter approach should be the basis on which the housing requirement for the plan period is derived. The further work must also include additional information for the annual household growth rate for the period 2010-2012, so that the full plan period is addressed. All such matters should be clearly explained in the further work so that it is straightforward for all parties to follow. I expect that the combination of the above changes will result in a small increase in the demographic starting point from that shown in the SHMNA.

**Market signals**

3.11 From the range of signals highlighted in the Council’s evidence (mainly Briefing Note 14 and SHMNA) and in representations (eg by Barton Willmore rep 576, and Savills rep 783), I consider that no consistent picture emerges. For example, indexed dwelling stock growth in Cornwall between 2002-2011 was greater in Cornwall than for England. Housing delivery was well above that required by the Structure Plan over this period. Although delivery was below that required by the previously emerging Regional Spatial Strategy (RSS) I do not give much weight to that factor given that the RSS was never formally approved and from 2010 it was clear that it was not going to be progressed. Median house prices are above those for England, but there is no worsening trend.

3.12 Between 1997 and 2002 the ratio of lower quartile house prices to lower quartile earning for Cornwall was similar to the South West and above that for England. The trend was slightly worsening over that period. Between 2003 - 2008, the affordability ratio for Cornwall worsened significantly, rising well above the regional figure, which in turn worsened compared with the figure for England. All 3 of these ratios improved during the recession with Cornwall showing the most improvement (between 2008-2009). But Cornwall remains significantly above the regional and national figures. Over the long term, the picture is of a worsening trend and a position significantly worse than the regional and national averages. National guidance is that a worsening trend in any relevant market signal should result in an uplift. But for the reasons given below I do not consider that I should require such an uplift to be made for Cornwall at this time.

3.13 Given that much of Cornwall forms a largely self-contained HMA, any uplift large enough to make a significant difference would have questionable deliverability because it would be out of step with the availability of households to fill the additional dwellings, based on a robust demographic projection (already including significant net migration). Furthermore, there is considerable variation in average house prices across Cornwall (SHMNA Figs 5.3 and 5.4) and
weak viability affecting delivery in some important towns (see below). In this context a generic uplift would not seem a relevant response to the problem.

3.14 One element of the affordability ratio is earnings and earnings are particularly low in Cornwall (see, for example, BN17 p3). It is one of the issues that the Council and Local Economic Partnership (LEP) are seeking to address (see below). It would be counter-productive for the success of that strategy (which I endorse) if population growth and the resulting increase in the workforce was out of step with the strategy and resulted in earnings not improving as planned. I am requiring further work from the Council to explain its jobs/workforce expectations. It will be for the Council to consider whether an uplift to the demographic projection is required in the wider context of aligning housing and (targeted) economic growth.

3.15 At the hearing, the only specific suggestion for an uplift was the modest 10% required by Inspectors in a few other Examinations recently. But for Cornwall I consider that the 7% I am requiring to recognise second homes/holiday homes is a more specific, evidence-based adjustment to the demographic projection to reflect the realities of an important element of the housing market in Cornwall.

**Affordable housing need**

3.16 The total affordable housing need identified in the SHMNA is 30,912 households (summarised in Table 8 ID.02.CC.1, drawn from SHMNA figs 7.2 and 7.3). To address the backlog element of this need over 5 years and still meet newly arising need would require 2,240 units a year, which is most of the overall annual housing requirement in the plan. At the hearing, there was broad acceptance that the scale of need had been adequately identified.

3.17 The assessment of affordable housing need is separate from the objective assessment of need arising from demographic projections. The existing households in need of affordable housing are not included in the demographic projection. But if such households were able to move from their existing unsuitable private rented accommodation to suitable affordable housing their existing accommodation would become available for others (for whom it may be suitable). So there is no need for this element to be added to the overall OAN. Equally, this element should not be subtracted from the total affordable housing need as suggested by the Council.

3.18 I have found (see below) that expected delivery is likely to be less than the Council’s calculation of 22,000 affordable homes over the plan period (Table 9, final form in HD.CC.06). There is thus a substantial gap between delivery and overall need. The backlog and newly arising need has not been met in the first 5 years of the plan. National Guidance states: *An increase in the total housing figures included in the local plan should be considered where it could help deliver*
the required number of affordable homes. (Paragraph: 029 Reference ID: 2a-029-20140306).

3.19 I do not doubt the Council’s very strong commitment to the delivery of affordable housing using imaginative models to do so and substantial Council funds. Nonetheless, I cannot see in the evidence any serious, objective consideration, as required by national guidance, as to the scope for further narrowing the gap between identified need and expected delivery by some increase in market housing. This is a matter the Council needs to consider afresh in the light of my findings on need and delivery.

3.20 National guidance requires consideration of an uplift; it does not automatically require a mechanistic increase in the overall housing requirement to achieve all affordable housing needs based on the proportions required from market sites. The realism of achieving the intended benefit of additional affordable housing from any such uplift is relevant at this stage, otherwise any increase may not achieve its purpose.

3.21 Any uplift on the demographic starting point such as the 7% addition for second/holiday homes that I am requiring (see below) would deliver some additional affordable housing and can be taken into account in judging whether any further uplift is justified. A very substantial uplift would raise the same concerns as I set out above in relation to market signals, but some further uplift should still be carefully considered by the Council. The weight to be given to any such uplift is clearly related to the proportion of affordable housing that would be delivered as a result. Thus additional delivery in zone 1 would be more beneficial than in zone 5. But the appropriateness of such a response would also need to be considered such as the desirability of meeting needs broadly where they arise, given the size and distinct geography of Cornwall. The Council will need to explain its assessment and response to this matter carefully.

Holiday homes/second homes/vacancy rate

3.22 The SHMNA used a 3% vacancy rate to convert the household projection to a dwelling requirement. The Council’s Briefing Note 11, p5 comments: Second homes account for a significant proportion of dwellings in Cornwall and it could be argued that we need to plan for a number of new dwellings to meet this need in addition to that planned to meet future household growth needs. There is a similar point in Briefing Note 12, Note of Caution 4. But no such allowance has been made.

3.23 The National Planning Policy Framework (NPPF) does not identify second/holiday homes as a “need” and therefore such homes should not be counted as part of the objectively assessed need (OAN) required by the NPPF. But the acquisition of future new dwellings as holiday/second homes would remove those dwellings from the stock available for the needs which have been assessed. More generally, if at 2030 the proportion of the total housing stock
occupied as holiday/second homes is similar to now, additional existing homes would have been acquired as holiday/second homes and be unavailable to meet assessed needs, even if newly built homes in some locations are not attractive for such use. Accordingly, in converting the OAN into a housing requirement for the plan, an allowance should be added for second/holiday homes. It is reasonable to assume that the proportion of holiday homes will not decline over the plan period, especially given recent and planned improvements in transport connections serving Cornwall.

3.24 The 2011 Census recorded unoccupied household spaces as 11.2% of the stock, but this figure includes the 3% vacancy rate already used in the SHMNA. So the maximum rate that could be used for holiday/second homes would be 8.2%. Until 2013, the Council offered a discount on homes occupied as second/holiday homes. Such a discount was given on 5.4% of homes. Many, but not necessarily all qualifying households would have applied for such a discount, given that it was only 10%. The allowance for holiday homes should not therefore be less than 5.4%. The remaining unoccupied households recorded by the census may be accounted for, in part at least, by properties used as short term holiday accommodation as part of a business on which business rates are charged.

3.25 On the evidence currently available and adopting a pragmatic approach between the minimum and maximum figures referred to above, I consider that 7% should be added for second/holiday homes when converting the OAN to the housing requirement for the plan, in addition to the vacancy rate.

The needs of particular groups

3.26 As indicated at the hearing, I find that the need for housing for particular groups (for example, in relation to the private rented sector, self-build, older people, and households with specific needs) has not been adequately assessed and further work is required in this regard. Chapter 8 of the SHMNA provides various relevant demographic information, but there no assessment, for example of the future need for specialist accommodation for older people broken down by tenure and type (eg sheltered, enhanced sheltered, extra care, registered care) or the demand for self-build plots (see National Planning Guidance Paragraph: 021 Reference ID: 2a-021-20150320).

Compatibility with the economic strategy

3.27 Many parties highlighted the much higher household projections based on economic projections (SHMNA, Fig 9.2) and the past high rate of job growth in Cornwall. But those projections (from 2010-2012) do not take into account the LEP’s Economic Strategy. The high rate of past job growth did not overcome the structural weaknesses in the economy of Cornwall, including low earnings/low Gross Value Added. Accordingly, as explained below, I endorse the LEP Strategy and do not consider that reliance on past trends or the economic projections in
the SHMNA are an appropriate basis for assessing the housing requirement. Following the further work required by the Council in ensuring that the plan is delivering the economic strategy and clarification in relation to job expectations, the Council will need to demonstrate that there would be a suitable alignment between economic development, job and workforce growth and the housing requirement.

4. ECONOMIC NEEDS AND STRATEGY

The economic strategy

4.1 The stated intention of the plan (eg paragraph 2.3) is to support the Council’s and the LEP’s Economic Strategies (ID.01.CC.1.4 and ID.01.CC.1.5 respectively) which are closely aligned. These strategies seek to address the underlying and long term economic weaknesses in the economy of Cornwall (summarised for example in ID.01.CC.2.3). The poor performance of the Cornish economy means that Cornwall is the only part of the UK which qualifies for EU regional convergence funding. The LEP strategy is to address these deficiencies by a range of interventions which will include substantial public funding eg targeting companies and sectors that will promote high quality jobs growth; improving infrastructure, including transport connections and broadband; improving skills.

4.2 The only representations which seriously dispute the thrust of the economic strategy of the Council and the LEP are those which argue for a radical alternative model to conventional assumptions about the benefit of economic growth. However, economic growth is a key Government aim which is reflected in the NPPF. The plan is sound in seeking to facilitate the mainstream model of economic growth, albeit with the particular focus already highlighted. Other representations consider that the plan does not sufficiently address the needs of particular sectors (eg agriculture and tourism), but overall the LEP’s and Council’s economic strategy is largely accepted or unchallenged.

4.3 LEPs are the lead body endorsed by the Government for promoting local economic development. The Government is clearly supportive of the LEP’s aims and substantial national and EU funds for economic growth are being channelled through the LEP or in joint programmes in which it is a key partner.

4.4 As already noted, a simple continuation of past trends is unlikely to address the problems which exist. I therefore accept that a more targeted approach is required, as expressed in the LEP’s strategy. The plan is sound in as much as it intends to support and deliver the land use elements of that strategy.

The shortcomings of the plan

4.5 Policy 2, part 1 seeks to improve conditions for business and investment providing an overall increase in jobs and supporting the provision of better paid full time equivalent opportunities to drive an increase in the Gross Domestic Product.
Product to rise above 75% of the EU average. But apart from this headline statement which seeks to align the plan with the LEP strategy, it is not clear whether the policies and proposals in the plan will most appropriately achieve this aim, or achieve it at all. There is no clear evidence and analysis to identify and explain what land use requirements are needed to deliver the economic strategy.

