

Participant Statement: Issue 6

Providing Homes

Grand Union Investments and Dacorum Borough Council

September 2012

Issue 6: Providing Homes

Question 6.1: Are the housing policies consistent with national guidance and supported by clear and robust evidence? Is the identification of strategic site and local allocations appropriate and is the status of the SS and LA policies clear?

- 1) The comments below seek largely to review information and evidence produced since the representation submitted on the pre-submission Core Strategy (CS) in December 2011.
- 2) The main conclusions on DBC's Draft Housing Policies and their non compliance with the NPPF, are as follows;
 - i. lack of an NPPF compliant assessment of the housing requirement given the unsuitability of the Council's methodology;
 - ii. need to make up the significant shortfall of affordable housing dwellings and a further significant need for more planned affordable homes which has not been recognised within the overall housing provision;
 - iii. lack of any flexibility or realism from DBC in considering delay in bringing forward the complex, urban mixed-use sites;
 - iv. lack of consideration of viability and deliverability of already identified sites by DBC which modestly contribute towards the actual housing requirement within the plan period;
 - v. lack of justification for current policy approach in relation to future growth at Berkhamsted;
 - vi. need to explain in DBC's SA process the reasons for the choice made in relation to not fully meeting assessed needs other than the strategy accords with the Council's vision and approach.
- 3) The CS plan should be amended to facilitate more housing than currently planned in relation to the Berkhamsted Chapter and the inclusion of Land South of Berkhamsted as a site allocation. The below sections provide reasons in the context of the NPPF.
- 4) Savills have prepared further evidence appended to this PS (entitled "Housing and Socio-

Economic Assessment – Update August 2012). It is also cross referred to in GUI's PSs concerning Issue 11 which analyses the impact of the latest ONS projection figures in reviewing housing need; information published during April 2012 and therefore considered fundamental to the debate on housing growth.

Housing policies and NPPF compliance

- 5) The Presumption in Favour of Sustainable Development (PFSD) is the “golden thread” which runs through a local plan. The approach to a local plan, its vision and proposals should be expressed in policies which are justified and effective in accordance with the NPPF. The plan needs to be positively prepared. DBC have not prepared a strategy which seeks to meet objectively assessed development needs, particularly housing, and nor does it seek to provide for new and improved infrastructure requirements. There has been no comprehensive approach in assessing future housing demand and needs of the local area.
- 6) The NPPF sets out the Government's current and future requirements for boosting significantly the supply of housing (in the drive for economic growth) - including the identification of a supply of specific, developable sites sufficient to provide five years worth of housing against local housing requirements and of specific, deliverable sites or broad locations for growth for years 6-10 and if possible for years 11-15.
- 7) NPPF (7) indicates priority towards “providing the supply of housing required to meet the needs of present and future generations” and “widening the choice of high quality homes” (NPPF (9)). There are various references to housing needs throughout the document. Importantly, though, NPPF (159) indicates that SHMAs should cater for housing demand, as well as need.
- 8) More specifically in relation to NPPF (50); it is clear that the CS Plan does not “plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community” (criteria 1) nor does it identify the range of housing that is required at particular locations reflecting “local demand” (criteria 2) – local demand implying below borough level and settlement specific; nor does it identify affordable housing need (criteria 3).
- 9) The NPPF indicates that local authorities are required to have a “clear understanding” of housing needs in their areas (NPPF 159 and 160). There are fundamental concerns on the Council's methodology for assessing future housing demand which are set out in detail under question 6.4 of this section.

10) The Ministerial Statement (September 2012) states that Local Authorities should take “a responsibility to meet their needs for development and growth, and to deal quickly and effectively with proposals that will deliver homes, jobs and facilities”. It further “encourages councils to use the flexibilities set out in the NPPF to tailor the extent of the Green Belt land in their areas to reflect local circumstances”; and where Authorities will be supported for considering reviewing their Green belt boundaries through Examinations. DBC have not met any of these requirements.

11) The CS Plan housing policies are found:

- Not positively prepared
- Unjustified
- Not consistent with the NPPF

12) GUI recommend the following policy change: to reflect the new ONS projections as follows (all other policy changes recommended under CS17 and Table 9 remain as per GUI's representations Dec 2011 and attached at Appendix 2):

Policy CS17: New Housing:

*An average of ~~430~~ **563** net additional dwellings will be provided each year (between 2006 and 2031)*

Table 8:

<i>Place</i>	<i>Number of Dwellings indicated in Local Objective</i>
<i>Berkhamsted</i>	<i>1,180 at least 2,000</i>
<i>Total</i>	<i>11,320 14,080</i>

[Bold is proposed new text; strikethrough is deletion of original policy text].

SS and LA policies

13) DBC should firstly acknowledge the scale of new development required, in order to meet CS objectives. As GUI have stated previously in their pre-submission evidence, the “labelling” of “Strategic Sites” and “Local Allocations” is confusing on the basis DBC define LAs as “modest urban extensions” and “which will help meet local housing and infrastructure needs” (draft CS paragraph 1.5). The greenfield land release DBC propose within their CS Plan and indeed what GUI propose at Land South of Berkhamsted cannot be defined as a modest urban extension.

- 14) However, this is a matter for DBC. The main aim is to identify enough land to meet housing needs and demand for the borough within the plan period.

Question 6.2: Is the information in the Strategic Housing Land Availability Assessment (2011) soundly based? Have current economic conditions been taken into account?

- 1) GUI have addressed in detail the soundness of DBC's SHLAA (2011) within Savills' Housing and Socio-Economic Assessment (Dec 2011) (paragraphs 3.2.1 to 3.2.4). There remain serious questions on the assumed completion rates during the plan period in connection with the larger and smaller, committed and identified sites and their delivery. This situation is uncertain in the current economic climate and cannot be expected to improve.
- 2) DBC have not provided any evidence demonstrating the viability testing of sites to ascertain their expected completion rates during the plan period.
- 3) In conclusion, the CS Plan housing policies are found unjustified and not consistent with the NPPF and therefore unsound.

Question 6.3: Is the apportionment of growth between the settlements properly justified?

- 1) The NPPF (159) clearly indicates that development should be directed to locations of housing demand. DBC have provided no justification for concentrating their development growth at Hemel Hempstead which appears to be a pre-determined strategy at the outset of the CS process. In particular, the SHLAA process invites scoring of sites across the borough against a criterion as to whether they are located at Hemel Hempstead – a skewed assessment in considering growth options from the outset.
- 2) Notwithstanding the concentration of future development growth planned for Hemel Hempstead; the issue is a local one towards local development needs of Berkhamsted town itself.
- 3) The local housing demand connected to the town has not been in anyway acknowledged within DBC's CS plan. Set out below under question 6.4, are the reasons why DBC have not identified

the supply and demand position at the town and why a much higher level of housing provision should be identified at Berkhamsted.

4) In conclusion, the CS Plan housing policies are found:

- Unjustified
- Not effective
- Not consistent with the NPPF

5) GUI's recommended policy changes to draft CS1, Table 1 and Map 1 are attached to this PS for ease of reference.

Question 6.4: Is the overall housing provision based on a sound assessment of supply and demand?

1) DBC have not produced a sound assessment of housing supply and demand. Detailed comments follow.

(a) Will the Core Strategy meet the full objectively assessed needs for the market and affordable housing in the borough?

1) No objective assessment of housing need has been undertaken, as explained below.

The Council's methodology

2) There are six critical problems.

3) The first flaw is that the Council has completely ignored the latest ONS population and household projections (2010). This is acknowledged at in DBC's own HMA Update 2012 at 4.5.4. From these calculations, 14,080 additional dwellings should actually be provided in the plan period (to 2031) when compared to DBC's planned growth of 10,750 additional dwellings (to 2031). Indeed, in relation to the town of Berkhamsted; this relates to an actual need for an additional 2,630 new homes, where DBC have only planned for an additional 1,190 new homes (to 2031).

- 4) The second flaw is DBC's strategic housing market assessment (SHMA) (dated 2008 and update 2010) – a strategic and not local HMA which does not address housing markets at a settlement level in detail. DBC have produced a late publication of a HMA update from 2003, dated July 2012 which has clearly had no influence on the overall development growth strategy and concentrates more on affordability issues than market demand. This approach does not comply with NPPF (47) and in particular NPPF (159). In any event, DBC place little reliance on the SHMA. This is fundamental to any development strategy to ensure it is deliverable.
- 5) The third flaw is that the borough has and is continuing to experience a substantial affordable housing shortfall in meeting affordable housing needs which is part of the overall housing provision for the borough. Again, DBC have not addressed this.
- 6) The fourth flaw is the linkage DBC place between housing and employment growth. It is acknowledge that NPPF (158) refers to authorities ensuring their assessments of and strategies for, housing, employment and other uses are integrated but this is not a justification for making the link between the two as an overriding premise in dictating housing growth levels. This is supported by the point that a SHMA should instead be a driver for housing growth as per NPPF (159). DBC should not place any restriction to housing requirements when linking it to projected economic growth. It is extremely difficult to predict economic growth in these uncertain times – added to that it is difficult also to *monitor* job growth accurately to achieve a reliable basis for *reviewing* housing requirements in the future. It should not be used as a benchmark.
- 7) All of the above is against the grain of NPPF (47) stating that housing needs must be objectively assessed.
- 8) Suppressing housing provision below the actual demand may mean that local people in need of a home will loose to wealthier in-migrants: exactly what is happening within the borough with current out migration - a problem which will only be exacerbated with housing growth if not properly planned now and for the future.
- 9) The fifth concern is DBC's consideration of two other perceived constraints to suppress housing growth – namely the Green Belt and infrastructure constraints across the borough.
- 10) Turning first to the perceived green belt constraint, whilst the NPPF reiterates the importance of green belt, it also envisages green belt boundaries being altered where necessary as part of the review of local plans in considering future development needs.
- 11) DBC have not produced a comprehensive review of the green belt to see whether land

designated meets clear green belt purposes; the degree of significance which should be attached to various parts of the green belt or the extent to which some development in the green belt would promote sustainable patterns of development. The Council have simply rejected specific locations for urban extensions in the green belt but with no justification and certainly not in the context of meeting their future housing requirements. NPPF (83) makes clear that review of green belt boundaries should have regard to their permanence in the long term so that they should be capable of endurance beyond their planned period. DBC have not achieved this as they have not planned for their housing needs and the green belt boundaries are therefore likely to be reviewed again on this basis through the life of the CS.

- 12) In relation to perceived infrastructure constraints, DBC have provided no proper assessment on what the impact might be should the actual housing needs for the borough. The Council has undertaken an IDP (June 2012) which only considers existing highway problems and constraints and does not importantly considered how new development can create infrastructure enhancement and investment.
- 13) The sixth flaw relates to DBC's approach to their SHLAA as a key document to demonstrate the deliverability of the housing strategy of the CS Plan. It is clear that DBC's assessment of the suitability of the sites has been strongly influenced by the emerging strategy rather than being an *objective* assessment of opportunities and capacity to inform the strategy. Reference is given to the SHLAA site review (2010), at its earlier stages, which scores sites against their location at Hemel Hempstead – a skewed assessment.
- 14) The CS is reliant on the SHLAA sites being developed to achieve the growth strategy. There doesn't appear any headroom and importantly no "viability testing" exercises to prove sites (particularly the smaller sites) are a viable source of housing supply and can actually be delivered.
- 15) This is against NPPF (47) and NPPF (154) and indeed recent guidance provided by the Local Housing Delivery Group in guidelines set out "Viability Testing of Local Plans", June 2012. The dependency on SHLAA and small sites does not give a long term perspective in identifying "deliverable" land within a 5-15 years in meeting a realistic future housing strategy with green belt land release which is robust, sustainable and in line with NPPF (157).
- 17) In conclusion, the CS Plan housing policies are found:
 - Unjustified

- Not effective
- Not consistent with the NPPF

b) Are the expectations for delivery of existing commitments reasonable?

- 1) This is matter for DBC to address.
- 2) No particular comment at this stage. Points below under c) address main concerns.

c) Is the proposed trajectory realistic and can it be delivered?

- 1) No comment at this stage. A matter for DBC to address.
- 2) See points 15 and 16 under Question 6.4 (a) above.
- 3) To note, an example of a significant site contributor relates to the town centre sites at Hemel Hempstead. DBC have planned for an additional 1,800 units (with a remaining requirement for 1, 300 units). The earlier phases connected to The Hospital and Gade Zone sites are allocated to come forward in the first phase of the CS Plan albeit DBC have acknowledged in their draft Hemel Hempstead TC Masterplan document (August 2012) that all town centre sites have no private developer in partnership or contract and that the viability and deliverability of the sites are seriously undermined by virtue of current and expected market conditions. However, DBC still remain reliant on these two sites to come forward in the first 5 years (and beyond) in contributing to their overall housing trajectory.
- 4) On this basis alone, the proposed trajectory is not realistic or deliverable.

d) What assessment of previously developed land has been undertaken?

- 1) As per points 15 and 16 under Question 6.4 (a) and point 3 under Question 6.4 (c).

e) Is there sufficient flexibility to deal with changing circumstances affecting phasing and delivery - in particular with regard to the economy and financial constraints, landownership and infrastructure and provision?

- 1) DBC does not appear to build into their housing trajectory any sufficient flexibility to accommodate change in circumstance which might affect phasing and delivery of future housing land.
 - 2) None of the identified sites have been rigorously tested in terms of viability and how they can be delivered and timescale constraints attached to each.
 - 3) DBC's housing trajectory appears to provide very limited headroom should certain sites not be delivered. This is contrary to NPPF (47). DBC's contingency plan (reference to MC 26) is fundamentally flawed based on its reliance on LA land assets to come forward should there be a drop in housing delivery.
 - 4) The site allocation at Land South of Berkhamsted is within single ownership with commitment to promote the site through to planning application stage with development partners. GUI have already consulted with housebuilders to discuss a deliverable approach to the site. Savills' Housing and Infrastructure Delivery Trajectory (December 2011) provides details in terms of phased development and infrastructure throughout the life of the development.
 - 5) This trajectory could be incorporated in to the overall CS plan trajectory in order to meet actual housing needs. This would also further enhance DBC's IDP to ensure new and improved infrastructure is achieved during the life of the plan and in relation to the town itself.
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Question 6.5: Bearing in mind the significant need for housing in the Borough, why was the higher growth option discounted?

- 1) No justification is provided. A matter for DBC. No comment at this stage.
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Question 6.6: What is the role of neighbouring local planning authorities in accommodating some of Dacorum's housing needs and can it be demonstrated that it is a role which they are undertaking?

- 1) DBC have attempted to consult with the adjoining local authorities in the theme of the NPPF in a duty to co-operate in considering housing growth cross border. LAs do not need to demonstrate

a “duty to agree.”

- 2) Dacorum should therefore consider its own housing need in the context of the localism agenda whilst demonstrating they have sought co-operation.
-

Question 6.7: Proposed minor change MC26 refers to a shortfall in housing provision of 15% being used as a trigger for action by the Council. What is the justification for the 15% figure?

- 1) The Council should not have a contingency plan based on LA land release, when available and viable strategic sites such as Land South of Berkhamsted are ready to be brought forward through the life of the plan. LA asset redevelopment is a slow process (by virtue of funding and developer procurement restrictions) and should not be considered as a reserve plan to deliver homes if targets are not met as it is highly likely such sites will not come forward, if they do, it will not be beyond the plan period itself. This is inconsistent with NPPF (47).
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Question 6.8: Should the Core Strategy establish the Council’s overall approach to housing densities, as suggested in paragraph 47 of the NPPF?

- 1) NPPF (47) does state that in order to boost the supply of housing, local authorities should “set out their own approach to housing density to reflect local circumstances.” A flexible approach should be taken to local plan policy guidance on housing density based on a site specific level and not on a borough wide basis, which would be restrictive and prescriptive.
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Question 6.9: How will the housing needs of villages in rural areas be met?

- 1) No comment.

APPENDIX 1

SAVILLS HOUSING DEMAND AND SOCIO ECONOMIC ASSESSMENT UPDATE 2012

10 September 2012

Housing Demand & Socio-Economic Assessment – Update

Prepared for:

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Executive Summary

The purpose of this assessment is to consider the population and household growth of Dacorum Borough over the period of 2006 to 2031 and its implications for housing demand. This is an update to the GUI Housing Demand and Socio-Economic Assessment for Land South of Berkhamsted submitted in November 2011 and the two documents should be read together.

The update considered several elements. First, a review has been undertaken of Dacorum Borough Council's (DBC) evidence base that has been submitted to the Inspectorate in support of the Core Strategy but has not been subject to any public consultation (see Chapter 2 of this report).

Second, a review was undertaken of the latest published evidence on population and household growth, including the 2011 Census (see Chapter 3 of this report). The latest projections produced by the Office for National Statistics (ONS) indicate that there is a requirement to accommodate 14,080 households between 2006 and 2031. Evidence indicates that the number of households is equivalent to the number dwellings required. Confusingly DBC provides two housing objectives: the housing programme which suggests 11,320 dwellings (453 dwellings per annum) could be achieved, and the housing target which suggests 10,750 dwellings (430 dwellings per annum) could be achieved. The latter is enshrined in the emerging Core Strategy Policy CS17 and therefore takes precedence; however, neither would be sufficient to meet the objectively assessed need of 14,080 dwellings.

Third, for Berkhamsted, the projections show an increase of additional 2,630 households/dwellings between 2006 and 2031. According to DBC there is a housing land supply of 1,190 dwellings, indicating a deficit in housing land supply of 1,440 dwellings (54.8%). By allocating the Land South of Berkhamsted for an additional 800 dwellings, the deficit can be reduced to 640 dwellings (24.3%). To deliver housing in the area where the need arises fully accords with the Government's localism agenda.

Fourth, DBC have ignored the most recent ONS projections. This makes the Core Strategy unsound on this single basis as the housing target is not based on the objectively assessed need as required by the NPPF.

Fifth, as DBC accepted and the Inspector has already noted, this failure to recognise the actual housing need has significant implications for future affordable housing provision. The DBC Strategic Housing Market Assessment (SHMA, 2010), which is based on the Regional Spatial Strategies (RSS) housing targets, states that there is a need for an additional 5,525 affordable dwellings between 2006 and 2031 (221 affordable dwellings per annum). However, the emerging Core Strategy Policy CS19 states that 35% of all new dwellings should be affordable, which, based on the total target of 10,750 dwellings, equates to a requirement of 3,763 affordable dwellings (151 affordable dwellings per annum). Therefore the emerging Core Strategy only makes provision for 68.1% of the objectively assessed affordable housing need, leaving a deficit of 1,762 affordable dwellings over the Core Strategy period. This is also recognised in the most recent DBC Housing Needs and Market Assessment Update (July 2012), which concludes that the affordable housing need has increased to 847 additional units per year due to the backlog from recent years.

Sixth, between 2006 and 2011, DBC's Annual Monitoring Reports indicate that 565 affordable dwellings were completed (113 affordable dwellings per annum), which indicates a shortfall of 190 affordable dwellings against DBC's own target. When compared to the actual objectively assessed need of 5,525 affordable dwellings (221 affordable dwellings per annum), the shortfall increases to 540 affordable dwellings. This is clearly contrary to the NPPF.

Seventh in Section 4.1 of this report, consideration is given to how the 5-year housing land supply should be measured, which concludes that DBC have erred in continuing to apply the 360 dwelling per annum target despite all the emerging evidence (regional and local level) to the contrary that the target should be at least 455 dwellings per annum. As such there has been a persistent under delivery of housing and DBC should identify a 20% buffer in their rolling 5-year housing land supply to

resolve the shortfall that has been increasing annually since the beginning of the Core Strategy period (i.e. 2006). Calculations in Table 4.2 of this report conclude that there is already a shortfall of 612 dwellings from the period 2006 to 2011.

The conclusions of this study relate directly to the GUI proposals for the land being promoted south of Berkhamsted. That would provide approximately 800 dwellings as well as much needed land for a primary school.

On this basis it is requested that the Inspector identify the land south of Berkhamsted as an additional strategic allocation to help meet the local needs of the town.

Erratum

Note that an error has been found in the GUI Housing Demand and Socio-Economic Assessment for Land South of Berkhamsted (November 2011) which led to the household projections for Berkhamsted to be incorrect. These have been revised in this update to that report.

The error related to the 2008 mid-year population estimates for Berkhamsted where the numbers for each age range were not translated correctly into the population projections (see Table A1.2 in the November 2011 report).

This error does not affect the overall conclusions of the November 2011 report with there still being a clear deficit in the supply of housing in Berkhamsted, even when the Land South of Berkhamsted it added to the housing supply.

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Appendix 1 – Submission of Core Strategy

Appendix 2 – Bath & North East Somerset’s Core Strategy – Inspector’s Preliminary Conclusions

Appendix 3 – Appeal for Land at Burgess Farm, Hilton Lane, Worsley, Manchester

1. Introduction

1.1. Background

- 1.1.1. Grand Union Investments (GUI) has instructed Savills to undertake a comprehensive review of population growth in Dacorum Borough and its implications for housing need, infrastructure and employment. GUI is promoting a sustainable extension to Berkhamsted on land to the south of the town.
- 1.1.2. In November 2011 Savills submitted representations on the submission draft version of the Dacorum Borough Council's (DBC) Core Strategy (published October 2011). A Housing Demand and Socio-Economic Assessment (November 2011) was part of these representations.
- 1.1.3. Since November 2011 a number of issues have arisen that influence the methodology and results set out in the Housing Demand and Socio-Economic Assessment including:
- The Localism Act received Royal Assent in November 2011, which introduced a range of provisions, including a duty to co-operate in relation to planning of sustainable development.
 - The publication of the National Planning Policy Framework (NPPF) in March 2012, which replaced the previous planning policy statements but not their technical guidance. The NPPF is considered in more detail in the GUI Participants Statement (July 2012).
 - DBC published in December 2011 and August 2012 their most recent annual monitoring reports, which provide data on housing supply.
 - DBC considered representations on the submission draft Core Strategy and the implications of the NPPF and Localism Act at a cabinet meeting on 24 April 2012.
 - The Office for National Statistics (ONS) has published their 2010-based Sub-National Population Projections, which replace the 2008-based projections that were used in the November 2011 assessment.
 - DBC published in June 2012 their final background paper on housing targets, their statement of compliance with the duty to cooperate.
 - DBC published in July 2012 a Housing Needs and Market Assessment Update produced by consultants DCA.
 - DBC also published in July 2012 their final infrastructure delivery plan.
- 1.1.4. Despite the recent publication of a large number of important documents that DBC rely on

as part of their evidence base there has been no further period of consultation. This report therefore sets out what would have been submitted if there had been the opportunity to do so.

1.2. Layout of the Report

1.2.1. The Report comprises:

- Chapter 2 considers the implications of evidence that DBC has published to justify its approach in setting the housing target.
- Chapter 3 considers the most recent published data.
- Chapter 4 considers the 5-year land supply target and overall housing target.
- Chapter 5 concludes the report.

2. DBC's Evidence Base

2.1. Introduction

2.1.1. A number of issues have been identified across the reports published as part of the evidence base since the last round of consultation. This chapter sets these out in turn in the context of the newly adopted National Planning Policy Framework (NPPF).

2.1.2. The NPPF was published on 27 March 2012 and came into force with immediate effect. It replaces the vast majority of previous national planning policy, although the technical guidance is still relevant where it is compatible with the NPPF.

2.1.3. The NPPF is set around the presumption in favour of sustainable development, which in terms of plan-making means that:

- *“Local planning authorities should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
 - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
 - *Specific policies in this framework indicate development should be restricted.”**

2.1.4. This excerpt is sufficiently important to be highlighted in the NPPF.

2.1.5. It is clear from the NPPF and the letter sent by Rt Hon Greg Clark MP, Minister for Decentralisation and Cities, to MPs (also dated 27 March 2012) that the definition of sustainable development embraces social, environmental and economic objectives and that none can be pursued in isolation.

2.2. DBC's Background Paper – Selecting the Core Strategy Housing Target (June 2012)

(i) Approaching the Evidence

2.2.2. The recent publications by DBC have caused concern about how exactly DBC have taken the evidence into account when setting and validating their housing target. In particular the DBC Paper 'Background Paper – Selecting the Core Strategy Housing Target' (June 2012) first states in paragraph 1.2 that the housing target is defined *“to meet the objectively assessed needs for market and affordable housing”*, paraphrasing NPPF paragraph 47. This is however contradicted in paragraph 1.4 (second bullet point) where it states the target is:

“A middle option - that sought to balance environmental, social and economic factors by looking at how development was distributed across settlements and its impact on them (with a housing target of 430 dpa); and...”

2.2.3. It is instead the third bullet point that assesses the objectively assessed need:

“A higher option – this was more demand-led (delivering at least 500 dpa or 12,500 homes 2006-31).”

2.2.4. This is a fundamental distinction and one that should be recognised before considering what housing land is available. If this was to be reduced to a simple equation, the ideal approach would be:

Calculated Housing Need (i.e. SHMA) – Available Housing Land Supply (i.e. SHLAA) = Unmet Housing Demand

2.2.5. The unmet housing demand would then form the basis of discussions with neighbouring authorities in accordance with the duty to cooperate set out in the Localism Act. The housing target would be reduced from the calculated housing demand to reflect the housing land supply available.

2.2.6. Instead DBC appear to have applied the following:

Calculated Housing Need – Perceived Constraints to Supply (environmental, social and economic) = Required Housing Land Supply

2.2.7. The DBC approach to use perceived constraints has artificially reduced the housing target before considering the proposed housing sites and whether they are suitable, or indeed achievable and deliverable. Whilst the actual outcome might be the same, it has resulted in sites being at a disadvantage because the accepted sites already achieved the artificially lower target. In reality it is likely to have significantly affected the Strategic Housing Land Availability Assessment (SHLAA) such that it cannot be considered an objective assessment of opportunities and actual housing capacity.

2.2.8. As the Planning Advisory Service states¹:

■ *“Evidence will inform the plan and underpin the objectives. When asking ‘what is the plan is going to achieve’ around high level strategic objectives (‘healthier, more prosperous, greener, safer’) or more tangible objectives (‘regeneration of the town centre capitalising on the tourism trade’) use your evidence to establish a baseline for change, and to indicate what the objectives should be.*

Evidence should not be produced to justify a position already developed.

¹ <http://www.pas.gov.uk/pas/core/page.do?pageId=1792310>

- *Evidence will help define the problems you are trying to solve. This will stem from quantitative data eg pollution levels, housing need, and qualitative data eg other council priorities, things that are important to communities.*
- *Evidence will help find the solutions by underpinning the generation and testing of different options.*
- *Evidence will help identify what policies you need (because you know what you've got to address and what you are trying to do).*
- *Evidence will help identify who is going to help you solve the problems and deliver the plan. There will be key internal and external partners including the development industry, statutory agencies and other bodies which hold useful evidence.*
- *Evidence will help shape the kind of plan you want; for example, in answering some of the questions around objectives and problems to solve, evidence might point you in a particular direction – the best outcome might be a neighbourhood or action area plan, or it might be best dealt in your core strategy (or equivalent).*
- *Evidence will help you to plan for infrastructure and investment, whether at sub-regional, local or neighbourhood level.*
- *Evidence will help you set targets; there should be a clear evidence base for any numbers or percentages aspired to in the plan.*
- *Evidence will help you to think spatially. For example it will help show which places can contribute to meeting the objectives and which can't. Be clear about the reasons why. Evidence may be collected on a thematic basis but should be analysed on a spatial basis."*

(ii) **Timing of the Evidence**

2.2.9. On 24 April 2012 DBC considered the consultation responses to the submission draft version of the Core Strategy at a full cabinet meeting. The minutes of the meeting show nothing of substance other than the report and its recommendations were accepted.

2.2.10. The committee report 'Submission of Core Strategy' considers the housing target at paragraphs 2.4 to 2.7 (see Appendix 1). In paragraph 2.5 it states:

"Members should be aware of a new set of population projections published by the Office for National Statistics. These indicate an increase in population for Dacorum of 22,000 between 2010 and 2035. This compares to a 20,000 population increase contained in earlier projections for a similar 25 year period (2006-2031). However, it should be noted that population forecasts cannot be directly translated into dwelling projections."

2.2.11. Whilst it might be difficult, it is not accurate that population projections cannot be translated into dwelling projections, see Chapter 3. Notwithstanding this, the population projections

clearly highlight an increase in population which even qualitatively can be concluded to mean a greater need for housing.

2.2.12. Subsequently paragraph 2.6 of the committee report states:

“No changes are recommended to the Core Strategy housing target in the light of either objections received or these new population projections. The balance struck within the plan between meeting housing needs, supporting employment and protecting the environment remains appropriate.”

2.2.13. It would appear therefore that the decision is made, without considering if need for housing has increased since the housing target was set. Furthermore, paragraph 2.7 states:

“A Housing Paper is currently being prepared by the Strategic Planning and Regeneration team to address some of the housing target and population based issues. These arguments elaborate on the issues covered by the Cabinet report of 26 July 2011 relating to the Pre-Submission Core Strategy. This paper will help to justify the Council’s chosen target and will be included as part of the Core Strategy Submission documents.”

2.2.14. From this it is assumed that the housing target is set and then the evidence is collated to support it instead of the evidence informing the housing target. This is clearly inappropriate and contrary to the NPPF (paragraph 47):

“To boost significantly the supply of housing, local planning authorities should... use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area...”

(iii) Constraints on the Housing Target

Market and Affordable Housing Need

2.2.15. The NPPF is clear that a local plan should be based on robust evidence setting out the full and objectively assessed housing needs of the area through a Strategic Housing Market Assessment (SHMA).

2.2.16. A Sub-Regional SHMA was produced in 2010 on behalf of DBC and other local authorities covering the western London commuter belt. It was based on the RSS period up to 2021 and therefore targets were expressed in terms of the need between 2007 and 2021. These can however be factored to cover the Core Strategy period from 2006 to 2031.

2.2.17. The SHMA concluded that Dacorum should have a total housing requirement of 7,800 additional dwellings (557 dwellings per annum), of which 3,100 dwellings were affordable (221 dwellings per annum), between 2007 and 2021. Factored to cover the Core Strategy period, this equates to an additional 13,925 dwellings, of which 5,525 dwellings would be affordable.

2.2.18. Despite the detailed evidence in the SHMA, the emerging Core Strategy Policy CS19 states that 35% of all new dwellings should be affordable, which, based on the total target of 10,750 additional dwellings set out in Policy CS17, equates to a requirement of 3,763 affordable dwellings (151 affordable dwellings per annum). Therefore the emerging Core Strategy only makes provision for 68.1% of the objectively assessed affordable housing need, leaving a deficit of 1,762 affordable dwellings over the Core Strategy period.

- 2.2.19. DBC's Annual Monitoring Reports (AMRs) indicate that 565 additional affordable dwellings were completed between 2006 and 2011 (113 affordable dwellings per annum). By applying the annual requirement set out in the emerging Core Strategy (151 affordable dwellings per annum) there is a clear annual shortfall of 38 affordable dwellings. Over the five year period covered by the AMRs, this equates to a shortfall of 190 affordable dwellings. If the higher requirement set out in the SHMA is applied, there has been a shortfall of 108 affordable dwellings per annum, resulting in a total shortfall of 540 affordable dwellings.
- 2.2.20. Furthermore, since submitting the Core Strategy to the Planning Inspectorate, DBC has published a 'Housing Needs and Market Assessment Update – Final Report 2012' (July 2012), which has been produced by consultants DCA. This identifies that *"affordable housing need has increased from 710 to 847 units a year, based on addressing the backlog over 5 years"*. In addition that *"there is substantial [affordable] housing need for all unit sizes that will not be met by the immediate identified supply"*.
- 2.2.21. This is clearly contrary to the NPPF and has already been highlighted as a point of concern by the Inspector.

Employment

- 2.2.22. DBC's Employment Land Update (July 2011) indicates that the two factors affecting future employment growth are poor market conditions and restricted housing supply, without considering economic growth independently based on free-flow labour demand and immigration. From the DBC Paper 'Background Paper – Selecting the Core Strategy Housing Target' (June 2012) it appears that restricted employment growth is a reason to restrict housing supply; a circular argument.
- 2.2.23. DBC have also included in the Employment Land Update (July 2011) a more flexible policy approach to releasing employment land for alternative land uses to include housing (paragraph 6.7).
- 2.2.24. DBC appear to be artificially constraining their employment land supply to match the lowered housing growth forecasts without any thorough market demand or planning justification.
- 2.2.25. It is impossible to project employment growth over the next 15 years as there is too much uncertainty. It is most likely that no projection made now will accurately project what actually happens and planned short-term requirements have already been affected.
- 2.2.26. Whilst the NPPF makes it clear in paragraph 158 that the various elements of the evidence based should be integrated, that is not to say that they should directly influence one another. To do so would be to undermine the primacy of the SHMA in identifying the housing need (NPPF, paragraph 159).
- 2.2.27. This is contrary to recent Inspector's reports that have considered local plans in the context of the final NPPF. In particular, in his preliminary conclusions (June 2012, paragraphs 1.21 to 1.29, see Appendix 2), the Inspector examining the Bath and North East Somerset Core Strategy showed concern regarding the relationship had to forecasting employment and housing. He concluded that to constrain the growth of one to force it into line with the other did not allow for the degree of flexibility envisaged in the NPPF or that it was sufficiently optimistic to be compatible with the Government's Planning for Growth.

Infrastructure

2.2.28. DBC's Infrastructure Delivery Plan Update (June 2012) identifies the following:

- Education: refer to primary provision being met at already failed schemes to the north of the town.
- Healthcare: DBC accept there is more than enough capacity to take anticipated growth.
- Green Infrastructure: DBC refer to various GI strategies but is nonspecific to sites or Berkhamsted in particular.
- Sports facilities: DBC note poor quality provision in Berkhamsted town; that Sportspace has no funding for improvement; and that Ashlyns School has indicated that they would like to build a new sports centre at their site for *“school and community use and have approached Sportspace to discuss potential development of a shared facility”*. However, there is no certainty on plans and no identified funding.

2.2.29. What is not appreciated is that development itself will provide new and improved infrastructure to mitigate its impact, and often enhance the existing situation. This assessment simply considers the existing infrastructure capacity and no investment achieved through development (including additional funding such as the New Homes Bonus) in meeting a higher housing growth option. In effect it is self prophesying since there isn't the critical mass of development proposed to fund the infrastructure necessary to sustain it. With DBC's preference for smaller sites it is likely that critical mass arguments will be fundamental in viability testing, and DBC will need to consider the importance of delivering housing over essential infrastructure.

Environment

2.2.30. DBC raise the main constraint being that of Green Belt. However, it is also clear that a balanced approach needs to be taken in considering housing demand against how much protection is given to Green Belt locations of lesser quality where the criteria for containing the land within Green Belt is less matched; and where these locations offer development opportunity to meet critical housing needs and demands of a borough or settlement. It is acknowledged that there is a presumption against any development in Areas of Outstanding Natural Beauty and other environmentally sensitive areas – Land at South Berkhamsted does not impact on any such designations. These Green Belt and environmental issues are dealt with in detail within GUI's Participant Statement which also deals with other key policy and planning issues.

2.3. Duty of Cooperate

2.3.1. The Localism Act received Royal Assent in November 2011 and is a central component of the Coalition Government's drive to decentralise power to local authorities. Amongst the measures it provides is the mechanism for the abolition of the Regional Spatial Strategies (RSSs) and seeks to facilitate far greater local accountability.

2.3.2. The Localism Act regulates the duty to cooperate in relation to the planning of sustainable

development. Whilst the extent to which the duty should be applied is yet to be defined, the NPPF does state that it should enable local authorities to *“meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of this Framework”*. The DCLG Impact Assessment on the Abolition of the Regional Planning Tier and Introduction of the Duty to Cooperate (January 2011) makes it clear that the duty is a mechanism intended to replace the RSSs and resolve strategic issues. The Impact Assessment is very much focused on housing targets and how these could be better set and achieved at the sub-regional level through cooperation.

