

Dacorum Borough Council
Core Strategy Examination

REPRESENTOR ID: 620224

ISSUE 6: PROVIDING HOMES

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1. INTRODUCTION

1.1 Emery Planning Partnership is instructed by Waterside Way Sustainable Planning Limited to attend the Examination into the Dacorum Core Strategy. This Statement deals specifically with Issue 6 which deals with providing homes and is based on the Inspector's questions. We will expand on these points at the Examination.

2. ACCORDANCE WITH NPPF

2.1 Question 6.1 addresses a number of issues. We first deal with the consistency of the housing policies with national guidance.

2.2 The Core Strategy Pre-Submission Draft (SUB1) was published in October 2011 and was submitted to the Secretary of State on 22nd June 2012. NPPF was published between these two key stages. This was recognised at the Full Council meeting on 22nd May 2012 although a further consultation was not proposed and the Core Strategy was approved for submission. Therefore the Core Strategy has not been written in light of the guidance in the NPPF and consultees have not had the opportunity, until now, to comment on the Core Strategy in light of NPPF. This position is similar to Wiltshire where the Inspector, in his letter dated 29th August (Appendix EPP1) states:

"I note that the Council is undertaking further consultation on its proposed pre submission changes which will include details of the revised Sustainability Appraisal and an opportunity to comment upon the implications of the National Planning Policy Framework and Government Policy for Gypsy and Travellers. This is important and welcome although it is unfortunate that this was not undertaken before the submission of the plan for examination. I foresee the likelihood for a variety of new representations to be made."

2.3 Therefore Wiltshire is undertaking a further consultation in advance of the Examination and the Inspector foresees a variety of new representation to be made. He also states that the further consultation should have been undertaken before submission.

2.4 In Dacorum such a consultation has not been undertaken therefore the consistency of the Core Strategy against NPPF is a retrospective assessment rather than the policies being written to accord with the NPPF. This goes to the heart of the Examination and the need for a further consultation. Notwithstanding this position, our comments are as follows.

Housing Requirement

2.5 The first bullet point of paragraph 47 in NPPF is clear. Local planning authorities should:

"ensure that there local plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the

policy set out in this framework, including identifying key sites which are critical to the delivery of the housing strategy over the planned period'.

- 2.6 The pertinent question is whether the Core Strategy meets this criterion.
- 2.7 It is of note that Document HG16 (Background Paper – Selecting the Core Strategy Housing Target) was published in June 2012 which is some 9 months after the publication of the submission Draft Core Strategy. This seems to justify the requirement after the decision has been taken.
- 2.8 Paragraph 1.4 of HG16 states that 3 options were considered and it is evident from SUB1 that the middle option of 430 dwellings per annum has been proceeded with. However the higher option, which was a demand led option was dismissed. This is clearly contrary to first criterion of paragraph 47 of NPPF which is to meet the full needs of the area. In our view demand is a key component which has been dismissed at earlier stages, but which now has even greater importance with NPPF.

Projections

- 2.9 Table 3.2 of HG16 lists the range of household projections and compares these to the requirement in SUB1. Table 3.2 is clear that in all scenarios, with the exception of one, the requirement in SUB1 falls short of the projections. Paragraph 3.10 recognises this and states that the requirement is within the range set by these figures. Whilst it is within the range it is below 5 of the 6 projections. The median of the six projections, which is 11,928 dwellings, is higher than the requirement in Core Policy 17 and would be a more robust assessment of need.
- 2.10 The 2008 household projections were released on 26th November 2010. These figures were not incorporated into the Pre-Submission Draft despite an increase from the household projections used in the earlier drafts. Table 1 below sets out the results for Dacorum from the last three datasets.

Table 1 - Sub Regional Household Projections, England

	2006	2029	Increase	Annual increase
2004 based dated March 2006	58,000	68,000	10,000	434
2006 based dated February 2008	58,000	68,000	10,000	434
2008 based dated November 2010	57,000	71,000*	14,000	519

*at 2033 – no data for 2029

- 2.11 As stated above, policy CS17 is based on option 2 of the draft Core Strategy (December 2010) which is based on the older lower figures and does not take into account the increase in households set out in the latest projections.

2011 Census

- 2.12 The first statistical release from the 2011 Census was published in July 2012 which set out the population for the local authorities across England. For Dacorum the population is 144,800, which is an increase from the projection in Table 1 of BP6 of 141,500. This means that the Council has been planning for a lower population and this must be taken into account. Clearly the Core Strategy could not anticipate this increase but the key issue for this Examination is the need for flexibility in the plan particularly as a greater level of 2011 census data will be released over the coming months and years which will play a key part in planning for future development. This may well necessitate an early review of the Core Strategy if it is found sound at this Examination.