4.6 The main evidence on which the plan does rely for this task is the Employment Land Review (ELR 2010, C.14) but this is inadequate for the reasons below. There are many and varied references in the supporting evidence to future jobs, but it is wholly unclear what is the Council’s expectation or target for job growth over the plan period and whether the proposals for economic development in the plan would deliver that expectation/target (and whether any such expectations are aligned with housing provision).

4.7 The ELR (C.14) was completed in 2010. This makes it relatively dated. But it is not the date per se which is my primary concern. It undertook only a very general assessment of the suitability of existing employment sites to meet future employment needs. NPPF paragraph 161 makes clear that, amongst other matters, economic assessments should include both quantitative and qualitative needs and the suitability of land to meet identified needs. The ELR was undertaken before the LEP’s Economic Strategy was put in place. So there is no assessment of the suitability of existing employment sites and existing commitments to provide sites for the types of development necessary to achieve the aims of the economic strategy.

4.8 The overall scale of new employment floorspace identified in the ELR was first divided-up on the basis of the existing proportions of office/industrial floorspace in 8 Travel to Work Areas and then further subdivided by the Council between the CNAs making up those TWAs. There is not the evidence to know whether the apportionment of the B class employment floorspace to the CNAs and the split between B1 and B2/B8 floorspace is compatible with the economic strategy.

4.9 Several CNAs have very large commitments of existing employment land which the Council notes as having uncertain delivery. For some CNAs these commitments greatly exceed the level of B class floorspace apportioned to them. There is no evidence that these commitments are in locations which are likely to be attractive to the sectors being promoted in the economic strategy. Excessive commitments of potentially unviable employment land in unsuitable places may have a number of negative consequences. The present plan is the place to address, at least in principle, what needs to be done in subsequent plans about such sites.

4.10 The Council highlights the flexibility provided in this plan for more exploration of a range of economic matters in subsequent plans, but in my view that is rather an abdication of the proper role of this strategic plan to provide a
clear framework for consistent subsequent delivery in later plans, including

neighbourhood plans. This is the plan in which any strategic spatial
choices/priorities need to be identified. Flexibility may well be a justified

element of a sound strategy (and there was support for it at the hearing), but as

highlighted by the LEP, businesses are particularly hindered by uncertainty about

the outcome of development proposals. The degree of flexibility must not be so

opaque as to foster uncertainty. The scope for flexibility may need to be

prescribed in the plan eg in relation to the scale or location of proposals, or the
degree of fit with the strategy (where this has been well articulated in land use
terms).

4.11 There is inconsistency between the strategic part of the plan i.e policies 2

and 5 and table 2 and the policies for individual CNAs in relation to the

employment floorspace requirements. Table 2 indicates that for nearly half the

CNAs the residual floorspace to be provided is negative (ie existing over-

provision), but for all CNAs, B class floorspace is expressed as a positive

requirement for specific levels of new floorspace. This is confusing. Where,

following the further analysis required above, there remains a substantial

oversupply in particular CNAs and especially where that supply includes sites

which are not likely to be viable, this plan should make clear the

principles/process by which the future appropriate use for those sites will be
determined and the consequences for any new supply. On this and other

matters this plan does not currently explain clearly what is required of the

Allocations Plan.

4.12 Accordingly, the plan as submitted is unsound because there is not the

evidence to demonstrate that its policies and proposals will achieve its stated

economic aims and there is not sufficient clarity in the wording of the plan’s

policies and proposals to enable them to be effectively delivered.

The way forward

4.13 The core elements of the further work required may be summarised as

follows (several elements are closely interrelated and may require iterative

working so as to be informed by the initial findings of other work):

- Review by the Council, together with the LEP and other relevant partners,
of the key land use implications and requirements necessary to deliver the
agreed strategy and what the plan needs to do to facilitate these.

- Explicit explanation of the Council’s/plan’s economic strategy beyond 2020
(which is the period covered by the current LEP strategy).

- A review (to include both the site-specific characteristics, overall location
and viability, where relevant) of existing employment sites and existing
unimplemented commitments to consider whether they are consistent
with business requirements best fitted to achieve the economic strategy
(the scale/level of detail of this work should be informed by preliminary findings from the work on business needs).

- Assessment of whether the apportionment to the CNAs of new land/floorspace (derived from the ELR) based on the current proportionate approach will deliver the strategy; readjustment as appropriate.

- An assessment of whether the strategy requires differentiation between types of B class floorspace and other employment related development or whether, at least at a strategic level, flexibility between different types of economic development is appropriate (thus obviating the need for disaggregation).

- Clear explanation of the Council’s expectations for job change/growth over the plan period. The Council has emphasised that the plan is not jobs-led, but this has resulted in a lack of clarity. As explained orally at the hearing by the Council, fulfilment of some of the aims of the economic strategy (eg lowering the rate of unemployment, increasing the economic activity rate; a proportion of part-time workers moving to full time jobs etc) and age-related changes to employment could collectively require an additional 30-50,000 jobs. In as much as these are expectations, or the positive consequences of achieving the strategy, the Council needs to demonstrate that the plan enables the necessary scale of employment /economic development to occur. This assessment will need to take into account the workforce arising from the reassessment of the housing requirement.

- Clarity as to the task of the Allocations Plan in taking forward the strategic policies.

- Clarity and consistency between the strategic part of the plan and the policies for the CNAs.

- Care will be needed to check whether in the light of any proposed changes the supporting text throughout the plan remains correct (eg any references to a proportionate distribution of employment space).

4.15 I cannot anticipate the outcome of this further work and cannot therefore be more specific as to what needs to be done to make the plan sound. From the outline of my concerns and the possible way forward at the hearing, the Council considered that the necessary work was achievable in a reasonable time.

4.16 I would emphasise that the Council should keep the plan focussed on the land use requirements or implications of achieving the strategy. A single “Economic Strategy” topic paper should bring together the new analysis, making
very specific cross-references to existing evidence or new evidence where relevant. That topic paper, rather than the plan, would be the place to explain (if necessary) how the plan, or changes to it, relate to other non-planning elements eg the LEP’s Training/Skills Plan. All data should be used in a consistent way. Where data in the topic paper has had to be adjusted from the figures in the original source, the adjustment should be explained (eg with a footnote of the calculations). It is particularly important that the topic paper explains how the LEP’s references to jobs targets compare with the Council’s expectations. Care is required in relation to base dates, periods covered and technical terms.

4.17 The Council will appreciate that the above work and any resultant changes to the plan will need to be the subject of further testing as part of the Examination in due course. To make this as efficient and focussed as possible, it is particularly important that the assumptions made and evidence relied on are clearly explained so as to facilitate informed comment from parties in due course and focussed discussion.

4.18 Some representations expressed concern that the plan did not sufficiently recognise or give encouragement to the tourism and agricultural and food sectors. These are undoubtedly very important parts of the Cornish economy and will remain so. However, the plan does not need to be descriptive in reciting what is important, but should focus on what needs to be done to facilitate the strategy. The extent to which any additional specific policies or proposals are required for these sectors will flow from the conclusions of the further work that the Council needs to undertake in relation to the land use consequences and requirements of the economic strategy. Whilst concerns were raised at the hearing about the protection of agricultural land, those are more appropriately considered in the context of policy 22 Best Use of land and existing buildings which will need to be considered at the later hearings.

4.19 Notwithstanding the need for further work, I highlight below some detailed points which need attention (all of which were the subject of pre-hearing and agenda questions):

- NPPF paragraph 154 states that only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan. As previously indicated, the text of Policy 2, part 1 is not appropriate as a policy, particularly given the Council’s comment in paragraph 34 of the Economic Strategy Briefing Paper. If retained, it should be moved to the supporting text.

- I cannot see the justification for the Council to have subtracted the 40% churn allowance made in the ELR from the overall floorspace figures used in the plan. Whilst the Council considers that this could be added back in at a local level in subsequent plans, this seems a recipe for inconsistency and confusion. In as much as the findings and recommendations of the
ELR are intended still to be relied on as part of the further work, this element should be reincorporated.

- Policy 5 states that existing and potential strategic employment land and buildings will be safeguarded. The Council accepts that it would be helpful to include a definition and I consider that this is the minimum necessary to enable the policy to be delivered effectively and consistently through the Allocations Plan. The definition of strategic referred to by the Council may need to be amended in the light of the further work.

- The Key Diagram annotates the whole length of the A30 from Launceston to Bodmin as Logistics Sector. Such a logistics corridor is not mentioned anywhere in the plan and thus there is uncertainty as to what the plan is proposing. The Council accepted that the matter needs clarifying. Whether or not the plan should refer to the A30 corridor or focus logistics and other development only at key towns along the A30 will need to be informed by the further analysis to be undertaken.

- Policy 5, part 1 refers to enhancing the quality and range of tourism facilities and upgrading of existing facilities in sustainable locations. At the hearing, the Council explained that this was not intended simply to involve assessing sustainability in terms of the accessibility of the site, but to encompass all three pillars of sustainable development. I consider that the policy wording is insufficiently clear to be effective and needs to be amplified to provide practical guidance as to how planning applications for tourism related development will be assessed. Given that many existing facilities may be in rural locations, the policy should enable the economic benefits of improved facilities on existing permanent sites to be considered alongside issues of accessibility. The Council needs to bear in mind that in the absence of any planned development plan document (DPD) to contain development management policies, the policies in this strategic plan need to be sufficiently clear to inform in a practical way development management decisions.

Retail

4.20 The retail policies of the plan were informed by the Cornwall Retail Study (2010, C.15). Because of several substantial planning permissions for retail development that have been granted since that study was undertaken and other likely changes in the retail sector, the Council commissioned a further retail capacity study for the 14 main town centres in Cornwall. This was published in March 2015 as Retail Study Update (ID.01.CC.3.1). The new study’s assessments of capacity for the period 2014-2030 are substantially lower than the figures in the plan and the Council is proposing changes to update the retail figures for each CNA with a main town centre.
4.21 Several representations on the plan sought an updating of the retail capacity evidence. In pre-hearing statements and at the hearing there were no objections raised to the use of the figures in the Retail Study Update. Because of the changes which have occurred in the first few year of the plan period the retail figures in the plan are clearly out of date and an updating based on the new evidence is necessary.

4.22 The new retail capacity figures should be presented in a table in association with policy 4. This would ensure a consistent approach to the presentation of strategic matters, given the tables for housing and B class employment distribution in this part of the plan. The table needs to make clear the new base date for the figures. It should provide an overall figure for Cornwall derived from the capacity of the 14 main towns. The capacity figures should also be split into phases over the plan period. Some capacity emerges only towards the end of the plan and new provision too early could have negative consequences. The table should indicate where the assessment of capacity would significantly change if existing unimplemented commitments did not proceed. There was support for, and no objection to, these detailed matters at the hearing.

4.23 The projections in the Retail Study Update are based on existing centres retaining their current market share (or adapting to the consequences of unimplemented permissions in adjoining centres). Policy 2, part 8 refers to supporting retail development in some towns (eg Pool, St Austell and Penzance). In identifying as part of the strategy some towns for retail development, but not others, the plan is ambiguous as to whether such retail development is intended to increase the market share of those towns (which would be at the expense of the market share of other centres in Cornwall). The Council confirmed at the hearing that this was not the intention. This should be clearly stated in policy 4. Consequential amendments or additions to other parts of the text may be required for consistency and clarity.