- 2.3.3. It is therefore likely that the duty will be employed to ensure that any shortfalls in meeting the needs of a local authority area are appropriately addressed in nearby areas, thus achieving an overall pattern of sustainable development. In terms of housing, the Government has set out incentives such as the New Homes Bonus to make it attractive to local authorities that have the capacity to build more homes than required to meet local needs. Consequently it is beneficial for such local authorities to cooperate with those authorities that are physically constrained and cannot provide for their own housing needs.
- 2.3.4. The duty ensures that such discussions between authorities occur as the Local Plan is developed. Indeed, it is clear from the Act, NPPF and new guidance from PAS that it is integral to plan making and should be reflected in the document itself, and most likely in individual policies.
- 2.3.5. To achieve any manner of cooperation it will be necessary to have a clear understanding of the needs of the local authority area and the risks or constraints in meeting those needs. Without such critical evidence it would be impossible to substantiate the magnitude of the shortfall in meeting that need. This increases the importance of the evidence base, particularly the SHMA and SHLAA which are needed to understand the level of need and level of constraint on future housing supply. As set out above in Section 2.2, the approach to considering housing need and constraints is questionable and may have undermined any discussions with nearby local authorities.
- 2.3.6. The DBC Statement of Compliance with the Duty to Cooperate (June 2012) highlights that a number of studies have been jointly commissioned by DBC and other local authorities, including the SHMA (published April 2010), which is to be commended. It also refers to discussions had with local authorities regarding housing need (see paragraph 4.14 onwards). There are two conclusions that can be derived from this:
- That the local authorities consulted did not expect DBC to accommodate any of their housing need in the Borough, which is not surprising; and
 - That Aylesbury Vale was intending to only make provision for its own assessed level of housing need.
- 2.3.7. At no point is there a statement that the unmet housing need for Dacorum could be accommodated elsewhere.
- 2.3.8. Further in relation to the duty to cooperate, the DBC ‘Background Paper – Selecting the Core Strategy Housing Target’ (June 2012) sets out previous County Structure Plan housing targets since 1971 and how they have been achieved. It is recognised that over this period some of the assessed housing need for the Borough has been distributed to other local

authority areas with paragraph 2.20 stating:

“Through regional planning, some of Dacorum’s and Hertfordshire’s growth has been accommodated over a wider area by other authorities e.g. Aylesbury, South (now Central) Bedfordshire / Luton, Milton Keynes etc. The geography of the borough is such that it is not unreasonable to expect some needs at its edges to be met by other settlements.”

- 2.3.9. The assessment that other local authority areas should continue to make up for shortfalls in Dacorum appears presumptuous.
- 2.3.10. Recent research by the Home Builders Federation (HBF) highlights this^{2&3}. The research compared the number of housing starts in 2010/2011 in a local authority area with the average annual household growth as set out in the 2008-based Sub National Household Projections produced by ONS. Of those areas referred to in the DBC Housing Paper, Central Bedfordshire, Luton and Milton Keynes all indicate fewer starts than the number of households expected to be formed (29%, 65% and 10% respectively). Only Aylesbury Vale outperformed the projected household growth (by 28%) and as stated earlier their intention is to only meet their own housing needs.
- 2.3.11. Whilst these compare only a single to a 25-year average, the variations from household growth indicate that significant shortfalls are likely.
- 2.3.12. Whilst it is appreciated that DBC cannot force other neighbouring authority to collaborate (the NPPF sets a require ‘duty to cooperate’ as opposed to a ‘duty to agree’) in considering a more strategic growing strategy – it continues to point to the fact that DBC should concentrate all efforts in meeting their own local housing need and demands of the Borough.
- 2.3.13. To remedy this GUI request that the Inspector consider the allocation of more suitable land within the Borough, specifically Land South of Berkhamsted.

² HBF. January 2012. South East Housing Crisis Report.

³ HBF. March 2012. East of England Housing Crisis Report.

3. Review of the Latest Published Evidence

3.1. Introduction

3.1.1. This section sets out the latest data to be published that will have implications for determining future population growth and therefore housing need.

3.2. Updated Population Estimates and the 2011 Census

3.2.1. ONS have published several datasets since November 2011.

3.2.2. The latest mid-year population estimates show that whilst Berkhamsted has seen comparable growth over the last decade to England (see Table 3.1). This is in contrast to the East of England, which is the fastest Region in the country. By comparison however Dacorum's growth has been less than half that of the Region.

Table 3.1: Population Estimates and the 2011 Census

Year	England		East of England		Dacorum		Berkhamsted	
	No.	Annual % Change	No.	Annual % Change	No.	Annual % Change	No.	Annual % Change
2001	49,449,700	-	5,400,500	-	137,843	-	21,824	-
2002	49,649,100	0.40	5,429,800	0.54	137,898	0.04	22,013	0.87
2003	49,863,300	0.43	5,468,400	0.71	137,922	0.02	22,079	0.30
2004	50,109,700	0.49	5,500,400	0.59	137,729	-0.14	22,185	0.48
2005	50,466,200	0.71	5,551,200	0.92	137,769	0.03	22,114	-0.32
2006	50,763,900	0.59	5,593,200	0.76	137,771	0.00	22,183	0.31
2007	51,106,200	0.67	5,648,700	0.99	138,526	0.55	22,316	0.60
2008	51,464,600	0.70	5,717,400	1.22	139,866	0.97	22,531	0.96
2009	51,809,700	0.67	5,766,600	0.86	141,625	1.26	22,862	1.47
2010	52,234,000	0.82	5,831,800	1.13	142,881	0.89	23,082	0.96
2011	53,012,500	1.49	5,847,000	0.26	144,800	1.34	-	-
Change 2001-2010	2,784,300	5.63	431,300	7.99	5,038	3.65	1,258	5.76

Notes Details of the 2011 Census are only currently available at local authority level and above. Annual growth rates are averaged between census years.

Source ONS Mid Year Population Estimates & 2011 Census.

3.2.3. The initial results of the 2011 Census were published in July 2012. These include conservative estimates of population and household numbers at local authority level, and are included in Table 3.1 above. ONS have indicated that revisions will only increase the numbers.

3.2.4. It is clear from the 2011 Census that the mid-year population estimates from 2002 to 2010 are largely correct with a total under-estimation of 1.32%. This is entirely contrary to the

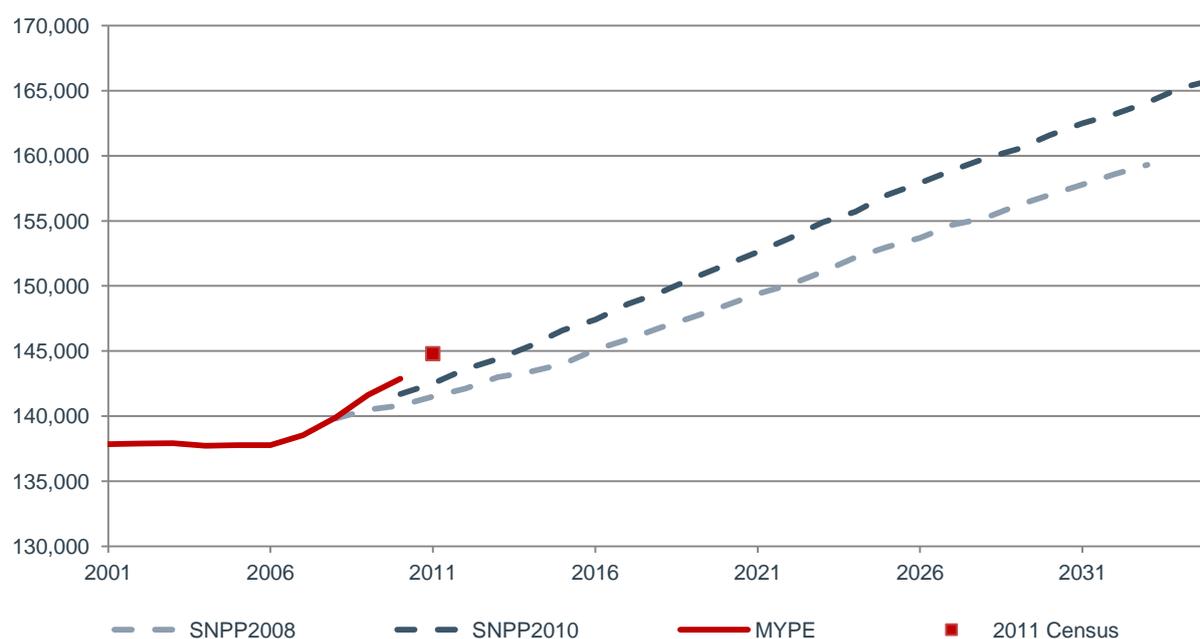
assertions in DBC's 'Background Paper – Selecting the Core Strategy Housing Target' (June 2012) paragraphs 3.10 to 3.18 where DBC argue that the mid-year estimates are likely to be revised downwards.

3.3. Population Projections

(i) Dacorum

3.3.2. In March 2012 ONS published revised Sub National Population Projections (SNPP) based on 2010 data, which replace the previous projections based on 2008 data, see Figure 3.1.

Figure 3.1: Sub National Population Projections for Dacorum



Source ONS Mid Year Population Estimates, 2011 Census, Sub National Population Projections

3.3.3. As identified by DBC in their Housing Background Paper (June 2012), the projections are trends based on a number of assumptions reflecting recent population growth. They reflect the unconstrained growth without taking into account any future social, economic or environmental influences that may result in the actual growth fluctuating in the fashion seen in previous years (see Table 3.1). Whilst DBC consider this as a failing, it is actually their main purpose as they provide a baseline against which policy interventions can be assessed. This apparent misunderstanding about how exactly the evidence should be taken into consideration is reviewed in Section 2.2 of this report.

3.3.4. The detailed analysis of the 2010-based SNPP indicates that the Borough's population is projected to grow from 137,771 in 2006 to 162,500 in 2031, an increase of 24,729. The previous 2008-based SNPP suggested that population would only reach 157,800 in 2031, an increase of 20,029. Whilst the latest figures suggest an increase of 4,700 people (or 23.47%) this does not automatically mean a similar proportional increase in household growth as alluded to by DBC in paragraph 3.13 of the Housing Background Paper (June 2012).

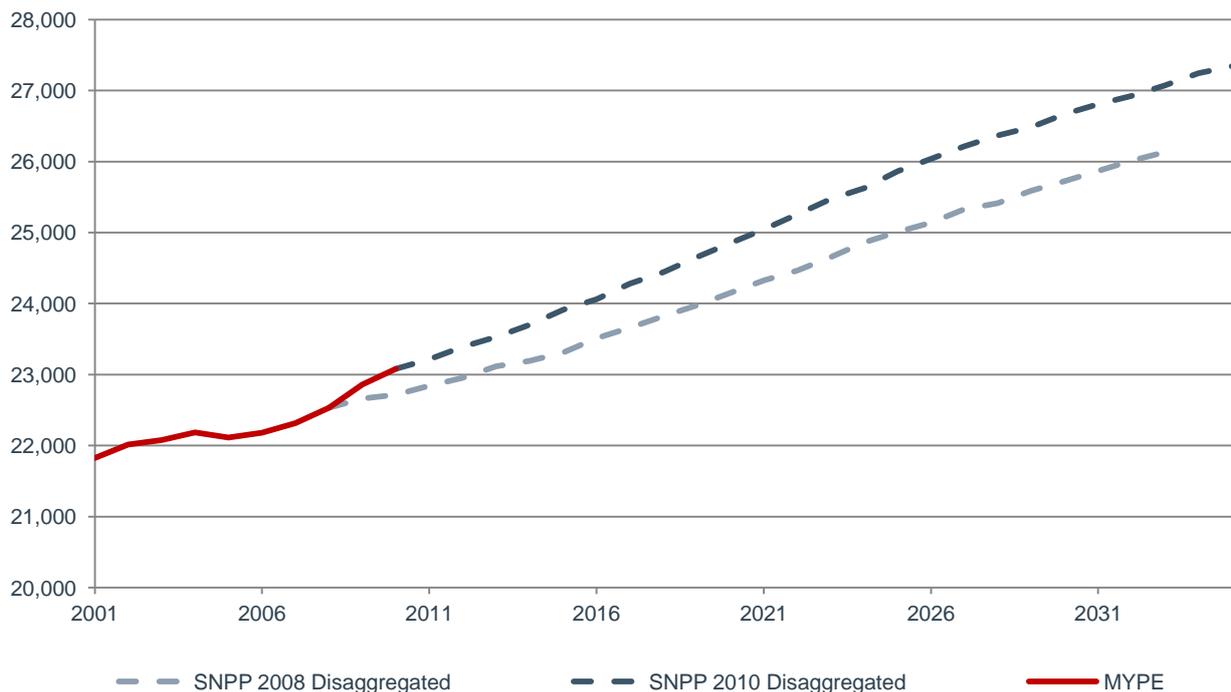
- 3.3.5. What is particularly notable in Figure 3.1 is the implication of the 2001 Census on the accuracy of the projections. Whilst it is possible that this is a reflection of both under estimations previously and a short term increase in growth, it would suggest that the 2010-based SNPP is relatively conservative. Indeed the 2008-based SNPP is likely to significantly under estimate growth, as it has done for the last three years.
- 3.3.6. Whilst it is acknowledged that 28.57% of the growth projected in the 2010-based SNPP is a result of net migration, this is comparable with that assumed in the 2008-based SNPP. The argument that the projections are only based on the past five years holds less weight as there would now appear to be seven years of data showing this trend.
- 3.3.7. DBC are clearly trying to argue that any net migration does not need to be accommodated in the baseline housing target. However, migration is a fundamental consideration for two reasons:
- In a free society migration is uncontrolled. There are various influences such as employment, education and housing availability. The amount of control over these influences varies from area to area, and the results of trying to over-control them can have unforeseen consequences. For example, in areas with good employment and education prospects house prices naturally increase. If control over migration is sought through controlling housing availability, the already high houses prices will rapidly increase and thus force much of the local population to migrate out of the area only to be replaced by the more affluent. Whilst this might have achieved the objective of limiting net migration, it has resulted in the out-migration of the communities the policy was originally intended to protect. It is believed that this is occurring in Berkhamsted
 - It is possible to have zero net migration in areas that have high levels of migration in and out. It is rarely the case however that those moving into an area have exactly demographic as those moving out of an area. For example, an area without good education prospects is likely to see families, or those wanting to start a family, migrating outwards. Depending on the area, these might be replaced by young professionals (if there is good employment) or retirees (if there is a good living environment). In this case the 'turnover' of population has resulted in the reduction of children in the area which has the effect of reducing natural change and therefore population growth. This will in turn affect the housing need in terms of the number of people that require housing, but also in terms of the types of housing and ratio of persons per household.
- 3.3.8. On this basis it is entirely unreasonable to simply 'cut out' migration by reducing the projected growth by 30% as suggested in the DBC Housing Paper.
- 3.3.9. It is also worth noting that this issue has been considered by the Secretary of State in a recent appeal decision (see Appendix 3). In this case the local authority had adopted an 'interim housing figure' that was specifically intended to meet the demand generated within the area only. This had the effect of changing the housing land supply from 2.5 years, when compared to the target set out in the RSS, to over 5 years. Whilst the Inspector did give this some weight, the Secretary of State disagreed.

(ii) Berkhamsted

3.3.10. Figure 3.2 sets out the projections for Berkhamsted. The 2008-based SNPP projections have been revised since an error was identified in those set out in the November 2011 report.

3.3.11. The detailed analysis of the 2010-based SNPP indicates that the Berkhamsted's population is projected to grow from 22,183 in 2006 to 26,809 in 2031, an increase of 4,626. The previous 2008-based SNPP suggested that population would only reach 25,868 in 2031, an increase of 3,685. This indicates an increase of 941 people (or 25.54%).

Figure 3.2: Sub National Population Projections for Berkhamsted

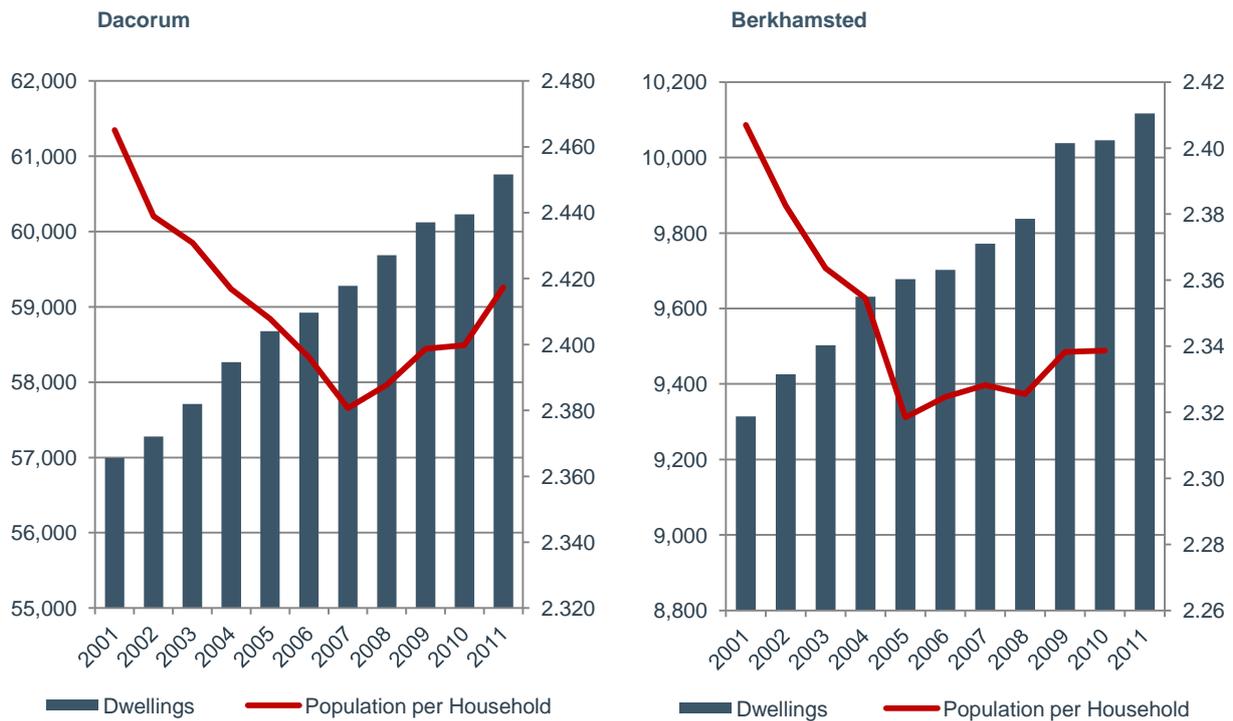


Source ONS Mid Year Population Estimates, 2011 Census, Sub National Population Projections

3.4. Household Estimates and the 2011 Census

3.4.1. Figure 3.2 shows how the number of dwellings has increased according to data from the Valuation Office Agency and estimations of population per household based on household estimations from DCLG (see Table 3.2 for details). Given that the ratio of households per dwellings is so close in the Borough it can be assumed that the two are interchangeable, see Table 3.2.

Figure 3.3: Dwellings and Household Estimations



Source ONS, DCLG & VOA

3.4.2. It is clear from this that the ratio of population per household is increasing in Dacorum, against the recognised national long term trend of decline.

Table 3.2: Dwellings and Households

Dacorum

Year	Dwellings	Vacant Dwellings	Second Homes	Households	Households Per Dwellings	Population	Population per Household
2001	56,996	0	195	55,917	0.981	137,843	2.465
2002	57,280	0	195	56,540	0.987	137,898	2.439
2003	57,711	0	195	56,736	0.983	137,922	2.431
2004	58,265	0	195	56,987	0.978	137,729	2.417
2005	58,676	0	195	57,216	0.975	137,769	2.408
2006	58,923	0	195	57,498	0.976	137,771	2.396
2007	59,278	0	195	58,186	0.982	138,526	2.381
2008	59,688	0	195	58,575	0.981	139,866	2.388
2009	60,122	0	195	59,041	0.982	141,625	2.399
2010	60,229	0	195	59,539	0.989	142,881	2.400
2011	60,761	0	195	59,900	0.986	144,800	2.417

Berkhamsted

Year	Dwellings	Vacant Dwellings	Second Homes	Households	Households Per Dwellings	Population	Population per Household
2001	9,314	0	41	9,067	0.973	21,824	2.41
2002	9,426	0	41	9,239	0.975	22,013	2.38
2003	9,503	0	41	9,341	0.977	22,079	2.36
2004	9,631	0	41	9,422	0.979	22,185	2.35
2005	9,678	0	41	9,538	0.981	22,114	2.32
2006	9,702	0	41	9,543	0.983	22,183	2.32
2007	9,772	0	41	9,585	0.985	22,316	2.33
2008	9,838	0	41	9,689	0.985	22,531	2.33
2009	10,038	0	41	9,777	0.974	22,862	2.34
2010	10,046	0	41	9,870	0.982	23,082	2.34
2011	10,117	0	41	9,957	0.984	-	-

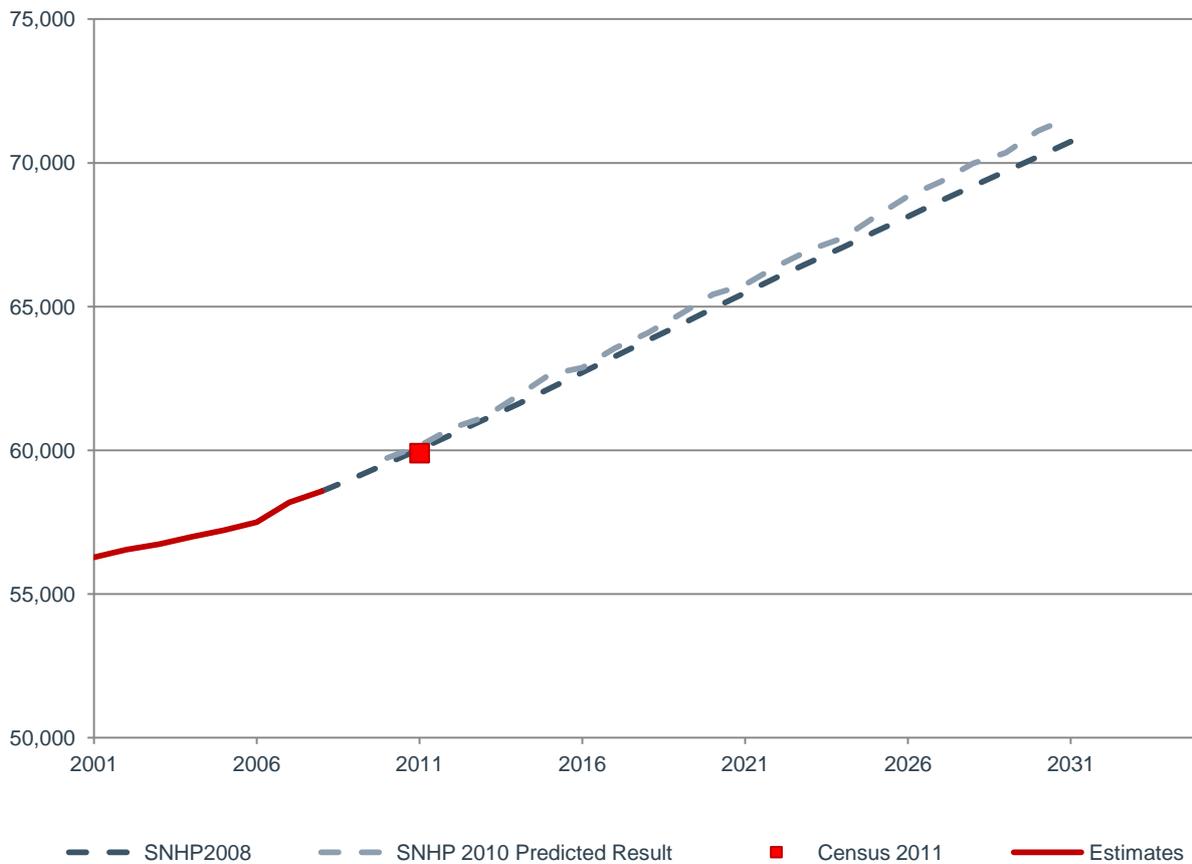
Source ONS, DCLG & VOA

3.5. Household Projections

(i) Dacorum

- 3.5.2. Figure 3.4 sets out the 2008-based Sub National Household Projections (SNHP) as produced by ONS and an estimate of what the 2010-based SNHP may look like. This estimate is based on the assumptions on household formation used by ONS in the 2008-based version and are therefore considered a robust revision to reflect the changes in population growth shown in the 2010-based SNPP.
- 3.5.3. The detailed analysis of the 2010-based SHPP indicates that the Dacorum's households are projected to grow from 57,498 in 2006 to 71,578 in 2031, an increase of 14,080. The previous 2008-based SNHP suggested that households would only reach 70,743 in 2031, an increase of 13,245. This indicates an increase of 835 households (or 6.30%) compared to the 23.47% increase in population.
- 3.5.4. The reason for the differences in the proportional increase in population and households is complex. Much of it is likely to be due to the outward migration of smaller households (predominantly those without children) and the inward migration of larger households (predominantly those with children). This 'turnover' results in the higher ratio of population per household (as seen in Figure 3.3 and Table 3.2) and consequently fewer households are formed.
- 3.5.5. This is a fundamental issue and one that is clearly not considered by DBC. In their Housing Background Paper (June 2012) at paragraph 3.13 they suggest that migration could simply be removed from the equation to provide an estimate of a zero net migration model. However, as shown above, the nature of population turnover means that the relationship is far more complex and that to do so would have significant implications for housing demand.

Figure 3.4: Sub National Household Projections for Dacorum



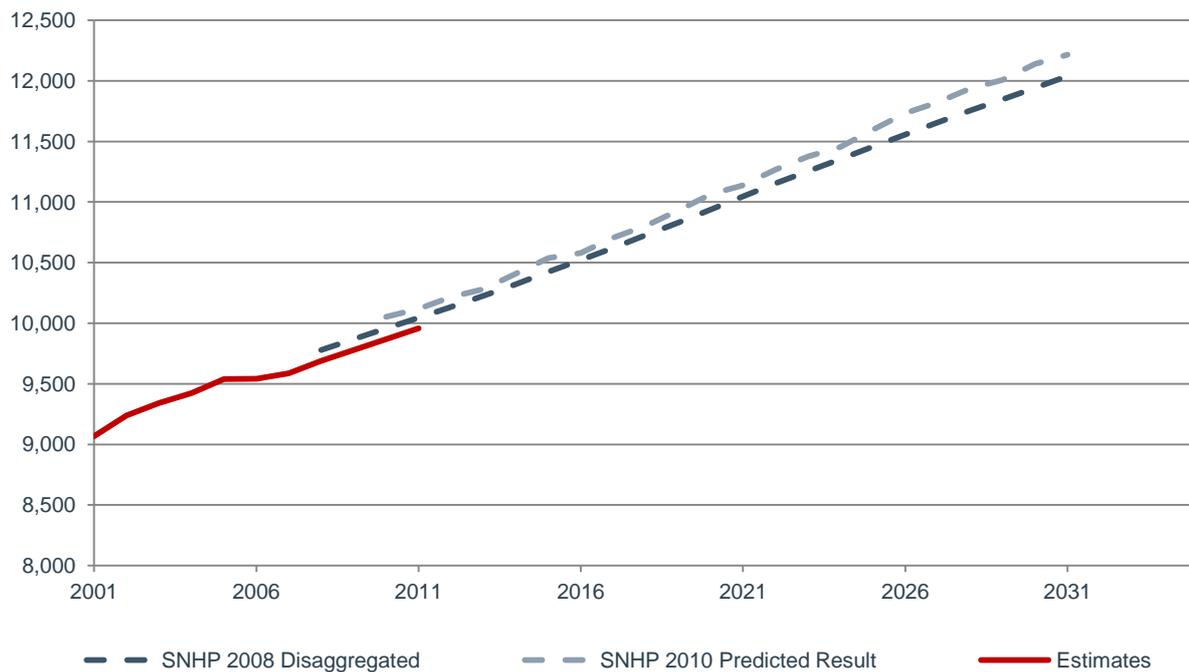
Source Based on ONS 2008-based sub national population and household projections.

(ii) Berkhamsted

3.5.6. Figure 3.5 sets out the growth in households for Berkhamsted using the same principles as applied to the Borough as a whole. Again, the 2008-based estimates are revised to take account of an error in the population projections set out in the GUI November 2011 report.

3.5.7. The detailed analysis of the 2010-based SHPP indicates that the Dacorum’s households are projected to grow from 9,585 in 2006 to 12,215 in 2031, an increase of 2,630. The previous 2008-based SNHP suggested that households would only reach 12,038 in 2031, an increase of 2,453. This indicates an increase of 177 households (or 7.22%) compared to the 25.54% increase in population.

Figure 3.5: Sub National Household Projections for Berkhamsted



Source Based on ONS 2008-based sub national population and household projections.

3.6. Recent Completions

3.6.1. The most recent DBC Residential Land Commitments Position Statement (No. 39, August 2012) shows the completions for the year 2010 to 2012. Dacorum as a whole achieved 447 completions over the year. In Berkhamsted there were 65 completions.

3.6.2. The totals therefore for the period 2006 to 2012 (i.e. previous six years):

- For Dacorum there have been 2,496 completions at an annual average rate of 416 dwellings per annum.
- For Berkhamsted there have been 492 completions at an annual average rate of 82 dwellings per annum.

3.6.3. It should be noted that the 603 units completed in 2011 included 441 apartments on the former Kodak Site in Hemel Hempstead (application references 02790/06/MFA and 00698/09/MFA). These would only cater for smaller households. This is contrary to results of the household projections, indicate there are more larger households being formed in the Borough.

3.6.4. In addition, the latest Annual Monitoring Report (December 2011) indicates that 60 affordable units were completed during 2010-2011, a rate of 9.95% as opposed to the 35% target set out in the Pre-Submission Core Strategy (October 2011). This clearly indicates issues of viability in the Borough and that affordable housing is being sacrificed to ensure that development occurs. This will however exacerbate the affordability issues in the Borough and may well fuel migration (see paragraph 3.3.6).

4. Determining the Housing Target and 5-Year Land Supply

4.1. 5-Year Housing Land Supply

4.1.1. In paragraphs 2.21 to 2.23 and Table 2.2 of the 'Background Paper – Selecting the Core Strategy Housing Target' (June 2012) DBC portray that against historic local plan targets the Borough has performed well. However the assertion that this is a measure of performance for the purposes of forward planning is not accepted.

4.1.2. It has been known from very early on in the process of preparing the Core Strategy that the target of 360 dwellings per annum in the adopted Local Plan would not be sufficient to meet the housing needs of the Borough. For example:

- The East of England Plan Examination in Public Report of the Panel (June 2006) made clear that Dacorum should deliver 12,000 dwellings between 2001 and 2021, which equates to **600 dwellings** per annum (paragraph 5.128). This target is referred to in the Core Strategy Supplementary Issues and Options Paper (November 2006).
- The adopted East of England Plan (May 2008) noted that there was a shortfall in delivery between 2001 and 2006, and consequently increased the annual target to **680 dwellings** for the period 2006 to 2021 to compensate. Whilst the Plan identified land in St Albans District and that the target was subsequently successfully challenged, the target for Dacorum itself was not questioned. The point in question related to the adequacy of the Strategic Environmental Assessment (SEA) that accompanied the RSS; specifically, how it considered alternatives to the release of Green Belt land.
- The London Commuter Belt (West) Strategic Housing Market Assessment (April 2010), which forms part of the evidence base, identified a requirement of 7,800 dwellings between 2007 and 2021, which equates to **557 dwellings** per annum (see Figure 134, page 154).
- The draft Core Strategy (November 2010) set out the two options of 9,835 or 11,385 dwellings between 2006 and 2031, which equate to **393 and 455 dwellings** per annum respectively.

4.1.3. Given the evidence (and apparent acceptance by DBC in November 2010) that 360 dwellings per annum was not an acceptable target, it is unclear why DBC have continued to assess delivery against this out dated measure (most recently in the December 2011 AMR). Table 4.1 below considers the implications of this.

Table 4.1: Housing Delivery Compared to Proposed Housing Targets

Year	Annual Housing Targets						Completions ¹
	Adopted LP	RSS EiP 2006	RSS 2008	SHMA	CS Option 1	CS Option 2	
2001 – 2002	360						212
2002 – 2003	360						701
2003 – 2004	360						392
2004 – 2005	360	600					289
2005 – 2006	360	600					164
2006 – 2007	360	600	680	577	393	455	400
2007 – 2008	360	600	680	577	393	455	384
2008 – 2009	360	600	680	577	393	455	418
2009 – 2010	360	600	680	577	393	455	237
2010 – 2011	360	600	680	577	393	455	603
2011 - 2012	360	600	680	577	393	455	447

Notes 1. As reported in the DBC Residential Land Commitments Position Statement No. 39 (August 2012).
Green – Completions met or exceeded target.
Red – Completions did not meet target.

Source Savills

4.1.4. It is clear from this that against four of the five targets that have been considered since the Core Strategy process started, there has been persistent under delivery. The fourth target is Option 1, which has now been removed from the Core Strategy as being too low.

4.1.5. Whilst planning should generally be in accordance with the adopted Local Plan, this should not be followed blindly when there is clear evidence that contradicts it. Furthermore the NPPF makes it clear in Annex 1 that local plans adopted in 2004 or before are effectively out of date and should be considered according to their degree of consistency with the NPPF. The Dacorum Local Plan was adopted in May 2004.

4.1.6. It should also be noted that the RSS does still form part of the development plan, and is likely to continue to do so for the rest of 2012 due to the formal Strategic Environmental Assessment (SEA) process. As already discussed in paragraph 4.1.2, whilst it is accepted that the housing target for Dacorum was struck out, the evidence on which it was based was not challenged.

4.1.7. On this basis, it is concluded that DBC has underperformed against the prevailing housing targets for the Borough for four out of the last five years. This is considered to be 'persistent' for the purposes of the NPPF and as such DBC should be seeking to identify a 20% addition to their 5-year housing land supply to address the shortfall.

4.2. Revised Housing Targets

4.2.1. Tables 4.2 and 4.3 draw together all the information set out above to set out the housing need for Dacorum and Berkhamsted.

Table 4.2: Revised Housing Targets for Dacorum

		Adopted Local Plan (1991-2011)	Core Strategy Preferred Option Policy CS17	Core Strategy Preferred Option + Windfall (+20dpa)	RSS	GUI	
Plan Period (2006-2031)	Annual Target	360	430	450	630	563	
	Total Target (Annum x 25 Years)	9,000	10,750	11,250	15,750	14,080	
Previous Six Years (2006-2012)	Annual Target	360	430	450	630	563	
	Total Target (Annum x 6 Years)	2,160	2,580	2,700	3,780	3,379	
	Completions	2,496	2,496	2,496	2,496	2,496	
	Shortfall (Target - Completions)	-336	84	204	1,284	883	
Next Five Years (2013-2017)	Annual Target	360	430	450	630	563	
	Without Shortfall	Annual Target +5%	378	452	473	662	591
		Annual Target +20%	432	516	540	756	676
		Total Target +5% (Annum +5% x 5 Years)	1,890	2,258	2,363	3,308	2,957
		Total Target +20% (Annum +5% x 5 Years)	2,160	2,580	2,700	3,780	3,379
	With Shortfall	Annual Target +5%	307	469	515	931	777
		Annual Target +20%	351	536	589	1,064	888
		Total Target +5% (Annum +5% x 5 Years)	1,537	2,346	2,577	4,656	3,884
Total Target +20% (Annum +5% x 5 Years)		1,757	2,681	2,945	5,321	4,439	
Housing Land Supply for CS17*	Previously Developed Land & Garden Land (existing permissions)	6,762					
	Greenfield Land (existing permissions)	1,644					
	Windfall (excluding Years 0-10)	822					
	Green Belt Land	1,550					
	Total	10,778					

Notes * DBC, Selecting the Core Strategy Housing Target (June 2012), Table 3.4.