Affordable Housing Need

- 2.13 The SHMA is a fundamental part of the evidence base as set out in paragraph 159 of NPPF. However the SHMA (HG17) was only published in July 2012 and therefore its content cannot have been taken into account by the Core Strategy. On this issue alone the Core Strategy is unsound as the SHMA is a fundamental plank of the evidence base that has clearly not been considered.
- 2.14 Paragraph 3.31 of HG16 states that affordable housing need in the area is some 5,525 homes which equates to 220 dwellings per annum. HG17 states that affordable housing need has increased from 710 to 847 dwellings per annum, which is significantly greater than the figure in HG16. Whichever figure is used there is a clear and significant affordable housing need that has not been accounted for in SUB1.
- 2.15 To achieve the level of affordable housing within the plan period as set out in HG16, and using the council's proposed 35% affordable housing target, 15,785 dwellings would be required. If the affordable housing target was 40% then an overall requirement of 13,812 dwellings would be required. Whilst we accept this is simplistic approach, it shows that providing for a greater proportion of the objectively based affordable housing need is not unrealistic. That requirement would of course increase in light of HG17.
- 2.16 Therefore in answer to the first part of Question 6.1, the Core Strategy fails to take NPPF into account and is not consistent with its policies on housing need and demand. It is therefore fails to meet soundness tests 1 and 4.

3. APPORTIONMENT OF GROWTH BETWEEN SETTLEMENTS

- 3.1 Question 6.3 asks whether the apportionment of growth between the settlements is properly justified. We consider that the settlement hierarchy is correct in terms of how settlements have been designated. Our concern relates to the scale of development proposed between these settlements, with specific reference to Tring.
- 3.2 Paragraph 3.4 of the Spatial Strategy for Tring in the 2009 Core Strategy, stated that "*A certain amount of development and change will be required to maintain the town's existing vitality. Our view is that a minimum of 465 dwellings would maintain the current level of population and a maximum of about 939 dwellings would be sufficient to accommodate natural growth (2006-2031)*". This relates to the evidence in BP4 (Population: Background Note for the Core Strategy). We understand that remains the extant evidence base on this matter, although we question whether that is now outdated.
- 3.3 The Council's position has remained through to the Submission stage that the minimum figure (465 – 480 dwellings) should be the requirement which will maintain the current level of population. Our objections to date consider this to be inappropriate as the town should be providing for natural growth as a minimum. To do otherwise would stifle the growth of the town and its future prosperity.
- 3.4 BP4 states that the projections were based on the 2004 based household projections. As we have set out above, the household projections have been revised twice and as noted above there has been a 19.5% increase in the total households for the Borough as a whole. On that basis the data in BP4 and on which the figure of 480 dwellings for Tring has been based is out of date.
- 3.5 Finally, the higher figure of 939 dwellings was based on zero-net migration (BP4 - Table 2). We consider it is only appropriate that a town should meet its natural housing growth and to not do so would result in the local population having to look elsewhere to live and may well create pressure for additional housing elsewhere in Dacorum and potentially in surrounding districts.

4. DELIVERABILITY

- 4.1 Question 6.4(c) asks whether the proposed trajectory is realistic and can it be delivered. This is fundamental to any review of the Green Belt and whether that review goes far enough to meet the housing needs.
- 4.2 Delivery of the housing requirement is fundamental to "*boost significantly the supply of housing*" (para.47 NPPF). We have significant reservations over the deliverability of the Core Strategy. The latest Housing Trajectory is set out in the 2010-2011 Annual

Monitoring Report (BP2). Table 3 shows almost an entire reliance on sites with planning permission for the next 5 years with allocations coming on stream in year 6. This seems to be a rather ad hoc way of planning when NPPF seeks a plan led system (para 17).

4.3 The total housing requirement for the plan period is 10,750 dwellings which equates to 430 dwellings per annum. After taking account of completions and commitments (page 28 of HG20) the residual requirement for the period 1st April 2012 to 31st March 2031 is 8,261 dwellings. This equates to 435 dwellings per annum. HG20 advises that 1,945 of those dwellings are committed from the following sources:

- Large sites (5 or more dwellings) – 1,200 dwellings;
- Small sites (4 or less) – 157 dwellings;
- Conversions / changes of use – 83 dwellings; and,
- Section 106 Agreements – 506 dwellings.