4.24 Policy 2 8c) proposes to grow Truro’s role as a retail alternative to major centres outside Cornwall. The key diagram states Maintain Truro’s role. There is thus inconsistency in the plan and the wording does not reflect the Council’s intention described above. The Council has proposed an amendment to maintain Truro’s role in the retail hierarchy.

4.25 Where future retail capacity is identified in the text of the plan for various CNAs it is stated as capacity in the centre, edge of centre and out of centre locations of the town (eg paragraph 4.18, but similarly elsewhere). I have not seen any evidence to indicate that edge of centre/out of centre locations are required to accommodate retail growth in all the towns referred to, especially on the basis of the modest future capacity figures now applicable to most centres. Accordingly, such references undermine the centre first/sequential approach of
national policy and should be deleted. The Council has proposed a change to this effect.

4.26 In relation to possible out of centre development, policy 4 refers to the sequential test but also, as an alternative, to demonstrating an overriding strategic role for the economic and social sustainability of Cornwall. Such an exception undermines the sequential test in national policy. In any case, it is not necessary to state such an exception in policy, since exceptions can be made if material considerations outweigh adherence to any given policy. This phrase should be deleted. The Council has proposed a change to this effect.

4.27 A party proposed that the plan should introduce a local threshold for impact assessments (NPPF, paragraph 26). The Council does not see the need to do so. Whilst the NPPF assumes there will be a local threshold in most cases, I do not regard it as mandatory and its absence does not make the plan unsound. If the Council were to introduce such a threshold, it would need to be clearly justified on the basis of the up to date evidence on capacity and on vitality and viability.

5. AFFORDABLE HOUSING DELIVERY AND POLICIES

Affordable housing thresholds

5.1 Policy 8 in the plan for the provision of affordable housing has a threshold of 2 dwellings. The plan was finalised prior to the change in national policy as expressed in the Written Ministerial Statement on Small Scale Developers, 28 November 2014 and National Planning Guidance on Planning Obligations (Paragraph: 012 Reference ID: 23b-012-20150326) which indicate that contributions should not be sought from developments of 10 units or less (other than in designated rural areas, where local planning authorities may choose to apply a lower threshold of 5 units).

5.2 The Council had submitted objections to the Government on this new policy at the consultation stage, but those representations were not persuasive. I recognise that that this policy is not a mandatory requirement, but it is clearly a change to which the previous Government attached considerable importance. I am not persuaded that the pattern of development in Cornwall or the past success in delivering affordable housing on small sites is so different in Cornwall to other parts of the country as to justify a departure from this new policy.

5.3 If the new policy has to be applied in principle, the Council wants to introduce the permissible lower threshold of 5 dwellings. This is acceptable. But it also wants to add some additional parishes to the designated rural areas to which the lower threshold would apply. The Council considers that these additional parishes are anomalies, being largely rural in character (Plan at Appendix 2 of the Council’s Hearing Statement). The AONB and rural parishes designated in accordance with the Guidance cover a substantial part of Cornwall.
and I see no justification for introducing locally defined designated areas. The policy should be amended to comply with national policy.

5.4 The Council is aware of a pending High Court challenge to the introduction of this policy. The Council will need to take into account any consequences of the Court’s judgement in considering what changes are appropriate. On this and all other matters, I will eventually be determining the soundness of the plan on the basis of the policy and law at the date of my final report and recommendations.

Affordable housing proportions

5.5 The plan (Figure 2) divides Cornwall into 5 house price value zones for the purposes of considering the viability of affordable housing on market sites. Policy 8 requires 50% provision in zones 1 and 2 and 40% in zones 3, 4 and 5. With the exception of Zone 1, the affordable housing targets in policy 8 at the specified tenure proportions are not viable on the basis of the viability evidence at the time the plan was published and submitted - Housing Strategic Viability Appraisal Final Report September 2012 (D6) - nor in the light of the update of that report commissioned by the Council - Viability Study Refresh March 2015 (ID.01.CC3.2).

5.6 The detailed assumptions in the Viability Study Refresh were not seriously challenged. Most parties at the hearing seeking a change to the proportions in policy 8 advocated, or would accept, changes to reflect the findings of the study as summarised on p5 of the Study and set out more fully in Table 7.1. These are Zone 1, 50%; zone 2, 40%; zones 3, 35%; and zone 4, 30%. Zone 5 has very weak values and Table 7.1 indicates that no affordable housing can be provided, but 20% is suggested in the Study to try and capture those sites with some viability to deliver affordable housing.

5.7 In response to my requests for clarification about expected delivery from affordable housing over the plan period, the Council produced a table of planning permissions granted since 2010 and the proportions of affordable housing secured in S106 undertakings. This table underwent 2 revisions to try and remove sites which were not conventional market sites to which policy 8 would normally apply and to separate out any additional affordable housing achieved by public subsidy (ID.02.CC.2.1 and HD.CC.05).

5.8 In summary, this table indicates the following averages have been secured (without any additional public subsidy): 32% and 34% in zones 1 and 2 respectively, but from only a few, small sites; 35% in zone 3; 34% in zone 4; and 29% in zone 5. It is in zone 5 where there is the greatest divergence between the conclusions of the Viability Study Refresh and past S106 agreements, demonstrating that the Council has been more successful in securing affordable housing than the Refresh suggests is currently achievable. However, for none of the zones does the table support the percentages set out
in the policy. This past evidence must be used with caution. A number of the sites in the table were granted outline planning permission a few years ago and have not progressed. Thus what was secured in S106 agreements has not all been delivered. In addition, the split between rented units and intermediate units varies considerably from the target proportions in the policy.

5.9 Local plans should be aspirational, but realistic (NPPF, paragraph 154). The planning system should be plan-led and policies should give a clear indication of how development proposals will be assessed. If affordable housing targets are too high to be achievable on most sites there is uncertainty for developers, the local community and the Council about likely affordable housing delivery; more time is likely to be required in negotiating an acceptable solution; and compromises may be made in the type of affordable housing being provided which may not be best suited to meeting local needs. There is therefore a strong case for affordable housing targets being achievable on most sites.

5.10 The only comprehensive and up to date evidence on which to recommend alternative targets to make the plan sound are those set out in the Refresh. The only exception I would make is in zone 5 where an unusual set of circumstances seems to exist given the divergence between the conclusions of the Refresh and recent delivery. Several sites in the Council’s table, including large sites, have been completed or are underway with affordable housing at 25% or more. For zone 5, I consider that an appropriate balance between aspiration and realism is in the order of 25%, provided that for all other zones the percentages are as recommended in the Study (Table 7.1, with the preferred tenure mix being achieved).

**Detailed matters and other affordable housing policies**

5.11 Policy 8 requires the rented affordable homes to be owned and or managed by a *bona fide* affordable housing provider. Several parties consider that this wording is too prescriptive and discourages or effectively precludes some parties from offering affordable homes (eg rural estates which want to retain their land and property). I appreciate that a *bona fide* provider is the simplest and most effective means of ensuring that homes remain truly affordable, but it is likely to stifle some provision. The definition of social rented housing in the Glossary of the NPPF refers to provision by local authorities and private registered providers, but also to *other persons and provided under equivalent rental arrangements* as agreed with the local authority or the Homes and Communities Agency. Accordingly, I consider that the requirement in the policy is too prescriptive and should be deleted.

5.12 Policy 8 refers to viability and negotiation on tenure split; policy 11 sets out 4 matters, in what is described as a sequential approach to guide negotiations to achieve a deliverable scheme. The reference to these negotiating matters as sequential (ie in order of priority) is too prescriptive. The Council intends that the policy is applied flexibly. Any alterations to the housing
mix should relate only to the affordable housing element rather than the market housing. The developer is best placed to judge the mix (subject to policy 6). Changes are required to reflect these points.

5.13 The text at 2.26 and policy 8 refer (in differing ways) to contributions to affordable housing from non-housing development. The Council accepts that this would apply only in exceptional circumstances (which therefore do not need to be addressed in the plan) and that these references should be deleted. I see no reason to take a different view as these requirements have not been adequately justified or articulated.

5.14 Policy 9 is entitled affordable housing led schemes and is a policy to enable affordable housing schemes in smaller towns, villages and hamlets. The Council accepted at the hearing that this policy is intended as a rural exceptions policy as referred to in paragraph 54 of the NPPF. Such schemes are defined in the Glossary of the NPPF as small sites for affordable housing where sites would not normally be used for housing. The policy allows for up to 50% of the homes or land take to be market housing where it is essential for successful delivery.

5.15 The Council has long operated a policy of this type and it has been remarkably successful in delivering affordable homes. Several such schemes listed in ID.02.CC.2.1 have been large, with several over 100 dwellings and others over 50. The Council accepted that in the absence of an up to date plan there had been something of an overlap between what would better be described as development plan “departure” sites and “exception” sites. The Council also accepted that in the future schemes facilitated by this policy would not be as large as some of those permitted in the past.

5.16 There is an ambiguity in the plan about the role of policy 9. To make the intended scope of the policy clear and consistent with national policy, the text should refer to the policy as a rural exception sites policy in accordance with the NPPF. The NPPF definition would then be engaged and I see no need for a separate definition in the plan. The Council has suggested a change to policy 9 to refer to small scale development in the AONB where there is landscape capacity. This change is consistent with national policy. However, given that the Council intends that the plan be read as a whole, the insertion in policy 9 is unnecessary given the proposed insertion of similar wording in policy 3 which would have wider applicability. I do not comment further here on the policy for the AONB as it was not part of the discussion at the hearing.

5.17 The Council accepts that the reference to “local need” in Policy 9 i) is not intended to apply to the necessary market element of the scheme (necessary to make the scheme viable). Point i) is illogical, unjustified and should be deleted.

5.18 Policy 9 iii) requires local community support for schemes. I am concerned that this could be an unjustified impediment to an otherwise necessary and sustainable development coming forward. It should therefore be
deleted. Further definition within the plan of what is meant by *local needs* is not required. *Local needs* is the expression used in paragraph 54 of the NPPF in relation to rural exception sites. The policy requires schemes to be *well related* to the settlement and appropriate in scale, character and appearance. This is a reasonable test. Although small settlements in Cornwall vary widely in form and character, it is a well-used term capable of assessment in accordance with normal planning judgement.

5.19 Other than in Zone 1, policy 10 seeks a higher proportion of affordable housing (50%) on public sector sites than private sites. I consider that this policy is unsound and should be deleted. It does not have the support of all public sector landowners in Cornwall. It is not supported by the Council’s professional officers. The policy would divert public funds to affordable housing from other important public services. I have seen no assessment of this impact or justification for the policy which takes into account its potential adverse consequences.

5.20 Policy 6 (housing mix) simply highlights what national policy and guidance says is required about meeting the needs of different groups, but it does not take it any further. It does not assist applicants/developers to know what is required. The Council is relying on SPD to provide detail, but SPD can only provide advice. This plan, or a subsequent DPD, should add evidence-based detail about housing mix and the types of accommodation required by different groups so as to address national policy (NPPF, paragraph 159 and the Guidance under *Housing and Economic Development Needs Assessment* Paragraph: 021 Reference ID: 2a-021-20150326.)