Table 4.3: Revised Housing Targets for Berkhamsted

		Core Strategy Preferred Option Policy CS17	GUI	
Plan Period (2006-2031)	Annual Target	47	105	
	Total Target (Annum x 25 Years) [#]	1,180	2,630	
Previous Six Years (2006-2012)	Annual Target	47	105	
	Total Target (Annum x 6 Years)	283	631	
	Completions	492	492	
	Shortfall (Target - Completions)	-209	139	
Next Five Years (2013-2017)	Annual Target	47	105	
	Without Shortfall	Annual Target +5%	50	110
		Annual Target +20%	57	126
		Total Target +5% (Annum +5% x 5 Years)	248	552
		Total Target +20% (Annum +5% x 5 Years)	283	631
	With Shortfall	Annual Target +5%	6	140
		Annual Target +20%	7	160
		Total Target +5% (Annum +5% x 5 Years)	29	698
Total Target +20% (Annum +5% x 5 Years)		33	798	
Housing Land Supply for CS17*	Previously Developed Land & Garden Land (existing permissions)	853		
	Greenfield Land (existing permissions)	60		
	Windfall (excluding Years 0-10)	277		
	Green Belt Land	0		
	Total	1,190		

Notes * DBC, Housing Land Availability Paper (July 2011), Appendix 8.
[#] DBC Core Strategy Pre-Submission (September 2011), Table 8.

4.2.2. As discussed in Section 4.1, DBC do fall into the category of persistently underperforming in terms of the number of completions. As such the 20% buffer to the 5-year housing land supply should be considered. Given that there is already a significant shortfall of 612 dwellings it is likely that this should also be accommodated in the 5-year housing land supply. The Inspector for the Bath and North East Somerset Core Strategy stated in his Preliminary Conclusions (June 2012, see Appendix 2), *“ignoring past shortfalls will progressively depress the housing requirement, creating a self-fulfilling justification for less housing growth to be planned than is required”*.

4.3. Windfall Development

4.3.1. The NPPF makes provision for windfall in the 5-year housing land supply so long as there is compelling evidence that such sites have consistently become available and will continue to do so (paragraph 48). This is qualified by the following:

- It should have regard to the SHLAA (i.e. if sites have been accepted in the SHLAA process they could not be included as windfall).

- It should have regard to historic windfall delivery rates and expected future trends (i.e. it cannot be presumed that historic rates will simply continue into the future).
 - It should not include residential gardens (i.e. these should be separated from the historic evidence).
- 4.3.2. Whilst there could be justification therefore to include windfall, this needs to be balanced against the overall objective of the planning system to deliver sustainable development in accordance with a development plan (i.e. Section 36(6) of the Planning and Compulsory Purchase Act 2004). As such any allowance made for windfall would need to be proportionally quite small so as not to destabilise the strategic priorities of the development plan.
- 4.3.3. The Inspector for the Bath and North East Somerset Core Strategy stated in his Preliminary Conclusions (June 2012, see Appendix 2), *“it is logical to restrict such a [windfall] contribution to that from small sites, below the threshold of the SHLAA, since the SHLAA should have captured all larger sites”*. The emphasis on small sites is significant as these are sites that would fall below many of the thresholds requiring contributions to important infrastructure (schools, roads etc.). Therefore there is a direct causal link between the allowance made for windfall and the viability of the infrastructure necessary to support it. This in itself substantially diminishes any justification that can be made to support a high proportion of windfall. The Inspector also noted that *“the NPPF requires compelling evidence that such sites will continue to provide a reliable source of supply”*.
- 4.3.4. In the most recent DBC paper ‘Background Paper – Selecting the Core Strategy Housing Target’ (June 2012) identifies that in terms of the housing target (Table 3.4 of the paper), 822 dwellings are identified in the supply as windfall. This equates to 7.6% of the housing supply of the 10,750 dwelling target set out in the draft Core Strategy (for the period 2006 to 2031). The housing programme (Table 3.5 of the Background Housing Paper) indicates that windfall would comprise 12.1% of the 11,330 dwellings required over the same period (1,374 dwellings).
- 4.3.5. First, there appears to be no clear evidence on which these estimates are based. It is likely that they are based on historic delivery rates and not expected future trends.
- 4.3.6. In paragraph 3.56 of the Background Housing Paper DBC states:
- “Even with its best endeavours, the Council cannot guarantee the timing and delivery of all housing allocations, especially given a volatile housing market. However, larger windfalls in the towns (such as the former Kodak site, Hemel Hempstead (434 dwellings)) have helped the Council achieve the DBLP housing target while unimplemented greenfield housing allocations have been carried forward to the Core Strategy. There is no reason why other large windfalls will not continue over the lifetime of the plan, particularly as they are continuing to come forward and contribute to the supply (e.g. Sappi Graphics (450 dwellings)).”*
- 4.3.7. There is clearly confusion on the part of DBC as to what could constitute windfall for the purposes of forward planning. The fact that large sites such as the Kodak site have come forward for development in recent years is irrelevant when considering the future delivery of windfall simply because they are not a small site by any measure. Furthermore, the supposition that other large windfalls would come forward, is not a robust justification.

4.3.8. In addition, the windfall includes a high proportion of garden land (378 dwellings in terms of the housing target and 630 dwellings in terms of the housing programme). The NPPF is very clear in that garden land should not be included.

5. Discussion and Conclusions

5.1. Summary of the Issues

- 5.1.1. The situation has moved on from that set out in the November 2011 report, including the publication of several documents by DBC to support their Core Strategy but which there has been no opportunity to consult on.
- 5.1.2. Taking into account the most recent information, it is clear that population, and therefore housing need, is increasing at a greater rate than previously anticipated. It is now projected that Dacorum needs additional 14,080 dwellings for the period 2006 to 2031 and already has a shortfall of 883 dwellings from the period 2006 to 2012. DBC set out a target of 10,750 in the submission Core Strategy, 3,330 less dwellings than the objectively assessed need (23.7%).
- 5.1.3. The situation is similar in Berkhamsted with a need for 2,630 additional dwellings over the same period, with the shortfall already at 139 dwellings by 2012.
- 5.1.4. As set out in the November 2011 report submitted By Savills for GUI entitled 'A Housing Demand and Socio-Economic Assessment', in Berkhamsted there is identified capacity for 853 dwellings on defined sites with a further 60 dwellings on local allocation sites and 277 estimated on 'undefined' sites (windfall); a total capacity of 1,190. With a need for an additional 2,630 dwellings there is a clear deficit of 1,440 (54.8%).

5.2. Solutions

- 5.2.1. Clearly housing supply does not meet the objectively assessed housing need, particularly in Berkhamsted. The question therefore is whether there are suitable sites available to accommodate the need (balancing the competing demands of society, economy and the environment) or whether the need should be accommodated outside of the Borough.
- 5.2.2. Put simply, the latter is improbable. The evidence available suggests that even with the Duty to Cooperate there is little prospect of nearby local authorities increasing their housing targets to accommodate the shortfalls in Dacorum, particularly when DBC's evidence on site assessment and selection has clearly been influenced by the predetermined intention to reduce the housing target.
- 5.2.3. The land South of Berkhamsted is a suitable, deliverable and viable site to contribute towards the objectively assessed housing need of the Borough. It been the subject of detailed environmental assessments as evidenced by the documents submitted in November 2011. The sum conclusion of these assessments is that the site could be developed in a sustainable manner and without affecting the overall objectives and intrinsic value of the Green Belt. These issues are discussed further in Savills Participant's Statement submitted on behalf of GUI.
- 5.2.4. Part of the solution should therefore be the inclusion of the Land South of Berkhamsted as a strategic allocation in the Core Strategy.

5.3. Conclusions

5.3.1. The conclusions of this update report are therefore the same as those stated in the November 2011 report:

- The population projections on which the Core Strategy is based are not robust.
- The resulting household projections included in the Core Strategy will not meet the total population natural growth of the Borough.
- The focus of housing development on Hemel Hempstead will have a detrimental effect on achieving the objective of meeting local housing needs in other settlements in the Borough, particularly Berkhamsted.
- The focus of housing development on Hemel Hempstead is greater than the natural population growth of the town, exacerbating the issues on social infrastructure identified in this report.
- The failure to meet local housing needs in Berkhamsted and other settlements is likely to result in many of the current social infrastructure deficiencies not being addressed, particularly due to the Council's preference for piecemeal development.
- The Core Strategy assumes that all defined sites and locations in urban areas will be brought forward for development during the plan period without regard for their viability and local demand.
- DBC are at risk of compounding past under delivery into the future of the plan and are not providing the significant boost to the supply of housing sought by the NPPF in paragraph 47.
- The inclusion of the Land South of Berkhamsted as a strategic allocation would positively contribute to the 5-year housing land supply as well as later phases of the Core Strategy.

5.3.2. On the basis of the above the Core Strategy is unsound in relation to Berkhamsted but can be considered sound when the land south of Berkhamsted is allocated. It is therefore requested that the Inspector identify the land south of Berkhamsted as an additional strategic allocation to help meet the local needs of the town.

Appendix 1 – Submission of Core Strategy



AGENDA ITEM: 9
SUMMARY

Report for:	Cabinet
Date of meeting:	24 April 2012
PART:	1
If Part II, reason:	

Title of report:	Submission of Core Strategy
Contact:	Cllr Steven Holmes, Portfolio Holder for Planning and Regeneration Laura Wood, Team Leader – Strategic Planning and Regeneration
Purpose of report:	That Cabinet: <ol style="list-style-type: none"> 1. Consider the significant new issues raised through representations on the Pre-Submission Core Strategy in late 2011; and 2. Agree the process for submitting the Core Strategy to the Planning Inspectorate.
Recommendations:	<ol style="list-style-type: none"> 1. To note the significant new issues arising from representations received to the Pre-Submission Core Strategy and the impact of new advice. 2. To recommend to Council that: <ol style="list-style-type: none"> (a) no significant changes are made to the Pre-Submission Core Strategy as a result of representations received; and (b) the Submission documents are submitted to the Planning Inspectorate. 3. To delegate authority to the Portfolio Holder for Planning and Regeneration to approve any further minor wording changes to the Core Strategy prior to consideration by Full Council. 4. To delegate authority to the Assistant Director (Planning, Development and Regeneration) to: <ol style="list-style-type: none"> (a) Finalise the Report of Representations and other Submission documents; and (b) Agree any further minor changes arising during the course of the Examination.

<p>Corporate objectives:</p>	<p>Preparation (and delivery) of the Core Strategy and other components of the Local Planning Framework (LPF) contributes to all the corporate objectives. The aim is to achieve high quality, sustainable development in the right place, at the right time and with the right infrastructure, whilst also recognising the need to protect green space.</p>
<p>Implications:</p>	<p><u>Financial</u> The process of preparing the Core Strategy, and wider LPF, has financial implications. Cabinet considered the implications of a three year budget programme in November 2009. Budget provision, together with a reserve, is made for 2012/13.</p> <p>Having an up-to-date planning framework helps reduce the incidence of planning appeals (and hence costs associated with these). It will be the most effective way of ensuring the optimum level of developer contributions to infrastructure and in mitigation of development impacts can be achieved. This process will be further improved and simplified through the adoption of a Community Infrastructure Levy (CIL) approach.</p> <p><u>Value for money</u> Where possible, technical work that supports the Core Strategy has been jointly commissioned with adjoining authorities to ensure value for money.</p> <p><u>Legal</u> Jameson and Hill have been appointed to provide external legal support for the Core Strategy. They will provide the Council with any advice required regarding the implication of new Government advice; assist with responding to key representations; advise on the production of any additional evidence and support Officers through the Examination process itself.</p> <p><u>Human Resources</u> It is critical that the Strategic Planning and Regeneration team are fully staffed to enable the agreed LPF timetable to be delivered. An experienced Programme Officer has been appointed by the Council to provide administrative support to the Inspector and act as a single, independent point of contact for all parties throughout the Examination process.</p> <p><u>Land</u> The Core Strategy will play an important role in decisions regarding future land uses within the Borough. The Council has specific land ownership interest in two of the Local Allocations - LA1 (Marchmont Farm) and LA2 (Old Town).</p>
<p>Risk implications:</p>	<p>Key risks are identified in the Local Development Scheme and reviewed annually with the Annual Monitoring Report. They include failure of external agencies or consultants to deliver on time, changes in Government policy and team capacity. A separate risk assessment prepared for the Core Strategy Pre-Submission identifies a number of risks relating to the</p>

	Examination process and particularly the soundness tests with which the Core Strategy must comply.
Equalities implications:	An Equality Impact Assessment has been carried out for the Core Strategy (14 March 2008) and is due to be reviewed following adoption of this plan.
Health and safety implications:	Implications are included in the planning issues covered by the Core Strategy.
Sustainability implications:	The Core Strategy has been subject to detailed sustainability appraisal (incorporating strategic environmental assessment) throughout its development. Sustainability Appraisals covers social, economic and environmental considerations, including equalities and health and safety issues. A summary of this assessment process, and its conclusions, are set out in the Sustainability Appraisal Report (September 2011). A separate Habitats Regulations Assessment has been carried out. Links to the Sustainable Community Strategy are clearly set out within section 7 of the Core Strategy.
Monitoring Officer/S.151 Officer comments:	<p><u>Monitoring Officer</u></p> <p>The Core Strategy is the central development plan document in the local development framework and, as such, requires the formal approval of Full Council at the pre-submission stage.</p> <p><u>Section 151 Officer</u></p> <p>Budgetary provision has been approved by Council for the preparation of the Core Strategy during 2012/13.</p> <p>There are no proposed changes to the Housing Targets, therefore projections for potential New Homes Bonus will not be affected. The financial impact of the Community Infrastructure Levy will be evaluated once more details are available.</p>
Consultees:	The report refers to consultation undertaken on the Pre-Submission Core Strategy. The results of this will be summarised in the Report of Representations that will be submitted to the Planning Inspectorate alongside the Core Strategy. The results of all previous consultation are summarised in the Report of Consultation that accompanied the Pre-Submission Core Strategy. Volume 7 provides an overview. Development Plans Task and Finish Group were consulted at regular intervals during the preparation of the Core Strategy. The Local Strategic Partnership Board also discussed the content of the Core Strategy at key stages in its production. Corporate Management Team has been appraised of progress and have expressed support for the recommendations set out in this report.
Background papers:	<ul style="list-style-type: none"> • Pre-Submission Core Strategy • Report of Consultation (Volumes 1-7) • Report of Representations (draft) • National Planning Policy Framework (NPPF) • Sustainability Appraisal Report (September 2011) and supplementary working notes. • Habitats Regulations Assessment – Summary Report

	<p>(September 2011)</p> <ul style="list-style-type: none">• Cabinet Report (26 July 2011)• Copies of all representations made (available on online consultation system via http://dacorum.limehouse.co.uk/portal/planning/pre-submission_cs. Access to paper copies available on request).
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BACKGROUND

1. Introduction:

- 1.1 Consultation on the Pre-Submission Core Strategy was held during November / December 2011, with a small 'omissions' consultation during February / March 2012. Since the consultations closed, Officers have been processing these comments, summarising the issues raised and considering whether any changes are required to the Core Strategy as a result. Cabinet (26 July 2011) and Council (28 September 2011) asked that any significant new issues be brought to their attention. As a number of significant new issues have been raised through the consultation, Members' approval is required before the plan can move on to the next stage – which is its formal Submission to the Planning Inspectorate.
- 1.2 An issue is considered to be 'new' when it has not been raised in any comparable form before. It is 'significant' when it substantively challenges the direction, meaning or intention of a policy or proposal in the Core Strategy.

2. Representations received on Pre-Submission Core Strategy:

Consultation November / December 2011:

- 2.1 This consultation related to the whole of the Pre-Submission Core Strategy document.
- 2.2 Comments were received from 204 organisations and individuals. Many people commented on a number of different parts of the plan, resulting in over 1,000 individual representations. A detailed statistical breakdown of these representations is provided in Table 1a of the draft Report of Representations (see section 3 below).

Key areas of concern:

- 2.3 Key areas of concern raised by objectors were:
 - Housing target – whether too high or too low.
 - Factors used to establish the housing target and the relative weight accorded to these (e.g. role of population and household growth projections, environmental constraints and the Council's regeneration aspirations).
 - Inclusion of Local Allocations (Green Belt sites) for housing.
 - Phasing of release of housing land (particularly the Local Allocations).
 - The need for additional 'safeguarded land' to be allocated.

- Infrastructure -
 - (a) concerns over current and future capacity; and
 - (b) the need for contributions to be proportionate to the scale of development proposed and not to undermine viability.
- Impact of development proposals upon character of towns / villages and local landscape.
- Concerns regarding development viability as a result of new sustainable design and construction policies and anticipated contributions to infrastructure and affordable housing.
- Requests from commercial agents / developers to relax various policy requirements to suit particular clients' schemes.
- Policies guiding land use in Hemel Hempstead town centre.
- Site specific challenges relating to perceived omissions in strategic land allocations.

Further information regarding some of these issues is set out below.

Housing Target:

- 2.4 A large number of the objections received related to the overall level of housing proposed. As with previous consultations, developers largely objected on the grounds that the target included is too low, whilst local residents and environmental groups were concerned that it was too high.
- 2.5 Members should be aware of a new set of population projections published by the Office for National Statistics.¹ These indicate an increase in population for Dacorum of 22,000 between 2010 and 2035. This compares to a 20,000 population increase contained in earlier projections for a similar 25 year period (2006-2031). However, it should be noted that population forecasts cannot be directly translated into dwelling projections.
- 2.6 No changes are recommended to the Core Strategy housing target in the light of either objections received or these new population projections. The balance struck within the plan between meeting housing needs, supporting employment and protecting the environment remains appropriate.
- 2.7 A Housing Paper is currently being prepared by the Strategic Planning and Regeneration team to address some of the housing target and population based issues. These arguments elaborate on the issues covered by the Cabinet report of 26 July 2011 relating to the Pre-Submission Core Strategy. This paper will help to justify the Council's chosen target and will be included as part of the Core Strategy Submission documents.

¹ The ONS 2010-based sub-national projections, published March 2012

Local Allocations:

2.8 The Core Strategy currently proposes the following Local Allocations.

Place	Location	Number of Homes
Hemel Hempstead	Marchmont Farm	300
	Old Town	80
	West Hemel Hempstead	up to 900
Berkhamsted	Hanburys, Shootersway	60
Tring	Icknield Way, west of Tring	150
Bovingdon	Chesham Road / Molyneaux Avenue	60

2.9 Local Allocations are Green Belt housing sites which will be managed as countryside until required for development. A number of new or amended alternatives were put forward in the course of the Pre-Submission consultation. These include:

- (a) Land south of Berkhamsted
- (b) Land at Shendish, Hemel Hempstead
- (c) A number of alternatives at Berkhamsted (land at Haslam Field, Shootersway and land off Pea Lane)
- (d) Duck Hall Farm and land at Bovingdon airport, adjacent to the prison in Bovingdon
- (e) Alternative sites at Station Road, Tring.

2.10 These options have been considered by Officers and have been assessed by the Council's independent sustainability consultants, C4S. None are considered to be preferable to those included in the Pre-Submission Core Strategy and no changes are therefore proposed to the current list.

2.11 A number of representations were also received from the Local Allocations landowners and their agents requesting their earlier release for development.

2.12 There are currently two Strategic Sites within the Core Strategy –

- 1) Durrants Lane / Shootersway, Berkhamsted (i.e. land at Egerton Rothesay School); and
- 2) Hicks Road, Markyate.

The principal difference between Local Allocations and Strategic Sites is that Strategic Sites are not within the Green Belt and are therefore permitted to come forward for development at any time. Policies CS2 and CS3 of the Core Strategy control the release of the Local Allocations and give priority to housing sites within existing settlement boundaries. This approach is considered to remain sound and no changes are therefore proposed to either the policy approach or designation of the Local Allocations.

Cross boundary / strategic issues

2.13 A small number of representations have been received from other Councils which require careful consideration. The Localism Act contains a new 'Duty to Co-operate' and requires a statement setting out how we have worked with adjoining authorities and other public bodies to be provided as part of the Submission documents. This statement will provide an opportunity to outline the extensive cross-boundary working that has taken place and explain areas of continuing discussion.

Infrastructure issues:

- 2.14 Liaison with infrastructure providers is progressing well as part of work on the Infrastructure Delivery Plan (IDP). Despite concerns over the capacity of infrastructure being a recurring theme of objections to the Pre-Submission Core Strategy, providers have confirmed that there are no infrastructure 'showstoppers' that would prevent delivery of the Core Strategy and the level of future development planned. Some further advice from key groups (especially Hertfordshire Highways) is however likely to be required to ensure there is a clear, agreed position prior to Examination.

'Omissions' consultation

- 2.15 After publication of the Pre-Submission Core Strategy, a number of minor omissions with regard to changes required to the Proposal Map that will accompany the Core Strategy were noted. These related to the boundary of Hemel Hempstead Town Centre and the proposed extent of the East Hemel Hempstead Area Action Plan (AAP), within Dacorum. The boundaries of 5 Conservation Areas were also shown as these have been recently updated and it is sensible for the Proposals Map to be similarly amended. The Council's legal adviser recommended that it was prudent to carry out a focussed 'omissions consultation' to seek feedback on these map changes. This consultation was targeted at those who were consulted as part of the previous Pre-Submission consultation and ran from 15th February to 28th March.
- 2.16 Comments were received from 7 organisations / individuals and totalled 13 individual representations. There are no major issues – see Tables in the draft Report of Representations.

3. Draft Report of Representations:

- 3.1 A Report of Representations must accompany the Core Strategy when it is submitted to the Planning Inspectorate. Its role is to demonstrate that the Council has complied with the relevant regulations when seeking feedback on the Pre-Submission Core Strategy; to summarise the main issues raised; and to provide a short response regarding these issues.
- 3.2 A draft of the Report of Representations is available in the Group Rooms and is on the Council's website (alongside this report). Paper copies can also be provided to Members on request. Cabinet's attention is particularly drawn to the following tables within this draft Report of Representations:
- Table 1 - sets out the main issues raised and the proposed response.
 - Table 2 - summarises the main issues raised in plan order, identifies if these are new and / or significant in nature and sets out a brief response.
 - Table 3 – provides a schedule (in track changes form) of the changes proposed to the Core Strategy and identifies if these changes are proposed as a direct response of representations received, or are editorial.
- 3.3 Part (a) of each table relates to the November/December consultation and part (b) to the omissions consultation.

Proposed changes

- 3.4 If the Council wishes to make any 'significant changes' to the Pre-Submission Core Strategy before Submitting it the Planning Inspectorate, then there would have to be an additional stage of consultation.
- 3.5 Officers have defined a 'Significant change' as a substantive change to the direction, intention or meaning of a policy in the Core Strategy. The clarification, correction or postponing of the detail of policy to a later stage have not been construed as being significant changes. This definition has been agreed with our legal adviser.
- 3.6 It is not considered that any of the changes recommended in Table 3 of the Report of Representations fall into the 'significant' category. Most are editorial changes or minor changes that do not affect the thrust of the plan. No further consultation on the plan is therefore proposed and, subject to the agreement of Full Council, it is recommended that the Core Strategy is formally submitted to the Planning Inspectorate.

4. National Planning Policy Framework (NPPF):

- 4.1 The final version of the National Planning Policy Framework was published on 28 March and came into immediate effect. The NPPF replaces all existing Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs) and some other planning advice.
- 4.2 Officers' initial view is that its content is very similar in content to the draft published in July 2011 and the Core Strategy therefore accords with its principal requirements. There have however been a number of changes to the document since it was first drafted. Key changes are as follows:
 - Strengthened 'town centre first' approach with regards to new retail development.
 - Less onerous requirement regarding the 5 year housing land supply (with just an additional 5% required, rather than the 20% previously referred to).
 - More flexible approach to the inclusion on windfalls when calculating future housing land supply.
 - Reference to prioritising brownfield land and an acknowledgement that decision makers should recognise the *'intrinsic character and beauty of the countryside.'*
 - Removal of explicit reference to the fact that the default answer to development should be 'yes.'
 - Greater recognition of the three dimensions of sustainable development i.e. social, environmental and economic and some further clarity regarding the *'presumption in favour of sustainable development.'*
 - Greater emphasis upon the importance of local plans and the plan-led approach.
- 4.3 The NPPF introduces an additional 'test of soundness' which plans must pass before they can come into operation. In addition to the previous requirements that plans must be justified, effective and consistent with national policy, they must now also be 'positively prepared' (para 182). This reflects new requirements under the 'duty to co-operate' enshrined in the Localism Act.

- 4.4 In general these changes are seen as positive and lend support to the Council's proposed planning strategy. It is however important to note that the NPPF is still far more 'pro-development' in tone than the guidance it replaces and still requires housing targets to be based on a technical assessment of need.
- 4.5 Officers and the Council's legal adviser are currently assessing the detailed impact of the NPPF on the Core Strategy policies. If any minor changes are required as a result of this assessment, these will be agreed with the Planning and Regeneration Portfolio Holder as per recommendation 3 of this report. Any more significant changes required to ensure full compliance will be discussed during the course of the Examination.
- 4.6 A final version of Tables 1-3 of the Report of Representations will be available for Full Council on 16 May.

5. Sustainability Appraisals / Strategic Environmental Appraisal:

- 5.1 A Sustainability Report (including Strategic Environmental Assessment as required under European law), accompanied the Pre-Submission Core Strategy. As a result of comments received on the Pre-Submission draft, the Council's independent consultants, C4S, have assessed the new and amended sites put forward and have also responded to comments made on the Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) process itself. The results of these assessments are currently available in draft form. When finalised, they will be published as a Working Note to support the final Sustainability Report.
- 5.2 Once the final schedule of changes to the Core Strategy (Table 3 of the Report of Representations) has been agreed by Cabinet and Full Council, an amended SA Report will be prepared. This is likely to take the form of a short addendum to the Report prepared at the Pre-Submission stage.
- 5.3 Due to the minor nature of the changes proposed to the Pre-Submission Core Strategy we do not expect any significant changes to the findings of the SA/SEA issues to arise at this stage. Our consultants currently advise that the minor changes proposed will have a neutral, or marginally positive, impact on the sustainability performance of the plan. In addition it has been confirmed that the minor changes proposed will not alter the conclusions of the Habitats Regulations Assessment (HRA). As for the SA/SEA the HRA conclusions will be finalised once the final schedule of changes to the Core Strategy have been confirmed. These will be reported in the final SA Report.

6. Next Steps:

Submission:

- 6.1 There has been a slight slip in the Core Strategy timetable previously agreed by Members in November 2011. This is due to reduced Officer capacity, the number and scope of representations received and the need to conduct the omissions consultation.
- 6.2 Subject to the agreement of Full Council, the Core Strategy will now be submitted to the Planning Inspectorate at the end of May.

- 6.3 The following Submission documents are required by the regulations:
- Pre-Submission Core Strategy, together with a schedule of changes
 - Amended Proposals Map
 - Sustainability Appraisal Report (Final report plus addendum)
 - Report of Consultation (Volumes 1-7)
 - Report of Representations
 - List of Supporting documents
 - Statement of Community Involvement
- 6.4 A statement under the 'Duty to Co-operate' is also now required under the Localism Act.
- 6.5 A number of other documents can also be included at the Council's discretion. These will include copies of all previous Core Strategy consultation documents and associated Sustainability Appraisal Working Notes and Habitat Regulations Assessments, the Housing Paper, Infrastructure Delivery Plan (original reports plus update) and copies of all relevant technical work and supporting documents.
- 6.6 Other documents, such as relevant Cabinet reports and minutes, copies of consultation documents relating to the Site Allocations and East Hemel Hempstead Area Action Plan DPDs, a legal compliance self assessment and an Equalities Impact Assessment may also be included on the recommendation of our legal adviser.

Post-Submission:

- 6.7 The timetable following Submission will be determined by the Planning Inspectorate. However, the Examination is expected to be held in early autumn 2012.
- 6.8 It is likely that the Inspector will require the Council to prepare 'Statements of Common Ground' with some parties before these issues are discussed at Examination. These will be focussed on objectors with who we have common areas of agreement. It may not be possible to agree statements with some objectors due to the lack of common ground. Preparation of Statements will follow Submission.
- 6.9 It is recommended that the Assistant Director of Planning, Development and Regeneration is delegated the power to agree any minor changes to the Core Strategy suggested to the Council by the Planning Inspector during the course of the Examination. Any changes recommended that are of a significant nature would be subject to further public consultation and the Examination could be adjourned to allow this to happen. If this situation arises the recommended changes would be put before Members for consideration and decision.
- 6.10 The final Core Strategy, including the Inspector's recommended changes, will be brought before Council for adoption. Provided the Inspector finds the Core Strategy 'sound,' it is hoped that this will be in early 2013.
- 6.11 The Portfolio Holder for Planning and Regeneration will be kept up-to-date of progress throughout the Examination.

Appendix 2 – Bath & North East Somerset’s Core Strategy – Inspector’s Preliminary Conclusions

**BATH AND NORTH EAST SOMERSET CORE STRATEGY
EXAMINATION****INSPECTOR'S PRELIMINARY CONCLUSIONS ON STRATEGIC
MATTERS AND WAY FORWARD – JUNE 2012****Purpose of this Note**

1. This Note and its accompanying Annex sets out preliminary conclusions in the light of all the representations made, including those made in response to the publication of the National Planning Policy Framework (NPPF). In the light of these conclusions the Council will need to decide how it wishes to proceed. The conclusions are tentative because the Council has suggested changes to the Core Strategy which have not yet been the subject of full consultation. In addition, if and when I come to prepare a final report and contemplate recommending main modifications it is likely that relevant circumstances will have changed and I will need to take into account up-dated evidence.
2. My intention is to focus on the main matters that relate to the soundness of the overall strategy, rather than matters concerning the soundness of the topic (core) policies. Depending on how the Council wish to proceed, I could subsequently address detailed matters in another note so as to assist the Council with what changes need to be the subject of formal consultation. Nevertheless, this note has to be wide-ranging and go into some detail because of the inter-relationships between different matters.
3. In its response statement to the NPPF (BNES/38), the Council also produced an updated SHLAA trajectory (CD4/H18) which incorporates completions for 2011/12. This appears to include built and committed student cluster flats; the Council's newly calculated windfall allowance; and changes to the capacity or delivery of sites. Whilst the first 2 matters are discussed in the Council's paper (and earlier papers), the latter changes are not, and are not obvious. There has not yet been the opportunity for other parties to comment on any such changes. Accordingly, when discussing delivery of sites in this note I refer to the SHLAA that was available during the hearings (CD4/H13 and H14) and refer to the recent update only when necessary to address the new points made by Council.

Preliminary main conclusions

4. The reasoning for my main conclusions on strategic issues is set out in the attached Annex. My main conclusions at this stage are:
 - the lack of an NPPF compliant assessment of the housing requirement, given the unsuitability of the Council's methodology;
 - the need to make up the shortfall of 850 dwellings to 2006 under the existing Local Plan;
 - the need for a 20% buffer to the 5 year housing land supply;

- a lack of flexibility to accommodate any delay in bringing forward the complex, brownfield, mixed use proposals in Bath and Keynsham
 - a lack of flexibility to properly apply the sequential and exception flood risk tests at the allocation/application stage on the brownfield, mixed use sites in Bath and Keynsham;
 - A general lack of flexibility to adapt to rapid change, including (other than in the Somer Valley) being able to accommodate more business growth, if opportunities arise.
 - Lack of justification for the policy approach for the Somer Valley.
 - The need to explain in the Sustainability Appraisal Report the reasons for the choice made in relation to not fully meeting assessed needs (if that continues to be the Council's strategy).
5. Many of the above points suggest that the plan should be amended to facilitate more housing than currently planned and/or to enable some of the planned housing to be delivered sooner. However, what is required first of all is the objective assessment of housing needs and demands in the manner required by the NPPF. In the absence of adequate evidence in relation to the housing requirement, there are no main modifications which I can suggest now to move the Examination forward. Substantial further work by the Council will be required.

The way forward

6. There would appear to be 2 main alternatives now open to the Council. Either: seek a further suspension of the Examination to enable further work to be undertaken; or withdraw the Core Strategy and undertake the further work as part of an integrated Local Plan, which incorporates site allocations.
7. In order to pursue the first option the Council would need to consider the range of further work necessary and a timetable for its completion. Such further would involve:
- the identification of the housing requirement in a manner consistent with the NPPF;
 - changes to the plan to fully accommodate the assessed needs and demands or evidence to demonstrate that doing so would result in adverse impacts which would significantly and demonstrably outweigh the benefits (NPPF, 14);
 - subject to the outcome of the above, a possible review of the Green Belt's capacity to accommodate further development in a sustainable manner.
 - an updating and clarification of the various matters highlighted in the Annex attached to this note (and in any subsequent note on other matters);
 - the publication of all proposed changes which have not previously been the subject of consultation, including those changes discussed at the hearings, or suggested by the Council subsequently, and which remain relevant in the light of the updated evidence.

- Updating of other evidence.
8. It is highly likely that further hearings would be required once the Examination was resumed. I have 3 main concerns with this scenario. Firstly, the further work required appears substantial and likely to take some time. Bearing in mind that the Examination has already been underway for well over 1 year and has already been suspended once, a further lengthy suspension would make the Examination particularly protracted and complex. It becomes increasingly hard for all parties to participate, given the potential layers of further evidence and possible changes to the Plan. Existing supporting evidence, not previously significantly questioned, may also become outdated.
 9. Secondly, I would be concerned if significant changes were needed which resulted in the final Plan being fundamentally different from the submitted plan. Thirdly, I cannot give the Council any reassurance that the outcome would be a sound plan as there is too much uncertainty. I would need to consider carefully any request for a further extension.
 10. If the Council were to seek a suspension and requested me to do so, I would prepare a further short note dealing with any preliminary findings of unsoundness on matters not covered in the attached Annex. That would enable the Council to include changes to meet any such unsoundness in one overall consultation on proposed changes during the suspension of the Examination.
 11. The second scenario – withdrawal of the Core Strategy – would take matters out of my hands and therefore there is little comment I need make. Part of my concern with the submitted plan relates to uncertainty about delivery/capacity on the major mixed use brownfield sites. A new Local Plan which included site allocations would allow some of this uncertainty to be resolved.
 12. I appreciate that my conclusions leave the Council with considerable difficulties to address, which may require some time for reflection. I would be grateful for an early indication of how long the Council may require before it can advise me of its preferred way forward. Other than considering the procedural way forward, I would not wish to address new evidence in a piecemeal manner. A succession of new evidence and or possible changes would require a series of consultations with interested parties and prelude the necessary comprehensive assessment of all the evidence. If the Examination is eventually to continue I would want the Council to first have published all necessary updated evidence and consulted on all the changes arising from that evidence.

Simon Emerson
Inspector
21 June 2012

ANNEX TO INSPECTOR'S PRELIMINARY CONCLUSIONS**1. Overall housing requirement**

- 1.1 NPPF (47) requires local plans to meet the full, objectively assessed needs for market and affordable housing so far as is consistent with policies of the Framework. Paragraph 14 sets out the circumstances in which an exception can be made. Paragraph 159 sets out the evidential basis for authorities having a clear understanding of housing needs in their area based on a SHMA, prepared collaboratively where the HMA crosses administrative boundaries. The latter element applies here as the HMA covers the 4 authorities in the West of England Partnership area, Mendip and the former district of West Wiltshire, now part of Wiltshire Unitary Authority.
- 1.2 The *West of England Strategic Housing Market Assessment (SHMA) (CD4/H11)* is a complex piece of work, but it did not expressively assess the appropriate level of future housing demand in the HMA. It was informed by the then emerging RS (which was based on population projections from 2004). The SHMA does not fulfil the comprehensive role required by NPPF 159. The Council places little reliance on the SHMA.
- 1.3 The SHMA does, however, set out a very considerable need for affordable housing across the HMA. For Bath and NES this need is considerably more than the total housing planned in the Core Strategy. Although the Council emphasised at the hearings that affordable housing provision was very important, the scale of affordable housing need does not appear to have influenced the overall scale of the housing requirement. The Council has not considered how to meet this need, other than by maximising the *proportion* of affordable housing sought from market housing. Give that overall housing provision is less than affordable needs alone, the Core Strategy results in a very substantial shortfall in meeting affordable housing needs.
- 1.4 The Council has prepared its own assessment of local housing requirements *Bath and North East Somerset Future Housing Growth Requirements to 2026 Stage 2 Report* September 2010 (CD4/H1). This sets out a complicated methodology for identifying the housing requirement for the district. In summary, it derives a jobs-to-homes multiplier from pre-recession trends for the West of England and applies that multiplier to the Council's chosen figure for job growth in the district of 8,700.
- 1.5 The Report of September 2010 identified the multiplier as 1.36 and the resulting housing requirement as 11,600. The methodology draws on the relationship between housing and employment growth between 1998-2003 as this is seen as a stable period of economic and population growth. Post submission, the Council's methodology was further explained in Topic Paper 9 (CD6/S10). This paper

corrected an error in the earlier work such that the multiplier is now 1.39 and the calculated housing requirement is 12,100, but no change was made at that time to what the Core Strategy proposed.