4.4 Assuming that the council's position is correct and the above commitments are deliverable, this equates to a 4.5 year supply. In addition it also requires an additional 6,316 dwellings within the plan period. In SUB1, 1,820 dwellings are identified as strategic sites and local allocations. Depending on which requirement is used, this equates to 16% to 18.6% of the deliverable supply which is a low proportion of development for a plan led system.

4.5 This leaves some 4,496 dwellings to be built on non allocated sites. In our view this is an over-reliance on non-allocated sites which is likely to create uncertainty in delivery which runs contrary to the plan led system as advocated by NPPF which seeks to "*allocate sites to promote development and flexible use of land, bringing forward new land where necessary*". This over-reliance on non-allocated sites is also set out in Tables 3.4 and 3.5 of HG16.

4.6 The housing requirement in Core Policy 17 is 10,750 dwellings. Table 8 advises that the total supply is 11,320 dwellings, which is 570 dwellings more than the requirement. This equates to 5% of the requirement. NPPF advises that a 5% buffer is the minimum that a Council should be applying in accordance with paragraph 47. In our view the Council should be planning for a greater flexibility. The reason for this is that if the Council persistently under delivers NPPF requires a 20% buffer to provide a realistic prospect of achieving the planned supply. This buffer is for sites that are identified later in the plan period to be brought forward sooner when required, for example a 5 year supply cannot be demonstrated. However if there is insufficient sites identified in the plan period in the first place then there will not be the sites in the plan to be brought forward if and when the need arises. This additional supply could be held back as reserve allocations or safeguarded land but it is necessary to provide a range of sites particularly as the plan

period is to 2031 and circumstances could change which require a greater level of new housing.

5. STRATEGIC HOUSING LAND AVAILABILTY ASSESSMENT

5.1 Question 6.2 asks whether the information in the SHLAA (2011) is soundly based and have the current economic conditions been taken into account?

5.2 From the Examination Library, the SHLAA consists of the following documents:

- HG7 - Strategic Housing Land Availability Assessment – October 2008;
- HG13 – Stage 2 Review of the South West Hertfordshire Strategic Housing Land Availability Assessment – July 2010.

5.3 Therefore the SHLAA was undertaken in 2008 and a Stage 2 Review was undertaken in July 2010. Document HG11 provides an update of the SHLAA to a base date of 1st April 2011. This is the document referred to in the Inspectors Question 6.2.

5.4 Table 1 of HG13 stated that each authority will complete an update of the SHLAA that will reconsider all original SHLAA sites (wherever possible for both rejected and accepted sites) against the findings of the SHLAA review. A full review has not been undertaken although HG14 has been written as an update.

5.5 Paragraph 159 of NPPF states that local planning authorities need to have a clear understanding of housing needs in their area. The SHMA and the SHLAA are the two key documents. We consider that the Council cannot be sound when it is based on a 2008 SHLAA which the council accepts needs to be updated and a SHMA which was only published in July 2012, some 9 months after the Core Strategy was published. On the later point this is further evidence that the evidence base has been published after the submission of the Core Strategy.

EPP 1



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Our Ref: PINS/Y3940/429/9

Date: 29th August 2012

Dear Mr Cunningham,

Thank you for your letter dated 26th July. I write further in relation to a number of matters to ensure I have an understanding of the Council's position. This will help me to identify the Matters and Issues which may bear further discussion as the Examination progresses.

I note that the Council is undertaking further consultation on its proposed pre submission changes which will include details of the revised Sustainability Appraisal and an opportunity to comment upon the implications of the National Planning Policy Framework and Government Policy for Gypsy and Travellers. This is important and welcome although it is unfortunate that this was not undertaken before the submission of the plan for examination. I foresee the likelihood for a variety of new representations to be made. As a result and to ensure fairness to all involved, I do not propose to hold a Pre Hearing Meeting in advance of the closure and consideration of results of the consultation process; to do so could prejudice the involvement of those consultees yet to be identified.

As a consequence, any such meeting will be scheduled thereafter and is likely to be held in November at the earliest.

I thank you for notification of the revised Local Development Scheme. I would be interested in the Council's views as to the likely length of the hearing sessions and examination process for the submitted plan given that its broad range of content appears to have given rise to a relatively large number of matters which will bear further examination. I foresee that the Examination will certainly extend into 2013.

As you will be aware, any Local Plan needs to be consistent with national planning policy. The National Planning Policy Framework provides clear guidance upon housing related issues. In particular, paragraph 159 makes reference to the use of a Strategic Housing Market Assessment (SHMA) to assess an authority's full housing needs and to work with neighbouring authorities where housing market areas cross administrative boundaries. The SHMA should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period. Such housing should meet



household and population projections, address the need for all types of housing and cater for the demand and scale of housing supply necessary to meet this demand. The NPPF indicates that a Strategic Housing Land Availability Assessment will support the identification of housing land over the plan period.