5.21 The Council has already proposed the deletion of the reference to zero carbon in part 6 of policy 14 and the consequential updating of the text. This change is necessary to accord with the outcome of the Housing Standards Review set out in the written Ministerial Statement on various planning matters published on 25 March 2015.

5.22 The content of the Council’s SPD on housing standards or other topics is not a matter for me. The plan can refer to such SPDs, but cannot require adherence to them since SPD should only be providing further detail on matters already addressed in policy. The Council should check that all references to SPDs are factual, rather than prescriptive.

*Affordable housing delivery*

5.23 The Council’s main evidence on affordable housing delivery is in the Briefing Note that I requested (ID.02.CC.1 in response to ID.02). In particular, Table 9 lists the affordable housing secured or likely to be secured from different sources. Further explanation and revision to some of the figures was made by the Council at the hearing. At my request, the Council updated the table and added notes to reflect what had been explained orally (HD.CC.06). Hearing
participants had the opportunity to comment on this material and I have taken the relevant comments made into account (HD.RE.10)

5.24 Affordable housing completed since 2010 and affordable housing already secured in existing planning permissions not yet built amount to over 8,000 units. The Council has included First Buy completions in these figures, but not Help to Buy. I am not convinced that First Buy is an affordable housing product as defined in the NPPF, but I do not need to determine this point as it does not make a significant difference in the overall analysis. (The figure for completions agreed between the Council and Emery Planning was 3,721, whereas the Council is now counting 3,874 completions.)

5.25 The Council’s estimate for delivery from the remainder of the housing requirement yet to receive planning permission is just under 5,000 units based on the affordable housing percentages recommended in the Viability Study Refresh discussed above (applying 20% in zone 5). This figure is thus more realistic than the estimate based on the percentages in the policy which are unjustified. The figure may still be an over-estimate because some sites will still not be viable at those percentages. I am not clear whether the calculation reflects the full application of the new thresholds in national policy (as explored above). The Council will need to update these expectations in the light of the further work required.

5.26 In addition to the above, there are 6 categories where the Council is seeking to deliver additional affordable housing. These categories amount to nearly 9,000 units over the remainder of the plan period. The Council is clearly making a significant commitment to the delivery of additional affordable housing over and above that to be secured in conventional S106 agreements. Nonetheless, the Council’s expectations are ambitious.

5.27 As explained in the Council’s accompanying notes to Table 9, the Council has reduced the figures from those previously given to try and discount any overlap of sites/delivery already accounted for under normal S106 agreements (line 3 of Table 9) so as to properly reflect only the uplift in provision that would be secured by the various sources of public funding. Whilst there will be an overlap of sites between line 3 and some of the other special categories, the Council is seeking to count only the additional affordable housing that would be gained from the special measures.

5.28 Line 6 of Table 9 is future affordable supply from departure sites, but from the discussion at the hearing and explanatory notes it is clear that these are rural exceptions sites under policy 9 as discussed above. Given the Council’s record of delivery and the scope provided by the policy, this expectation is not unreasonable. But it raises other issues. With the necessary supporting market housing, total housing delivery under the exception heading may be in the order of 4 - 5,000 dwellings or more over the remainder of the plan period. At any resumed hearings, I would need to explore whether such exception sites can be
treated as part of the anticipated housing supply, including counting small exception sites (less than 10 dwellings) in the justification for its windfall allowance (as appears to be the case from A.10 top of p34). The definitions in the NPPF are relevant as windfall sites normally comprise previously developed sites and exceptions sites are where sites would not normally be used for housing. For present purposes, I accept that 3,000 affordable units may arise from exception sites, but currently regard such sites as likely to result in additional delivery to the housing requirement of 47,500 in the plan.

5.29 Line 8 of Table 9 is delivery from spending secured and expected commuted payments where affordable housing has not been provided on site. The £20m not already secured by S106 agreements assume contributions for 50 units a year over the next 15 years. Provided that this is justified by what might arise from development of 6-10 units in designated rural areas, then there would not be double counting with line 3. Payments are collected at the full additional cost of an affordable housing unit (£57,000 which includes a land element), but the £40m assumed to be available to spend is expected to deliver 2,000 units (a subsidy or grant per unit of only £20,000). I do not dispute these cost/subsidy figures in isolation, but it is difficult to accept as reasonable an analysis whereby the Council justifies the collection of commuted payments under S106 at much higher cost per unit than it expects to spend in actually delivering them. I have therefore halved expected delivery under this heading.

5.30 There are inevitable uncertainties about other elements of provision in the table and delivery will require on-going commitments from the Council (eg following the pilot scheme of the Housing Mandate proposals) and from other parties. But with the exceptions explored above, I am satisfied that the remaining elements of the table are reasonable for the purpose of the Examination.

5.31 Total affordable housing delivery is thus likely to be less than the Council’s figure of 22,000 units over the plan period and/or result in housing delivery being above the 47,500 requirement. Irrespective of the precise figures, there is a substantial shortfall compared with the need identified in the SHMNA of about 31,000. I have addressed the response to this shortfall in the assessment of the housing requirement.

5.32 The provision of affordable housing from the sources listed in Table 9 is not mentioned in the plan. Despite my reservations about particular elements of Table 9, expected delivery outside the conventional market/S106 route is so significant that the plan cannot remain silent on the matter. Assumed delivery will be an important consideration in deciding what other steps, if any, should be taken to try to meet affordable housing needs. Accordingly, delivery under these headings must be monitored and significant under-performance over a 5 year period would be a trigger for a review of the plan. The plan should include an affordable housing trajectory for Cornwall, since delivery will not be a simple
proportion of overall delivery as is normally the case. This trajectory should
detail expected delivery from the different sources listed in Table 9 and a
commitment to monitor delivery under these headings in the Annual Monitoring
Report.

6. PROVISION FOR GYPSIES, TRAVELLERS AND TRAVELLING
SHOWPEOPLE

6.1 The need for new pitches for Gypsies and Travellers in the submitted plan is
based on a calculation set out in Appendix 1 of the Gypsy and Traveller
Accommodation Briefing Note 19, using a methodology in the South West Gypsy
and Traveller Accommodation Needs Assessment (GTNA) May 2014 (produced
by GVA Consultants, ID.01.CC.4). National policy is set out in Planning Policy for
Traveller Sites (PPTS) 2012.

6.2 I consider that the methodology for identifying the permanent
accommodation needs of Gypsies and Travellers is not sufficiently robust and
comprehensive to provide a sound figure of need in the plan. I highlight below
my main concerns.

6.3 An overarching concern is that the assessment of need has not been
developed in conjunction with, or informed by, active and targeted engagement
with representatives of the Gypsy and Traveller Community in Cornwall, as
required by PPTS (paragraph 6). In the absence of such informed engagement,
the assessment is overly reliant on the biannual caravan count and various
assumptions applied in a mechanical manner. I cannot be satisfied that the
count does not miss out some travellers in need of accommodation who are not
currently known to the Council.

6.4 The measure of overcrowding used in the assessment model appears to be
only persons per caravan. There is no assessment of overcrowding in relation to
caravans per pitch/site (on both public and private sites). Doubling-up on
pitches, or overcrowded sites should be counted as a need.

6.5 The assessment of any need arising from Gypsies and Travellers living in
bricks and mortar accommodation who are doing so only because of a lack of
sites is widely recognised as a difficult task. It is the type of need where the
Council would benefit from an informed contribution from Traveller
representatives.

6.6 The model assumes 9 vacancies per year from the 3 public sites in Cornwall.
This makes a very significant contribution to meeting future arising need, as the
Council acknowledge, and therefore it is a figure which needs to be well justified.
Despite the discussion of the matter at the hearing, I am not satisfied that this
figure represents genuine vacancies which would be available to families with a
need who are not already on a public site. Genuine vacancies need to be
distinguished from new tenancies which might arise from existing families moving within a site or between public sites or being issued for other reasons.

6.7 Irrespective of whether 9 is a realistic annual vacancy rate, I am not satisfied that meeting such a high proportion of need on these 3 public sites is reasonable bearing in mind the size of Cornwall, that 2 of the sites are close together; and the unacceptability of living on those sites for some in need of a pitch given the different cultural traditions within the Traveller community.

6.8 There is no up to date assessment of the accommodation needs of Travelling Showpeople. The needs identified in the 2006 GTAA have been extrapolated to 2027. I do not consider that this is a sound assessment of need and an up to date assessment is required. This may not need to be a particularly complicated process, but it must be informed by active engagement of representatives of Travelling Showpeople. The relevant representative organisations often have good knowledge of need among their members.

6.9 The plan relies on the figure in the draft RSS for needed transit sites (extrapolated to 2027). Assessing the need for transit sites is more difficult than the need for permanent pitches and plots and will normally require a more than local approach. Clearly the draft RSS was able to take such a wider view and has some merit for that reason, although it is clearly now dated. It was accepted by Traveller representatives at the hearing that although this was not good up-to-date evidence, the more critical matter at present is making progress on some transit provision and then reviewing need in the light of any such provision made in the near future. A specific proposal is currently being pursued by the Council’s housing company. On balance, rather than requiring a fresh analysis now, I consider that the plan should acknowledge that transit needs are currently only an estimate and needs should be reviewed in the light of any transit provision which is made in the short term.

6.10 The policy sets out needs only until 2027 thus falling short of the full plan period. This is unacceptable. In the further work required, needs for the full plan period should be identified. The Council has accepted that it is also necessary to make clear what is the immediate need and the basis for calculating the current 5 year supply of pitches for Gypsies and Travellers (on the present evidence, 20 pitches).

6.11 Policy 12 sets out criteria for both residential sites and transit sites. I consider that it is unjustified to require all the criteria to be met for all types of sites. The policy needs to address more carefully the different priorities and balance of considerations that are likely to be appropriate when selecting sites for allocation in the forthcoming DPD; sites the subject of applications from private individuals, which may be for a single pitch only; and for transit sites, where accessibility to the main travelling routes may be more important than to a full range of services. The policy should be expressed flexibly to ensure that
sufficient sites can be found to meet all identified needs within the terms of the policy.

7. MINERALS AND WASTE POLICIES

7.1 The Council’s *Updated Schedule of Proposed Further Significant Changes* (ID.01.CC.2.4.1 V2) included some changes to both the text and policies concerning minerals and waste. At the hearing, the Council suggested some other changes and accepted adjustments to them. These were subsequently set out in HD.CC.09.1. Other than those which are solely factual corrections or updating, I consider that these changes are required and should be included in the Council’s consultation for the reasons briefly summarised below.

7.2 There is a large landbank of sites with permission for the extraction of aggregates, but some of this landbank is sites not yet started. The plan (policy 18 and related text) needs to make clear that further development at existing sites is not ruled-out solely because of the landbank and that the benefits of any such proposals will be weighed against harm. More efficient working practices at existing sites should be supported.

7.3 The Council is intending to prepare a Minerals DPD to identify appropriate safeguarded sites/areas, so policy 19 in the present plan is providing the overarching approach rather than the detail. The policy should encompass existing, planned and potential resources (NPPF, paragraph 143), include storage areas and for metals, *shaft and adits* of (old) mines. Safeguarding should be considered for all minerals, not just aggregates.