- 1.6 The submitted Core Strategy (policy DW1) proposes 8,700 jobs and 11,000 homes of which around 3,400 were to be affordable. (The Council says that the latter figure is also an error and should be only 3,000). The housing figure in DW1 is primarily determined by the SHLAA. The December 2010 SHLAA (CD4/H6), which accompanied publication, identified a total potential of 11,289, excluding any development in the Green Belt. The updated SHLAA of May 2011 (CD4/H13 and H14) proposed a similar figure (11,205) although there were some significant changes to individual sites.
- 1.7 Following the hearings, the Council is seeking to include off-campus student cluster flats in the assessment of housing supply. As a consequence, it is also proposing that overall housing provision should be increased to 11,500 (BNES/26 and 31) to better reflect the total potential identified in the SHLAA at that time, plus the student cluster flats. The most recent SHLAA trajectory (CD4/H18 - not yet consulted on) includes windfalls and site updates and shows total delivery of 12,906 dwellings.
- 1.8 On the basis of the Council's updated evidence and the overall justification for its position, I do not understand why housing provision should be capped at the recently suggested 11,500 when assessed need is considered to be 12,100 and the Council considers that there is robust delivery of 12,906. However, I have more fundamental concerns with Council's methodology for assessing the housing requirement.

Consideration of the Council's methodology against the requirements of the NPPF

- 1.9 There are 5 critical problems with the Council's methodology. Firstly, it is primarily an assessment for Bath and NES only, rather than a SHMA for the HMA. (Although the multiplier of 1.39 is derived from figures for the West of England, that does not make it compliant with NPPF, 159).
- 1.10 Secondly, it gives overriding primacy to a linear link between homes and jobs. Whilst NPPF 158 refers to authorities ensuring that their assessments of, and strategies for, housing, employment and other uses are *integrated*, that is not justification for making this link the primary consideration, particularly given the detailed explanation for the content of the SHMA which follows in NPPF 159. The Council suggest that the draft RS was based on this methodology and endorsed by the EIP Panel. However, this is not borne out in the Panel's Report. The Panel relied on the 2003 household projections (CD3/5, 4.0.15).

- 1.11 The relationship of the housing requirement to economic growth and local jobs is clearly an important one, not least to ensure that there are sufficient workers to fill planned jobs or to achieve other objectives, such as to reduce commuting. But the Council is, in effect, using this link to determine a cap on the housing requirement. In an area such as Bath and NES, which is such an attractive place to live and attracts people who are not economically active, the link between homes and jobs cannot be the primary determinant of the housing requirement. The NPPF makes clear (eg 47) that Local Plans should meet the full, objectively assessed needs for market and affordable housing. Even if it cannot do so because the exceptions in NPPF 14 are met, needs must be objectively assessed so as to identify any unmet need that should be sought in adjoining areas.
- 1.12 I recognise that the Council's multiplier does embed a significant component for net in-migration and for the growth in the non-economically active. But this is a fixed component. There is a danger that the Council's rigid model underestimates these elements. Economic development would be stifled if, for example, in-migration of non-economically active is greater than assumed, taking the place of needed workers. Suppressing housing provision below actual demand may mean that local people in need of a home lose out to wealthier in-migrants. Such concerns and the difficulty with such a link are acknowledged in several comments in section 3 of the Stage 2 Report.
- 1.13 The ratio of 1.39 is derived from past trends of jobs and homes in the West of England and would be the same for any of the 4 authorities in the sub-region to which the methodology might be applied. The ratio is the same as used to determine the housing requirement for North Somerset. That plan was found sound subject to a 5 year review of the housing requirement, but that report was published before the publication of the NPPF.
- 1.14 It is surprising that the same ratio would be appropriate for the different authorities making up the West of England, given their varying characteristics. The outcome of using this multiplier may be more justified in one area than another, depending on its underlying characteristics and the aims of the plan concerned. The Council also seeks to justify the ratio approach by comparison with the ratio of jobs to homes which are planned elsewhere and, for example, found sound in the Bristol Core Strategy in 2011 (CD3/15). But such similarities are a comparison of outcomes rather than methodology and adoption of that plan pre-dated the NPPF.
- 1.15 The Council assumes that the relationship between trends drawn from around the turn of the century are preferable to more contemporary data because of the recession and changing circumstances relating to international migration. However, it is difficult to see why the ratio between such past trends should be a

sound model for the appropriate relationship between jobs and housing over the long term, given the undoubted changes to the economy that have and will take place to 2026.

- 1.16 Thirdly, the use of the multiplier means that the reliability of the identified housing requirement is totally dependant on the reliability of the projection of future job growth. Forecasting economic growth and related job growth is a difficult and inevitably uncertain process, particularly given the severity of the recent recession. This is acknowledged by the Council. The Stage 2 Report comments that economic forecasts and projections are inevitably an educated *shot in the dark* (CD4/H1, paragraph 6.1). Topic Paper 2 (CD6/S3/3.13) refers to *inherent uncertainty*. I therefore do not understand the Council's confidence in relying solely on a single figure for job growth to identify a specific housing target for the plan.
- 1.17 Although seriously challenged by many, I have not found the Council's assumptions about economic and job growth unreasonable, subject to greater flexibility in the plan to accommodate more jobs. But the Council's methodology compounds the inevitable uncertainty by basing its housing requirement directly on a single figure for job growth.
- 1.18 Fourthly, there is a lack of transparency in the methodology. The Council argue that the methodology reflects an appropriate holistic approach which creates a stable method for long term projections and avoids the inevitable volatility in many of the variables which more traditional methods rely on. However, whilst the multiplier itself is a transparent element of the process, its derivation embeds many assumptions which are less transparent compared with more traditional methodologies where a range of factors are presented and weighed in determining the housing requirement. This lack of transparency is highlighted by the emergence, post submission, of an error which had the effect of increasing the housing requirement by 600. Such an error was not readily identifiable by others.
- 1.19 Fifthly, the methodology cannot adequately accommodate a review and reflect changing circumstances. The Council is proposing a change to the submitted plan to introduce a review of the Core Strategy within 5 years (RCs 9 and 53 in CD6/E2.2). Reference would be made to reviewing the most appropriate growth targets for housing and employment. But the Council considers that there would be no need to review the ratio/multiplier already established. Thus any change in housing requirement would arise only from a change in projected job growth.
- 1.20 Over time, the rational for the chosen multiplier would be increasingly questionable, even if it was reasonable now. Acceptance of the methodology as the long term basis for planning for this area would mean ignoring other data in the future, even if that were to suggest that the ratio was not appropriate. This is a

compelling reason why the methodology is not justified as basis for determining the housing requirement. It may also be very difficult to monitor job growth accurately to achieve a reliable basis to test the assumptions made.

Economic factors

- 1.21 Because the Council's methodology for calculating the housing requirement is directly linked to the planned job growth, the predicated figure for job growth and assumptions about economic development become a much more critical issue than is normally the case.
- 1.22 The Council's assumptions about job growth are informed by *The Business Growth and Employment Land Study Update* (CD4/E2) which projected job growth in the order of 8,7000-11,200. Oxford Economics published on behalf of SWRDA and SW Councils economic projections for the sub-regions within the South West. Three scenarios were presented for Bath and NES 3,000, 5,900 and 11,300. More recently the Council has been informed by *GWR Business West Smart Economic Growth Report* (CD4/E10). This equated 8,7000 net jobs with annual economic growth of 1.9%. Topic Paper 9 compares this 1.9% with the average for the same period of a little over 2% for the UK economy as whole based on OBR March 2011. It assumes that growth in the period 2016-2026 will be 2.8% (BNES/26, 2.9).
- 1.23 Many representations challenge the Council's assumptions of economic/job growth, especially at Bath, as pessimistic or not sufficiently optimistic to reflect the Government's policy in *Planning for Growth*. In relation to projections of economic growth over the next 15 years, it is impossible to say that one projection is right and others wrong, there is too much uncertainty. It is most likely that no projection made now will accurately reflect what actually happens. The short term position has worsened since the representations were made.
- 1.24 There are further problems. There is considerable difficulty in comparing figures for different periods; any annual average figure over the Core Strategy periods reflects a wide range between negative growth during the recent recession and a return to more normal growth in later years. There is not always clarity about whether assumptions of job growth are net or gross, which is particularly relevant here given projected and known considerable job losses. In assessing soundness, 2 important matters are the degree of alignment with the economic strategy of the West of England Local Enterprise Partnership (LEP) and flexibility to respond to changing circumstances, so as to maximise the potential that may arise. These are considered below.
- 1.25 The Council is a member of the West of England LEP and has expressed support for its aspirations. But prior to and during the

hearings the Council appeared to be distancing itself from the ambitions of the LEP and questioned the realism of its economic assumptions. Subsequently, BNES/25 argues that there is a close alignment between the aspirations of the LEP and the Core Strategy. This has made the Council's position difficult to understand.

- 1.26 The creation of the LEP has been approved by the Government and it will be the vehicle for the distribution of the Regional Growth Fund within the sub-region. It is reasonable to regard the ambitions of the LEP as embodying the Government's aspirations for economic growth. As set out in its bid prospectus to Government and its recent Business Plan, the LEP aims to achieve 95,000 jobs in the period 2010-2030 and 3.4% annual growth in GVA by 2020. There is no specific apportionment to the 4 local authorities making up the LEP and thus assessing the alignment with the LEP is not easy. At present, Bath and NES has 15% of the employment in the sub region. The projected job growth of 8,700 within Bath and NES represents only about 12% of the jobs planned/assumed by the LEP over the comparable period. Whilst this scale of growth may appear to lack ambition, there is evidence to explain a more cautious approach.
- 1.27 The Oxford Economics Central Forecast for the West of England indicated that GVA growth 2010-2020 for Bath and NES would be significantly lower than for the other local authority areas in the sub region (CD3/22, Table 3.3). The 2,800 MOD jobs which are moving from Bath to Bristol means that gross job growth in Bath has to overcome this loss in achieving 8,700 net new jobs, but these jobs are not a loss to the sub-region and do not affect the LEP's aim of 95,000 new jobs. The LEP has made no criticism of the Core Strategy. It has made Bath Riverside an Enterprise Area which it is promoting along with other key locations and is supporting its development with funding. Accordingly, it is reasonable to conclude that the Council's intentions with regard to employment align with the aims of the LEP.
- 1.28 Notwithstanding the above, Bath and NES has many positive attributes which would support economic growth provided there are the opportunities to allow this to happen. To be sound, there must be no suggestion that job growth would or should be capped at 8,700 and there should be flexibility for more economic development to take place if circumstances are favourable. Because the Council calculates the housing requirement directly from the job figure, the latter assumes greater significance and the implications for the housing requirement discourages a more flexible approach to the job figure, given the Council's view of constraints.
- 1.29 I consider the degree of flexibility in the context of delivery in the different spatial areas below. In Bath and Keynsham, I conclude that there is very limited flexibility, whereas in the Somer Valley

there is more than enough land to meet more ambitious job growth if the economy grows better than expected.

Other considerations relating to the housing requirement

- 1.30 CLG 2008 (ONS) based household projections were published in late 2010. They indicate a projection of 16,000 new households for the district by 2026. The Council rejected these projections as a primary source for determining future housing because it considers such projections are an unreliable guide to the future. A number of participants put forward alternative housing requirements based on these or related household projections. These were generally in the range of 14,000 – 16,000 if calculated for the district in isolation, but considerably more if based on an assumed proportion of growth in the West of England sub-region. These alternative scenarios do not equate to a SHMA as required by NPPF 159 and are insufficient for me to do conclude what the housing requirement should be.
- 1.31 NPPF 159 refers to both household and population projections. Since the hearings, more recent population projections have been published which show less growth in the district and sub-region than informed the 2008-based household projections. The Council suggests that this population projection might equate to about 11,000 more households, although ONS have not yet done such projections (BNES/38, paragraph 24).
- 1.32 The Council regards this latest (reduced) projection as supporting its scepticism of the 2008 household projection and the NPPF guidance as validating its methodology. However, in practice the Council's methodology ignores recent and future household and population projections. The housing requirement would change only if the projected net job growth assumption was to change. The fact that more recent projections may be more in line with its identified housing requirement does not mean that the Council's methodology is justified, for the reasons already given. The NPPF refers to catering for demand. The Council's methodology would potentially limit demand and has not explicitly sought how to better meet the substantial affordable housing needs.
- 1.33 The Council's assessment focuses on the housing requirement solely for the district in isolation. The previously emerging RS had projected a substantial scale of development for the district which partly was to accommodate some of the projected growth in the sub-region as a whole. Several representors submitted detailed evidence of a housing requirement based on projections for the West of England and an apportionment of the resulting requirement to the district.
- 1.34 Within the West of England, the Core Strategies for Bristol and for North Somerset have been adopted (June 2011 and April 2012 respectively). The Core Strategy for Bristol (CD3/15) does not identify any particular requirement for its housing needs to be

accommodated beyond the City boundary. It notes that household growth may be greater than is being provided for and plans to review the housing requirement within 5 years. Bristol City Council is not seeking any additional housing provision within Bath and NES nor is it contesting the soundness of the plan in any respect. The North Somerset Core Strategy has been found sound on the basis of modifications which include a review of the overall housing requirement within 5 years and a potential review of the Green Belt with other West of England Authorities. The South Gloucestershire Core Strategy is still under Examination.

- 1.35 In the absence of a SHMA based on the HMA, there is no up-to-date and NPPF compliant evidence to indicate housing needs of the wider area and whether there may be needs from Bristol that should be accommodated, in part at least, within this district. A cross-border SHMA and the subsequent determination of the optimum spatial distribution of any such future needs around Bristol requires joint working between all the relevant authorities. This is what is intended to occur as part of the review envisaged in the Bristol and North Somerset Core Strategies. This leaves the evidence base for the Bath and NES Core Strategy in limbo. I recognise that the Council cannot undertake this task alone and those Councils with adopted Core Strategies may be in no rush to undertake the necessary joint work. But given the shortcomings in the Council's methodology there is currently an inadequate basis on which to allow this Plan to move forward, particularly given my other main concerns.
- 1.36 I have considered whether these deficiencies in the methodology and uncertainty about the appropriateness of the housing requirement could be set aside on the basis of the Council's suggested review of the Plan. The Plan could then be reviewed along with the adopted plans in adjoining authorities. In practice that would mean a review 4 years from now, as a year has already passed since the adoption of the Bristol Core Strategy. Such an approach is not contemplated in the NPPF. In addition, I am not persuaded that this Plan is so essential in its present form for achieving other positive planning outcomes as to outweigh this lack of compliance.

Local Plan shortfall

- 1.37 The adopted Local Plan covers 1996-2011. Annual delivery was expected to be 457 dwellings per annum. At 2006, there was a shortfall on delivery of about 850 dwellings against the Local Plan requirement (excluding any reduction for the student flats built in that period) (BNES/32 and elsewhere.) The submitted Core Strategy has an annual average build rate of 550 per annum. Despite this intended increase over previous planned delivery, actual delivery has still lagged behind even the rate required by the Local Plan (BNES/32). In the context of the planned provision of 11,000 dwellings and given the continuing low levels of delivery to

date, this shortfall is not an insignificant matter. At 2011, the shortfall against the Local Plan requirement was 1,169 (excluding student housing).

- 1.38 Once the Core Strategy is adopted, delivery against the Local Plan's requirement would no longer be a consideration in matters of land supply. The Council has not included the shortfall to 2006 in its assessment of the housing requirement. It regards any needs such a shortfall once represented as having been dissipated within the sub-region. The new local assessment of the housing requirement is seen as a fresh start. In the past, Regional Strategies set the context for the plan period for lower order plans and often dealt with how any previous shortfall was to be addressed. With the intended abolition of RSs there will be no external direction for determining plan periods or the treatment of past shortfalls.
- 1.39 The Council proposes to a review of the Core Strategy within 5 years and this is likely to roll-forward the plan period. If it is accepted now that the past failure to deliver in the Local Plan period to 2006 can be ignored, this would justify ignoring in the future the failure to deliver which has already occurred between 2006-2011 against the Core Strategy's target. This approach could be repeated in all subsequent reviews. Ignoring past shortfalls will progressively depress the housing requirement, creating a self-fulfilling justification for less housing growth to be planned than is required. The recession does not explain the shortfall up to 2006. The Local Plan shortfall to 2006 should be added to the housing requirement.

2. Housing supply

SHLAA Overview

- 2.1 The SHLAA should be the key document to demonstrate the deliverability of the housing strategy in the Plan. The SHLAA that formed the main basis for discussion at the hearings was that of May 2011 (CD4/H13 & 14). The assessment of the suitability of sites has been strongly influenced by the emerging strategy rather than being an objective assessment of opportunities and capacity to inform the strategy. There appears to have been little or no direct contact with owner/developers about the achievability of sites. There is an absence of supporting evidence from developers about delivery on most of the largest sites. For larger sites within the 5 year supply reliance is placed on discussions with affordable housing providers rather than the main developer about delivery. But these sites are only a part of the overall mix of sites in the SHLAA.
- 2.2 Until the recent inclusion within years 1-10 of a contribution from windfalls, the Core Strategy was reliant on almost all the SHLAA sites being developed by 2026 to achieve the planned outcomes.

There was no identified headroom within the SHLAA and little or no choice between SHLAA sites to be made in the Place-making Plan.

Windfalls

- 2.3 The SHLAA May 2010 (CD4/H13) suggested that an allowance of 400-560 units from small site windfalls could be added to supply for the post 10 year period (BNES/6). These are sites below the threshold for inclusion in the SHLAA. This range is calculated from past delivery rates, but discounted from the higher levels achieved in recent years.
- 2.4 The Council now proposes (BNES/38, paragraphs 43-51) to include a contribution of 350 from small sites windfalls in the first 5 years. (Confusingly the figure included in the latest SHLAA Trajectory CD4/H18 is 56 p.a. rather than 70 p.a.) This figure is based on the average small site completions over the past 6 years, minus the proportion that have been on greenfield sites, such as garden land, and minus existing small site permissions. A windfall allowance is also included for the remaining 9 years of the plan at 100 p.a. which the Council considers adequately discounts for greenfield sites.
- 2.5 NPPF, paragraph 48 indicates that a contribution from windfalls can be included as a component of a land supply in the first 5 years and in my view this can be extended over the whole plan period. It is logical to restrict such a contribution to that from small sites, below the threshold of the SHLAA, since the SHLAA should have captured all larger sites. But the Council's justification relies solely on past delivery, whereas the NPPF also requires compelling evidence that such sites will continue to provide a reliable source of supply. The Council needs to address this element of the justification and the resulting evidence needs to be open to comment by others before I could conclude on the justified contribution from small site windfalls.

Student Housing

- 2.6 Late in the hearings, the Council suggested that it wished to include purpose-built, off-campus student cluster flats as part of the housing land supply. Its position was confirmed in post hearing paper BNES/31 which was subject to comment by relevant participants. As a consequence, and in recognition that the SHLAA at that time identified delivery of 11,200 the Council suggested a change for the plan to deliver 11,500 units rather than 11,000.
- 2.7 The DCLG definition of dwellings now includes self-contained student flats with a cluster of bedrooms. The status of such accommodation has been confirmed by the Ministerial Parliamentary Answer in December 2011 (see BNES/31). There is no suggestion that such accommodation should only be counted if it is potentially available or suitable for use by the wider population.

- 2.8 In my view, counting dedicated student cluster flats as part of the housing supply is only justified in the context of this Core Strategy if appropriate consideration has also been given to the assessment of the need for student accommodation over the plan period. Otherwise, any increase in purpose-built accommodation would count as contributing to housing supply whilst not meeting the needs for which the housing requirement was identified.
- 2.9 The Council's *Student Numbers and Accommodation Information Paper* December 2010 (CD6/D1) sought to undertake such an analysis, but this will need updating to better reflect the impact of any recent changes, including increased student fees. This analysis is not directly taken into account in determining the housing requirement. The Council say that student needs are included in non-job related element built into the multiplier, but this covers all types of need and demands for housing from the non-economically active and student needs are not separately identified.
- 2.10 Given the ability to monitor the change in student numbers over the plan period and to make some informed estimates of future changes, it is particularly weak to simply regard student numbers as part of a large and diverse mix of non-economically active households which is in a fixed ratio to job growth. Student numbers could increase relatively independently of job creation. As part of a revised, NPPF compliant, approach to assessing the housing requirement, the Council should assess the likely changes in student numbers and the effect on demand for student accommodation.
- 2.11 Notwithstanding the above, I have some practical concerns about the backdating of the inclusion of cluster flats in the land supply. There will be a disparity in the Council's published records up to 2011/12 (including any returns to DCLG) which record dwelling completions and subsequent publications which rework data for earlier years, such as the SHLAA and Annual Monitoring reports. This will create an undesirable discrepancy in public information. The Council should clarify whether its approach accords with any national advice or best practice on changing past records of completions.
- 2.12 Even if it is legitimate to rework completion data from 2006 onwards as part of this new plan period, it would be inappropriate to go back earlier than this date. The Council suggests that 120 units built between 1996 and 2006 should be retrospectively added to the land supply up to 2006, thus reducing the shortfall in delivery of housing required by the Local Plan. It is not clear that the demand for student accommodation was included in the Local Plan housing requirement. Over the Local Plan period of 1996-2011 numbers at Bath University double and they trebled at Bath Spa (CD6/D1). The additional on-site accommodation planned in that period is still to be fully realised. So there will have been a

substantial effect on the local housing market from this student growth. I therefore regard the Local Plan shortfall to 2006 as 850, as previously accepted by the Council.

- 2.13 Turning to the actual numbers involved, the Council intends to include 300 units in the land supply based on the 645 existing bed-spaces built in Lower Bristol Road since 2006 and the 345 bed spaces within the outline planning permission at Western Riverside. The figure of 300 is an estimate by the Council based on applying an average size of 3.3 bedrooms per unit. But the representation on this point by the Hignett Family Trust indicates that there is a range in the sizes of units within the existing accommodation and the actual number of units coming within the DCLG definition could be materially less than the Council calculate. More clarity on the actual number of flats coming within this DCLG definition is required.
- 2.14 Core Strategy Policy B5 states that off-site accommodation will be refused where this would adversely affect the realisation of other aspects of the vision and strategy. A proposed change would limit this constraint to the Central Area, Western Corridor and on MOD land and to adverse effects in relation to housing and economic development. If cluster flats are to be counted as part of the housing supply within the context of the proper consideration of student accommodation, it is difficult to see the justification for this constraint.

5 year supply and 5% or 20% buffer

- 2.15 NPPF 47 requires the 5 year supply of housing to be supplemented by an additional buffer of 5% (moved forward from a later period) or of 20% where there has been a record of persistent under delivery of housing. The SHLAA Findings Report (CD4/H13, table 3.2) shows completions between 1996/7 and 2010/11. Over those 15 years, the Local Plan requirement was met in only 4 years and since 1999/2000 there was under delivery every year except 2007/8. (These figures do not include any completions from student housing.) As noted above, this had resulted in a cumulative shortfall against the Local Plan of about 850 dwellings at 2006. Whilst the current severe recession is inevitably part of the reason for under delivery in the past 3 years, there was under delivery in the earlier boom years.
- 2.16 The submitted Core Strategy is proposing a higher annual average rate of delivery than the Local Plan at 550 p.a. (based on 11,000 dwellings overall.) With the provision of 11,500 dwellings now suggested by the Council, the annual average increases to 575 p.a. Delivery for the past 6 years (including 2011/12) is shown on the latest iteration of the SHLAA Trajectory (CD4/H18). This now includes student cluster flats in the completions. The annual average was not met in any of the past 6 years and total

completions were substantially below the 6 year cumulative total of the annual averages.

- 2.17 The Council now consider that housing delivery and the calculation of the 5 year housing supply over the plan period should not follow a constant annual average, but be split 40%/60% either side of 2016 (BNES/38). On this basis, the annual requirement would be 460 p.a. to 2016 and 690 p.a. thereafter. The Council justify this because of its methodology which links the housing requirement to economic and job growth and the expectation that economic growth after 2016 will be greater than in the first half of the plan period.
- 2.18 This split to skew delivery to the latter half of the plan period is not proposed in the Plan, has not been previously suggested by the Council and other parties have not had the opportunity to comment on it. However, I have already concluded that the housing methodology is not justified and so I see no good reason for using it to justify a skewed delivery. What the Council is suggesting would compound past under delivery rather than providing the significant boost to the supply of housing sought by the NPPF (47). On the evidence before me, the suggested split in delivery is not justified.
- 2.19 It is reasonable to judge whether there has been a persistent shortfall in delivery over an extended period, such as 10 years or more, so that the effect of the economic cycle is evened-out. I see no need to limit such consideration to specific plan periods. Given all the above, there is convincing evidence that the Council has a record of persistent under delivery in housing. A 20% buffer is therefore required, equating to a need to show a 6 year supply of deliverable housing. On the Council's figures (BNES/38, paragraph 40) this 20% buffer is not met if calculated on a constant annual average of 575 p.a. (Based on the Council's calculations which now include student housing and windfalls as discussed above.) Changes to the Core Strategy are needed to demonstrate how the required land supply can be provided.

15 year plan period

- 2.20 NPPF 157 indicates that local plans should be drawn up over an appropriate timescale, preferably a 15-year time horizon and take account of longer term requirements. Even if this Plan were to be adopted in 2012 (which now seems unlikely), there would be less than 15 years to the end of the plan period. Other than possible small site windfalls, there is little indication of how housing delivery might be sustained beyond the plan period. Whilst the NPPF does not make a 15 year span a requirement, a longer term perspective is particularly important if there needs to be any review of the Green Belt. A 15 year plan period and longer term requirements should inform any further significant work on this Plan.

3. The strategy and prospects for delivery in the Spatial Areas**Bath**

- 3.1 The delivery of the planned 6,000 dwellings and 5,700 jobs in the City is largely to be achieved through the implementation of the outline planning permission at Bath Western Riverside; a number of other sites intended for mixed use development in the City Centre and river corridor; and mainly housing on 3 MOD employment sites which are to be released for redevelopment.
- 3.2 The Council is clearly ambitious in its aims to transform the economy of the City to create the *City of Ideas* as described in the *Bath Economic Regeneration Delivery Plan* (CD4/E4). There has been a series of supporting evidence studies to establish and verify the scale of new development that the city centre/riverside can appropriately accommodate. The position is summarised in Topic Paper 8. The key studies are the *Urban Design Led Review of Bath City Centre Sites* and of *BWR East/Green Park Station* (CD4/UDL15 and 16) and the *Bath Building Heights Strategy* (CD4/UDL2-5). The Bath urban capacity studies incorporate a 20% contingency reduction in site capacity to reflect the sensitivity of the locations. This cannot be relied on now to demonstrate flexibility to deliver more. BNES/26 2.17 rightly acknowledges that it is the role of the Place-making Plan to determine the extent to which the assessments of capacity are realisable in the context of all objectives.
- 3.3 The scale of change to be accommodated in different business sectors is supported by the *Smart Growth Study* (CD4/E10). The Council's economic aspirations are supported by the LEP through the designation of the Bath Riverside City of Ideas Enterprise Area and financial support for necessary infrastructure. The Report of the Council's Advisory Group: *The Bath Avon River Economy Report*, Summer 2011 (CD4/E17) advocates a need to embrace the diverse potential of the River Avon and its corridor to achieve a variety of benefits. But many of the suggestions made are too detailed for a core strategy. Whilst it advocates the need to develop a *spatio-temporal economic model*, there is not the evidence to undermine the Council's broad assessment of the type and scope of development that is possible along Bath riverside.
- 3.4 Other than disagreement about the general economic projections, there is little evidence to seriously undermine the studies relied on by the Council. The main challenges to the soundness of the scale of change proposed within Bath are whether the sequential flood risk test for proposed scale of development has been properly applied; whether the exception test will be able to be met in the future, and in particular the likelihood of delivering the planned upstream flood compensation scheme; and other delivery issues, including the constraint imposed by the Windsor Road gas holder.

- 3.5 Before turning to the delivery issues referred to above, there is one relevant policy for the riverside corridor that needs comment as it has implications for some sites in the SHLAA and flexibility/contingency. Policy B3 applies to Twerton and Newbridge Riverside. The policy is unsound because it does not clearly express the Council's intention and would be ineffective.
- 3.6 Although B3.1a states that Newbridge Riverside will retain its principal function as a place for industrial activity (and this aim is not generally contested), such an aim is undermined by the approach to managing change in part 4 of the policy as submitted. Considerable rewording of the policy is proposed by the Council in PCs 31, 32, and 33 (CD5/22). This makes clearer that there is a presumption in favour of retaining land at Newbridge for industrial use and that refurbishment, intensification or redevelopment for such use will be welcome. But this aim is still undermined by the apparent applicability of other options in part 4 of the policy which allows for offices, other economic and non-economic uses. The Council maintain that it is self-evident that these options do not apply to Newbridge, but the wording and structure of the policy indicates otherwise. Policy B3 needs further restructuring to express clearly the Council's intentions.
- 3.7 Policy B3 proposes Twerton as a multi-use economic development area. Given the existing range of activity here and the proximity of the western end to Bath Western Riverside, a more mixed approach, rather than an industrial focus is justified. Residential development here could be part of the mix of uses in certain circumstances, but where priority is still given to economic development. The Council's proposed change (CD6/E2.2, RC21) makes clear that residential development here is subject to evidence that the area is no longer required for economic development purposes.
- 3.8 The residential capacity of the SHLAA (CD4/H14) sites within Twerton Riverside Area are intended to reflect the residential potential in the context of commercially-led redevelopment consistent with the policy emphasis of B3 (as proposed to be changed). These capacities are about half the capacity if the sites were to be redeveloped solely for housing. But hearing change RC 21 (CD6/E2.2) means that residential development cannot at this stage be assumed to be acceptable. These capacities (eg of sites WES 2, 5, and 6) are therefore speculative and cannot be relied on as contributing to delivery.
- 3.9 Paragraph 2.53 of the Plan refers to a delivery contingency at Newbridge Riverside for office and residential development. Given how policy B3 needs to be changed to be sound, the reference to Newbridge is clearly wrong. PC53 (CD5/22) changes the reference from Newbridge to Twerton and is necessary for soundness. In the context of policy B3 as proposed to be changed, Twerton can be seen as having a contingency role for accommodating office

development. However, its role to provide additional land for housing is spurious. Firstly, mixed use development including significant residential development is already included in the SHLAA sites, as mentioned above. More intensive residential use would displace economic uses for which there is also a need. Even if housing on these sites is excluded from the SHLAA, the sites cannot be a contingency for both offices and housing. The last sentence of 2.53 should be deleted, but the rest of the change in PC53 should be made.

Flood risk in the Bath river corridor

- 3.10 BNES/6 Table 2, lists 21 sites within Bath where at least part of the site is in Flood zone (FZ) 2 and, in some cases, partly in FZ 3a as well. Some are quite small sites which may be developed entirely for housing, others are major sites for mixed use economic-led redevelopment where housing may be only a modest part of the overall development. In total these sites are expected to contribute 1,095 dwellings in the plan period. Some are key sites for the overall strategy.
- 3.11 The sequential test and (if necessary) exception test should be applied on the basis of flood risk taking into account climate change. This is made clear in the NPPF (98) and in the accompanying Technical Guidance (eg paragraphs 4 and 14). Whilst I consider that this was the logical inference from the previous advice in PPS25 and its Guidance, that was not the Council's view. Whilst in some of Council's evidence the flood levels for sites already at high risk of flooding took into account climate change, sites which are currently not at high risk, but may be in the future, were not properly addressed. The Council will need to update its evidence to be to be compatible with the NPPF.
- 3.12 The sequential test for Bath river corridor sites is set out in *Flood Risk: Sequential and Exception Tests* November 2010 (CD6/D2). I accept that the test is met for the economic uses in the river corridor as peripheral locations would be less sustainable for offices and related development. There is also a need to regenerate these central brownfield sites. The reasoning in relation to the residential element within the river corridor sites was consistent with the Council's view as to the unacceptability of urban extensions in the Green Belt on the edge of Bath. But at that time Council had not assessed more modest urban extensions comparable with the scale of residential development at flood risk. This was done later. I have not come to any conclusions about the potential acceptability of some housing development in the Green Belt because that can only be weighed in the light of an appropriate assessment of housing requirements. The fact that the Green Belt housing sites would be sequentially preferable in terms of flood risk needs to be weighed in the balance in any re-assessment by the Council.

- 3.13 Assuming the sequential test is met for the residential element within the river corridor, it is not possible to be certain at this stage whether the exception test would be met. There may, in theory be sufficient space on most of the sites to accommodate the residential development on those parts outside FZ 3a and possibly FZ 2 (BNES 6/Table 2). But there is not the evidence to demonstrate that such an arrangement would be compatible with achieving all the other objectives for the development of such sites and whether there would be safe access to and from them. The Lower Bristol Road is also at flood risk.
- 3.14 It is important that the Core Strategy embeds an element of flexibility in its expectation of the scale of residential development to be delivered in the river corridor. It is essential to ensure that there is not such a need to deliver this housing if meeting the exception test would compromise other plan objectives in the preparation of more detailed guidance for these sites in the next part of the Local Plan.

Flood risk – Upstream Compensation Scheme

- 3.15 The *Flood Risk Management Strategy*, June 2010 (CD4/FR2-5 and FR15-33) recommended the provision of compensatory storage upstream combined with on-site flood defences to enable development to proceed on sites at flood risk within the Bath river corridor. The scheme would have to provide the volume of water that would be displaced by the defences for the new development sites (estimated in that report as 345,000m³). This is the position reflected in the Core Strategy (paragraph 2.48) and the Key Diagram and Diagram 5 show an area of search for the location of a flood storage facility along the river Avon upstream of the city. (This notation needs correcting so as not to extend into Wiltshire).
- 3.16 Post submission, the Council's consultants have produced some preliminary assessments of the potential of 3 particular locations for this upstream compensation (CD4/FR35) based on a revised schedule of displaced flood volumes from the riverside development sites (CD4/FR36). The latter now excludes sites which already have planning permission and sites not likely to be implemented within the plan period. This further evidence prompted detailed technical challenges from several parties as to the credibility of the Council's proposals. A Statement of Common Ground (BNES/28) for the hearings clarified matters to a limited extent only. Subsequent to the hearings, the Council produced further detail of the potential of one of the previously identified sites to be expanded to encompass the land previously proposed for the east of Bath Park and Ride site (BNES/34).
- 3.17 The provision of upstream compensatory storage would involve large scale excavation in the Avon Valley. The excavation work would need planning permission. The area of search is subject to a number of environmental or policy constraints. The Council was to

undertake a public consultation on the appropriate site(s) in Spring 2012, but I do not now if this has occurred. Site selection may be locally controversial.