Within this context and amongst other matters, I have read Topic Papers 2 and 15 and am aware of WCS/04. Overall, there appears only limited apparent analysis of any SHMA outputs and how they relate to the identified drivers of housing requirements. Indeed, I am unsure precisely which SHMA evidence the Council relies upon and to what extent this may follow the SHMA Practice Guidance (Version 2). As matters of fact, could you confirm the following please:

- What, specifically and in simple terms, is the Council's objectively assessed housing need (scale, mix and tenure (market and affordable)) for the plan period? Can this be clearly expressed for the county as a whole and for each housing market area (HMA)? How does this relate to the intended level of housing delivery contained within the submitted Plan?
- Which specific HMAs does the Council rely upon? To what extent do the identified HMAs in document STU/21 take account of cross border matters? How do these relate to the HMAs identified in the West of England SHMA?
- How does the evidence base take account of housing matters beyond the boundaries of Wiltshire, particularly with regard to Swindon to the east and Bath and Yeovil to the west?
- Is it correct to conclude from a reading of paragraph 10.19 that STU/21 has not been used to inform the Local Plan's intended level of housing delivery over the plan period?
- To what extent is the Core Strategy consistent with NPPF para 159?

In relation to the strategic housing need that extends beyond the Council's boundary and mindful of the Duty to Cooperate, I would be grateful for details of how Wiltshire Council is working with its neighbours to ensure such housing needs are met effectively. For example, does Wiltshire rely upon its neighbours to accommodate any part of its housing needs? Does any neighbouring authority require Wiltshire to accommodate part of its housing need in the foreseeable future? Statements of agreement (or disagreement) with key neighbouring authorities would be useful in this regard.

Turning to the SA, as you will be aware, a number of representors have questioned the changes made within the SA prior to the submission of the Local Plan for examination in respect of being denied an opportunity to comment upon them. I trust this will be resolved by the impending consultation.

There are a number of detailed queries raised by consultees in relation to the SA with which you will be familiar. These include concerns expressed in the manner by which the SA has equitably considered levels of development across the county over the plan period, the identification of strategic development sites, the potential need for contingency sites and the roles of settlements which include Swindon and Chippenham. Whilst these will no doubt be explored by any later examination stages, I am seeking the Council's early view as to whether it remains satisfied that the SA is legally robust in the context of plan making. In this regard, is the Council satisfied that the SA is accurate, that it has taken into account appropriately relevant information, that it has considered the reasonable alternatives to the preferred options shown in the submitted Local Plan objectively and fairly and that the reasons for discounting alternative

options remain valid? I am most mindful of court cases which have been required to assess this issue, in particular, *Save Historic Newmarket Ltd v. Forest Heath District Council* [2011] EWHC 606 and *Heard v. Broadland District Council and others* [2012] EWHC 344. It is prudent to be aware of the matters involved in these cases and how they may relate to circumstances elsewhere.

With legal compliance in mind, a number of representors have raised concerns over the clarity and veracity of the previous consultation process which, in part, indicated that comments were only sought by the Council in relation to changes contained within the Pre Submission Plan when compared to its predecessor rather than on the document as a whole. Can you explain the Council's understanding of this issue and, as necessary, how and when it was remedied?

In relation to the Habitats Regulation Assessment (HRA), I have noted the HRA of February 2012 and the content of the SA (June 2012) which concludes that an Appropriate Assessment is not required. Once again, I would appreciate confirmation from the Council, with due regard to the submitted plan and the proposed changes, that this view remains robust, particularly in light of consultee comments (including Natural England), the provisions of the relevant legislation, the precautionary principle and the judgement in the *Waddenzee* case (ref C-127/02). To what extent, if any, has consideration been given to the likely effects of the submitted plan in combination with plans, existing or in production, of neighbouring authorities? The Core Strategy contains policies designed to mitigate the impacts of development upon nature conservation interests; given that the scale, scope and practicality of such mitigation is unknown at this time, can it reasonably be concluded that the Core Strategy will not have a significant effect upon protected interests? Are you in a position to gain Natural England's confirmation that these specific matters have been addressed suitably? Whilst these matters may bear examination in any public hearing sessions, an update from the Council would be useful at this stage.

I raise these matters in the interests of efficiency and in order that the Council can affirm its position through, as necessary, a review of its evidence. Should the Council identify any issues to be resolved then I would be grateful for any update.

I look forward to hearing from upon the above matters in due course.

Yours sincerely,

Andrew Seaman

Senior Housing and Planning Inspector