7.4 Because of the risk of bird strikes, aviation safety is a relevant consideration to be highlighted in both minerals and waste policies to ensure activities, including restoration uses, do not result in a dangerous concentration of birds near airfields/airport (NPPF, paragraph 143).

7.5 It is important to ensure that the effective operation of existing waste sites are not prejudiced by new incompatible development being permitted nearby. This should be a strategic principle included in policy 20.

7.6 As a result of representations made, the Council reworked and significantly reduced its assessment of recycling capacity for commercial and industrial waste (HD.CC.07). However, I am satisfied that the revised evidence does not point to a need for new allocations to be made in the plan. The plan needs to make clear that, given the importance of moving the treatment of waste up the waste hierarchy, proposals for additional reuse/recycling/recovery will be supported notwithstanding the Council’s assessment of capacity.

7.7 As indicated at the hearing, a number of other matters raised by parties are concerned with operational waste matters, such as the collection of waste, or the interpretation and enforcement of environmental regulations. These are not matters for me or for this plan.
8. Council’s Response

8.1 As explained in the introduction, the Council should consider how it wishes the Examination to proceed in the light of these findings. It would be helpful to have a response by Friday 26 June. Comments on this note from other parties are not invited and will not be accepted.

Simon Emerson
5 June 2015
MARKET RECOVERY SCHEME
Working Plymouth, 25th September 2013

Background

The policy context for negotiating planning obligations is set out in Policies CS15 and CS33 of the Plymouth Core Strategy adopted on 23rd April 2007. Detailed guidance on these policies is set out in the Planning Obligations and Affordable Housing Supplementary Planning Document originally adopted on 1st December 2008. A review of this document was adopted on 2nd August 2010 and a further review adopted on 30th July 2012. After 16 years and 63 successive quarters of growth in June 2008 the UK economy had 0% growth. Fundamental structural changes have occurred in the global economy, which have resulted in recession. The depth of the downturn has been severe and unprecedented. It was within this context that market recovery measures were developed.

Market Recovery Action Plan

A 10-point Market Recovery Action Plan was launched on 22nd October 2008 in response to the economic downturn following representations by the Plymouth Regeneration Forum. The actions were:

1. Delay Plymouth Development Tariff
2. Flexible approach to S106 (subject to safeguarding criteria)
3. Cost-sharing on various development-related costs
4. Planning services focussed on identifying / delivering “oven-ready” sites
5. Delivery team approach on all major development proposals
6. Streamlined pre-app process with Site Development Statements
7. Delay previously-agreed Planning Services fees
8. Waive Plymouth Regeneration Forum Fees
9. On Council-owned sites, streamlined resolution of covenant and Section 106 issues
10. Convene a group from Plymouth Regeneration Forum to review progress of Plan and the economic climate on a quarterly basis

The aim of the plan was to maintain optimism and momentum of the Plymouth growth agenda by offering incentives on selected sites where planning applications could be submitted between 14th October 2008 – 31st December 2009. The Plan contained 5 safeguards to avoid abuse of the approach and specifically excluded strategic sites crucial for the growth agenda e.g. Sherford, Plymstock Quarry, or key sites in the (then) 9 Area Action Plan areas.
After a call for sites, 10 planning consents were eventually granted under this Plan with a total development value of £134 Million.

**Market Recovery Scheme**

The Market Recovery Scheme replaced the Market Recovery Action Plan in January 2009. This mainstreamed the market recovery measures and embedded the provisions into the Planning Obligations and Affordable Housing Supplementary Planning Document.

The new scheme promoted two types of incentives to respond to continuing economic challenges: measures to promote early delivery of projects and measures to have “oven-ready consents”, again with safeguards. This broadened the range of measures available and also extended incentives for job creating proposals.

On 29th March 2011 Cabinet extended the scheme until 31st March 2012 and some of the measures:

- Up to 100% discount on tariff for development of employment uses within the B Use Classes as well as those that generate significant levels of new employment such as hotels and leisure uses (C1 and D1).
- Up to 50% discount on tariff for other development on Brownfield sites.
- Up to 25% discount on tariff for other development on Greenfield sites.
- Up to 50% reduction of the full affordable housing requirement may be considered, together with the possible use of gap funding to support affordable housing delivery.
- 100% discount on the planning obligations management fee.
- Extended planning permission periods to be considered (up to 7 years)
- Flexible phasing of payments of planning obligation requirements.

Following the decision by Cabinet on 12th July 2011 to move towards a Community Infrastructure Levy, on 12th January 2012 Cabinet agreed to continue the market recovery measures until the implementation of the new Community Infrastructure Levy and put in place some transition arrangements. Cabinet also responded to concerns expressed at Planning Committee on 20th October 2011 regarding retrospective applications seeking support under the Market Recovery Scheme.

**Implementation of the Market Recovery Scheme**

The focus of the initiative has always been on incentivising early delivery of projects that could benefit from market recovery measures whilst still being in accordance with the strategic objectives and policy framework of the Core Strategy. In addition the initiative was also aimed at creating the conditions for growth such that longer term consents would be ready for implementation when confidence in the economy returned. Typically sites that have benefited from these incentives have been a mixture of smaller sites and larger developments with specific viability issues. It has always been the case that strategically significant sites could also benefit from market recovery measures but this was at the
complete discretion of the Local Planning Authority. However these sites are typically larger and have significant infrastructure requirements that are strategically crucial for the overall growth strategy for the city so this has not been the main focus of the measures. Section 8 of the Planning Obligations and Affordable Housing Supplementary Planning Document 2nd Review sets out how obligations are to be implemented. There is also a Plymouth Viability Protocol which requires an open-book approach. All of the information submitted is assessed in order for claimed market recovery measures to be considered before they are reported to Planning Committee.

In total, excluding lapsed consents, market recovery approvals secured £4.1 million of Section 106 contributions, which was £8.4 million less than the full policy-compliant requirement would have been for these developments. On completed sites just over £2 million of Section 106 contributions were secured which was £4.2 million less than full policy-compliance would have required. Clearly the judgements made by officers and the Planning Committee on these Section 106 agreements secured under the market recovery measures must be seen in the context of the momentum that was maintained in delivering housing and employment generating projects in Plymouth between October 2008 and May 2013.

The Market Recovery Scheme was therefore an innovative approach because:

- A well-developed LDF allowed for policy experimentation
- Existing channels of stakeholder engagement made for a rapid policy response
- In-house viability skills enabled the City Council to negotiate flexibly and confidently
- Safeguards ensured developers shared the risks
- Successes have lead to mainstreaming and extending the policy
- Sustainability and equality goals were not jeopardised
- A strong focus on delivery through a cooperative planning process and offering a variety of incentives to developers

The Market Recovery Scheme was also a well-received initiative from the development community:

“The Plan was forged in the grim reality of the worst economic crisis since the war; it was expertly and urgently driven through the political and bureaucratic maze with commitment and an unswerving focus and was delivered at exactly the right time.”

John Stevens, CEO of Hunter Stone

“The Plan has been an innovative response to the challenges of delivering viable regeneration schemes in Plymouth whilst maintaining the best qualities of place-making. It shows how a proactive planning approach can support business and help maintain the momentum of regeneration during fragile economic circumstances.”

Ian Potts, MD of Architects Design Group & Plymouth Chamber of Commerce Board Member
Community Infrastructure Levy

The City Council approved the final Community Infrastructure Levy Charging Schedule on 22nd April 2013. When the Community Infrastructure Levy came into force on 1st June 2013 the Market Recovery Scheme ceased to exist, because the Community Infrastructure Charging rates legally have to be set at a level which ensures that development is viable.

A Plan for Growth

On 2nd April 2011, a 15-point action plan was published in response to the Coalition Government’s “A Plan for Growth” (23rd March 2011). This contained a series of reforms and streamlining provisions that would maintain overall momentum in delivering the Plymouth growth agenda. At Full Council on 30th January 2012 it was resolved that ward councillors should have greater input into planning obligation and pre-application discussions. On 30th July 2012 “Probity in Planning” was amended and incorporated into the Constitution to allow this to happen.

Get Plymouth Building

On 24th August 2012 the “Get Plymouth Building” initiative was launched by the Portfolio Holder for Finance. The key elements of the programme to accelerate housing supply include reviewing all stalled sites, lapsed consents and Area Action Plan sites. It also includes a new call for sites, support for self-build, a small sites initiative, new funding mechanisms and the use of City Council and other public land holdings.

The Plan for Homes

On 18th July 2013 the “Plan for Homes” was launched by the Portfolio Holder for Finance aimed at delivering a step change in the delivery of homes within the city with the overall aim and ambition to deliver 1,000 homes per annum.

What did the Market Recovery Scheme ultimately achieve?

In total there were 115 planning permissions granted under both the Market Recovery Action Plan and Market Recovery Scheme with a total development value of over £200 Million.

These permissions approved 1,845 dwellings and 4 commercial projects of 4,188m2 of commercial space with some additional mixed use developments.
As at August 2013, of the 115 permissions:

- 40 sites were completed (35%). These sites have delivered 429 homes and 470 m2 of commercial floor space.

- 18 sites are currently under construction (16%). These sites have delivered 296 homes and 1,859 m2 of commercial floor space.

- 51 sites have not yet started (44%). These sites could deliver a further 594 homes and a further 1,859 m2 of commercial floor space.

- 6 have lapsed (5%). These sites will not deliver any homes or commercial floorspace.

Conclusions

Market recovery measures in Plymouth ran from 22nd October 2008 to 31st May 2013. The market recovery initiative has been commended by the Royal Town Planning Institute and short listed for the national Silver Jubilee Cup. It has raised Plymouth’s profile and further reinforced its reputation for proactive positive planning. It has been presented at numerous conferences and a number of schemes have been delivered on the ground that probably would not have been taken forward had it not existed.

51% of the planning approvals under the Market Recovery Scheme have been completed or are currently under construction delivering 725 dwellings and 2,329 m2 of commercial floor space. 44% have yet to start and need to be reviewed given that the vast majority of consents were to support early deliver of projects. Only 5% of the permissions granted have lapsed.

95% of the applications granted could still be implemented demonstrating that the Market Recovery Scheme initiative, although not without risks, has been a success and has played a useful contribution in helping to keep the momentum for regeneration in Plymouth going.

Paul Barnard  
Assistant Director for Planning  
Planning Department  
25th September 2013
Background

On 24th August 2012 the Get Plymouth Building (GPB) programme was launched by Councillor Mark Lowry, Cabinet Member for Finance with responsibility for housing delivery. The GPB programme was created following research into national publications looking at how housing supply could be increased.

An update on the first year of the GPB programme was presented at the Working Plymouth Scrutiny Panel on 25th September 2013 (Minute 17). A further update was given to the Working Plymouth Scrutiny meeting held on 5th March 2014 (Minute 69).

GPB contains 8 initiatives and aims to accelerate housing delivery and in particular bring forward greener and more affordable homes:

1. We will work with landowners and developers to discuss how we can remove the barriers to development and unlock stalled sites.