- 3.18 For a Core Strategy, it is not realistic to expect all technical and delivery issues to be resolved, but it is necessary to establish whether there are reasonable prospects for delivery and the consequences if there is delay or unforeseen difficulties. There are a number of important technical aspects which can only be established by further work. The Council accepts that the effectiveness of any scheme can be verified only by hydraulic modelling. No such modelling has yet been published.
- 3.19 The Council accepted that level-for-level and volume-for-volume compensation should be provided, but the upstream nature of these works may mean that this principle cannot be fully achieved. The consequences will need to be tested through the hydraulic model to ensure that there is no detriment anywhere else. BNES/34 makes clear that the Council is intending only to utilise excavated land that does not currently contribute to flood storage with retention banks allowing the excavated areas to fill at the right time/level in the flood event. Prior to BNES/34 the position had not been clearly explained.
- 3.20 The appropriate volume for compensation also requires further consideration. The Council's calculations include an allowance for climate change in relation to the flood levels for sites already in FZ3. But no compensation is included for sites currently only in FL2, but which would be in FL3 with climate change (CD4/FR36, 1.3 bullet points). This is contrary to the advice in the NPPF as already highlighted. The implications would only become apparent when such sites came to be redeveloped. By then there might not be sufficient spare capacity in the compensation scheme to mitigate for displaced flood waters from such sites. At the time that any planning applications are considered for such sites the implications of climate change for flood risk would have to be addressed.
- 3.21 In addition, it is not clear whether the sites and volumes included in the Council's calculation include lost storage from the need to protect from flooding the Lower Bristol Road itself (not just the sites adjacent to it) so as to ensure that this was available for access/egress during a flood event (CD4/FR2, 4.102). Conversely, the necessary compensation volume may be able to be reduced because the type of development that might proceed on the Recreation Ground is unlikely to require compensation over the whole site, whereas a substantial volume is included for the site in CD4/FR36. Accordingly, there is insufficient evidence at this stage for the Core Strategy to refer to a specific volume. The figure in paragraph 2.48 should be deleted.
- 3.22 There is only a general estimate of costs for the works at £3-£5m. Costs may vary widely depending on the location, scale and

technical complexity. It is unclear whether the cost of disposing of large volumes of material off-site has been taken into account. The LEP has money from its Regional Infrastructure Fund to contribute to infrastructure needed to support its Enterprise Areas, which include Bath Riverside. The Council would still need to make a bid to secure funding, based on achieving economic aims. The Council would aim to recoup funds through CIL or other mechanisms. It is impossible to know at this stage whether available funding would enable the project to proceed, although clearly it is an identified funding priority.

- 3.23 The Council is making progress on this project, but on the evidence published as part of this Examination it is too early to have a high degree of confidence that a scheme that is effective can be implemented successfully in the timescale envisaged. That does not, of itself, make the elements of the plan reliant on the project unsound, but the implications of uncertainty and possible delay should be addressed. The SHLAA does not rely on housing from sites which are dependent on this project until mostly the latter part of the plan period, but many are major sites for economic development and key to securing the planned job growth.
- 3.24 The Council explained that if the flood compensation scheme could not go ahead then development could still take place, but with reduced capacity from the potential of each site as space would be lost for flood compensation. Also, the *Flood Risk Management Strategy* June 2010 (CD4/FR2-5 and FR15-33) had identified some potential locations for flood compensation within the river corridor in the city. These alternatives are clearly sub-optimal solutions to the development of the riverside sites, which is why they are not the Council's preferred strategy or even an explicit fall-back position. Alternative compensation sites would pose their own challenges in this sensitive location. In any case, pursuit of any alternative would be unlikely to compensate for delay since alternatives would not be actively pursued until it was clear that there was no prospect of the upstream scheme proceeding. The latter would provide the greatest scope for owners to maximise the development potential of their sites. There is no effective contingency if the flood compensation scheme is delayed or abandoned because of technical, environmental or funding difficulties.

Windsor Road Gas Holder

- 3.25 The Health and Safety Executive (HSE) do not want to see any increase in the number of people present within 300m of this facility. This places an embargo on the occupation of new dwellings or other new buildings over a substantial proportion of the Western Riverside outline planning permission and a number of adjoining sites. Whilst the HSE's concern does not prevent redevelopment getting underway with the gas holder still in place, no redevelopment is likely to start unless there is certainty that the

constraint will be lifted by the time new buildings are ready for occupation. It is thus a fundamental constraint on the effective delivery of a major part of the strategy. The constraint and need for it to be overcome is not mentioned in the submitted plan and this silence makes the plan ineffective and thus unsound. PCs 12, 20 (point e) 29, 50 and 52 would introduce relevant references as to the need for this constraint to be overcome.

- 3.26 Despite the implications of this constraint, little work appears to have been done to progress its resolution until recently. Tesco Stores Limited/St James Investments have an agreement in place with Wales and West (who own and operate the gas holder) and Crest Nicholson to secure the removal of the gas holder and thus lift the HSE embargo. This agreement provides good evidence that there is a technical solution (involving replacement storage in larger diameter pipes to be installed in a rural location); that Wales and West are willing to allow and facilitate the work; and that the timescale is about 2 years for the physical work (with Tesco/St James allowing for the whole process to take up to 3 years). However, implementation of this agreement is dependent on Tesco/St James receiving planning permissions for a new store on the Bath Press site which the Council has refused and which was the subject of an appeal (which I understand has been withdrawn).
- 3.27 If the Tesco agreement is not triggered, the Council is primarily reliant on Crest Nicholson progressing the removal of the gas holder as and when it wants to progress with the further stages of the outline permission. Whilst the Council may be able to contribute some public funds to support the work, it does not seem in a position to take the lead in making it happen. Given the potential cost (estimated at up to £11.8m) over and above all other costs of proceeding with this brownfield redevelopment, there must be a risk that delivery will be delayed.
- 3.28 The SHLAA (CD4.H14) expected delivery from the rest of the outline permission to commence in 2015/16 (80 units stepping up about to over 180 in the following 3 years and up to 200 units p.a. from 2019/20). An additional 151 units on the outline site could be developed without being affected by the constraint of the gas holder (BNES/7 4.3.2), but whether or not these would constitute a realistic phase to be undertaken in isolation is not clear. In practice, there is less than a year before the process to decommission the gas holder needs to get underway. The potential risk to the timing of delivery is evident.
- 3.29 The Council has a Corporate Agreement with Crest Nicholson (not published) and the SHLAA trajectory is said to reflect that agreement. The scale of annual delivery seems ambitious in the context of the rate for the current Phase 1; of a single developer operating on effectively one site; and the similar competing developments nearby that are expected to be on the market in the latter plan period. This optimism is accentuated in the SHLAA

update which now expects 200 units every year from 2017/18 to 2026. In my view, the SHLAA reflects the maximum that might be achieved with a real risk that annual delivery could be lower or the start delayed.

Other sites in Bath

- 3.30 Outside the Central Area/Riverside the main contribution to housing supply is expected from 3 MOD administrative sites at Foxhill, Ensleigh and Warminster Road. The SHLAA identifies the potential of these sites as 700, 350 and 140 dwellings respectively (sites Cdn1, Lans 5 and Bwk 1, CD4/H14) with delivery beginning on each in 2016/17. There is now more certainty than at submission that these sites are to be released by the MOD and sold for development. Foxhill and Warminster Road are to be sold by 2013. The sale of Ensleigh will be more complicated, but about half of that land will be sold in 2012 and the remainder sold in 2013, but not be available for redevelopment until 2018. The timing in the SHLAA for the commencement of delivery is reasonable.
- 3.31 The MOD and the Council suggest that the capacity of the sites may be more than assessed in the SHLAA, particularly at Ensleigh where the Council suggest much greater potential involving adjoining land. However, there is no published appraisal to demonstrate and test such potential and at this stage such greater potential is too uncertain to be given much weight. The Place-making Plan is the vehicle to explore capacity further. It is appropriate for the Core Strategy to reflect the up-to-date position on disposal and the role of the Place-making Plan. This is reflected in RC22 (CD6/E2.2). The MOD sites form the major part of housing to be found in Bath's outer neighbourhoods. The submitted plan refers to a yield of about 2,500 in this area, but this figure was based on the SHLAA of December 2010 (CD4/H7 Appendix 2) which had not included any capacity for Ensleigh. PC34 (CD5/22) updates the figure to 2,800 reflecting current evidence.
- 3.32 Taking into account all the above, the reference in paragraph 1.36 of the Core Strategy and the last paragraph of DW1 concerning flexibility and changing circumstances is not justified. The Core Strategy does not set out a robust strategy for Bath to ensure necessary delivery.

Keynsham

- 3.33 The spatial strategy for Keynsham is set out in policy KE1 and includes the provision of around 1,500 new homes and 1,500 net additional jobs with the aim of increased self-containment. It is the only spatial area where the provision of new homes is not planned to exceed the number of new jobs. If these figures were achieved there would be potential for increased self containment (as measured by the proportion of local people working locally).

- 3.34 The Council sees the aim of increased self-containment as consistent with RPG10 policy SS19 (which seeks to limit housing growth in market towns near larger urban areas where it would fuel commuting rather than meet local needs). In its view, a significantly greater scale of housing would be in breach of this policy. This RS may, of course have been revoked by the time the Examination concludes.
- 3.35 The Secretary of State's proposed changes to the Draft RS treated Keynsham rather differently. Keynsham was seen as having a strong functional relationship with Bristol and as forming part of the Bristol SSCT (Strategically Significant Cities and Towns). Expansion of Keynsham by up to 3,000 new homes was proposed (including a Green Belt Area of Search) with the intention of strengthening its role as a service centre (CD3/6: 4.1.3 and policy HMA.1).
- 3.36 Increased self containment is a desirable objective, but it should not override all other considerations. In the context of the Council's overall spatial strategy, the approach to Keynsham is sound, but if there is a need for more housing to be accommodated, the aim of increasing self containment could be eased whilst still being compliant with RPG10. Additional housing would require land to be released from the Green Belt.
- 3.37 The SHLAA (CD4/H13, Table 2.1) identifies a maximum potential of 1,539 for the planned provision of 1,500 homes at Keynsham (increased by a 100 in the CD4/H18). There was no scope for slippage in planned delivery or for the Place-making Plan to make any selection from alternatives and only very limited flexibility suggested now. Delivery is particularly reliant on the two K2 greenfield releases made in the local plan and the redevelopment of the former Cadbury factory at Somerdale. Delivery circumstances for the K2 greenfield sites may well have changed since the hearings so I do not review that evidence here.
- 3.38 Redevelopment of the Somerdale factory is proposed to create a mixed use development. The SHLAA at the hearing proposed 600 homes. (This has been increased to 700 in CD4/H18, although no explanation is given for this in BNES/38.) The site is to be purchased by Taylor Wimpey. An illustrative master plan (CD4/UDL11) shows how a mix of uses might be accommodated on the site, but it is fairly broad brush. This draws on earlier work (CD4/UDL19 and UDL20).
- 3.39 A particular constraint in achieving all the Council's intentions for this location is flood risk. About 10ha of the 25ha area suggested for redevelopment/new development is in FZ2 and the edge of this area abuts FZ3 (CD4/FR11, Map F). With an allowance for climate change, FL3 extends over much of the area currently in FZ2 (Map C). In applying the sequential and exception tests, climate change should be taken into account.

- 3.40 *Flood Risk: Sequential and Exception Tests* November 2010 (CD6/D2-4) addresses Somerdale in the context of policy KE2 which includes the town centre proposals. It notes (section 6, p13) that master-planning has yet to be undertaken. It indicates that a sequential approach should be taken within the Somerdale site to direct the most vulnerable uses to FZ1. That is clearly the appropriate approach. However, it goes on to note that the preferred layout also needs to ensure that the optimum use of the site is made from an urban design perspective. It concludes that there are no alternative areas within FZ1 to facilitate the level and type of development required to support the regeneration of the town centre and redevelopment of the Somerdale site.
- 3.41 The illustrative masterplan shows part of the area in FZ1 as suitable for parkland and offices. The area within FZ2 and FZ3 with climate change is included in a broad area described in the master plan as a flexible development area with potential for a range of employment, residential, community and leisure uses. Thus the master-plan contemplates some residential development in the higher risk areas.
- 3.42 I accept that, in principle, the sequential test is met for mixed use redevelopment at Somerdale linked with the strategy for the town centre. The *Business Growth and Employment Land Study* highlighted the market potential for offices at Somerdale (CD4/E1, 8.29 - 8.35) and saw this site as the key to changing market perceptions of Keynsham and attracting more office jobs. In contrast, the Study did not regard the employment site which is part of K2 on the south-west periphery of the town as attractive for employment use. Theoretically, there is sufficient land at Somerdale outside FZ2 and FZ3 with climate change to accommodate 600 homes. But there is not the evidence to demonstrate that 600 homes can be so accommodated whilst securing other appropriate objectives for the site and making it successful. Furthermore, there is not the evidence to demonstrate that least 600 homes are needed to make all other aspects of the proposal work or that at least 600 dwellings should be accommodated here regardless of flood risk.
- 3.43 The Place-making Plan or a planning application is the appropriate stage for more detailed consideration of the distribution and scale of different uses across the site. But if the Core Strategy were to be adopted as it stands it would create a self-fulfilling justification for meeting the sequential and exception tests for up to 600 homes anywhere on the Somerdale site. This is because there is no flexibility/contingency to accommodate any remnant of the 600 homes which cannot be accommodated within FZ1 at this location. If 600 homes are not accommodated here, the Council would be in danger of failing to deliver its overall housing requirement. The plan rules out development in the Green Belt which is the only land available in FZ1. Accommodating some of the 600 homes on higher risk areas at Somerdale is not justified by the existing evidence.

There has been no testing of a sequential approach for, say, a modest scale of residential development in the Green Belt compared with homes at Somerdale in FZ3 with climate change.

- 3.44 Policy KE2 is unsound for the above reason. To be sound the policy should acknowledge the flood risk constraint on accommodating homes on the Somerdale site and indicate that the sequential and exception tests would have to be met to justify any dwellings in higher risk parts of the site. In addition, this matter reinforces the need for some flexibility/contingency to accommodate the required level of housing so that, in this particular case, houses are not forced to be accommodated in higher risk areas without the necessary justification.
- 3.45 The SHLAA envisages the first housing being completed on the site in 2013/14. Whilst this timescale is not unreasonable in favourable circumstances, there is little scope to accommodate delay or unforeseen events. Various related infrastructure works on and off site are required to accommodate the Somerdale/town centre proposals (Core Strategy, Table 6). None appear to impose an exceptional burden. Improvements will be required at the Keynsham Sewage Treatment Works, but no overriding constraints have been identified by Wessex Water (CD4/I7). The Somerdale Factory itself generated substantial flows and had its own downstream sewer connection. There may therefore be spare capacity for new development.
- 3.46 The redevelopment of the Town Hall site which is also proposed in KE2 is at an advanced stage. The Council has appointed a developer partner to undertake this work, which is expected to commence later in 2012. The new development will provide retail space, a new library and Council and commercial offices. This part of the policy is sound.
- 3.47 The *Bath Avon River Economy Report* (CD4/E17) makes specific proposals for the Avon Valley to the north east of Keynsham, including: greater linkages to the town; flood compensation; a marina; relocation of industrial uses and waste management and waste transport. Landowners are supportive of such ideas. Whilst there may be more scope for creating links between the town and the River Avon than shown on the Keynsham Spatial Diagram, the plan is not unsound for not exploring all such possibilities which can be done in more detailed plans. Policy KE1 1b already refers to making better use of green and blue infrastructure. The implementation of the Core Strategy's proposal for Keynsham, and specifically Somerdale, does not require upstream flood compensation (Core Strategy, Table 6, Key Infrastructure for Keynsham). Flood protection measures for existing businesses in the flood plain here are not essential for the strategy. Waste matters are covered by a separate Waste Development Plan Document. There is not the evidence to demonstrate that the strategy is unsound without a marina here.

Somer Valley

- 3.48 Part of the vision for the Somer Valley (Core Strategy 4b) is that the area will become more self-reliant. The Council explained that this is a wider aim than the self containment referred to elsewhere in the Plan and was part of a vision which had emerged from engagement with the local community. Although there is some difficulty in translating what self reliance may mean in practice, there appears to be general support for the concept.
- 3.49 The Council accepts that the 2,700 homes and the expectation of 1,000 jobs proposed in policy SV1 will worsen self containment from the 2001 figure of 44% of the working population working locally. Policy SV1 4b refers to existing commitments of 2,200 dwellings and that additional housing development should be within the housing development boundary (HDB) and either have employment benefit or contribute to the Town Park. However, the total of units built and sites with planning permission is 1,887. Some of the SHLAA potential sites have been regarded as commitments by the Council, which is confusing.
- 3.50 The SHLAA (CD4/H14) identified the potential to accommodate 2,642 dwellings in this area (2,744 in CD4/H18) which might suggest that the plan is seeking to maximise opportunities by planning for up to 2,700 dwellings, but this is not the case. The SHLAA's assessment of sites here has been heavily influenced by the chosen strategy. Hence a number of sites outside the existing HDB (eg MSN27 and 28) are defined, apparently, as unsuitable primarily for this reason, in the absence of other serious constraints identified in the SHLAA. There is also inconsistency in the way that the SHLAA treated sites outside the HDB, since the Alcan site (MSN10) is regarded as suitable although it is outside the HDB. (A planning application for the redevelopment of this site primarily for housing has now been agreed by the Council.)
- 3.51 There is also inconsistency (or lack of explanation) with regard to the assessment of existing employment/commercial sites. A number of the SHLAA sites regarded as contributing to the supply are in existing employment use and in some cases the SHLAA indicates that existing businesses would need to be relocated (RAD3, RAD12, RAD13a and b, RAD14). But these assessments are difficult to understand in the context of Policy SV1 3c which seeks, with limited exceptions, to protect land in existing business use.
- 3.52 I turn now to the delivery of existing commitments. To be relied on for delivery of the strategy, sites should be either deliverable (if contributing to the supply in the first 5 years) or developable for the within 5-15 years (PPS3, paragraphs 54-56). Beyond firm commitments (1,887) sites relied on from the SHLAA are brownfield sites. Some of these sites are allocations previously made in the Local Plan which have not yet come to fruition and involve a number of sites with complex issues to weigh and resolve.

- 3.53 As the Core Strategy is not making any specific site allocations, it is not for me to determine the acceptability of any individual site - that is the role for the Place-making Plan or consideration of a planning application. Some sites such as RAD1 are locally controversial. There is an outstanding application to renew the outline permission on RAD1 for this mixed-use development. The scheme has not proceeded because of lack of viability. However, the Council has started work on the major highway alterations in Radstock Town Centre which provide access across the RAD1 site and which are necessary for the previously approved scheme on RAD1 to proceed. Thus there has been more progress recently than in the past.
- 3.54 The renewal of the planning permission on RAD1 and its implementation would preclude a railway station close to Radstock town centre if the Radstock to Frome line were to be reinstated. Policy SV1 6a refers to safeguarding and extending sustainable transport routes. The implication of that aim in the context of the development of RAD1 will be a matter for the decision maker when considering the renewal application or the allocation of the site in the Place-making Plan. JLTP3 (CD4/T6, Box11a) lists plans and aspirations for other Significant Transport Schemes which includes rail enhancements, for example, reopening the Radstock to Frome line. The reopening is listed in the Network Rail *Great Western Route Utilisation Strategy* (CD4/T3 Appendix G) as a stakeholder aspiration, but with no indication that Network Rail intend to take such a project forward. The Council note that the reinstatement of the line has been costed at £44m. Given that there is no clear proposal by relevant bodies to implement such a reinstatement during the lifetime of the Core Strategy, the plan is not unsound by remaining silent on the matter.
- 3.55 Other smaller sites in the SHLAA relied on for housing in Radstock and Midsomer Town Centre appear only possibilities rather than having any particular impetus from land owners. The effect on existing businesses or the need to retain or replace existing functions such as the library car park and the Post Office Sorting Office raise uncertainties of whether these are all realistic prospects at this stage. For some suggested redevelopments, viability may be an issue (eg RAD4, 5, 6, 7). The SHLAA includes the residential element of several redevelopment opportunities in Midsomer Town Centre that are suggested in the illustrative town centre regeneration strategy (CD4/UDL10).
- 3.56 For several of the small sites there is no indication that the owner has any intention of pursuing them or that a redevelopment would be viable (eg MSN2 and 3). More significant is the 80 dwellings assumed to be delivered as part of the redevelopment of the Hollies existing supermarket (MSN6). Any such redevelopment is dependent on the construction of a new supermarket. The regeneration strategy envisages this being on the South Road Car

Park site (MSN2a) for which there appears to be no firm proposals. I do not question the overall strategy for regeneration implied by the strategy, but the delivery of 100 or so dwellings from various elements of town centre redevelopment appears uncertain at this stage.

- 3.57 A major contribution to the delivery of housing in the Somer Valley is expected from the former Polestar Purnell Site in Paulton. Two parts have reserved matters approval. The remainder of the site with outline permission is expected to deliver up to 153 dwellings p.a. at the peak. The Council explained in BNES/35 that the site includes a retirement community (210 units) which would serve a different market to general housing thus boosting sales potential. Nevertheless, delivery would seem optimistic for a site in a village.
- 3.58 Overall, the SHLAA does not provide a reliable or consistent assessment of the housing potential of the Somer Valley towns to inform the strategy. In addition, delivery of the scale of development proposed would require all of the sites relied on to come forward and would not give the Place-making Plan any real role in further assessing the suitability and deliverability of the SHLAA sites.
- 3.59 Given the limitations of the supporting evidence it is difficult to draw any firm conclusions as to the soundness of the proposed 2,700 dwellings. It would be unsound to preclude the prospect of additional housing above existing commitments, particularly given the economic restructuring which is occurring in the area and the Council's plans for town centre redevelopment. Conversely, if the number of new homes were to be greatly increased above expected job growth there would be a much greater increase in out-commuting which is a disadvantage in the planning balance. The strategy needs to be informed by a more coherent SHLAA reassessment.
- 3.60 I turn now to other aspects of policy SV1. The constraint imposed in SV1 4b of requiring any additional housing to be within existing HDB is not justified. The HDB around the Somer Valley towns is unusual. The built-up shape of these towns is complex with fingers of underdeveloped land penetrating close to the centres. Land outside the HDB is not necessarily furthest from the main centres, although some of the undeveloped areas in and around the built-up areas are important for landscape/townscape reasons or subject to other constraints. The HDB generally excludes the largest employment sites, particularly where these are on the edge of the built-up area. In addition, there have been a number of developments since the HDB was defined. Since submission, the Council has accepted that there is a need to review the HDB by PC62 (CD5/26). But that addition to the text would make SV1 4b unclear and inconsistent. The Place-making Plan needs to be given a clear steer as to the objective of any review of the HDB.

- 3.61 The Council indicates that 1,000 net new jobs is not a cap, but based on a realistic expectation of what is possible over the plan period. The planned scale of development for office and industrial floor space is justified by the Council's evidence. Importantly, there is sufficient land available for employment development to accommodate up to 2,500 jobs if economic circumstances are more favourable than assumed by the Council. It should be made clear in the Plan that the 1,000 jobs is not a cap on local job growth.
- 3.62 SV1 3c protects land in employment use, except in limited circumstances. Given that there is ample employment land to achieve an optimistic/aspirational level of job growth above what the Council consider is realistic, this requirement is inconsistent with national policy. That fact that such a policy constraint may already have proved useful in negotiating economic benefits from housing applications on employment sites is not a sound justification. The Core Strategy should set out clear, positive policies for what the Council wants to see happen, not impose hurdles that have to be overcome. A more positive expression for the management of change is required which encourages the redevelopment of underused/outdated and inappropriately located employment sites for alternative uses, including mixed use, to achieve a range of sizes and types of employment sites and premises attractive to the market.
- 3.63 In the above context of managing change, the role of the Place-making Plan should be highlighted as the means to fulfil the strategic aims. This would include identifying the most important existing sites and future land for employment/economic use. With this positive approach it would not be necessary to restrict housing to that which produces an economic benefit since sites where an employment focus is appropriate will be identified in the Place-making Plan.
- 3.64 Finally, housing development is seen as acceptable if it contributes to the implementation of the proposed Town Park. However, the Council's evidence and justification for this implies that it is primarily the land adjoining the park and in the same ownership which is envisaged as funding the park. The park is justified to serve the needs of the wider town and would not be directly required to make a modest additional housing development in this location acceptable. It is difficult to envisage the financial linkage meeting the CIL Regulations. Leading up to the hearings, the Council suggested that the Town Park could be funded by CIL more generally. If this were to be successfully progressed it would appear a potential mechanism which would not restrict which housing sites in the area might contribute. Accordingly, this specific constraint is neither justified nor likely to be effective in the manner envisaged.

Rural Areas

- 3.65 The Core Strategy envisages around 800 homes and 500 jobs for the rural area outside the Somer Valley. The 800 dwellings includes about 250 additional dwellings above existing commitments. The modest scale of development is appropriate in the context of the overall strategy bearing in mind the small size and very limited range of local facilities/services in most villages and limited access to higher centres other than by car. A substantially greater scale of housing in this area would be more likely to foster a substantial increase in car journeys. There is no clear evidence that increasing the number of dwellings in any particular village necessarily helps retain existing services/facilities or leads to the introduction of new services. Whether, for example, a village shop is successful or not depends on many factors not just the number of houses in the village. In addition to the planned 250 extra dwellings, further development may also occur under policy RA4 Rural Exceptions Sites (see below), the Community Right to Build and infilling as windfalls.
- 3.66 Policy RA1 in the submitted plan allows further residential development in certain villages within and adjoining the housing development boundary provided that it is of a scale, character and appearance appropriate to the village and meets 3 criteria. Two of these concern local facilities and bus access. The third (criterion c) is that there should be local community support for the principle of development. Paragraph 5.18 indicates that local community support will be demonstrated by the views of the Parish Council and lists 6 villages which currently meet the criteria. The Council made clear that this list is indicative only and that the villages meeting the RA1 criteria could change over the lifetime of the plan.
- 3.67 I raised a number of concerns about the wording of the rural settlement policies in my Preliminary Comments (ID/4). The requirement in policy RA1 for community support is unsound. The overall strategy relies on development occurring in some RA1 villages as part of needed housing delivery, but this criterion creates a veto over such needed development. In addition, there is a lack of clarity about the relationship of this policy to the saved policies in the local plan relating to villages, particular villages in the Green Belt.
- 3.68 The Council's final proposed changes on this matter, which were discussed at the hearings, are at RC29–RC35 (CD6/E2.2). In summary, these amend RA1 to apply only to villages outside the Green Belt; delete criterion c relating to the need for community support; indicate that Place-making Plan will review the housing development boundary and that development outside HDBs will be acceptable if identified in an adopted Neighbourhood Plan, and makes clear that employment development (of an appropriate scale and character) will be acceptable both within and adjoining HDBs.

There are consequential changes to the text and the indicative list of RA1 villages is deleted.

- 3.69 These changes would meet my previously expressed concerns. There would be a clear distinction between the RA1 villages (which are outside the Green Belt) and existing policies for the Green Belt villages. There is no longer a veto on necessary development. Given that the criterion requiring community support has been deleted, it is justified to remove from the policy the acceptance of housing outside HDBs at this stage. Housing beyond existing HDBs will have to await the review of such boundaries through the Place-making Plan or identification of sites in a Neighbourhood Plan, both of which provide appropriate mechanisms for community involvement regarding the scale and location of new housing in a village.
- 3.70 It is not necessary for the Core Strategy to identify the RA1 villages. As amended, the policy will provide objective criteria for such villages to be identified in the Place-making Plan. As amended in the Council's changes, paragraph 5.21 refers to around 30 dwellings in each of the villages which meet the criteria. Although the scale of development appropriate at different villages will vary, this figure is a useful guide without being a straightjacket. A Neighbourhood Plan would be the vehicle to explore more development in a particular village. Paragraph 5.20 should be deleted as it has become superfluous, but its retention would be confusing. It refers to Green Belt villages, but RA1 no longer applies to Green Belt.
- 3.71 Policy RA4 (Rural Exception sites) allows for a small proportion of market housing where necessary to cross subsidise the affordable housing. This is consistent with NPPF 54.

4. Green Belt

- 4.1 Policy CP8 seeks adherence to the detailed boundaries of the Green Belt already shown on the Proposals Map. Adherence to the existing general extent of the Green Belt is reflected in the spatial area policies. The Council is strongly opposed to any significant change to Green Belt boundaries.
- 4.2 Whether or not there are the exceptional circumstances to justify amending the Green Belt and the scale of any such change that might need to be accommodated cannot be determined in the absence of an objective assessment of housing need and demand, including likely requirements beyond the plan period. Whilst the NPPF reiterates the great importance of Green Belt, it envisages Green Belt boundaries being altered where necessary as part of the review of Local Plans.
- 4.3 There is no up-to-date and comprehensive review of the Green Belt in the district to see whether all the land so designated fulfils clear

Green Belt purposes; the degree of significance which should be attached to various parts of the Green Belt; or the extent to which some development in the Green Belt would promote sustainable patterns of development. The Council had considered and rejected various specific locations for urban extensions in the Green Belt, but that was in the context of the Council not envisaging any great shortfall in meeting its housing requirements. It was also in the context of fairly fixed proposals rather than an assessment of what potential there might be to accommodate development with the least adverse/most beneficial impact.

- 4.4 On the evidence before me, it is possible that some development in the Green Belt may need to be contemplated. The NPPF (83) makes clear that any review of Green Belt boundaries should have regard to their intended permanence in the long term so that they should be capable of enduring beyond the plan period. It is therefore essential that there is a proper assessment of long term needs.

5. Sustainability Appraisal

- 5.1 There has been a series of iterations in the *Sustainability Appraisal Report* since pre-submission publication (CS4/A13, CD4/A17, CD4/A20, CD4/A21). One of the tasks of such a report is to explain the reasons for the selection of the chosen strategy/policies from the reasonable alternatives considered. The SA report (CD4/A13) does try to explain the change in relation to the spatial approach from the *Spatial Options Consultation* (CD5/4) which included urban extensions and was based on providing 15,500 dwellings and the submitted plan which excludes urban extensions and is based on providing 11,000 dwellings.
- 5.2 In light of all the evidence, the SA report can now be seen as inadequate in explaining the choice of 11,000 dwellings. At submission the Council believed that its assessed housing requirement was 11,600 dwellings, whereas on the Council's own methodology the figure was in fact 12,100. The SA should have recognised that there was a choice to be made in whether to fully meet that figure and the implications of not doing so. The assessed need for affordable housing was also substantially not being met, but this is not brought out in the assessment.
- 5.3 Notwithstanding any of the concerns set out in this Annex, in the light of the Council's own most recent evidence there would be a need to review the SA in the light of the proposed provision of 11,500 dwellings and the increased supply that the Council considers is available and explain the reasons for the choice being made.
- 5.4 The SA is likely to have to be reworked in the light of the necessary reassessment of the housing requirement to comply with the NPPF. The SA should test the implications of fully meeting the objectively

assessed needs and of any alternative which the Council wants to explore of not fully doing so. If objectively assessed needs could only be met by some changes to the Green Belt then a Green belt review to explore the scope to accommodate development in the Green Belt would need to be undertaken to inform any such SA assessment.

Simon Emerson
21 June 2012

Appendix 3 – Appeal for Land at Burgess Farm, Hilton Lane, Worsley, Manchester

Mr Michael Courcier
Barton Willmore
3 Hardman Street
Spinningfields
Manchester
M3 3HF

Our Ref: APP/U4230/A/11/2157433
Your Ref:

Date: 16 July 2012

Dear Mr Courcier,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY PEEL INVESTMENTS (NORTH) LTD
LAND AT BURGESS FARM, HILTON LANE, WORSLEY, MANCHESTER,
M28 3TL
APPLICATION REF: 10/58745/OUTEIA**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Mr C J Ball, DArch DCons RIBA IHBC, who held a public local inquiry between 22 and 29 November 2011 into your client's appeal against a decision of Salford City Council to refuse outline planning permission for residential development consisting of 350 dwellings, open space, nature parks, roads, foot and cycle links and landscaping; together with recreational and ecological works at land at Burgess Farm, Hilton Lane, Worsley, Manchester, M28 3TL in accordance with application number 10/58745/OUTEIA, dated 18 March 2010.
2. On 5 August 2011, the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 to Schedule 6 to, the Town and Country Planning Act 1990. The reason for this was because the appeal involves proposals for residential development of over 150 units or on sites of over 5 hectares which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be dismissed and planning permission refused. For the reasons given below, the Secretary of State disagrees with the Inspector's conclusions and his recommendation. He allows the appeal and grants planning permission subject to conditions. A copy of the

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

Procedural matters

4. In reaching his decision the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. Having had regard to the Inspector's comments at IR22, the Secretary of State is content that the Environmental Statement complies with the above regulations and that sufficient information has been provided for him to assess the environmental impact of the application.

Matters arising after the close of the inquiry

5. Following the close of the inquiry, the Secretary of State received a written representation, from Edwin John Howarth of the Burgess Farm Residents Group dated 3 April 2012 to Minister Bob Neil MP, which he has considered carefully. This related to the inclusion of the Burgess Farm site for housing in the Salford City Council publication (draft) core strategy, and is dealt with later on in this letter. He also received a letter from local resident Mrs Eileen Collier dated 25 April 2012. The Secretary of State has taken account of both of these representations in his consideration of the appeal before him, but is satisfied that that they did not raise matters which would require him to refer back to parties prior to reaching his decision.
6. Following the close of the inquiry, the Government published the National Planning Policy Framework (March 2012) (the Framework). This document replaces those Planning Policy Guidance and Statements, Minerals Planning Guidance notes, Circulars and Letters to Chief Planning Officers set out in its Annex 3. Following the publication of this document the Secretary of State wrote to interested parties on 19 April seeking their views on its implications, if any, on the proposal before him. On 14 May the Secretary of State circulated the responses, inviting further comments, and stating that he would then proceed to a decision. A list of those responding is set out in Annex A below.
7. The Secretary of State has carefully considered all of the representations received in his determination of this case. He considers that for the most part the issues raised cover those already rehearsed at the inquiry. In considering these further representations the Secretary of State also wishes to make it clear that he has not revisited issues which are carried forward in the Framework and which have therefore already been addressed in the IR, unless the approach adopted in the Framework leads him to give different weight to any of them. His views on the implications of the Framework are reflected in the relevant sections on Main Issues below.
8. Copies of the representations referred to in paragraph 5 and in Annex A may be obtained on written request to the above address.

Policy considerations

9. In determining the appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
10. In this case, the development plan comprises the North West of England Plan – Regional Spatial Strategy to 2021 (2008) (RS) and the saved policies of the City of Salford Unitary Development Plan 2004-2016 (2006) (UDP). The Secretary of State considers that the development plan policies most relevant to the appeal are those set out by the Inspector at IR26-30.
11. The Salford City Council Core Strategy is in preparation and is not expected to be adopted until 2013. The Core Strategy is potentially subject to amendment and the Secretary of State concurs with the parties that that only very limited weight can be attached to the Core Strategy at this stage of its preparation (IR33). He is aware that the Core Strategy was submitted for examination in May 2012, but that does not alter the weight he attaches to it, as there are unresolved objections to relevant policies in the plan.
12. Other material considerations which the Secretary of State has taken into account include the Framework (see paragraph 6 above); *Technical Guidance to the National Planning Policy Framework* (March 2012); Circular 11/1995: *Use of Conditions in Planning Permission*; and the *Community Infrastructure Levy (CIL) Regulations 2010 and 2011*. The Secretary of State has also taken account of the Written Ministerial Statement of the Rt Hon Greg Clark MP, on *Planning for Growth*, dated 23 March 2011.
13. The Secretary of State considers that the revocation of Regional Strategies has come a step closer following the enactment of the Localism Act on 15 November 2011. However, until such time as the North West of England Plan is formally revoked by Order, he has attributed limited weight to the proposed revocation in determining this appeal.