2. We will seek to assist new development proposals to be worked up on lapsed sites to further encourage development momentum in the current housing market.

3. We will complete a review of all Area Action Plan sites of 11,233 homes that have yet to commence to identify and help unlock future development opportunities and work to support those about to propose development.

4. We will fast track through the planning system all new development opportunities brought forward under the call for sites, seeking to identify new development proposals in the city.

5. We will identify and make available City Council owned sites to support self-build, including options for individual plots and groups of serviced plots for sale. We plan to complete a serviced plots pilot and follow up with further releases of council owned land in the form of plots or serviced plots for self-builders.

6. We will help bring forward housing on small sites by helping to unblock development barriers and proactively encourage housing providers to take a fresh look at sites with less than 15 homes.
We will work to ensure that increased and accelerated housing delivery takes place on the 10 city council owned sites that have been ring-fenced to provide over 600 new homes of which 43% will be affordable and Code for Sustainable Homes level 4; which is well above current policy and what the market is currently providing.

We will identify new funding mechanisms, explore new models of delivery and seek to maximise government funding opportunities to help deliver a step change in the quantity and quality of new homes delivered in the future. The development and launch of RENTplus in Plymouth aims to deliver 500 homes over the next five years.

GPB aims to bring forward around 2,000 homes and over 800 jobs in local construction and supply chains over the next 2-3 years by taking an innovative approach to housing and planning for homes. This in turn will lead to a boost in regeneration momentum in the city. At the time of its launch GPB was estimated to have a total value of development benefitting the local economy of £213.7 million.

This report provides an update of progress after the second year of the GPB programme.

Stalled Sites

In August 2012 there were 5,179 homes across 96 sites with planning permission yet to be built.

What we said we would do
We said we would review all 96 sites working with developers and landowners. We also committed to fast tracking conditions discharging and reserved matters in order to facilitate commencement on site. Finally on larger development we said we would work with developers to remove any barriers to development. This included reviewing the density of schemes, the mix of uses, the tenure balance, the phasing of construction and the timing of Section 106 payments.

What we have done
Whilst improving market conditions will account for some completions on these sites, we have taken a very proactive role in contacting and working with the Plymouth Housing Development Partnership (PHDP), developers, landowners and agents to discuss how we can support delivery on these sites.

<table>
<thead>
<tr>
<th>Progress to Nov 2014</th>
<th>No. of Sites</th>
<th>Dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completed</td>
<td>7</td>
<td>415</td>
</tr>
<tr>
<td>Under Construction</td>
<td>3</td>
<td>42</td>
</tr>
<tr>
<td>Projected</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>462</strong></td>
<td></td>
</tr>
</tbody>
</table>

By August 2015 we expect 462 homes to have been built on former stalled sites.
Lapsed Sites

In August 2012 there were 489 approved dwellings on 33 sites which landowners and developers allowed to lapse.

What we said we would do
We have taken action to tidy up a number of development sites where planning permission has lapsed. We have also encouraged some temporary improvements to boundary treatments and been encouraging developers to support temporary uses where it is unlikely development will come forward in the short term. We said we would focus our efforts on the top 3 lapsed sites at Colin Campbell Court, Millbay Marina and the former Crescent Cars site.

What we have done
We have reviewed all of the lapsed sites and provided updated advice and guidance to landowners to encourage new planning applications to be made.

<table>
<thead>
<tr>
<th>Progress to Nov 2014</th>
<th>No. of Sites</th>
<th>Dwellings</th>
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<tbody>
<tr>
<td>Completed</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>Under Construction</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Projected</td>
<td>1</td>
<td>70</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>80</td>
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</table>

We have progressed two of the three largest lapsed sites at Crescent Cars and Millbay Marina. Crescent Cars recently secured planning permission for 348 student bed spaces (approximately 70 cluster flats) and we are currently discharging planning conditions to enable a start on site. The developer aims to complete construction by August 2015. A new application has been submitted for 142 homes at Millbay Marina however these will not be completed within the timeframe of GPB.

Area Action Plan Sites

Plymouth has six adopted Area Action Plans (AAPs) in addition to the Derriford and Seaton AAP, which has not been adopted. These identify opportunities to build in the region of 11,233 new homes.

What we said we would do
We said we would review all of these AAP sites and hold discussions with landowners to see how they could be brought forward as planning applications quickly.

What we have done
We have reviewed all the AAP sites and held discussions with landowners on a number of them.
<table>
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<tr>
<th>Progress to Nov 2014</th>
<th>No. of Sites</th>
<th>Dwellings</th>
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<tbody>
<tr>
<td>Completed</td>
<td>5</td>
<td>243</td>
</tr>
<tr>
<td>Under Construction</td>
<td>6</td>
<td>273</td>
</tr>
<tr>
<td>Projected</td>
<td>3</td>
<td>143</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>659</strong></td>
<td><strong>659</strong></td>
</tr>
</tbody>
</table>

We expect 659 homes to be completed in the timeframe of GPB. The remaining AAP sites will be reviewed as part of the Plymouth Plan process.

**Call for Sites**

On 19th November 2012 Councillor Mark Lowry made a call for new sites for housing to be brought forward by the development industry.

**What we said we would do**

We committed to prioritise housing proposals at pre-application stage and respond quickly to new housing schemes coming forward in response to the call for sites.

**What we have done**

We received a disappointing response from the local development industry. A planning application has been submitted for 24 dwellings at St Georges CRC. A decision is imminent although the development will not complete within the timeframe of GPB.

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<tr>
<th>Progress to Nov 2014</th>
<th>No. of Sites</th>
<th>Dwellings</th>
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<tbody>
<tr>
<td>Completed</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Under Construction</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Projected</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4</strong></td>
<td><strong>4</strong></td>
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By August 2015, 4 homes will have been built on land brought forward in response to the call for sites issued in November 2014.

**Self-Build**

Self-build currently represents only about 10% of house completions in the UK, significantly lower than the 50% average of most European countries. As part of GPB, the Portfolio Holder wished to encourage more choice and better affordability of housing by developing the city’s self-build offer. This would not only increase supply – albeit modestly – but could help to deliver self-reliance and wider social skills, improving life chances for those in most need. When GPB was launched, people interested in self-build were invited to contact the City Council to explore self-build opportunities.
What we said we would do
We said we would develop a self-build offer by undertaking a review of opportunities within the city and, in discussion with national partners such as the Homes and Communities Agency and the Mutual Housing Group, develop imaginative planning approaches to how sites are developed. We also said we would support the Nelson Project as part of a clear commitment to the Military Covenant.

What we have done
Self-build sites have been identified as part of the Strategic Land Review and land disposal process. A programme to deliver 102 self-build units on City Council sites has been planned as follows:

- Serviced Plots model: 2 sites = 8 serviced plots
- Self-build plots: 5 sites = 6 units
- West Park: at least 22 serviced plots
- Land at Kings Tamerton: at least 20 self-build units through mutual self-build co-operative
- Chaucer Way: 4 serviced plots
- Nelson Project: 12 Custom Build homes through Community Self Build Association
- Bickleigh: at least 30 provided as serviced plots for Custom Build

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<th>Progress to Nov 2014</th>
<th>No. of Sites</th>
<th>Dwellings</th>
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<tbody>
<tr>
<td>Completed</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Under Construction</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Projected</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>0</strong></td>
<td><strong>0</strong></td>
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Two serviced plots have secured planning consent and we are currently preparing advertising and business plans. Five self-build plots will be placed on the market in December 2014. These will deliver six homes although it is unlikely these will complete in the final year of GPB.

Small Sites

In August 2012 there were 498 dwellings on 128 small sites (less than 15 units), either with planning permission or where it had lapsed.

What we said we would do
The small sites initiative aims to help smaller developers bring forward housing on sites with planning permission. We said we would contact all developers with planning permission on small sites which would deliver between 4 and 15 dwellings to offer support and advice to get the permissions implemented.
What we have done
We have undertaken mass emails to local agents and landowners, issued regular communications via twitter, raised small sites at the Plymouth Regeneration Forum, the Local Agents Forum and the Plymouth Housing Development Partnership, and had direct discussions with Registered Providers to link them up with landowners.

Over the last two years, 41 homes have been built on small sites and 92 are under construction. Longfield House (Greenbank Ambulance Station), which had permission for 11 homes, has a new consent for 65 student cluster flats. These are under construction and expected to complete in 2015. The former small site at 273 Tavistock Road, which had permission for 13 units, was superseded by a new consent for 22 homes. Eleven of these were under construction as of April 2014. We expect all 22 to be complete by March 2015.

<table>
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<tr>
<th>Progress up to Nov 2014</th>
<th>No. of Sites</th>
<th>Dwellings</th>
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<tbody>
<tr>
<td>Completed</td>
<td>17</td>
<td>41</td>
</tr>
<tr>
<td>Under Construction</td>
<td>9</td>
<td>92</td>
</tr>
<tr>
<td>Projected</td>
<td>1</td>
<td>11</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>144</strong></td>
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</tr>
</tbody>
</table>

By August 2015 we therefore expect 144 homes to have been built on small sites.

City Council Sites

On 20th February 2013 Councillor Mark Lowry announced the release of 10 city council sites to support the GPB programme. The 10 sites were: Former Aster Centre, Lipson (AJM), Mannamead Centre, Mannamead (Pillar Developments), Former Plym View, Efford (Spectrum), PLUSS Centre, Southway (Westward), Former Ernesettle Centre, Ernesettle (Aster), Former Tamerton Vale School, Tamerton (DCH), Former Southway School, Southway (PCH/Barratts), Former Chaucer Way School, Manadon (Spectrum), Former West Park School, Former West Park (Trathen Properties) and Former Woodlands/Hillside Schools (Sanctuary).

What we said we would do
We prepared streamlined Site Planning Statements for all sites to enable a fast track approach to identifying development potential. Across all 10 sites the expectation was that in the region of 616 homes would be delivered of which 43% would be affordable and built to Code 4. This exceeds Core Strategy policy and current market delivery. The proposed schemes would secure £3.9m of HCA grant for the City through the PHDP and will generate approximately £4.8m of New Homes Bonus which will support the future regeneration of the City.
What we have done
We have worked closely with our development partners to expedite planning applications across the sites; 5 have secured planning permission and will deliver 150 homes over the next 1-2 years. A sixth application is imminent whilst the other sites are working up plans through the Development Enquiry Service.

We have accepted propositions worth £4,511,084 that will deliver 635 new homes, of which 322 (51%) will be affordable and built to Code 4 or above. Our approach to land releases in both the GPB and the Plan for Homes programmes has been cited by the former Housing Minister, Kris Hopkins, as an example of best practice in the foreword to the recently published Affordable Housing Programme 2015 – 2018 Prospectus.

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<tbody>
<tr>
<td>Completed</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Under Construction</td>
<td>4</td>
<td>121</td>
</tr>
<tr>
<td>Projected</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td>121</td>
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We therefore expect 121 dwellings to be delivered across the 10 City Council sites within the 3 year GPB period. The remainder of units will follow in 2016/2017 and 2017/18.

New Funding Mechanisms

It was important to attract new ways to fund increased housing delivery as part of the GPB programme. GPB therefore committed to exploring new models of housing delivery and finance to help secure additional housing in the city.

What we said we would do
We said we would research alternative funding mechanisms and models of delivery in order to accelerate housing supply. We indicated that we had worked with the Commission for Cooperative Housing and the Mutual Housing Group to develop cooperative homes for greater local ownership, linked to Pledge 55. We wanted to work more positively with housing associations to help alleviate housing shortages. Finally we said we would instigate meetings with institutional investors to explore longer term strategic funding mechanisms to deliver more affordable housing.

What we have done
We have been working with external housing providers and investors to review a number of funding models – and are delivering on 3 of these. On 18th June 2013, we successfully launched a new model of affordable housing funding and delivery called RENTplus with a local entrepreneur (Pillar Land Securities) and a local Registered Provider (Tamar Housing).
RENTplus is a brand new innovative approach to affordable housing and a first for the UK. Rather than rely on government subsidy, RENTplus brings in private sector funding from the institutional investment market through capital investors.

RENTplus aims to deliver 500 homes over the next 5 years with the first 12 due to be completed in 2015/16 on the city council site in Mannamead. RENTplus will offer people on the housing register new homes with affordable rent. The tenants will also be given cash towards their deposit to help them buy their RENTplus home.

Secondly, we are also looking at the QSH Investment Agency Rent-to-Buy, Deferred Purchase and For-Rent models. QSH are the selected partner for the conversion of the former SHIP hostel into 10 new apartments. We expect these dwellings to be built in 2016/17.

Thirdly, we are also exploring a pilot for the Opt-to-Buy scheme. This model involves building new homes and allowing people to rent whilst improving their credit histories and saving for a deposit before buying.

In addition to the above, we have reinvigorated the Plymouth Housing Development Partnership. Registered Providers active in Plymouth are now more aware of the need to deliver additional homes in Plymouth. Currently Registered Providers manage and maintain over 22,400 homes in the city and are developing 621 new affordable homes under the Affordable Housing Programme, which will create 1,103 jobs. As Registered Providers in Plymouth have an annual turnover of £119.1 million, employing 1,110 people, it is important that Strategic Planning and Infrastructure supports, engages and challenges them to maximise delivery. To this end a new programme of “account management” at a senior management level was commenced at the time of the GPB launch.

We continue to explore other funding opportunities and have recently secured over £10 million of funding for various housing projects in the city. In addition a £32 million loan to support the early deliver of 5,500 homes at Sherford has been secured.

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<td>0</td>
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<td>Projected</td>
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<td>0</td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td>0</td>
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</table>

However because of the due diligence processes required to develop these creative funding models, although RENTplus, QSH and the Opt to Buy models will deliver additional affordable housing in Plymouth in the future, they will not be able to deliver any homes during the time period of the GPB programme.
Conclusions

At the Working Plymouth Scrutiny meeting on 5th March 2013 the following actions were recorded:

(a) the Former Southway Primary School, with the proposal of 156 dwellings, was still at the pre-application stage however discussions had commenced with the focus on addressing the Section 77 issues. Section 77 related to the reprovision of education facilities, specifically playing pitches, with the Department for Education;

(b) officers were proactively working with the Department for Education to take forward the Former Southway Primary School site;

(c) Officers were trying to work with developers during the pre-application process to speed up housing delivery in city council sites;

(d) the Assistant Director for Strategic Planning and Infrastructure would inform Members with how the Committee could help accelerate housing delivery and monitor progress through the scrutiny process;

(e) the Assistant Director for Strategic Planning and Infrastructure would inform Members in relation to Ward Members involvement in pre application discussions.

On (a) and (b) Section 77 approval has now been secured on the former Southway Primary School site. Pre-application discussions are nearing completion and a planning application is expected in summer 2015.

On (c) pre-application discussions have started on all 10 sites, with 6 of these already completed and developments underway on 4 sites; with a fifth site due to start in January 2015.

On (d) Working Plymouth could support delivery of housing through its 2015/2016 work programme by ensuring that projects support the GPB objectives. In addition, Working Plymouth could consider requesting progress statements from landowners and developers on specific sites that are stalled to review delivery issues. Our housing programmes will promote consultation events on all PCC site releases. Ward councillors could broker meetings with community representatives to help manage engagement between planning / housing and local residents for particular sites. This has already been done on some of the existing sites that have been released, for example on the land at Kings Tamerton.

On (e) ward councillors are advised of non-confidential Development Enquiry Service pre-application submissions and have been involved in discussions on the land releases on some of the 10 sites.
Since the GPB programme was launched in August 2012, a proactive approach to housing delivery and the innovative use of planning powers have resulted in:

- 713 homes being built on identified stalled, lapsed, AAP and small sites.
- 528 homes currently under construction on sites forming part of the programme.
- A further 229 homes projected to be built by August 2015 on sites yet to start construction.

By the end of the final year we expect GPB to have delivered 1,470 homes over a 3 year period.

<table>
<thead>
<tr>
<th>Status</th>
<th>Stalled Sites</th>
<th>Lapsed Sites</th>
<th>AAP Sites</th>
<th>Call for Sites</th>
<th>Self-Build Sites</th>
<th>Small Sites</th>
<th>PCC Sites</th>
<th>Funding Models</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completed</td>
<td>415</td>
<td>10</td>
<td>243</td>
<td>4</td>
<td>0</td>
<td>41</td>
<td>0</td>
<td>0</td>
<td>713</td>
</tr>
<tr>
<td>U/C</td>
<td>42</td>
<td>0</td>
<td>273</td>
<td>0</td>
<td>0</td>
<td>92</td>
<td>121</td>
<td>0</td>
<td>528</td>
</tr>
<tr>
<td>Projected</td>
<td>5</td>
<td>70</td>
<td>143</td>
<td>0</td>
<td>0</td>
<td>11</td>
<td>0</td>
<td>0</td>
<td>229</td>
</tr>
<tr>
<td>TOTAL</td>
<td>462</td>
<td>80</td>
<td>659</td>
<td>4</td>
<td>0</td>
<td>144</td>
<td>121</td>
<td>0</td>
<td>1,470</td>
</tr>
</tbody>
</table>

Looking at the wider pattern of development in the city during the first 2 years of the GPB programme, 1,402 new homes have been completed in Plymouth. A further 782 dwellings are also currently under construction. Therefore by the end of the final year of GPB we expect 2,184 new homes to have been built in the City. With this in mind we can conclude that the GPB programme has successfully contributed to the delivery of over 2,000 homes in 3 years.

<table>
<thead>
<tr>
<th>Status</th>
<th>Number of homes</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012/13 Completions</td>
<td>668</td>
</tr>
<tr>
<td>2013/14 Completions</td>
<td>734</td>
</tr>
<tr>
<td>2013/14 Under construction</td>
<td>782</td>
</tr>
<tr>
<td>TOTAL</td>
<td>2,184</td>
</tr>
</tbody>
</table>

It is clear from the second year of the 3-year GPB programme that a proactive and innovative planning approach has made a very real difference to delivery on the ground. This has achieved the desired momentum that lay behind the announcement of the initiative by the Portfolio Holder for Finance.

It is recommended that the Working Plymouth Scrutiny Panel note the progress with the Get Plymouth Building Programme.

Paul Barnard  
Assistant Director of Strategic Planning & Infrastructure  
Strategic Planning & Infrastructure Department  
10th December 2014
WHY...

To deliver more decent homes to support the population we will accelerate housing supply and deliver a range and mix of well-designed greener homes to meet the city's needs.

HOW...

The Plan for Homes will bring together landowners, developers, registered providers, local communities, ward councillors and planners in a co-operative approach to deliver the affordable homes and other types of housing that Plymouth people need.

5,000 NEW HOMES

The Plan for Homes, announced in July 2013, will significantly accelerate housing supply by delivering a range and mix of well-designed greener homes to meet the city's needs.

We need to see a step change in future housing delivery if we are to achieve Plymouth's growth agenda and address known housing needs. The Plan for Homes is an ambitious programme that will deliver 1,000 new homes each year for the next five years. Further Council owned sites will be released, new innovative models of funding will be developed and there are 16 innovative ideas for accelerating housing delivery. We will work with the Plymouth Housing Development Partnership and other housing providers to develop our ideas and will announce our new strategic housing target in the Plymouth Plan in 2014.

Councillor Mark Lowry
Portfolio Holder for Finance, Plymouth City Council

THE PLAN FOR HOMES - 1,000 HOMES PER YEAR

Finance

1. We will create an Affordable Housing Loan Facility of up to £50 million for the Plymouth Housing Development Partnership.
2. We will waive planning pre-application fees for all self-build projects, Code Level 4, 5 and 6 schemes and for affordable housing developments that meet our policy requirements.
3. We will consider more flexible land and Section 106 payments to improve development cash flows to support a start on site by an agreed date.
4. We will consider off-site affordable housing contributions to unlock stalled sites, where appropriate.

Land

5. We will complete a Strategic Housing Land Availability Assessment to identify sites to substantially increase the supply of housing.
6. We will release over 100 acres of land for housing and complete a Strategic Land Review to identify every possible Council owned site suitable for housing development.
7. We will develop a ‘flagship’ scheme on a Council owned site to encourage innovation and greater input from registered providers.
8. We will create a dedicated Sherford Delivery Team to enable a start on site at Sherford in 2014.
9. We will create a ‘city centre density bonus’ to provide more homes and encourage a broader mix of house types.
10. We will make more Council owned land available for self-build and establish a streamlined planning process to deal with subsequent planning applications.

Infrastructure

11. We will work with institutional investors to attract new investment for housing.
12. We will develop a Local Infrastructure Prospectus to support future infrastructure provision for housing and regeneration projects.

Community Engagement

13. We will use Neighbourhood Plans with local communities to identify sites for homes to meet local needs.
14. We will appoint Relationship Managers for each registered provider and large developers to encourage further investment and work more closely with local communities.

Leadership

15. We will support the ‘Yes to Homes’ campaign and proactively make the case for additional accelerated housing to meet Plymouth's needs.
16. We will seek a step change in housing investment by developing partnership, joint venture and new funding models with the Plymouth Housing Development Partnership.
**ECONOMIC IMPACTS**

New housing makes a significant contribution to the creation of new jobs and training opportunities, contributing to the prosperity and growth of the city and the delivery of the Plan for Jobs.

**NEW HOMES DELIVERY**

Since 2006 and the start of the Core Strategy plan period, 36% of all new homes delivered have been affordable, exceeding our Core Strategy target of at least 30%.

**REGENERATION**

We are working in partnership to progress and complete major regeneration programmes in Devonport and North Prospect that will see 1,400 obsolete social homes demolished, 2,700 new homes built for sale and rent and 300 existing homes refurbished.

**AFFORDABLE HOUSING DELIVERY**

Over the last three years 910 new affordable homes have been completed placing Plymouth in the top quartile for affordable housing delivery when benchmarked against both our Housing Family Group and Co-operative Family Group.
Plan for Homes will deliver 2,453 direct construction jobs and an additional 479 indirect jobs. This will generate £102.7m GVA benefits to the Plymouth economy.