Main issues

The relationship of the proposal to the development plan

14. The Secretary of State notes the relevant development plan policies set out in IR26-30; and the clear conflict with UDP policies that designate the site as urban fringe and countryside, and other policies as set out in IR29. The Secretary of State notes that the Salford City Council took no real part in the inquiry and that it was not possible for the Inspector or objectors to explore policy and related matters with the Council (IR183). In response to the referral back to parties on the implications of the Framework, the Council advised that the RS policies for the sequential approach to development and for the priority locations for growth should no longer be used, as the Framework sets out new guidance. The Secretary of State agrees that the sequential approach to location of housing development is not reflected in the Framework. He has also had regard to the presumption in favour of sustainable development in the Framework which states

that where plans are out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Housing demand and supply, with regard to location, deliverability, need and the provision of market and affordable housing

15. The Secretary of State has carefully considered the Inspector's conclusions at IR 184-195. The Secretary of State agrees with the Inspector that over the 5 year period 2011-2016, there is at best 2.5 years supply in relation to the RS housing requirement. The Secretary of State notes that the Inspector considers that the Council's Interim Housing Figure is a material consideration of significant weight (IR192); that applying this requirement would result in about 6 years supply of land (IR193); and that the quantitative need to release the site for housing is not sufficiently justified (IR195). The Secretary of State disagrees with the weight that the Inspector accords to the Interim Housing Figure. He notes that the figure derives from updated household growth forecasts and explicitly seeks to meet only forecast growth and demand generated within Salford; that it has not been tested at examination and has no development plan status. He considers that in this case the housing requirement should be taken from the most up to date plan, which is the RS. On this basis there is a shortfall in the 5 year land supply.
16. The Framework states that policies for the supply of housing should not be considered up-to-date if a council cannot demonstrate a 5 year land supply. The Secretary of State considers that there is a significant shortfall of some 4,000 dwellings (2.5 years supply) against the 5 year housing land requirement and that the release of this site could provide 175 houses in the 5 year period. He notes that the Inspector casts doubt on this figure, but he has not seen any evidence to support the Inspector's concerns (IR190). He considers that the contribution this development would make to reducing the shortfall in 5 year land supply weighs significantly in favour of the proposal.
17. He agrees with the Inspector that the proposal would bring considerable benefits of additional market and affordable housing and contribute to the qualitative need for aspirational housing (IR194-195). However, he is not persuaded that there is insufficient justification to release a greenfield site (IR195). He gives less weight to the sequential approach to release of sites. National planning policy in the Framework encourages the use of previously developed land, but does not promote a sequential approach to land use. It stresses the importance of achieving sustainable development to meet identified needs.

The impact on the highway network and transport infrastructure, including public transport, and the sustainability of the location

18. The Secretary of State agrees with the Inspector's assessment at IR201-202 that there is a fairly free flow of traffic and that the proposal would not lead to an unacceptable impact on traffic flow and congestion at junctions. The Secretary of State also agrees with the Inspector, for the reasons given at IR199, that people living on the completed development would have access to adequate local bus services to Salford and Manchester centres. The Secretary of State notes the

Inspector's concern that residents to the south and west of the development would find it less attractive to walk or cycle to the town centre, schools and bus stops, but he disagrees that the site is poorly located in terms of access to public transport and local services (IR197). He notes the Inspector's reservations about the potential of the proposed shuttle bus service to establish viability, but he does not consider this concern attracts significant weight (IR198).

19. The Secretary of State has carefully considered the Inspector's assessment of Walkden railway station at IR200. He acknowledges that access to it is not ideal; that no location has been agreed for the Appellant's proposed cycle stands and lockers; and that current improvements to the station and upgrades to services are to meet existing demand. However, the station is only some 850m from the appeal site entrance, and although the rail service is already heavily used, it provides the potential for residents of the development to make use of public transport.
20. The Secretary of State has given careful consideration to the Inspector's analysis of accessibility and sustainability of the location at IR196-203. The Secretary of State disagrees with the Inspector's conclusions at IR203 that the site is not in a particularly sustainable location and that the proposal would therefore not be consistent with the development plan. He considers that on balance the location is sustainable. He finds that the site is within reasonable distance of rail and bus services and the site entrance is some 850m from Walkden town centre and schools, with local facilities within reasonable walking and cycling distance. Despite the Inspector's reservations, he considers that the proposed shuttle bus service would assist in improving accessibility to local facilities and that the proposed cycle facilities at the railway station would encourage cycling as a means of travel to the station.

The loss of farmland and the effect on the character and appearance of the area and the amenities of neighbouring residents

21. The Secretary of State agrees with the Inspector for the reasons given at IR205 that the loss to agriculture as a result of the development proposal would not be objectionable in principle. However, he disagrees with the Inspector's reasons at IR204 that the site should be protected from development. The Secretary of State acknowledges that development of the site would result in the permanent loss of an area of open countryside enjoyed by local people; encroachment into the wildlife corridor; a significant intrusion into the setting of Walkden; and that it would seriously degrade the character and appearance of the area and the amenities of neighbouring residents (IR206). The Secretary of State accepts that there is a clear conflict with UDP policies for the site, which support its retention as undeveloped land. He recognises that one of the core planning principles in the Framework is to contribute to the conservation and enhancement of the natural environment. However he considers that the loss of this land needs to be weighed against the substantial shortfall in housing land and the contribution that the proposed development could make to reducing that shortfall in a sustainable location.

The impact on the adjacent Site of Biological Importance

22. The Secretary of State accepts the Inspector's conclusions at IR 207-209 and agrees with the Inspector that the detrimental impact of the development on the nature conservation interest of the Site of Biological Importance would be minimised as far as practicable.

Other matters

23. For the reasons given at IR215-217 the Secretary of State agrees with the Inspector's conclusions on flooding and drainage, air quality, and provision of school places. On the issue of prematurity, the Secretary of State agrees with the Inspector at IR218 that the proposal would not significantly prejudice strategic decisions by pre-determining the scale and location of new housing currently being considered as part of the Core Strategy process. He therefore finds no argument for prematurity. In paragraph 15 above he sets out his reasons for disagreeing with the Inspector over the use of the Interim Housing Figures and in paragraph 11 he sets out the weight he attaches to the emerging Core Strategy. He therefore disagrees with the Inspector's conclusion at IR219 that it seems premature to release a greenfield site at this stage.

24. The Secretary of State notes the Inspector's comments that residents see this proposal as an attempt to pre-empt the Core Strategy process and to bypass local consultation (IR219). He considers that the community have had an opportunity to express their views through the application and appeal process, as well as through the preparation of the Core Strategy. In reaching his decision he has given very careful consideration to all the objections expressed to this development. He has given no consideration to the Barton Farm decision referred to in IR220, as this decision has been quashed by consent and will be redetermined in due course.

Conditions and obligations

25. The Secretary of State agrees with the Inspector's reasoning and conclusions on conditions set out at IR174-180. The Secretary of State is satisfied that the proposed conditions are reasonable, necessary and comply with Circular 11/95. He has made minor changes to the wording of condition 19 to reflect the current national policy position, but does not consider that this materially alters the intent of the condition.

26. The Secretary of State has considered whether any consequential impact on local infrastructure would be overcome or substantially mitigated by the proposed planning obligation (IR210-214). He agrees with the Inspector for the reasons given at IR211 that the planning obligations to provide affordable housing, nature parks and a safer route to schools comply with policies in the Framework, meet the tests set out in CIL Regulation 122, and would overcome the impact on local infrastructure that the development would have in those respects (IR214). The Secretary of State agrees with the Inspector that the provision of the shuttle bus service and cycle stands meet the CIL tests (IR212-213). He considers that the assessment of whether these facilities will be adequate to mitigate the impacts of the development is a matter of judgement and in his view they are, as he

considers that the location is sustainable and that these facilities would encourage residents to use transport other than the private car to access local facilities. He does not therefore agree with the Inspector's conclusion at IR214 that these two obligations would not meet the tests of the CIL Regulations

Overall conclusions

27. The Secretary of State has carefully assessed the issues in this case and the conclusions of his Inspector. He considers that the proposal does not accord with the development plan and in particular that there is conflict with the site specific proposals for the land in the UDP. He disagrees with the Inspector over the housing requirement figure and considers that the requirement should be derived from the RS, as the most up to date part of the development plan. He finds there is a substantial shortfall in 5 year land supply against the RS housing requirement and he attaches significant weight to this factor. He is further guided by the Framework, a material consideration in his decision, which states that housing applications should be considered in the context of the presumption in favour of sustainable development. As there is not a 5 year land supply, the policies for housing supply should not be considered up to date and he has therefore considered whether the proposal represents sustainable development and whether any adverse impacts of granting permission would so significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
28. The Secretary of State has considered the three dimensions of sustainable development as set out in the Framework. At paragraph 20 above he sets out his reasons for finding that the site is a sustainable location for housing. He considers that the proposals fulfill an economic role by providing land for more aspirational housing to expand the quality and choice of housing; a social role, by providing market and affordable housing to meet identified needs; and an environmental role by providing open areas and nature parks. He accepts that there are substantial environmental disbenefits to the development of this site including the loss of countryside that is valued by residents and the impact on the rural setting of Walkden.
29. The Secretary of State has carefully assessed the factors weighing in opposition to the development against the significant deficiency in 5 year housing land supply. The Secretary of State considers that the proposals do, on balance, represent sustainable development, and he does not consider that the adverse impacts of allowing the development outweigh the benefits to be gained. He therefore considers that there are material considerations in favour of the development that outweigh the conflict with the development plan.

Formal decision

30. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby allows your client's appeal and grants outline planning permission for residential development consisting of 350 dwellings, open space, nature parks, roads, foot and cycle links and landscaping; together with recreational and ecological works at land at Burgess Farm, Hilton Lane, Worsley, Manchester, M28 3TL in accordance with application number

10/58745/OUTEIA, dated 18 March 2010, subject to the conditions listed at Annex B of this letter.

31. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
32. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
33. This letter serves as the Secretary of State's statement under regulation 21(2) of the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Right to challenge the decision

34. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.
35. A copy of this letter has been sent to the Council, Burgess Farm Residents Group and Worsley Civic Trust and Amenity Society. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours sincerely,

Pamela Roberts

Authorised by Secretary of State to sign in that behalf

Post Inquiry correspondence following the publication of the National Planning Policy Framework

First comments

Name / Organisation	Date
Jeff Holt	21/04/2012
Jennifer Reynolds	21/04/2012
Mr and Mrs D Marshall	21/04/2012
George and Catherine Ogden	22/04/2012
Diana Battersby	23/04/2012
John Chilcott	23/04/2012
Lynne Jones	23/04/2012
Patricia Hall	23/04/2012
Dennis Reynolds	23/04/2012
Peter Meadows	24/04/2012
Kathleen Morris	25/04/2012
Philip Schofield	25/04/2012
Robert Seddon	25/04/2012
Chris Critch	25/04/2012
Tony and Paula Walker	25/04/2012
David Grant	26/04/2012
Gillian and Juan Manzano	26/04/2012
John Hardcastle	26/04/2012
Peter and Susan Norbury	26/04/2012
Barbara and Michael Carney	27/04/2012
Karen Fisher	27/04/2012
Christine Booth	28/04/2012
Sam Macintosh	28/04/2012
Brenda Robinson	29/04/2012
Peter Pascall	29/04/2012
Mr M H Wilson	30/04/2012
Mrs J Wilson	30/04/2012
Lisa Hellis	30/04/2012
Louise Parker	01/05/2012
Peter Hall	01/05/2012
Graham Berry	01/05/2012
Patricia Matthews	01/05/2012
Mrs A Atkinson	01/05/2012
Mel Green	02/05/2012
Paul and Judith Farquhar	02/05/2012
Paul Burgess	02/05/2012
Jane Berry	03/05/2012
Georgina Cotten	03/05/2012
Patricia and Michael Orton	03/05/2012
Phil Smith	04/05/2012

W & S Halliday	04/05/2012
Name / Organisation	Date
Michael Courcier - Barton Willmore / Appellant's agent	04/05/2012
Barbara Keeley MP	04/05/2012
Noel Griffiths / Burgess Farm Residents Group	04/05/2012
Wendy Howarth on behalf of the Burgess Farm Residents Group	04/05/2012
Carole Wood	04/05/2012
Cllr Iain Lindley (SCS), Cllr Les Turner (SCS) and Anne Broomhead	04/05/2012
Adrian Dunning on behalf of Worsley Civic Trust and Amenity Society	04/05/2012
Brenda Rothwell	05/05/2012
Dr A Cross	05/05/2012

Second comments

Name / Organisation	Date
Michael Courcier - Barton Willmore / Appellant's agent	22/05/2012
Cllr Richard Critchley (SCS)	22/05/2012
Adrian Dunning on behalf of Worsley Civic Trust and Amenity Society	22/05/2012
Wendy Howarth on behalf of the Burgess Farm Residents Group	22/05/2012

Schedule of conditions to be attached to outline planning permission for residential development consisting of 350 dwellings, open space, nature parks, roads, foot and cycle links and landscaping; together with recreational and ecological works at Burgess Farm, Hilton Lane, Worsley, Manchester M28 3TL

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
3. The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby approved shall be carried out in accordance with the phasing principles contained within Section 9 of the Design and Access Statement prepared by Randall Thorp dated March 2010.
5. The development hereby permitted shall be carried out in accordance with the principles and design philosophy set out in the following approved plans: 339.04A, 339A.05F, 339A.06B, 339A.07B and M09028-A-001G.
6. No development shall take place, including any works of excavation or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - (i) the times of construction activities on site
 - (ii) the parking of vehicles of site operatives and visitors
 - (iii) loading and unloading of plant and materials
 - (iv) storage of plant and materials used in constructing the development
 - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - (vi) wheel washing facilities
 - (vii) measures to control the emission of dust and dirt during construction
 - (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - (ix) measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity
 - (x) measures to prevent the pollution of watercourses
7. Development of any phase shall not begin until a Crime Prevention Plan has been submitted to and approved in writing by the local planning authority. Each phase of development shall be carried out in accordance with that Plan.

8. No development shall take place until a scheme for the lighting of the foot/cycleway between Mather Fold Road and Point A on plan reference 399A.12, including the timing of its provision, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full before the occupation of any dwelling, and shall be retained in full working order thereafter.
9. No development shall take place until a detailed site investigation has been carried out in accordance with Section 4.5 of the Environmental Statement, dated March 2010. The investigation shall address the need for remedial works to treat/address the mine entries, areas of shallow mine workings and areas of former opencast backfill. The details of any proposed remedial works shall be submitted to, and approved in writing by the Local Planning Authority and the works shall be undertaken in accordance with the approved details to ensure the safety and stability of the proposed development prior to commencement.
10. Prior to the commencement of each phase of development:
 - (i) A Site Investigation report shall be submitted to and approved in writing by the Local Planning Authority. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health and the wider environment;
 - (ii) The details of any proposed Remedial Works shall be submitted to, and approved in writing by the Local Planning Authority. Such Remedial Works shall be incorporated into the development during the course of construction and completed prior to occupation of the development; and
 - (iii) A Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of any dwelling within that phase. The Verification Report shall validate that all remedial works undertaken on site have been completed in accordance with those approved by the Local Planning Authority.
11. No development shall take place until a detailed method statement for the removal or long-term management /eradication of Japanese knotweed on the site has been submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures to prevent the spread of Japanese knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall only be carried out in accordance with the approved method statement.
12. Prior to the commencement of each phase of development a programme of archaeological work shall be undertaken in accordance with a written scheme

of investigation which has been submitted to and approved in writing by the local planning authority.

13. No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
14. The development permitted by this planning permission shall only be carried out in accordance with mitigation measures set out in the approved Flood Risk Assessment (FRA) March 2010 Ref 660094-FRA-R1(3)/RSK Land & Development Engineering Ltd, or any subsequent FRA approved in writing by the local planning authority, including that no houses or gardens shall be sited within the area shown hatched blue on RSK plan ref 660094/1002/P2.
15. Prior to the commencement of each phase of development a scheme for the provision and management of a buffer zone alongside the watercourses shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include plans showing the extent and layout of the buffer zone, details of the planting scheme (for example, native species), details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term, and details of any footpaths, fencing, lighting etc.
16. Prior to the commencement of each phase of the development a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be implemented as approved.
17. No development, including any vegetation clearance or ground works, shall take place within the application site (including the Nature Parks) until a comprehensive Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall give details of the Reasonable Avoidance Measures to be taken to avoid any possible harm to great crested newts or their habitats during the course of the development. Development shall only be carried out in accordance with the approved method statement.
18. The dwellings shall achieve at least Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that the appropriate Code Level has been achieved.

19. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary of the National Planning Policy Framework). A scheme showing details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority as part of the reserved matters submissions required by condition 1. The scheme shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.
20. At least 31% of the dwellings forming the total development shall have 4 or more bedrooms, and at least 60% of all dwellings shall have a floorspace of at least 95 square metres.
21. The development shall provide fully on-site for the open space and public realm works required by Policies H8 and DEV5 of the City of Salford Unitary Development Plan, adopted June 2006. In each phase, no dwelling shall be occupied until the open space and public realm works within that phase have been completed and are available for use.
22. No dwelling shall be occupied until the offsite works of highway improvement shown on approved plan M09028-A-001G have been completed.

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.



The Planning
Inspectorate

Report to the Secretary of State for Communities and Local Government

by **C J Ball** DArch DCons RIBA IHBC

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

Date: 6 February 2012

TOWN AND COUNTRY PLANNING ACT 1990

SALFORD CITY COUNCIL

Site at Burgess Farm, Hilton Lane, Worsley, Manchester M28 3TL

APPEAL BY PEEL INVESTMENTS (NORTH) LTD

Inquiry opened on 22 November 2011

File Ref: APP/U4230/A/11/2157433

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(Report of 62 pages)

File Ref: APP/U4230/A/11/2157433

Burgess Farm, Hilton Lane, Worsley, Manchester M28 3TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Peel Investments (North) Ltd against the decision of Salford City Council.
- The application Ref 10/58745/OUTEIA, dated 18 March 2010, was refused by notice dated 19 July 2011.
- The development proposed is described as residential development consisting of 350 dwellings, open space, nature parks, roads, foot and cycle links and landscaping; together with recreational and ecological works.

Summary of Recommendation: the appeal be dismissed.

Procedural matters

1. The inquiry sat for 5 days on 22-25 and 29 November 2011. I made an informal unaccompanied pre-inquiry visit to the area on 21 November, viewing the site and its surroundings from roads and public footpaths. An evening session was held on 24 November to allow those who could not attend the inquiry during the day to make representations. I made a formal visit to the site and the surrounding area on 29 November, accompanied by representatives of the main parties and other interested persons.
2. The application was submitted in outline, with access to be considered as part of the application. The matters of scale, layout, appearance and landscaping were reserved for future consideration. The application was accompanied by a series of Masterplans showing Land use Breakdown and Green Infrastructure; Movement Network and Connections; Urban Design Parameters; an indicative Layout; and details of the proposed site access (Documents CD1.1-1.7). The application was supported by a Design and Access Statement, a Planning Statement, a Regeneration Statement, Draft Heads of Terms for a planning obligation, a Utilities Statement, a Residential Market Research Report, a Coal Report, a Flood Risk Assessment, a Transport Assessment, a Sustainability Checklist and a Statement of Community Involvement. (Documents CD1.8-1.20).
3. The Council refused the application for 2 reasons relating to the impact on the free flow of traffic on the local highway network and prematurity. The appeal was recovered for decision by the Secretary of State by letter dated 5 August 2011 for the reason that it involves proposals for residential development of over 150 units, or on a site of more than 5 hectares, which would significantly impact on the government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities (Document IN1).
4. A Pre-Inquiry Meeting (PIM) was held on 11 October 2011. The notes of that meeting are at Document IN2. Before the PIM the Council indicated that, following reconsideration, it had decided that it could not support its 2 reasons for refusal at appeal. The Council therefore no longer objects to the proposal and, although represented at the inquiry, did not submit evidence. Local objectors, in the form of the Burgess Farm Residents Group (BFRG) and the Worsley Civic Trust and Amenity Society (WCTAS), were granted Rule 6 status.

At my request, the Council submitted a Position Statement explaining its change of stance (Document CO2).

5. I note that, in view of the Council's change of position, the appellant submitted another identical application. At the inquiry the Council confirmed that that application is being held in abeyance until the outcome of this appeal is known.
6. This report includes a description of the site and its surroundings, an outline of the planning history of the site, details of the proposals, matters agreed between the parties, an outline of the submitted planning obligation, the planning policy background, the gist of the representations made at the inquiry and in writing, and my conclusions and recommendations. Lists of appearances and documents are attached.
7. The main parties' cases are based on edited versions of their closing submissions (Documents CTA1.3, BF8 & AP16) supplemented by evidence given in chief. Proofs of evidence are included as originally submitted and do not take account of any changes that occurred during the course of the inquiry. Many objectors make reference to the Council's handling of the application and question the unusual position it has taken on the appeal. At the PIM, and in opening the inquiry, I made it clear that these were not matters that I could deal with and that the purpose of the inquiry was to consider anew the planning merits of the proposals. Nonetheless, at the inquiry several aggrieved objectors made oral and written comments on the Council's stance. I have generally not reported these as they are not relevant to the planning considerations in this case.

The site and surroundings

8. This large site is located on the rural edge of Walkden, a township towards the western extremity of the area known as Salford West, which also includes the townships of Swinton, Worsley and Eccles. The site, some 18.23 ha in overall extent, is in 3 parts, not all of it contiguous. Much of it was once in some form of industrial use, including open-cast mining, and evidence of former workings can still be seen, but generally they have been absorbed over time into the regenerated landscape. The site can now be considered as part of the natural surroundings and thus a countryside greenfield site.
9. Area A, of about 13.05 ha, is proposed for housing development. This part of the site consists of agricultural land in several fields, associated with Burgess Farm, which are used for grazing cattle and sheep. The farmhouse and buildings are excluded from the application site. This land has been extensively mined in the past and still contains untreated mine shafts and areas of potentially unstable land (Document CD 1.37). Although it has reverted to grazing land, the agricultural land classification is fairly poor, with 65% of it grades 4 and 5 and the remainder sub-grade 3b. The site has a history of flooding, particularly in the lower-lying land on its southern edge.
10. Area B, of about 1.32 ha, adjoins the southern corner of the housing site. It was once part of the Ellenbrook Brickworks to the south but is now vacant, boggy and overgrown. It is allocated for informal recreational purposes in the Salford UDP. This area lies within the larger Ponds at New Manchester Site of Biological Importance (SBI), which was designated principally because of the presence of great crested newts, a protected species. Area C, of about 3.95 ha, is a separate parcel of land to the west of the housing site, although linked by public footpath.

It is part of a larger area which is a mix of agricultural and vacant land, with exposed areas of coal mining waste ('coal rough'). This site too is within the SBI.

11. The northern boundary of the housing site is formed primarily by the rear gardens of houses along Hilton Lane. Part of the boundary extends to the road itself and there are access points to 2 public footpaths across the site from Hinton Lane. The north-western boundary adjoins former sports pitches in the Council's ownership, separating Areas A and C, and which has reverted to agricultural use as part of Burgess Farm. To the north of that is the embanked Manchester-Wigan railway line, with a subway providing public footpath access to Area C from Trent Drive in the built up area beyond the railway.
12. The eastern boundary adjoins a former railway embankment, beside the Ellen Brook. The track on top of the embankment is part of a district-wide pedestrian and cycle path, and is lined with young and semi-mature trees. Beyond the embankment is housing development, along the length of Newearth Road. Mather Fold Road gives access to the cycle path and to the public footpath through Area B at the south-east corner of the site. The southern boundary adjoins an area of regenerating woodland, with informal paths following old access tracks through fairly dense areas of young and semi-mature trees. These thin out where the western boundary abuts the former coal rough, which is gradually being colonised by coarse grassland and is reverting to nature.
13. The SBI, which includes Areas B and C of the site, extends from the housing site to the Metropolitan District boundary with Wigan and beyond. The District boundary also defines the eastern extent of the Greater Manchester Green Belt in this location. The Thirlmere Aqueduct, bringing water from the Lake District to Manchester, runs under the site.
14. The site entrance is some 850 metres from Walkden town centre, one of the principal town centres in Salford West, where there is a range of shops and community facilities. It is a similar distance from Walkden station, where there are reasonably frequent direct services to Manchester, Wigan and Southport. There are bus services along Hilton Lane and Newearth Road providing local and city-wide services. These roads link the A580(T) East Lancs Road and the A6, providing access to Manchester centre and the wider motorway network. The site is also within 800 metres of the intended Ellenbrook stop on the proposed Leigh-Salford-Manchester Rapid Transport Guided Busway. Although at an early stage, funding has been committed and the Busway could open by late 2013, providing a fast and frequent service to Manchester city centre.
15. A more detailed and illustrated description of the site and its surroundings is given in Documents CD1.9, AP4.1 and AP4.2.

Planning history

16. There have been a number of applications to develop this site. In 1979 an outline application by Bridgewater Estates for residential development was refused on the basis of loss of open land; prematurity pending preparation of the Local Plan; potential sterilisation of coal reserves; and inadequate drainage. In 1981 another outline application by Bridgewater Estates for office development was refused because the site was not within Walkden Centre, it would prejudice proposals for the emerging Local Plan, it could sterilise coal reserves; and there was inadequate drainage.

17. In 1983 the Worsley and Boothstown Local Plan allocated the site, with other land, for housing development. The allocation (Proposal B1) was described as 'provisional/post 1986' as it was considered that the site could not be delivered before the end of the Plan period.
18. In 1991, Wainhomes Ltd made 2 alternative outline applications for residential development which were dismissed by the Secretary of State on appeal in 1993 (Documents CD6.12 and CO3). Conclusions included:
- o the development plan, including Proposal B1 of the Worsley and Boothstown Local Plan, did not provide a coherent up-to-date framework for considering the future of the Burgess Farm site so the appeals had to be determined on their merits in the light of all material considerations; greater weight was given to Regional Planning Guidance and the then emerging Salford UDP;
 - o according to UDP Policy MPG3, in its then extant version, open-cast coal was an important natural resource. Until a decision was taken on the Lomax3 open-cast proposals (which included open-cast mining within the site), the importance of protecting the high quality mineral resources was paramount;
 - o there was no need for additional housing land so development of the site would divert investment away from inner city sites, thereby undermining the objectives of the then extant Structure Plan;
 - o development of the site could not be described as rounding off and it would represent a significant intrusion into the rural setting of Salford;
 - o the proposed housing would involve the permanent loss of an area of open countryside enjoyed by local people, thereby undermining the recreational objectives of the UDP;
 - o without proper mitigation, the proposed housing would undermine the ecological value of the SBI, contrary to the objectives of the Structure Plan and UDP.
19. In the event, the Lomax3 open-cast applications were dismissed by the Secretary of State on appeal. He came to 2 main conclusions; first, that a 200 metre buffer zone was necessary between residential properties and any open-cast working; and second, that the areas of great crested newt habitat in the southern part of the site should be protected and not worked. As a result of this, and the designation of the SBI, there is no longer any proposal to mine open-cast coal in the vicinity of the site (Document CD1.8).

The proposals

20. Although in outline at this stage, the development is intended to provide 350 new houses in a mix of 2, 3, 4 and 5 bedroom properties, phased over 6 years. 20% - 70 units - would be affordable homes. The illustrative layout plan (Document CD1.6) shows houses laid out in a series of streets and closes, in a range of densities between 25 and 50 units/ha. Road access would be off Hilton Lane, in an existing gap between the houses. An additional emergency access would be provided at the footpath to the west of Burgess Farm. An internal loop road would provide access to all areas of the housing site. The layout would incorporate a series of open spaces throughout the development, intended to provide pedestrian/cycle access through the site and to reflect and link with the

linear greenways that pass through the Walkden area. The network of open spaces would incorporate the existing public footpaths across the site and would be multifunctional; as well as providing usable public open space, they would provide a setting for the built development, a series of sustainable drainage measures and features to enhance the biodiversity of the site. A new playground, a Local Equipped Area for Play (LEAP), would be provided in the southern part of the site. Trees would be planted to enhance the layout and integrate the development into the surrounding countryside. Two nature parks would be created to the west and south of the housing, linked to the surrounding area by public footpaths. The western nature park would incorporate new landscaping, fencing, paths and signage and there would be a chain of ponds to provide amphibian habitat, specifically but not exclusively for great crested newts. The southern nature park would be improved along similar lines to increase biodiversity of the area. The parks would provide ecological mitigation and informal recreation areas.

21. A full description of the scheme is given in the Design and Access Statement (Document CD1.9)

Environmental Impact Assessment

22. The application was accompanied by an Environmental Statement (ES) made in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (the EIA Regulations), including a non-technical summary (Documents CD1.21-1.35). It covers all the normal matters that a large scale housing development would be expected to give rise to; it includes additional site specific matters and sets out mitigation proposals. Consultation responses have been addressed in a supplemental statement. At the inquiry I heard further evidence on the characteristics of the site, local transport and service infrastructure and the relationship of the development to the adjacent nature conservation areas. I am satisfied that all this represents the necessary environmental information for the purposes of Regulation 3 of the EIA Regulations and I have taken this information into account in making my recommendations.

Agreed matters

23. Before the inquiry statements of common ground were submitted by the appellant and the Council (Document CD6.13), the appellant and WCTAS (Document CD6.14), and the appellant and BFRG (Document CD6.15). The matters agreed include:

Appellant/Council Description of the site and surrounding area; description of the proposal; history of the site; the appeal application process; planning policy framework; and the main planning issues.

Appellant/WCTAS Description of the site and surrounding area; description of the proposal; history of the site; the appeal application process; planning policy framework; and the main planning issues.

Appellant/BFRG Description of the site and surrounding area; description of the proposal; and the history of the site.

Planning Obligation

24. Before the inquiry, the appellant submitted a draft of an Agreement/undertaking as a deed of planning obligation under s106 of the Act (Document CD6.16). An executed unilateral undertaking was submitted at the inquiry (Document AP11). In summary, the undertaking effectively binds the appellant company, should the appeal succeed:
- o to providing an integrated scheme of affordable housing of not less than 20% of the total housing development, with 60% of the affordable units available to rent and 40% as intermediate affordable housing;
 - o to procuring an affordable, regular and frequent local link shuttle bus service between the site, Walkden Town Centre and Walkden Station and to providing that service for 5 years;
 - o to contributing £10,000 towards funding the provision of cycle stands and lockers at Walkden Station;
 - o to contributing £25,000 towards funding the provision of 2 bus stops on Hilton Lane;
 - o to contributing £30,000 towards funding the provision of school route footway improvements in the vicinity of the site;
 - o to carrying out works to create the Nature Park areas adjacent to the site;
 - o to managing and maintaining the Nature Park areas for 10 years.
25. The appellant owns the land (Document CD6.17) and at the inquiry the Council confirmed that the provisions of the undertaking are agreed. The undertaking is an important material consideration in this appeal. At my request, the appellant submitted a note to show how the provisions of the undertaking comply with the Community Infrastructure Levy (CIL) Regulations (Document AP13). This confirms the policy requirements relating to the proportion and tenure mix for affordable housing; the policy guidance and biodiversity gain relating to the nature parks; and the policy background and practical benefits of the school footway improvements and station cycle lockers. It also confirms that the shuttle bus service is necessary to overcome site accessibility problems.

Planning policy

Local development plan

26. The local development plan currently consists of the North West Regional Strategy 2008 (RS) (Document CD3.3) and the Salford Unitary Development Plan 2006 (UDP) (Document CD3.1).
27. For RS purposes, Walkden falls within the Northern Part of the Manchester City Region. RS policy MCR5 gives priority in this area to supporting the transformation of the local economy, regenerating communities and enhancing the environment, including through expanding the quality and choice of housing.
28. Other relevant RS policies include policy RDF1, which sets out the areas of priority for growth; policy L2, which requires local authorities to develop an understanding of local and sub-regional housing markets by undertaking

Strategic Housing Market Assessments (SHMA) in order to adopt a comprehensive approach to housing supply and need; policy L4, which sets out the housing provision for Salford of 28,800 dwellings for the period 2003-2021, an average annual net rate of 1600, with at least 90% of these built on previously-developed land; policy DP2, which indicates that building sustainable communities is a regional priority, setting out measures to achieve this; policy DP4, which states that sequential priority should be given to development in locations which build on existing infrastructure and do not require major investment in new infrastructure, giving preference to previously-developed land; policy DP5, which requires development to be located so as to reduce the need to travel, especially by car; policy DP7, which requires environmental quality, including biodiversity and habitat, to be protected and enhanced; and policies EM1 and EM1B, which require the regions environmental assets to be protected, enhanced and managed and seek to secure a step-change increase in the region's bio-diversity resources.

29. The UDP Proposals Map designates the area of land including the site as Urban Fringe and Countryside. It is not within the Green Belt but is part of a wider area designated as a Wildlife Corridor Key Area of Search, and is subject to policy EN9, intended to protect Wildlife Corridors. The land to the south and west of this area, which includes site Areas B and C, is a Site of Biological Importance (SBI), subject to policy EN8, which is intended to protect Nature Conservation Sites of Local Importance. Area C is also part of an area allocated for New and Improved Recreation Land and Facilities under policy R6. The site has not been safeguarded to serve long-term development needs.
30. Other UDP policies of relevance to this proposal include policy DES1 - Respecting Context; policy DES7 - Amenity of Users and Neighbours; policy H8 - Open space Provision with New Housing; policy A8 - Impact of Development on the Highway Network; policy EN7 - Pollution Control; policy ST1 - Sustainable Urban Neighbourhoods; policy ST11 - Location of new development; policy ST13 - Natural Environment Assets; policy H1 - Provision of New Housing Development; policy H4 - Affordable Housing; and policy EN19 - Flood Risk and Surface Water.

National policy guidance

31. Relevant national policy guidance is set out in PPS1 '*Delivering Sustainable Development*' and its '*Planning and Climate Change*' supplement, PPS3 '*Housing*', PPS7 '*Sustainable Development in Rural Areas*', PPS9 '*Biodiversity and Geological Conservation*', PPG13 '*Transport*', PPG14 '*Development on Unstable Land*' and PPS25 '*Development and Flood Risk*' (Documents CD4.1-CD4.8).
32. The Written Ministerial Statement of March 2011 '*Planning for Growth*' sets out the Government's commitment to promoting sustainable growth and jobs (Document CD6.1).

Emerging development plan policy

33. Following publication of an Issues and Options Report in 2008 and a Draft Core Strategy in 2009 (Document CD6.4), the Council published in 2011 a Pre-Publication Consultation Report on its Core Strategy (Document CD6.3). The Report currently indicates that land at Burgess Farm (essentially the site and the adjacent former playing field) could be released for housing development. The adoption process is expected to take until 2013 and the Core Strategy is

potentially subject to amendment. The parties agree that only very limited weight can be attached to the Core Strategy at this stage of its preparation.

Other material considerations

34. The Council has adopted a range of Supplementary Planning Documents. Those most relevant to this appeal relate to Greenspace Strategy, Nature Conservation and Biodiversity, Trees and Development, Planning Obligations, and Sustainable Design and Construction (Documents CD3.4-CD3.10). The Council has also approved Planning Guidance: *Housing* (Document CD3.11) which requires new residential development in West Salford to be predominantly houses rather than apartments, in order to correct the current imbalance in housing supply created by high density apartment schemes; with 20% as affordable dwellings; *Flood Risk and Development* (Document CD3.12) aims to ensure that new development in areas at risk of flooding is adequately protected and that the risk of flooding is not increased elsewhere as a result of the development.
35. The Draft National Planning Policy Framework (Document CD6.2) is currently a consultation document and thus subject to potential amendment. It carries some weight as an indication of the direction of travel of Government policy but, until they are cancelled, current national planning policy statements and guidance remain in force.
36. It is the Government's clear intention to revoke RSs, and the provisions of the Localism Act reflect that (Document AP10). However, this is subject to the outcome of environmental assessments of the revocation on which consultation is currently taking place. Revocation will not be carried out until the Secretary of State and Parliament have had the opportunity to consider the findings of the assessments, so some uncertainty remains. The proposed abolition of RSs therefore carries limited weight at this stage of the parliamentary process and the North-West RS remains part of the local development plan.

The Council's position

37. The Council's Planning and Regulatory Panel originally resolved on 7 July 2011 to refuse the application on grounds of (i) prematurity and the loss of a greenfield site and (ii) its impact on the local highway network. Following further advice from its officers and additional legally privileged advice the Panel resolved on 15 September 2011 not to defend those reasons at inquiry. That decision was considered by the majority of the Panel members (and so not unanimously) to be the proper response to the further advice it had received. This advice concerned what is considered to be a significant change in circumstances relating to the availability of a 5 year housing supply as required by national policy.
38. At the time of the original decision the Council considered that there was a 5 year housing land supply, based on its Strategic Housing Land Availability Assessment (SHLAA) of December 2009 so that this was not a factor that tended to support the proposal. However subsequent consideration was given to revised housing land supply figures prepared in association with the Council's Pre-Publication Core Strategy Report (Document CD6.5) which indicates, by contrast, a markedly lower level of supply which amounts, at best, to 2.5 years. In light of this, and the favourable consideration that national policy indicates should be given to

proposals in such circumstances (PPS3.71), the Panel considered that the prospect of the Council successfully defending its original decision would be significantly affected. Before the inquiry the Council circulated an explanation of how the revised housing supply figures had been derived (Document CO1).