CONTINUING OUR COMMITMENT TO DELIVER

5,000 HOMES FOR LOCAL PEOPLE OVER NEXT FIVE YEARS

1,500 HOMES FOR LOCAL PEOPLE

£80 million

INVESTMENT IN HOUSING

TO DELIVER 1,500 NEW HOMES IN SUPPORT OF THE OVERALL COMMITMENT OF 5000 HOMES

750 AFFORDABLE HOUSING

500 STARTER HOMES

200 SOCIAL RENTED

DELIVERING THE PLYMOUTH PLAN
FINANCE -
creatively using local authority and Homes and Community Agency resources to support housing projects and initiatives in Plymouth

1. We will continue to support more flexible land and Section 106 payments to improve development cash flows to enable the earliest possible start on site.

2. We will continue to provide loans through the Affordable Housing Loan Facility to support Plymouth Housing Development Partnership projects.

3. We will launch the Plymouth Empty Homes Initiative to support projects and bringing long term empty homes and disused commercial spaces back into effective residential use, supported by a capital fund of £1 Million.

4. We will invest £500,000 through a Specialist Housing Programme to enable the development of bespoke homes to meet a wide range of individual unmet housing needs, such as wheelchair, accessible and larger homes.

5. We will provide short term financial support and bridging loans through a £500,000 Self-Build Funding Scheme to support people wishing to self or custom build their own home and appoint a Self-Build Champion for the City.

LAND - Continuing to release City Council land and other public land for housing in the most streamlined and targeted way, and acquiring new land for housing

6. We will undertake a second Strategic Land Review to identify Council owned sites for new homes, including land that could support custom and self-build opportunities.

7. Together with the Homes and Communities Agency (HCA), we will create a Land Acquisition Fund of £30 Million to buy up stalled and lapsed sites to accelerate housing delivery, contributing our asset value where we own land which forms part of a housing scheme, with net land receipts being shared with the HCA according to equity contribution.
We will produce a Plymouth Housing Propectus that lists potential development sites, including all sites with planning permission, stalled and lapsed sites, and their potential housing outcomes to attract private sector investment.

We will explore new approaches to housing delivery to secure a sustained increase in supply, including investigating new private rented housing models.

We will enable opportunities to deliver specialist housing to meet the particular housing needs of communities including Gypsy and Traveller sites, Extra Care and Supported Housing.

We will create a £3 Million Housing Infrastructure Fund to support housing delivery prioritising opportunities in the 3 Growth Areas set out in the Plymouth Plan.

We will review the City Council’s Capital Programme to maximise the funding available for housing and to ensure that, where appropriate, both existing and planned projects support housing outcomes.

COMMUNITY ENGAGEMENT - continuing the proactive dialogue with local ward councillors and local communities on identifying appropriate sites for housing

We will commission the Plymouth Housing Development Partnership to lead a “Homes for Plymouth” campaign to increase the support for housing in the city.

We will continue to work with local communities through the Plymouth Plan and Neighbourhood Plans to identify sites for homes that meet local needs.

We will work with local communities and housing providers through a Downsizing Programme to help local people move to houses that better meet their future needs.
LEADERSHIP - Continuing to work proactively with partners, the City Council will provide positive strategic leadership of the housing agenda in advocating the need for more homes to meet the needs of future generations.

16 We will deliver **5,000 new homes for people in Plymouth by April 2021**

17 We will implement **two year planning consents** with immediate effect to tackle developer land banking and encourage the delivery of sites that already have planning permission

18 We will create a **Cabinet Advisory Group on Planning, Housing and Infrastructure**, maintaining the cross-party work of the Housing Needs Working Group, and extend this to include the Chair of the Plymouth Housing Development Partnership and the Homes and Community Agency

19 We will establish **Homes for Plymouth**, a new housing company, to directly deliver more homes by taking control over the development process, developing new funding solutions, and be vesting at least **10 new City Council sites** together with a **£10 Million loan facility** to enable 500 market, affordable and social rented homes to be delivered by 2021

20 We will continue to provide proactive, fast track approach to planning on all sites, and we will implement **further planning innovation** such as a Charter for House Building, a Housing Barrier Busting Initiative, a Business Relationship Programme for major house builders and a new streamlined decision making process

IF YOU WOULD LIKE TO HELP US DELIVER ANY OF THESE INITIATIVES PLEASE CONTACT: E: housingdelivery@plymouth.gov.uk T: 01752 304146

Helping to deliver Plymouth Plan policies: 2, 4, 12, 15, 20, 29, 39, 40 and 45
PLYMOUTH METHODOLOGY FOR MAJOR APPLICATIONS RECEIVED, APPROVED AND REFUSED OVER THE LAST 11 YEARS

BACKGROUND
Plymouth City council has received a significant number of major residential applications over the past 11 years and has approved a significant number of sites and dwellings on these sites with a high approval record.

METHODOLOGY
We have used our planning application system to run a query to pick up all major residential applications received over the last ten years. (01/04/2006-01/04/2017).

The following development codes were used to pick up major applications that we have received:
01 – Large Scale Major Developments for C3 Residential
06 – All other Large Scale Majors
07 – Small Scale Major Developments for C3 Residential
12 – All other Small Scale Majors

The list was filtered to remove any consents that weren’t relevant for example, variation of conditions or applications that were given the wrong development code. Applications for student accommodation were also removed.

Applications with the following decision type were also discounted as were not valid consents:

ESR10 – Scoping Opinion
NOTDET – Application not determined.
RTN – Application returned.
WDN – Application withdrawn

The proposal description was then used to determine the number of dwellings the application was received for. To avoid double counting, where all the Reserved matters applications have been received in relation to an outline application, the Outline dwelling number has been excluded from being counted however the application is counted in the Number of Applications we have received. Where there is an outline and not all the reserved matters applications have been received the number of dwellings remaining to be built has been counted instead of the dwelling proposal number.

There are cases where there are multiple applications for the same site but still included as the application had either lapsed or resubmitted for alternative dwelling numbers.
APPLICATIONS RECEIVED, APPROVED AND REFUSED OVER THE LAST TEN YEARS

<table>
<thead>
<tr>
<th></th>
<th>TOTAL (2006-2017)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Applications Received</td>
<td>316</td>
</tr>
<tr>
<td>Number of Dwellings for Applications Received</td>
<td>17,890</td>
</tr>
<tr>
<td>Number of Applications Approved</td>
<td>263</td>
</tr>
<tr>
<td>Total Number of Dwellings Approved</td>
<td>15,140</td>
</tr>
<tr>
<td>Number of Applications Refused</td>
<td>53</td>
</tr>
<tr>
<td>Total Number of Dwellings Refused</td>
<td>2,750</td>
</tr>
<tr>
<td>Number of Refusals where an application came back in and was permitted on that site:</td>
<td>30</td>
</tr>
<tr>
<td>Of those Refused, no further applications come forward on the site</td>
<td>17</td>
</tr>
<tr>
<td>Number of Dwellings on Applications refused where no further applications were received</td>
<td>889</td>
</tr>
<tr>
<td>Number of Applications Refused that then went to Appeal</td>
<td>21</td>
</tr>
<tr>
<td>Number of Applications Refused that were dismissed at Appeal</td>
<td>13</td>
</tr>
<tr>
<td>Number of Applications Refused that were Allowed at a Appeal</td>
<td>6</td>
</tr>
<tr>
<td>Number of Applications Refused that were withdrawn at Appeal</td>
<td>2</td>
</tr>
</tbody>
</table>

CONCLUSION

In the period 2006-2017 the council has dealt with 316 Major applications for residential development, totalling approximately 17,890 dwellings. The council approved 263 of these applications granting consent for 15,140 dwellings. The council has only refused 53 applications in that period, however nearly 30% of these were multiple refusals for the same sites. 30 of the applications have since gained permission on the site addressing the reason for refusal. 6 out of the 53 applications gained consent through being allowed at appeal (totalling 164 dwellings). This leaves 17 applications totalling 889 dwellings (of which one of these applications for 280 dwellings was withdrawn at appeal), that haven’t subsequently gained a further consent from the local authority.

Of these 17 applications that didn’t gain further consent, 7 applications went to appeal. 6 of these were dismissed at appeal totalling 424 dwellings and one application was withdrawn for 280 dwellings. This leaves 10 applications (185 dwellings) that were refused that didn’t go to appeal and didn’t gain a further consent from the local authority.

Of the total number of dwellings received through applications (17,890 dwellings), less than 1% (164 dwellings) has been granted consent through the appeals process.
Land Supply

The Buffer

21. The Secretary of State has carefully considered the Inspector's analysis of the buffer at IR163-166 and carefully considered the Inspector's conclusion that there are grounds to consider that there is a record of persistent under delivery and that a buffer of 20% is now justified. However, the Secretary of State disagrees with the Inspector's conclusions. In coming to this conclusion, the Secretary of State has had regard to report into the West Berkshire Housing Site allocations DPD and the DPD Inspector's conclusions (DPD IR 134) that the housing supply situation is satisfactorily monitored with no reasons to conclude that there is any significant threat to the delivery of housing in West Berkshire. The Secretary of State also concludes that while there has been an undersupply in 6 of the past ten years, this has been in part due to the influence of the recession. As such he finds that a 5% buffer is appropriate.

22. It is common ground (IR174) between the parties that there is a shortfall of 417 dwellings (IR173). As such the Secretary of State concludes that net housing need is 3,742 \[(665\times5) + 417\], to which he adds a 5% buffer, to give an overall housing need of 3,929 units.

Deliverable Housing Land

23. The Secretary of State has carefully considered the Inspector's analysis of deliverable housing land at IR167-173. With regard to Sandleford Park, the Secretary of State agrees with the Inspector that it should be removed from the figures for deliverable sites given doubts as to whether it will deliver within the 5 year period. He thus excludes the 220 dwellings at Sandleford Park from his calculations of housing supply.

24. The Secretary of State has gone on to consider the Core Strategy site at Newbury Racecourse (IR169). Given the revised trajectory of February 2017 from the developer, and noting that units on the site are selling well and that development is now under way on the third phase of the site, the Secretary of State concludes that it is realistic to deduct only 102 sites from the delivery figures, to give a total of 873 dwellings at the site.

25. With regard to the J&P Motors site, the Secretary of State notes that there is no indication of any legal impediment to the use of the land for housing, there is an implemented planning permission, and there is recent evidence of the involvement of the developer (IR170). As such he agrees with the Inspector that this site will deliver housing within the five year period. With regard to the Lakeside site in Theale, (IR170), the Secretary of State disagrees with the Inspector given the uncertainty as to whether the site will begin to deliver within the five year period, and has excluded the site from his calculations.

26. The Secretary of State has also excluded 160 units on land off Faraday and Kelvin Road from his calculations, given that the lease situation means that it is not certain that the site will deliver within the five year period.

27. The Secretary of State has had regard to the Inspector's analysis at IR172 on the Market Street site, and notes that the s106 Agreement has now been signed and planning permission granted. For that reason, and for the reasons set out by the Inspector, he concludes that delivery of 232 units from this site within 5 years is not an unreasonable expectation. He further agrees, for the reasons set out by the Inspector, that there is not a substantial reason to exclude the Pound Lane Depot site from his calculations.