39. Furthermore, in light of the legal advice and the content of emerging national policy, the majority of the Panel considered that there were other reasons which would further reduce the prospects of success. While the concerns of residents regarding the effect of the development on the local highway network were taken very seriously, the fact remains that, in its capacity as highway authority, the Council's specialised officers had advised that there would not be an adverse impact in this respect; moreover, neither Transport for Greater Manchester (TGM) or the Highways Agency (HA) had objected. The Council would therefore find it difficult to defend the highway reason for refusal. In addition the NPPF, although still in draft and therefore perhaps only of limited weight, indicated a general direction of travel which was generally more favourable to the proposal, particularly in terms of the presumption in favour of sustainable development (and the emphasis on support for development with economic benefits), the proposed removal of brownfield targets and the suggestion of a requirement to find additional housing land.
40. Accordingly the majority of the Panel considered, bearing in mind its duty as a public authority and the need to properly safeguard public funds, that the appropriate response was to resolve not to contest the reasons for refusal. The Council therefore called no evidence (Document CO4).

The Case for Peel Investments (North) Ltd

41. The Appellant submits that:
- o this proposal accords with the provisions of the development plan and as such the presumption under section 38(6) of the Act arises;
 - o there is both a quantitative and qualitative shortfall of housing land which brings the additional presumption under PPS 3 para 71 into play in favour of the development;
 - o the proposal accords with current national guidance and also emerging national guidance;
 - o there are no technical reasons why the development should not be allowed to go ahead;
 - o the provision of a Nature Park with the ensuing ecological enhancement comprises a material consideration in favour of the development of great significance; and
 - o the proposal should not be refused on grounds of prematurity.
42. The application is supported by the City Council. It was originally recommended for approval by the Officers but was refused, contrary to recommendation, on two grounds relating to highways and prematurity in that it was alleged that the Council had an adequate housing land supply.
43. On proper reflection the Council accepted that it could not substantiate those reasons for refusal and withdrew its objection to the proposal. There is nothing

contentious or inappropriate in such decision. Planning Inspectorate (PINS) advice has always emphasised that if parties conclude that their objections to proposals have no substance and cannot be justified that the proper course is to make this known as soon as possible. This the Council did and expeditiously advised local residents of the decision. The Council's decision has been taken on proper advice and has been democratically reached by the appropriate decision making body of the Council. The greatest of weight must be attached to the Appellant/Council statement of common ground which clearly and unequivocally sets out the Council's position. While BFRG suggests that the Council should not have agreed to such a statement, it is in fact a PINS requirement, intended to shorten the inquiry and ensure that it concentrates on the matters in contention.

Accordance with the development plan

44. The Council agrees that there is no conflict with any part of the development plan be it RS or the Salford UDP. The appellant's evidence on this was not challenged. It must therefore be concluded that the proposal accords with the provision of the development plan. In accordance with section 38(6) of the Act the application must therefore be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The proposal conforms with the saved provisions of the Salford UDP irrespective of RS. This is a fundamental point. It immediately distinguishes the situation in the Barton Farm planning decision (Document AP8) where that proposal was in conflict with the terms of the development plan.

Housing demand and supply with regard to location and deliverability

45. There is the clearest agreed and admitted housing land shortfall on any conceivable basis. The additional presumption in favour of development under PPS3 para 71 also comes into play and that shortfall gives rise to a need to grant permission to address the quantitative need. The Council has unequivocally stated that they cannot produce any evidence which would show a 5 year deliverable housing supply. RS remains the start point. Policy L4 provides for a total housing provision which is a floor and not a ceiling based on an annual average provision of 1600 dwellings.
46. It is agreed that at this stage only limited weight can be given to the intention to revoke RS (Documents CD6.13 and CD6.14). Although the Localism Bill has now been enacted, before the RS can be revoked there will need to be an environmental assessment. That is now out to consultation until 20 January 2012 after which the government will have to consider its responses and publish its decision. That is not a rubber stamping process since it has to meet European legislation. It cannot therefore be assumed that RS will automatically be revoked and certainly revocation will not take place in the immediate future. The MP's assertion that, when the appeal papers are referred to the Secretary of State, RS will have been revoked is demonstrably wrong. Furthermore, even if RS were revoked that does not mean the figures which informed RS cease to be of relevance. Any new figures would have to be fully justified and based on proper evidence. PPS3 (refreshed after the intention to abolish RS was made known) still specifically requires assessment of the 5 year land supply on the existing basis.
47. In any event there is no other housing requirement identified in any other part of the adopted development plan. The Council also agrees that figures in emerging LDF documentation cannot begin to have any significant weight attached.

48. The Council estimates that there will be a net supply of 3,952 dwellings deliverable over the 5 year period 2011-2016 or an annual average of 790 (Document CD6.6). The appellant considers that the total figure considerably overestimates the deliverability by as many as 1,000 units but there is no need to produce detailed evidence on the issue because it was accepted by the Council that on any basis there cannot be the necessary 5 year land supply. Document CD6.13 para 6.7.4. table demonstrates (even accepting the Council's supply figure) there is only either between 1.5 or 2.5 years supply. Even if the pre-publication figure based on 1,100 dpa is used (and the Council agrees that it should not be) there would still only be a 3.5. year supply and consequently still a significant shortfall to be made up.
49. The objectors' position can best be summarised as follows:
- o the SHLAA produced in 2009 indicating deliverability of sites 2010- 2015 had indicated in excess of a 5 year supply. That SHLAA had to be adhered to until another SHLAA was produced in 2012;
 - o because there are over 11,000 extant permissions there must be more than 3,957 deliverable units in the five year period; and
 - o that the requirement figure was now not 1,600 dpa but is 1,100 dpa.
50. This approach betrays a fundamental lack of understanding of the assessment which has to be made. The requirement is to assess the 5 year land supply as at the date of the inquiry. That cannot be done by relying on a SHLAA which is out of date. The deliverable housing assessment has to be updated to a 2011 base date. The inquiry must determine what is the deliverable 5 year supply in accordance with the criteria in PPS 3 para 54. The Council has assessed that 3,952 units are deliverable within that period (Document CD6.6). They have specifically considered each site and assessed its likely performance within the period 2011-2016 and have also assessed the performance of sites after 2016. 3,952 is the maximum deliverable number of units in the period to be considered.
51. The objectors have not provided any alternative assessment of deliverability for the period 2011-2016. They refer to the fact that there exist over 11,000 extant planning permissions. That cannot mean that they are automatically deliverable. PPS3 Para 54 requires deliverable sites to be available now, suitable for development now and achievable meaning that there is a reasonable prospect of housing being delivered on the site within 5 years. Salford has permissions hanging over from earlier years for high density apartments in the centre that simply are not deliverable in these terms (Document CD1.13). The Council has made the necessary assessment of these permissions and concludes after application of the deliverability criteria that only 3,952 are deliverable and therefore count to the 5 year supply.
52. As to the suggestion that the requirement should be 1,100 dpa because the Council has produced a figure of 22,000 units between 2010-2030 in a pre-publication consultation document, this can have no credence:
- o first, the issue is entirely academic because even if a figure of 1,100 dpa were used that would lead to a requirement of 5,500 (even assuming no correction of backlog whatever) with only a deliverable supply of 3,952 to be measured

- against. There would be a significant shortfall still triggering the additional presumption; and
- o the figure of 1,100 cannot be reliably used. The Draft Core Strategy produced in 2009 advised that no weight was to be attached to it at that stage. (Document CD6.4. para 1.18). It follows that even less weight can be attached to a pre-publication draft which is admitted not to form part of the formal LDD documentation and merely seeks to give an opportunity for the public to comment on changes “before the city council finalises its proposals” (CD6.3.para 1.4.). There has been no consideration by the Council of the numerous representations that have been made.
53. It is necessary for this site to be released to begin to make up the shortfall. Draft National Planning Guidance will replace the 5 year supply test with a 6 year test to accommodate flexibility and choice and the shortfall would be even greater. It is agreed that the Council cannot begin to produce the necessary land to make up the shortfall without developing green field land. Document CD6.13 para 6.5.1. confirms that development of the application site will not materially prejudice the Council’s ability to meet the 90% brownfield target as set out in RS. The present proposal will generate 175 units in the 5 year period to 2016. There is accordingly the clearest and most urgent quantitative need to release further housing land in accordance with national guidance to support the conformity of the proposal with the development plan.

Housing demand and supply with regard to need and the provision of market and affordable housing – the qualitative case

54. There is also agreed to be a significant qualitative need for the release of this site. It will make a major contribution to meeting the need for aspirational housing in Salford which is at the cornerstone of the development plan and the emerging LDF. The proposed 350 unit development would consist of a mix of 2, 3, 4 and 5 bedroom properties (and 20% affordable) predominantly seeking to provide family housing. The size and mix of dwellings could be ensured by condition (Document AP14 condition 19). The Council agrees that the site has the potential to provide high quality traditional family housing within a popular residential area and that such would be difficult to replicate within the wider urban area.
55. The Council specifically agrees that the provision of such housing in Salford West complies with RS policies MCR5 and L2 and UDP policy H1, which requires new housing development to contribute to a balanced mix of dwellings in terms of size, type, tenure and affordability. It also complies with a plethora of other documentation, including Salford Housing Planning Guidance (Document CD3.11), Draft Core Strategy H2i which identifies the site as a key housing site (Document CD6.4), Salford West Regeneration Framework (Document CD6.7), the Greater Manchester (GM) Housing Market Assessment 2008 (Document CD6.8) and the GM Strategy 2009 (Document CD6.10).
56. The Council and WCTAS agree that the application site has the potential to provide high quality housing which will diversify the supply of new housing in the city and that the proposal will make an important contribution to meeting the need for additional aspirational housing both in the city and Salford West (Documents CD6.13 and CD6.14). This is not disputed by the objectors.

57. The 20% affordable housing provision of up to 70 units complies with the Council's Planning Guidance – Housing (Document CD3.11) and satisfies UDP policy H4 by providing the requisite amount of affordable housing. The specific provision is set out in the Unilateral Undertaking which has been expressly agreed with the City Council (Document AP11). It would make a major contribution to meeting affordable housing needs in Salford West.
58. The qualitative provision accords with PPS3 in relation to the provision of a wide mix of housing types, sizes and tenures which reflect the demand and needs within the area. There is accordingly a qualitative need for this site to be released immediately to be added to the quantitative need and the compliance with the Development Plan.

Accordance with national policy objectives

59. There can be no doubt that the proposal complies with PPS3 for the reasons already given. The proposal will achieve a high level of sustainability in building design, construction and layout and as a whole the development is to be considered as sustainable development. It would build strong and socially cohesive communities and would protect and enhance the SBI and the habitat of the great crested newts. It would also go towards making up the very significant housing shortfall and would meet wide range of housing needs in a mix of housing tenures. The proposal accords with PPS 1 as sustainable development.
60. '*Planning for Growth*' (Document CD6.1) has the status of current national policy and should be given full weight as such. It confirms that there is a pressing need for the planning system to do everything it can to help secure a swift return to economic growth. This is particularly the case in the present economic circumstances. The Government expectation is that the answer to development and growth should wherever possible be "yes" except where it would compromise key sustainable development principles as set out in national policy. There is no such compromise here particularly as this proposal is not in breach of any national or local policy documentation whatever. Government is committed to introducing a strong presumption in favour of sustainable development and expects local planning authorities to plan positively for new development. They should facilitate housing and other forms of sustainable development and they should take into account the need to maintain a flexible and responsive supply of land for key sectors including housing. They should also consider likely social and economic benefits. This proposal accords with '*Planning for Growth*'.

Relationship to draft national planning policy framework

61. The draft indicates the direction of travel of government policy and as it accords with *Planning for Growth* then full weight should be attached. There is nothing in this proposal contrary to this document. It enjoys the fullest backing of national and local policy and is in conformity with such. It is vital for this site to be given permission for it to help with creating the conditions for recovery in the country.

The effect on the character and appearance of the area and the amenities of neighbouring residents

Agriculture and the impact on farm structure

62. This is an urban fringe location where farming suffers from the most serious difficulties. As local residents know, the farmer faces problems of deliberate

fires, significant crop and fence damage, damage to machinery and the worrying of livestock. The farm's future would be improved by this proposal with the farm centre moving 1,100m west into new farm buildings and a converted homestead which the tenant describes as ideal for a farmer. The farmland rented from the appellant will increase from 297-317 acres. The farm would not be lost. In any event, there is no policy basis for rejection based on the loss of a farm. The land in question is not best and most versatile agricultural land being predominantly grade 4. There is no agricultural policy protection given to such land.

Drainage issues

63. The great bulk of the site is within flood risk zone (FRZ)1. Although there were initial mapping inconsistencies, the true extent of the flood zone has now been correctly assessed and the Environment Agency (EA) accepts that to be the case. The lower southern corner of the site does flood at times and only this small area is in FRZ 3. Housing development is confined to FRZ1 and those areas of the site subject to surface water flooding would not be built on. Whilst existing combined sewers are known to surcharge this proposal would not utilise the existing system and therefore it would have no effect on that issue. Surface water drainage would not be connected into the public sewer but would be dealt with on site by means of a Sustainable Urban Drainage System (SUDS).
64. There would be significant storage of surface water to limit discharge to greenfield rates into the Ellen Brook and Ellen Brook tributary. Runoff is to be controlled at source on site; rainfall from any event including the 1 in 100 year rainfall event with 100 year climate change factor added would be retained on site by the provision of the necessary storage volumes. The scheme maximises the potential for onsite infiltration as well as delaying and minimising run off from the site. An interconnected system of permeable paving, soakaways, swales, enhanced ditches and attenuation basins would mirror the existing drainage pattern. (Documents AP5.1 and AP5.2). All of these limits on off-site run-off would give downstream properties better protection from surface water run-off originating from the site.
65. The relevant authorities are all satisfied, subject to the imposition of planning conditions, that the site can be adequately and sustainably drained without any adverse impact whatever on off-site land or drainage. Furthermore, since the proposals are designed to take full account of climate change, they will be better for the surrounding area than the present situation where climate change will be left to take whatever effect it may.

Effect on character and appearance

66. Details of layout, scale, appearance and landscaping would be covered in a reserved matters application. The site however lies on the edge of the built up area with existing urban development to both the north and the south. It will not project out into the open countryside. It is not in recreational use. Footpaths across it will be improved and retained. Nature parks will also provide valuable recreational facilities for local people.
67. The land is not green belt. It was not placed in the green belt when the whole issue was strategically considered on a GM county wide basis in the GM Green Belt Local Plan in the 1980s. It was not then considered to fulfil a greenbelt function. Neither the Salford UDP nor its review sought to impose such

- designation and such is not suggested in the Core Strategy process. Issues of urban sprawl and coalescence of settlements are not therefore relevant to the present case.
68. Under UDP policy the site is not protected as open land or for any specific non-housing purpose nor is it the subject of any safeguarding policies which require it should only be released through a review of the development plan. It should be noted that Salford has extensive greenway policies which specifically seek to protect open land. This site and area does not fall within such policy area. UDP policy EN9 relating to Wildlife Corridors Key Areas of Search recognises that not all land within the area of search fulfils an important wildlife corridor function. There is no presumption in principle against housing and other forms of development provided the objective of the overall policy of not unacceptably impairing the movement of flora and fauna is met. The ES demonstrates that there is no such adverse impact and such is not argued by any of the statutory consultees in particular GM Ecological Unit. Policy EN9 is therefore satisfied. Area C is subject to UDP policy R6/14 which allocates it for informal recreation i.e. new and improved recreation land and facilities. This is met by the enhanced open space in the proposal. There is accordingly no policy designation that would seek to preclude the development of this land.
69. There are significantly different parts of the appeal site which have been utilised as appropriate (Document AP4.2 Fig RT4). The eastern part of the site where the residential development would be located has no vegetation of any significant landscape value or importance. It is workaday farmland of relatively low landscape value with thin hedges, no significant trees and poor grassland.
70. The western part of the site is an unmanaged area of former colliery shale mixed with coarse grassland and scrub with areas of juvenile woodland. It presently suffers from motorcycle abuse which reduces its general attractiveness. Again it does not have any protective landscape designation. The juvenile woodland to the south of that area is to be retained as part of the nature park and there will be appropriate management.
71. As to greenspace about the site, and it's relation to it, running through the urban fabric of the area is a network of active and disused railway lines. The latter are laid out as a continuous recreational trail running through the heart of the urban area and providing recreational links to a range of other greenspaces. There is a substantial amount of greenspace in Walkden and Little Hulton indeed the Salford Green Space Strategy SPD (Document CD3.4) identifies Walkden and Little Hulton as having a substantial amount of greenspace and being amongst the areas of the City that have the largest concentrations of such. The site is surrounded by greenspace (Document AP4.2 Fig RT1). The proposed residential development area is not treated as greenspace in the SPD so there is no loss of available greenspace as a result of this proposal.
72. On proper examination the extent of visibility of the site is limited. Views would be sufficiently broken up by green space, tree planting and road patterns to ensure the views are acceptable. The two new areas for public access to the south and west would be made available for managed informal recreation. The proposal therefore assists in implementing UDP proposal R6.
73. The Council agrees that the intuitive layout and design parameters accord with UDP policies DES1, DES2 AND DES7; that the layout incorporates a series of

open spaces throughout the development; that the open space network builds upon and reflects the linear greenways that pass through the Walkden area; and that the design parameters set out in the Design and Access Statement and the master plans (Documents CD1.9 and CD1.3-CD1.5) will give rise to good quality housing development consistent with the design objectives of national regional and local policy (Document CD6.13). The effect of the proposal therefore on the character and appearance of the area and on the amenities of local residents is entirely acceptable.

Impact on the highway network and transport infrastructure

74. The scheme was fully discussed and scoped with the highway authority, who was satisfied with the scheme on all counts (Document CD1.51). In addition Transport for Greater Manchester, Railtrack and the Highways Agency have no objections to the proposal (Documents CD1.44 and CD1.49).

Sustainability of the location

75. The Council agrees that the site is in a sustainable location within walking and cycling distance of Walkden town centre. Quite independently the Preferred Options Sustainability Assessment confirms that the Council assessed the site as “performing well overall on its accessibility analyses and is quite well related to Walkden town centre and so could support its viability and vitality.” When considering available locations for new housing it concluded that Burgess Farm is the “most sustainable option”.

Access

76. The highway authority agrees that the site access priority junction would operate well within capacity with no queuing. This is demonstrated in Document AP2.2 MH23 and BFRG can produce no evidence whatever to rebut these conclusions. The access will be a simple T priority junction table arrangement designed to fit in with the implemented traffic calming. The table will strengthen the speed reduction measures. Within peak hours there obviously will be no question of those speeds being exceeded. The entrance is located on the outside of the bend thereby practically increasing the visibility at and around the entrance and there can be no safety issue.

Junction and link capacity performance – existing traffic

77. Although much has been made of the conditions on the major road junctions, the highway authority has no concerns they are affected by this scheme. The highway authority agreed that the following junctions should be assessed and have accepted all of the surveys and conclusions reached by the appellant:
- o Hilton Lane/ MRE A6/Ellesmere Street signalised junction
 - o Hilton Lane/ Parsonage Road priority controlled junction
 - o Hilton Lane/Newearth Rd/Bridgewater Road/Park Road mini-roundabout.
78. BFRG has not sought to discuss these junctions or their views with the highways authority in any way. BFRG produces no evidence whatever dealing with evening peak movements at any of these junctions; it takes no issue with movements at any time outside peak at any of the junctions; and it produces no assessments whatever of either the Hilton Lane/MRE/Ellesmere St or Hilton

Lane/Parsonage Road junctions. The highway authority considers that these junctions will continue to operate within capacity in peak hours, tested at 2009 and 2018.

79. BFRG has only surveyed the mini-roundabout, but the survey is wholly inadequate. It was carried out by 1 person and, as a result, there is no evidence as to the distribution of traffic leaving the roundabout, there is no breakdown of peak movements and no survey of actual queue lengths. These are fundamental omissions which preclude any reliance whatever being placed on BFRG information as to existing traffic conditions. The BFRG traffic survey cannot begin to challenge the agreed traffic counts and assessments carried out by the appellant, based on standard methodology, which has been checked and accepted by the highway authority.

Junction and link capacity performance – traffic generated by the scheme

80. The appellant has assessed generated traffic by interrogating and using comparable trip information from the TRICS database which is the industry standard database used by developers and local highway authorities alike. The comparables used and the precise estimates produced have been agreed with the highway authority. This shows that, in the AM peak, the site will generate 112 trips which will then be distributed across the network. Despite the presence of this universally recognised data base, the BFRG rely on an assessment based on 'best guesstimates' of car ownership, taken from an online publication and an informal survey of local car ownership. This plainly is not a formal and detailed piece of research and cannot begin to outweigh carefully researched TRICS assessments.
81. The BFRG assessment appears to conclude first that all traffic from the site will turn right onto Hilton Lane (Document BF2.2 Table 4). That of course would be entirely wrong. It then goes on to make assumptions based on either 25% or 50% of total cars on the estate coming out in AM peak time. There is simply no basis whatever for these assessments. They are figures simply plucked from the ether and cannot conceivably be preferred to TRICS assessments. Having made those assumptions BFRG does not then show the distribution of the additional traffic at the mini-roundabout or the likely queues that would be generated as a result. Most importantly there is no assessment of the magnitude of impact that the additional development traffic would add to the "do nothing" position.
82. This evidence such as it is has to be balanced against the detailed assessments made by the appellant. These logically start with the traffic surveys taken since 2009 which are accepted by the local highway authority. Existing traffic conditions and queues are then assessed and evaluated using the correct ARCADY programme. TRICS assessed new traffic is then added and distributed around the network in the manner agreed with the local highway authority and the updated ARCADY carried out. These assessments were logical and detailed and demonstrate that the effect of new development does not have a material adverse effect on the junction. There would be some minor increase in queuing at the mini-roundabout junction at peak times but the local highway authority considers this acceptable.
83. BFRG argues that the mini roundabout is not appropriate to carry the flows that pass along it. The Design Guide referred to applies to trunk roads and is not therefore applicable to the mini-roundabout, which serves essentially local traffic

and will be well known to all drivers using the junction. The point is however further put in perspective by the levels of vehicles which use the roundabout at present factored up to 2018 and then with development traffic added. Document AP2.2 MH11, MH13 and MH22 show existing traffic on the roundabout is 1,589 units which will increase to 1,704 in 2018 without development and 1,782 in that year with development. It is plain that the mini-roundabout has been consciously chosen by the local highway authority and has operated for a long period without there being any accident record that would suggest the layout is an issue in any way.

84. BFRG also argue that parking at and around the station is problematic. The parking exists and it is open to the local highway authority to regulate that parking by restriction, but it has not seen fit to do so. There can be no question of the present development making that parking unacceptable. Even though there is parking, the carriageway remains adequate for the free flow of vehicles. It is therefore submitted that the impact of the proposal on the network and junctions is acceptable.

Public transport

85. Transport for GM has no objection in respect of existing bus capacity in the area and certainly none to the proposed shuttle. The appellant has undertaken to procure and provide a shuttle bus service to commence on occupation of 26 dwellings on site and to continue for 5 years. It would operate on a loop which covers the key connections at Walkden station, and Walkden town centre returning to the site via Hilton Lane. It would be served from high quality bus stops on Hilton Lane, one upgraded the other new, and operate anti-clockwise in morning and clockwise in the evening. It will have a 15 minute frequency from 0700–1900 Mon-Fri and 1000-1700 Sat & Sun. This would provide a fast efficient route to Walkden Station and town centre giving the site very high accessibility to public transport.
86. The effect would be to provide commuters with the opportunity to use means of travel other than the car. The availability of the shuttle bus would encourage car trips to be replaced by public transport either directly or through linkage to existing bus and rail services. Not only will it serve the site but it will also improve bus services to the benefit of others on and near the loop. Bus provision is therefore of a very high order. Furthermore, although the appellant does not rely on it in the assessment of public transport accessibility, when the Guided Bus Way comes about (and having commenced the procurement process which will start expenditure of some £30m it is surely appropriate to assume that this is a proposal that will not be abandoned) this area will have the very highest accessibility to public transport.

Cycle and walking routes

87. Both the Council and WCTAS agree that the site is within walking and cycling distance of Walkden town centre "providing a wide range of convenience and comparison shopping including the Tesco supermarket and various community facilities. Other community facilities such as schools, public houses and churches are within the immediate local area" (Documents CD6.13 and CD6.14). The unilateral undertaking provides for a Safer Routes to School initiative (Document AP11). Such improvements have already been implemented to the west and north of the site on the Hilton Lane route but nothing has been done on the

routes from site to the schools to the east. A package of measures provides for numbers of dropped kerbs to improve local crossing positions.

Rail provision

88. Network Rail as the infrastructure provider has no objections to the proposal. Walkden station is approx. 850m from the site and therefore within comfortable walking distance. BFRG allegations as to over-usage of the station and rolling stock are entirely without foundation. Network Rail's Route Utilisation Strategy shows the peak hour loading is around average for the area and the Strategy had said that lengthening of existing services to four carriages would be sufficient to meet any capacity gap arising at 2024. However the platform is currently being extended and the Friends of Walkden Station now confirm that new rolling stock comprising four-unit trains is coming in December 2011. This will create additional capacity on 3 of the peak period trains. There cannot be a valid objection on this basis. There is a network of footpaths, public transport facilities and cycle routes to the station and, while it has not been possible to agree a location¹, the appellant has undertaken to contribute £10,000 towards the provision of cycle stands and lockers, which are absent at this station.
89. Overall there are no traffic, highways or sustainability reasons why this proposal should not go ahead. Indeed both the Council and WCTAS conclude that the proposal is considered as a whole to be sustainable development (Documents CD6.13 and CD6.14).

Other infrastructure considerations

Air quality

90. BFRG raises this issue but produces no evidence other than a table reproduced in Document BF2.2/16. The Council has never objected to this proposal on air quality grounds. Reference to the table shows that at Walkden Road and Wharton School there was apparently only one exceedance in 2005 (that site is 1.4km from the appeal site). Since then no exceedances whatever have been measured.
91. The information in the appellant's Document AP7 however confirms that on the most recent records available, 2007-2010, measured concentrations are less than the air quality objective and that the nearest monitoring site with an exceedance of the NO₂ air quality objective is more than 2km away and located near the M60. Applying the guidance published by Environmental Protection UK, any increase in pollutant concentration resulting from the proposed development is of very small magnitude of impact and its significance is negligible. Similarly, particulate emissions are also assessed as negligible. There is no justification for a refusal on air quality grounds.

Education

92. It has been alleged that some of the local primary schools are at capacity and there is difficulty entering children into reception classes. This is true for almost everywhere where some schools are more popular than others. According to information supplied by Salford LEA, some schools in the area are close to capacity but there has been no questioning of the appellant's figures as to the

¹ Confirmed in reply to Inspector's question

overall spare capacity in the Walkden and Little Hulton Community area (Document AP1.1/13.9). The appellant received confirmation shortly before the inquiry that these figures are the most up to date available and are the ones on which to appraise school capacity. The existence of spare capacity is confirmed by the lack of any objection whatever by the local education authority.

93. Overall, there are no technical or amenity grounds why this proposal could be adjudged unacceptable.

The impact on the adjacent Site of Biological Interest

94. The nature areas south and west of the site are designated SBI (Document AP3.2/1). Great crested newts are known to be present in the SBI but there are no records of them on the proposed development site. There are no water bodies on this site and suitable terrestrial habitat is extremely limited by the intensity of grazing. The closest breeding pond is 150m from the western edge of the development site but, while there can be no absolute certainty, further surveys in 2010 found no great crested newts there. These surveys were done to make sure that recording information would be fully up to date (Document AP3.1/3.1).
95. The ecological consultees agree that it is not reasonably likely that any great crested newts actually use the Burgess Farm fields and that there is therefore no potential for an adverse impact on the species from the development of the farmland (Documents CD1.41 and CD1.47). Natural England have advised that reasonable precautions to avoid affecting this European Protected Species can be achieved by carrying out measures in accordance with a Method Statement which sets out reasonable avoidance measures with regard to construction and associated development work, habitat management and timing (Document CD1.47).
96. Extensive discussion and consultation with GM Ecological Unit has led to agreement as evidenced in the Document CD6.13/4.5.7 and 6.12.6 that licensed great crested newt mitigation is not required for the proposed construction and operation of the Burgess Farm residential elements of the development. It is also agreed that there is similarly no potential for impact on any other protected species. The area is not used by water voles or badgers and does not house a bat roost. Habitats present at Burgess Farm fields are common, widespread and species poor, being typical of tightly grazed fields on similar soils in the area. None of the habitats will be affected by the development. No concern whatever is expressed by any local ecological or nature conservation organisation on these issues.
97. There would be the most significant benefit to ecological interest by the creation of new and significantly enhanced habitats for great crested newts as well as for the important amphibian assemblages of the SBI. There would be a chain of new newt ponds which would attract great crested newts away from the areas outside the appellant's ownership which are suffering from high disturbance. They would also replace breeding ponds that have been lost through progressive desiccation and provide optimal conditions for both great crested newts and other amphibians. Such enhancements would make the great crested newt population as a whole more resilient and help it to persist and avoid extinction (Document CD6.13/6.12.10).

98. It is the common view of the ecologists that the relict very small population of great crested newts in the western nature park area is faced with extinction without these works. Natural England welcomes the proposals to enhance the habitats as well as the high quality opportunities which the application provides for public access (Document CD6.13/4.5.12).
99. The Nature Park Ecological Management Plan has been fully agreed with GM Ecological Unit and has not been the subject of any criticism at the inquiry (Document AP3.2/6). This proposal significantly enhances the SBI and is fully in accord with national and development plan policy. BFRG accepts that these proposals are really good and if correctly monitored and managed will contribute to local biodiversity.² There is accordingly full compliance with UDP policies EN8 and EN9 and also with national guidance. The enhancement inherent in the proposal is a very material consideration in favour of the development because, if this enhancement does not take place now, there will be a very significant and irreversible loss in the SBI by the likely local extinction of great crested newts.

Prematurity

100. It is very important to appreciate that at no stage has the Council ever sought to argue prematurity on the basis of prejudice to the DPD. When the scheme was initially refused, the reason for refusal alleged prematurity in the context of the City's overall housing land supply which was then thought to be over 5 years. That objection has been dropped but it never amounted to a conventional argument advanced in relation to refusal on grounds of prematurity. Plainly if the Council does not argue prematurity then it is difficult to see how it can be advanced by anyone else given that the Council is the plan making authority. PPS3 para 71 also makes clear that local planning authorities should not refuse applications solely on prematurity grounds.
101. By "*The Planning System General Principles*" para 17 it may be justifiable to refuse on prematurity where the DPD is being prepared but has not yet been adopted "if the proposal is so substantial or its cumulative effect would be so significant that granting permission would prejudice the DPD by predetermining decisions about scale, location, phasing or new development which are being addressed in the DPD". Para 19 makes clear that "the planning authority will need to demonstrate clearly how the grant of permission for the development concerned would prejudice the outcome of the DPD process." The Council clearly has not demonstrated this and indeed understood it could not do so. No third party has demonstrated it in evidence. This proposal is of relatively modest size and constitutes only 1.6% of housing needs over the plan period. It is not substantial enough to prejudice strategic decisions and it is agreed that there is no cumulative impact as there are no other open land sites that can come forward which are of similar size and which are not within the Green Belt or otherwise protected by statutory development plan designations. The fundamental point remains that this proposal accords with the development plan.
102. By para 18 of "*The Planning System General Principles*", where a DPD is at consultation stage with no early prospect of submission for examination, the refusal of prematurity will seldom be justified because of the delay in determining the future use of the land in question. The Council confirms "given the early

² Agreed by Dr Gardner during cross-examination

stage that the Core Strategy is at and the length of time until adoption, refusal of the proposal on grounds of prematurity would not be justified" and that the process is at a pre- publication consultation report stage (and so there is not even a formal draft DPD document available at the present time.) (Document CD6.13/6.2.2 and 5.6).

103. Submission of the Core Strategy is programmed for May 2012 with the period for representations on it running from February to March 2012 and no adoption before 2013. These dates are optimistic. There has been significant slippage on all dates previously. The publication Core Strategy will require consideration of the citywide housing requirement and the interrelationship with the aspirations and needs of other Greater Manchester (GM) authorities. The whole issue is being addressed through joint working between the GM authorities and there is an intention to prepare a non-statutory GM Spatial Development Framework. That has not yet progressed. There has been no consultation or draft. Further detailed site consideration would be left to the Site Allocations DPD. Work has not started on that document and it is unlikely to be adopted before 2015 at the earliest. As the housing land section of these submissions shows there is no doubt that even on the basis of a figure of 1,100 dpa this site is urgently required for residential development to make up a shortfall.
104. As to the argument that the Secretary of State's Barton Farm decision in some way constitutes a precedent there are absolutely fundamental differences (Document AP8):
- o the Council here has no objection whereas at Barton Farm it was fundamentally opposed;
 - o The Barton Farm proposal was for a large urban extension comprising 2,000 dwellings, local centre, new primary school, retail food store, health centre, nursing home, district energy centre, park and ride for 200 cars and diversion of one of the main access roads into Winchester. On housing alone the Burgess Farm scheme is less than one sixth of the size;
 - o The Secretary of State's refusal was on the basis that the proposal did not accord with the development plan rather than specifically prematurity (DL44). Here, the Council specifically agrees that there is no conflict with the development plan and none of the main objectors raise any specific conflict with development plan policy, so that this situation is entirely different;
 - o The Secretary of State found conflict with landscape policies and the setting of the historic city of Winchester (33.34.43). Here there is no conflict with heritage or landscape policies;
 - o At Barton Farm, 86ha of best and most versatile agricultural land would have been lost. Here there would be none; and
 - o The bulk of the Barton Farm housing would be produced after the end of the 5 year period whereas here half of the provision - 175 units - would be provided before 2016. The housing shortfall is much greater in Salford at 1.5-2.5 years.

MP comments

105. The MP's comments on the present state of play regarding the RS are misinformed (Documents IP1.1 and IP1.2). Plainly the current Environmental

Assessment cannot be treated as a rubber stamping exercise and, if the inspector's report is submitted to the Secretary of State in the usual timeframe, the time for consultation responses will either have not ended or will just have ended. There will then have to be consideration of the outcome of consultation.

106. It is also important to understand what localism is and is not. The intention to abolish RS is not intended to lead to a free for all and planning anarchy. Localism does not seek to remove the local planning authority's duty to determine applications after proper consideration of them, does not seek to preclude planning applications and appeals from being an entirely proper way of taking development forward and does not give local residents a right of veto.

107. This was made clear at the very beginning of the process. When the Secretary of State announced his (unlawful) revocation of RS on 6 July 2010 the "Chief Planning Officer letter" that accompanied it contained questions and answers. Arising from that letter it was plain that;

- o it is important for local planning authorities to continue making decisions on planning applications and in determining them they are to have regard to s38(6), material considerations and national policy
- o Housing numbers continue to have to be justified and based on reliable information. Evidence that informed the preparation of RS remains a material consideration
- o Local planning authorities have to continue to identify housing land to meet housing ambitions for at least 15 years and have a 5 year supply of deliverable sites. (PPS3 was immediately refreshed to continue the 5 year requirement.)

108. The MP representation is long on assertion and short on evidence, indeed much of what is asserted was either conceded at the inquiry or refuted. On issues raised by the MP:

- o she refers to congested motorway junctions whereas the BFRG abandoned that argument
- o there is not plenty of allocated land available for housing development, there is a chronic shortfall
- o her evidence as to the farm predates the evidence of the tenants and ignores the great benefits which there will be to their farm holding
- o the proposals far from destroying a natural asset will create 5ha of open space and nature park
- o The proposal does not lead to increased traffic congestion and air pollution
- o the local education authority is satisfied that there is spare capacity in local schools
- o the proposal will reduce anti-social behaviour by imposing management measures that will physically restrict such usage of the area. The Police Crime Prevention unit is content with the application

- o in stating “there are no plans for extra carriages” she is obviously unaware that there are imminently to be additional carriages on peak hour trains
- o she fails to assess the benefits of the bus shuttle which is described by WCTAS as a step change.

Appellant’s conclusions

109. The Council does not object to the appeal application. It was originally recommended for approval by the Officers but was refused, contrary to recommendation, on two grounds only relating to highways and prematurity in that it was alleged that the Council had an adequate housing land supply. On proper reflection the Council quickly accepted that they could not begin to substantiate those reasons for refusal and withdrew their objection to the proposal. There is nothing contentious or inappropriate in such a decision. The Council’s decision has been taken on proper advice and has been democratically reached by the appropriate decision-making body of the Local Planning Authority. The greatest of weight must be attached to the statement of common ground which clearly and unequivocally sets out the Council’s position. Assessment of the evidence at this inquiry has shown that there are no issues regarding highways and that the land supply remains chronic and that the Council’s position is entirely justified.
110. The case is recovered by the Secretary of State because it involves over 150 units on a site of more than 5 ha and would significantly impact on the government objective of securing a better balance between housing demand and supply and the creation of high quality, sustainable, mixed and inclusive communities. The proposal would achieve that end. It is a proposal entirely in conformity with national guidance, the development plan and emerging guidance and will have significant benefits for the area. Planning permission should be granted subject to conditions and the provisions of the unilateral undertaking.

Interested parties supporting the proposal

111. **Jeanette Day** Tenant of Burgess Farm. Mrs Day and her husband have been tenants of Burgess Farm for 49 years. The area was originally quite rural but, following extensive development, the urban area now adjoins the farm. City dwellers do not understand farming and many treat the fields as a playground. Barely a week goes by without local vandals, not all young, causing damage – they set fire to bales and stolen cars, shoot and throw stones at animals, cut fences and leave gates open so livestock escapes, damage farm machinery, leave piles of bottles and cans, and let out-of-control dogs worry and destroy sheep. Motorbikes and 4x4 vehicles churn up the land within the SBI, destroying habitat, and the coal rough areas harbour anti-social and criminal behaviour. It is no longer possible to farm this area of land properly. The appellant has offered the tenancy of a new farm, some 1,100 metres to the west, on green belt land. That would incorporate most of the current farm and would be ring fenced so it would be more secure and more manageable. It would be far better to develop this site and move the farm to a more productive location nearby.
112. **Frank Hankinson** Local resident. Up until 39 years ago, land adjacent to the site was an open cast coal mine. Plans to expand onto the site were resisted by local residents, who successfully fought to retain it as farmland. The presence of great crested newts played a big part in that, but now they are almost gone. The

development, and the re-establishment of great crested newts, would mean that there would be no possibility in the future of open cast mining. While there may be little risk of that at the moment, priorities can change and a future scarcity of fuel could bring a risk of exploitation of the site for coal. That would be disastrous for the area. Development of the site as proposed would prevent that. It is an exciting opportunity to provide a sustainable place to live, with good access to the town centre and station and the preservation and improvement of existing footpaths.

The Case for Worsley Civic Trust and Amenity Society

113. WCTAS is opposed to the Burgess Farm proposal on 2 main counts. First, it would further urbanise the area. Salford UDP calls most of this site "Wildlife Corridor key area of search" (policy EN9). The development would result in urban sprawl, infilling open land and removing green space. Of the successive applications to develop this land, none has been successful. Development was plainly not contemplated in the preparation and adoption of the 2006 UDP.
114. However it was plainly promoted within the RS process and appears in the Core Strategy preliminary papers and in the draft Core Strategy. Also appearing in that raft of spatial planning documents was the adjacent site owned by Salford City Council. This site was previously, and still may be classified on plans and documentation as playing fields attached to St George's Roman Catholic High School. In essence it is now land rented out as pasture. The playing fields were last used as such over 12 years ago and the site apparently now stands as land ready to be added to a development list. It would continue westwards but the Salford city boundary and the protective Green Belt within Wigan will prevent further transformation.
115. A conservative estimate in assessing the total development, should all the land be developed, is 350 dwellings from the proposal before the inquiry and at least 150 on the playing fields, a total of 500. This allows an element of under-calculation as there may be risk in undertaking the development as a whole. A lot of caution, correctly, has been displayed in the language of the assessments of the site: the site is complex, the Thirlmere Aqueduct, Victorian mine shafts and other factors present a challenge that can at the end of the day only be reflected in the price and marketability of the appeal site.
116. Bearing in mind the proximity of the Salford/Wigan boundaries, together with amenity land, the SBI and the playspace, added to the St George's site, if developed, development would urbanise the whole area. It is what the UDP, the current statutory planning document for Salford, calls Wildlife Corridor key area of search, SBI and Recreation land and facilities, and should be protected.
117. Second, WCTAS considers that the transportation aspects of this proposal have to be satisfied above all other issues for this site. In the broadest terms, the site is within walking distance of Walkden High Street and the town facilities; it is within walking distance of bus services, Walkden Station, and the proposed guided busway stop at Ellenbrook. For pupils it is within walking distance of primary schools, and of Harrop Fold Secondary School. But they are all between 800 and 850 metres away, and no one element is close. In order to be considered a sustainable location, the site would be reliant on a shuttle bus service.

118. Reliance has been placed on the attractiveness of Walkden Station. On paper it may appear the obvious option to travel into the regional centre. The reality is otherwise. The critical rush hour period presents problems of overcrowding. On the whole the rolling stock is not of an acceptable quality, but there is no alternative. The station is in need of better and it is common ground that there is poor access from street level to the railway level. Cycle lockers would be a very acceptable gift to the station but they are not the step change that would transform it. It is surprising that no dummy shuttle bus timetable was presented to prove its viability alongside the train timetable. There is no mention of the railway's other destinations or how the shuttle bus would serve these.
119. Local residents have provided subjective evidence of their experiences of traffic impacts and these should be taken seriously. Hilton Lane is a well-used road as it is a connector road. Congestion on the major roads results in it being used as a 'rat run.' Traffic calming measures have been put in place both to encourage a slower speed but also to provide protection to the young, school children and the elderly. A second generation scheme has not quelled the speed of some users and has not acted as a deterrent. A significant build-up of traffic is experienced. Broadly, the site is poorly served by public transport and will always be reliant on car use. Together with varying infrastructure evidence suggesting that James Brindley Primary School is functioning at "over capacity", the issues of infrastructure have certainly not been rigidly proven (Documents CTA1.1, CTA1.2 and CTA1.3).

The Case for Burgess Farm Residents Group

120. The development of the site has been vigorously opposed for many years by the residents of Worsley, which includes Walkden and Little Hulton (the closest towns to the site) the village of Ellenbrook (south of the site) and other surrounding communities of Salford. It has also been opposed in the past by the City Council, District and Ward Councillors, MP's and parliamentary candidates from across the political spectrum. In the case of this most recent application, the BFRG and their supporters, including the local MP, District and Ward Councillors and other residents have all spoken against the proposal. It is telling that the only people to speak in favour of the proposal are the appellant's paid consultants and 2 residents, one of which is the farmer and the other a misinformed local resident.

The Salford City Council position

121. The original planning application was dated 18 March 2010, however the Panel Meeting to decide the application was not held until 7 July 2011, nearly 16 months later. In the *Report to the Planning and Regulatory Panel* on 7 July 2011 the Officers recommended approval of the application. However, the report did state that "*the recommendation is finely balanced*" and that "*the decision to grant planning permission for housing on this site is ultimately a qualitative one. There is no urgent need to release the site in terms of housing numbers.....the decision as to whether or not to grant planning permission is essentially about whether the qualitative benefits outweigh any negative impacts of the proposal*". The Officers' recommendation to the Panel appears to have been based solely on the evidence provided by the applicant as no additional reports or surveys have been presented in relation to this application either by the Council or by any other independent body.

122. However, the Planning and Transport Regulatory Panel did not accept the recommendation of their Officers and they refused the application for 2 reasons. Subsequently, residents were informed by a letter from the Council dated 25 August 2011 that the applicant had decided to appeal the decision of the Council and that the matter would be dealt with at a Public Inquiry, and be decided by the Secretary of State. In a further letter from the Council dated 19 September 2011 the residents were then informed that *"it has been resolved by the Council that it will not defend either reason for refusal at the Inquiry"*. The letter only provided outline details of their reasons. The minutes of the *Planning and Transport Regulatory Panel* meeting dated 15 September (Document CD2.5) identify a report by the Strategic Director for Sustainable Regeneration to the Panel and that in his report the Director made reference to (a) new significant information in relation to the City's housing supply and demand, (b) draft changes to national planning policy following the decision of the Panel to refuse planning permission, and (c) legal advice provided by Counsel. The minutes go on to say that *"Members gave detailed consideration to the issues raised in the report"* and it was resolved that *"the appeal against refusal of planning consent not be contested"*. The contents of that report by the Strategic Director for Sustainable Regeneration are deemed by the Council to be confidential and privileged information. It can therefore be assumed that nobody outside the Council knows what is included in that report.
123. In addition, the City Council, on 23rd September 2011, made an "express invitation" to the Appellant to submit a further 'identical' application to that refused by the Council in July 2011. This is referenced in the appellant's evidence (Document AP1.1 para 1.7). It goes on to say that, *"prior to its submission, the Council Officers had indicated their intention that the new application would be considered with a view to it being approved before the start of this Inquiry"*. In view of these highly unusual circumstances, the BFRG considers that very little or no weight can be placed on the decision of the Council not to contest this Appeal.

The Emerging Core Strategy

124. The appellant makes many references to the inclusion of Burgess Farm in the emerging Core Strategy (CS). The first consultation stage of the CS was the *Sustainability Appraisal Scoping Report* during July/August 2007. Since then the Council has consulted on the *CS Issues and Options Report*, the *Draft CS*, the *Pre-publication CS* and they are now due to publish the *CS* with the period for representations identified as February to March 2012. It is therefore at a fairly advanced stage and approval of this application would certainly influence decisions which ought to be taken only in the context of the development plan.
125. Many residents of Salford have been somewhat bemused by the fact that, despite the City Council's *Statement of Community Involvement* they have totally ignored the overwhelming opposition to the development of the Burgess Farm site and its inclusion in the Core Strategy DPD. Particularly, as this goes against the ethos of the Core Strategy which states that its purpose is not to identify or allocate particular sites for development. For example, in relation to the *Issues and Options Report* the most frequently expressed comment, by 42.6% of all respondents, was that green belt or greenfield land should be protected from development, and many of the comments were explicit in their strong opposition to any development of this land "at any cost". Opposition has been equally as strong at each consultation stage. Throughout the various consultation stages the

Council has said that "*local communities raised major concerns regarding the scale of housing development originally proposed and the potential impact this would have on their neighbourhood and quality of life*" and that "*all of the views expressed were taken into account during the formation of the Draft Core Strategy*".

126. In relation to the Core Strategy Pre-Publication DPD, the most recent consultation, it states that the purpose of this consultation stage is "to review the contents of the Draft Core Strategy in light of ongoing updates to its evidence base and comments received during previous public consultations.....This consultation offers people the opportunity to comment on these changes before the city council finalises its proposals". The *Planning Inspectors Advisory Visit Note* in relation to the CS, dated 24th February 2010 - Consultation Responses states: "*Certain provisions in the Draft CS had led to a large number of adverse representations. Clearly the Council needs to take these into account and, so far as is possible, it should seek to resolve the issues raised: public support for, and 'ownership' of, the CS is more likely to lead to deliverability.....*" Local residents cannot understand why the Council has ignored such strong objections.
127. The *Strategic Housing Land Availability Assessment (SHLAA) 2010-2025* identifies 2 sites at Burgess Farm, the appeal site owned by the appellant and the playing fields site owned by the Council. The 2 sites are also identified in the *Core Strategy Housing Supply* (Document CD6.5). It became clear during the course of this inquiry that access to the Council's land can only be through the appellant's land. If the appellant obtains planning permission for this site, the potential to develop the Council owned land will be massively enhanced. The Council therefore has an interest in the outcome of the appeal. The fact that the appellant has an agreed statement of common ground with the Council, a party who are not actually taking part in the appeal, has also somewhat bemused the BFRG. For these reasons BFRG consider that very little or no weight at all should be given to the fact that the Council agrees with the appellant.

Housing need/requirement

128. According to Government planning policy set out in PPS3 *Housing*, local authorities should have a 5 year supply of available housing land at all times. In line with the RS, the City of Salford needs to provide for 1,600 dwellings per annum, or 8,000 over a 5 year period. The appellant continues to refer to this figure. However, as stated within the Localism Act, the Government has made its intention clear that it intends to revoke existing RS. In a letter dated 27 May 2010 to all local planning authorities, the Secretary of State stated that intention and also that "*I expect LPA's and the Planning Inspectorate to have regard to this letter as a material consideration in any decisions they are currently taking*". The latest advice dated 17 November 2011, produced by the Planning Inspectorate confirms that that position is unchanged.
129. In view of this intention the Council has quite rightly identified an interim housing figure. This is identified in the recent *Pre-Publication Consultation Core Strategy Report* (Document CD6.3) and the accompanying *Proposed Interim Housing Figure Sustainability Appraisal* (Document IP5.4). The figure identified by the Council is a net increase of 22,000 in Salford over the period 2010-2030, an average requirement of 1,100 dwellings per annum, as opposed to the 32,000/1,600 pa in the current RS. However, these dwellings would not be

required at a consistent rate. The documents identify an indicative phasing of only 2000 dwellings in the period 2010-2015, rising in later periods. It is stated that *"The calculation of Salford's 5 year housing land requirement would be based on this phasing. Any under or over provision in relation to that phasing from the start date of April 2010 would be taken into account in that five-year housing land requirement calculation, with it gradually being made up or offset over the rest of the period up to 2030"*.

130. Key to the BFRG's case is the fact that at the time the application was refused in July and at the time that the appellant submitted the Appeal, all the available evidence showed that the Council had in excess of a five year housing supply. No evidence has been provided to this inquiry to prove otherwise. The most recent and up-to-date SHLAA (2010 – 2025) (Document BF1.2) states, *"The supply of net additional deliverable dwellings for 2010 – 2015 is 9,968 and for 2015 – 2020 it is estimated that there are 10,880 developable dwellings. Therefore there is the potential for 20,848 to be completed over a 10 year period between 2010 and 2020"*. This equates to a 5.5 year supply and 11.5 year supply respectively using the RS figure. The SHLAA is currently in the process of being updated. The SHLAA 2010 – 2015 report is backed up by the high level of housing permissions within the city. As of 31 March 2011, there were 11,767 dwellings with planning permission, a 7.4 year supply using the RS figure (Document BF7).
131. For the Inquiry, the Council produced a new estimate of deliverable housing supply for the period 2011 to 2016 (Document CD6.6) equating to 3,952 dwellings, a 2.5 year supply using the RS figure. The BFRG believe this figure to be an inaccurate representation of housing supply and even the Appellant (Document AP1.1 para 8.2.4) pours doubt onto the accuracy of these figures. The Council make an assumption that 7,815 dwellings with planning permission will not be developed in the next 5 years. They provide no evidence or explanation to support their assumptions. This approach goes against Government guidance on keeping housing land assessments up-to-date, as contained within *Strategic Housing Land Availability Assessments Practice Guidance*, which states *"The main information to record is whether: planning applications have been submitted or approved on sites..."*. It is also of concern to BFRG that the report makes no reference to the former Walkden High School site. This is a major brownfield site near Burgess Farm but within a shorter distance of public transport, shops and employment opportunities. It is approximately 3.8ha in size and is not allocated within the development plan. If the report fails to identify major brownfield sites in Council ownership in proximity to Burgess Farm, it calls into question its quality and accuracy.
132. BFRG questions the need for the proposed houses to be built on this site. Salford has much derelict and under-utilised land. On land identified in the SHLAA alone there is 345.5ha of brownfield land suitable, available and deliverable for redevelopment. With regards to the affordable housing requirement, housing stock owned by City West has numerous empty properties on its books which can be classed as socially affordable houses. It should be noted that Salford also has an existing dwelling vacancy rate of around 6% which is significantly higher than the national average of around 3% for private sector dwellings and 2% for social rented dwellings (Document CD6.3 note 5.10). In terms of aspirational houses there are a significant number of 3, 4 and 5 bedroom homes available in Ellenbrook, Boothstown and Worsley, not far from Burgess Farm. A lot of the houses have been on the books for months if not

years. A prestigious housing development on the Boatyard, Worsley village overlooking the canal, has been mothballed for the last 18 months due to the lack of demand.

Schools

133. There are currently 13 primary schools in the Walkden and Little Hulton area, and according to information supplied by Salford Education in January 2011, these schools had a total of 288 spare places with all schools having at least some spare places (Document AP1.1 para 13.9.2). A letter dated 27 June 2011 from the *Strategic Director of Children's Services* to all Head Teachers and Governors, identifies that planned admission numbers will be rising by nearly 50% above current levels for the school year starting September 2011. All primary schools in the Worsley, Ellenbrook, Walkden and Little Hulton areas are affected. Many schools have had to convert store rooms and libraries back into class rooms in order to accommodate the increase. A baby boom and immigration has forced Salford to find 750 more primary school places. There is a shortage of places in primary schools within the area to which the prospective 'aspirational' householders will want to send their children. James Brindley, Ellenbrook, St Andrews and Mesne Lea Primary Schools, the nearest, are more than a short walk away from Burgess Farm. This will add more car usage to the local overcrowded roads due to the 'school run'.

Traffic, transport and highways

134. Access is proposed off Hilton Lane to the north of the site, close to Burgess Farm and an emergency access would be taken from Hilton Lane. BFRG consider that the proposed access is totally inadequate for a development of this size and in fact far from ideal for any type of access. It is in a very dangerous position immediately after a blind bend where the road exits from under a railway bridge. The emergency access is even closer to the bend and bridge. UDP policy A8 '*Impact of Development on Highway Network*' states that "*development will not be permitted where it would have an unacceptable impact upon highway safety*". The proposed access road is also too narrow for the size of development. That is obviously why an emergency road is proposed. The width of the access road is restricted by the farmhouse and farm buildings and by the Thirlmere Aqueduct which runs through the entrance onto the application site and which requires a 10 metre easement. Previous planning application refusals have identified inadequate access and since then traffic volumes in this area and in particular on Hilton Lane have increased dramatically. Traffic waiting to turn right onto the site and buses stopped at the proposed bus stop on the north side of Hilton Lane will not be clearly visible to traffic until it has exited from under the bridge. There is no alternative access to this land and that is why none has been proposed.
135. BFRG have presented photographic evidence of the typical daily congestion on Hilton Lane and surrounding roads (Document BF2.2). In addition we have conducted our own surveys of traffic movements at the mini-roundabout at the junction of Hilton Lane, Bridgewater Road, Park Road and Newearth Road, the nearest congestion spot to the proposed development (Document BF2.2 Tables). We have also identified what is considered to be a reasonably representative figure on car ownership on a housing estate of this type (Document BF2.2). We have concluded, and the appellant has agreed, that the mini-roundabout is

working above capacity already. However, the appellant has stated that the figures used to identify the capacity of the mini-roundabout relate to 'trunk' road designation. We can only assume that the appellant's witness considers it acceptable for a mini-roundabout at the junction of B classification roads to carry more traffic than a 'trunk' or A classification road.

136. The appellant concludes that 125 vehicles would leave the site in the morning peak period. Judging by the level of car ownership on the nearby Ellenbrook Estate, with similarly aspirational dwellings, the new development could be home to about 626 vehicles. Local experience shows that the majority of car owners will use their cars rather than public transport. BFRG considers that up to 425 vehicles will exit the site in the morning peak, which would have a major effect on an already overcrowded system. Theoretical models of traffic distribution and generation can only take you so far in terms of showing the likely effect of any development. Local residents have direct experience of the poor state of traffic and transport in the area. All roads in this area are regularly severely congested in an eastern and southerly direction (towards the city).
137. The main objective of PPG13 is to promote more sustainable transport choices. It aims to promote accessibility to jobs and services by public transport and reduce the need to travel, particularly by car. There are no jobs in the area, particularly aspirational jobs - neighbouring Little Hulton has one of the highest unemployment rates in Salford. People will need to travel. No buses currently operate on Hilton Lane past Burgess Farm. The nearest bus stops are a good walk away (400m and 640m). Manchester Road is a 960m walk from the site entrance. Critically, in their comprehensive response to the application, GMTPE (now TfGM) had major concerns and stated that the area was not well served by public transport (Document CD1.42) and that the proposed shuttle bus service could not be justified and would not be of benefit. According to the appellant, GMTPE's subsequent change of heart was down to a change in personnel. This reliance on personal opinion, the inconsistency of GMTPE's stance and the 5 year limit on operation must give rise to concerns about the accessibility of the site and the viability and effectiveness of the shuttle bus service. Bus routes to Manchester are located a significant distance away from the development which would entail catching 2 buses to access conurbations such as Manchester and Bolton. The Leigh Guided Busway is likely to be full by the time it reaches Ellenbrook and will not offer an effective alternative means of travel for this site.

Hydrology and flood risk

138. Factors such as flood risk, drainage design and water resource management will affect the development in terms of its sustainability, safety and integrity. This in turn will have direct and indirect impacts on the environment. The site has a history of flooding. Utilities including combined sewers pass through the site and have been known to surcharge and flood the site as well as downstream areas and properties. The site should limit discharge to Ellen Brook and the Ellen Brook Tributary (Document CD1.50). It is clear that any development will increase surface water levels. Ellen Brook already has a significant water flow at times. The brook caused a collapse of Hilton Lane earlier in 2011. This was attributed to increased water flow caused by housing developments up stream on Parsonage and Tynesbank. A number of previous application refusals have identified inadequate drainage as an issue (Documents BF3.1 and BF3.2).

Ecology

139. The appellant states that there are not many birds and not many different species on the development site, primarily because there were no worms in the fields and no flying insects. BFRG have a different experience because, after all, this is a livestock farm. Moreover, it is agreed that a barn owl has previously been recorded on the site and on the SBI part of the site, 47 bird species were recorded, including various UK Priority Species. With regard to the presence of great crested newts in the fields, the appellant agrees that there can be no certainty and that assumptions have been made. Surveys have been taken over a number of years and it is disappointing that, although the decline in the newts, a European protected species, was known about, nothing was done. The measures proposed now promoted as a benefit are at the expense of intrusive housing development. It is clear that if the SBI is turned into a nature park then there will be greater human encroachment and loss of wildlife to this area. Over the years the area has seen the complete destruction of local greenspace and open space infrastructure, resulting in a large number of negative impacts. This open space should be retained for the good of the community.

Character and appearance

140. This development will have an adverse effect on the character and appearance of the area. The appellant considers that the site has very limited landscape or townscape value and that it is of no importance to the character of the area (Document AP4.1). Many residents were somewhat offended by the negative approach taken to a valued and much appreciated community asset. The views across and from it are particularly undervalued. The development would mean the loss of 1 of the last stock farms in Salford, the loss of green fields, the educational benefits of farm visits and the value of the land as a 'green lung' (Document BF5.1). The public footpaths across the open fields are particularly appreciated (Document BF5.2). While the right of way would remain, the currently rural public paths would become roads for much of their length, irretrievably changing their character. There is no need to turn the SBI into a nature park; when walking the footpaths through green fields, in touch with nature, with animals grazing and fresh air, the benefits of being in the natural countryside already exist. This greenfield site is a key part of the character of the area and should be retained.

Other evidence

141. The farm tenants were originally opposed to the development as they were under threat of eviction if the planning application was approved. It was only when they were offered the lease of a better farm on land to the west that they have been in favour of the development. The other local resident in favour of the development is concerned that if the site is not developed for houses it will be subject to opencast mining. As identified in the appellant's evidence (Document AP1.1 para 4.5.1) opencast mining is no longer viable and there is now no known intention by any commercial or other organisation for opencast coal working in the vicinity of the site. His concerns are not warranted.

Previous applications and appeals

142. All previous decisions have found that the site is not appropriate for development. Matters concerning housing need and planning policy are dealt with

above. On other matters, the inadequate access is still proposed in the same place but traffic levels have increased; there would still be a loss of open land, and there is now less to lose; drainage is still a problem, and now future increased rainfall through climate change is a major factor; development would still represent a significant intrusion into the rural setting of Salford, and there is now much less rural landscape; the loss of open countryside would still undermine recreational objectives; and the ecological value of the SBI would still be at risk.

BFRG conclusions

143. It is clear that we are in a period of flux due to the planning policy changes being implemented at national level, with the emerging Salford City Council Core Strategy and the draft SHLAA. What is also clear is that, as a result of the anticipated revocation of the RS, a realistic and deliverable housing requirement has been identified. The appellant has given no regard to the emerging changes to planning policy and the long term economic forecast. There is no urgent need to release the site in terms of housing numbers. The decision as to whether or not to grant planning permission is therefore essentially about whether the qualitative benefits outweigh any negative impacts of the proposal. It is clear that the development will have a negative effect on the already overcrowded highway infrastructure in this area, the single access road to the site is both unsuitable for a development of the proposed size and is dangerous in that it is situated close to a blind bend exiting from under a railway bridge. Because of the lack of certainty about the newt population, the proposal presents an unnecessary risk and a potential adverse effect on the SBI and the habitat of the great crested newt population. BFRG consider that the potential negative impacts of developing the application site far outweigh any of the possible benefits.

Other interested parties objecting to the proposal

144. **Barbara Keeley MP** Member of Parliament for Worsley and Eccles South. The government reforms to the planning system are part of the policy context of this appeal. The Localism Bill has received Royal Assent and the clear intention to abolish RS and give local residents a new role in decision making is a material consideration in the appeal. Although there have been legal problems and delay, with the Localism Act now in place the Secretary of State will not be impeded further in his wish to be rid of RS and their housing targets. There is no doubt that, by the time the Inspector's report is referred to the Secretary of State for decision, the RS will have been revoked.
145. Walkden is already a densely built-up urban area, with some of the busiest roads in Salford and the most congested motorway junctions. In such an area, an urban farm and green open space are key community assets. As was found in the 1993 appeal decision, the open countryside is an amenity which should be preserved for present and future generations. There is little open countryside left in Salford. The proposals would destroy a precious natural asset which is much appreciated and would be difficult to replace. Since 1993 there has been much infill development in Walkden, increasing population, traffic and congestion. Local people have actively campaigned to protect remaining open spaces. As the Localism Act makes clear, it is time to give them a say.

146. The proposal would adversely affect the quality of life for local people. They want affordable homes near to accessible public transport and good schools. This development won't provide that. It would bring increased traffic, congestion and pollution. Walkden already experiences air pollution beyond exceedance level and any increase in pollution will increase the risk of respiratory disease, one of the biggest causes locally of premature death. Hospital admissions for childhood asthma in Salford are higher than the national average. Walkden is also very badly served by public transport. Rail is not an effective alternative use to the car. There is no parking at Walkden station and access is only by steep flights of steps. Peak trains are full by the time they reach Walkden so that 70 or more people can be left on the platform. Similarly, if the proposed Leigh Guided Busway goes ahead, buses are likely to be full by the time they reach Ellenbrook.
147. The development would cause problems for local schools, which have no spare capacity. Nearly every local primary school is oversubscribed. An additional 300 families would cause significant additional problems. It could also bring problems of parking, anti-social behaviour and crime to local neighbourhoods, arising from increased use of the public footpaths. Paths from residential areas to public open spaces lead to anti-social behaviour and crime. This is already a problem in the area and it would be worsened by the new development. The proposed development would have a negative impact on the quality of life of local residents and should not be permitted (Documents IP1.1-IP1.4).
148. Four City Councillors, representing local wards, spoke in objection to the proposals. Their views do not reflect the Council's position and they all spoke in a personal capacity:
149. **Cllr Les Turner** One of the biggest problems is the lack of on-street parking, particularly near the station. Parking on Park Road causes congestion and frequent incidents where lorries hit the low railway bridge increase disruption. Yellow lines are not the answer as it just moves the problem on. Improvements to junctions have been made but the problem is just too many cars. It is important to get people walking. The town centre is walkable from the site but it is not at present a particularly attractive destination, so people are likely to drive elsewhere. While the appellant's traffic software may be state of the art, lots of assumptions were made which local residents do not agree with. They live daily with traffic jams and congestion. While no-one can know with certainty what the effect of development will be, a massive influx of residents' and visitors' cars can only make a bad situation worse.
150. **Cllr Iain Lindsey** There is strong opposition to this proposal across the wider community. Traffic forecasting is a dark art so it is important to listen to the first hand evidence of residents on the problems with local roads. At Walkden station, there is peak hour overcrowding with people regularly left behind by 7.38 and 8.00 trains full to capacity. The extra carriage due in December will only be on 3 of the 12 trains in peak hours. This will only deal with existing under-capacity and not with future additional pressure. The shuttle bus would be a potential benefit but the additional road traffic could mean that it would not be reliable. The 2 nearest primary schools are both taking emergency extra reception classes and have no spare capacity. There is a significant current difficulty in providing primary school places, which is likely to get worse.

151. **Cllr Stephen Ord** It may be appropriate to build homes on this land at some point in the future but only if the city runs out of brownfield land. That time is definitely not now. Salford is awash with derelict and underused land. The SHLAA update identifies 346.5 ha of brownfield land as suitable, available and achievable for new housing, and so readily deliverable for the development of 19,635 dwellings. A further 296.1 ha is currently considered not to be deliverable but, should it become so, that would provide another 11,372 dwellings. It should also be noted that Salford has a relatively high rate - 6% - of empty homes. Not all are stereotypical small terrace homes and many could provide the type of homes needed across the community, including aspirational homes. Salford also has numerous unbuilt planning permissions. While many are for speculative apartment blocks and unlikely to be built any time soon, many family housing schemes are being delayed by lack of mortgage availability rather than a scarcity of land. The shuttle bus is a gimmick, intended to hide the site's poor sustainability credentials; people who aspire to live in houses like this do not aspire to travel on public transport. The proposal to develop this green field site, of such high amenity value to local residents, should be rejected (Document IP2).
152. **Cllr Karen Garrido** The application site has been under threat for many years. A proposal to develop it was rejected by the Secretary of State in 1993 and nothing has changed since then. Burgess Farm is a green lung separating the conurbations of Salford and Wigan. It should be protected to prevent urban sprawl and to give Salford residents the benefit of a piece of countryside on their doorstep. The Council is currently updating its SHLAA and, although the 2010 SHLAA remains current, housing yield and delivery timescales could change significantly. It was the RS that set such a high housing figure for Salford and that will be abolished. The Localism Act will give local people a better say in what development takes place in their area. The Council is also updating its Core Strategy and, while Burgess Farm and the adjacent land are shown as housing sites in the consultation draft, substantial objections have been raised so that may change.
153. The site access is in a potentially problematic location and, as local residents point out, Hinton Lane is regularly congested. It is used as a rat run and the whole area can become gridlocked by only minor incidents. The shuttle bus would not mitigate concerns about rush hour bus and train travel, and the station would remain inaccessible to disabled travellers. The highway problems have not been adequately dealt with. Education provision has not been properly considered. Most local schools are at capacity and all will have to be expanded to cater for the projected increase in school population. Developers should assist wherever possible with the educational provision made necessary by additional demand. The coming changes to the planning system will give local people a greater say in what development they want in their area so, in considering these proposals, greater emphasis should be placed on the wishes of the local community (Document IP3).
154. **Julie Bloomer** Local resident. Traffic conditions on the local road network are extremely poor at peak periods. The appellant's survey shows that the mini – roundabout at Hilton Lane/Newearth Road can be negotiated in 23 seconds but this is almost always not possible – there can be 40 cars queuing on Hilton Lane at times. Another 300 cars would increase congestion, frustration and aggression. The shuttle bus would make no difference to the congestion caused by the 0700-0900 and 1530-1700 school run. The owners of these aspirational

houses are likely to own Mercedes and BMWs and are not likely to catch a bus or walk to Tesco. It is accepted that new housing has to be provided but why now, and on this site, when there are so many houses still on the market?

155. **Amanda Colgan** Local resident. There has been a farm on this site since 1296 and the 1843 OS map shows it all as open fields. It has been a green field site for so long, and development would have a disastrous environmental effect on wildlife and the local landscape. Nearby social housing has stood empty for 2 years, so there is no real need. Salford has acres of derelict land. Why should we see this open green field site be developed before brownfield land? At rush hour there are massive traffic queues at all the junctions. Hilton Lane is used as a rat run, often at high speeds, with people dangerously swerving to avoid speed bumps. This development will exacerbate all these problems. There will be not one positive outcome for the local community and local residents will suffer.
156. **Michael Corless** Local resident. There is nowhere at the station for cycle lockers to go. The station is above road level, with 3 flights of steps to the platforms. There is no car park so people park on the roadside. There is no lift so it is not accessible by disabled people, who have to be taxied to another station. The platforms are not long enough for longer trains. Passenger numbers are increasing and it is sometimes impossible to get on the train. Once left on the platform, people are unlikely to travel by train again, leading to an increase in the use of cars. Salford already has the highest levels of nitrogen dioxide (NO₂) pollution in Manchester, produced mainly by standing traffic. Additional queuing would make this much worse. It is difficult to believe that only 125 cars would emerge from this development in the morning peak – there are likely to be 600 cars on the site, with many aspirational residents owning 2 or 3 cars. Most are likely to travel in the morning, including taking children to higher quality schools outside the district. The guided busway will only serve the city centre, and the buses are likely to be full anyway by the time they get here. There are a lot of empty houses in the area, including many aspirational dwellings in prestigious locations. Social housing is boarded up and not made available. There is no need for more housing of either sort. Most of Salford's green space has been built over and we need to retain this site as green open space.
157. **Carole Wood** Local resident. Over the years 4 farms have been lost to housing in the immediate area as Salford has expanded. This site was originally in the green belt but, since that protection was removed, it has been threatened many times with development. So far it has been successfully resisted. This remaining open space is much valued by local residents as a green lung. There is no need for a managed nature park as the footpaths through the site already provide access to nature. 350 new houses is a large number. All of Worsley village is an aspirational area, and there is no shortage of houses for sale. There is no need for this development. Car ownership will be high. People won't walk, especially in bad weather, so there will be a major increase in traffic and congestion. Current traffic calming is ineffective, and cars speed along Hilton Lane and around the corner under the rail bridge, near where the estate road would join. This must increase the risk of accident. The farm tenants clearly have problems but the answer to that should not be to develop the land. These fields provide a green refuge from noise and pollution and the benefits to mental health of country walks is well recognised. The loss of the last recognised open space in old Walkden would be disastrous.

158. **Irving Pattinson** Local resident. This could be 'phase 1' of a larger development in the locality. The separate parcel of land to the west of the farm buildings was purchased by the County Council to provide a playing field for a local school. It is no longer available to the school, although it is now owned by the City Council. With access from this site, it is likely to be developed too. The site access is inadequate for the free flow of vehicles and pedestrians from the site. The location and stability of capped mine shafts and vent shafts is uncertain. The site should remain 'green field' (Document IP4).
159. **Sue Occleston** Local resident. Primary and secondary schools in the area are oversubscribed. Parents choose schools for their children based on results and then drive them there from all over the district. In some streets, no local children go to the nearest school. That is the pattern of education today and there is clearly a problem with school infrastructure. Hundreds of additional children will overwhelm local school provision. More traffic will increase pollution. There are historically high levels of pulmonary disease in Salford, where NO₂ levels exceed air quality objectives. The destruction of this green lung and the introduction of so many more cars will give rise to long term health problems - the risk of a heart attack goes up after breathing NO₂ polluted air. There is plenty of brownfield land in Salford – 1 key local site seems to have been ignored – and the best use should be made of that to preserve green field sites like this. The appellant says the land is not beautiful but if you live in inner city Salford it is! It is recognised that regular contact with green spaces makes people less stressed and more sociable. The loss of the only accessible local green space would be harmful to health and wellbeing.
160. **Andy Barlow** Friends of Walkden Station. Rail commuter services are already overcrowded and trains cannot carry any more passengers at present. At peak hours, carriages are packed full and passengers know they could be left behind. There are plans to upgrade some trains to 4 carriages in December 2011, 2 in the morning and 1 in the evening, out of 10 peak hour trains. That will just meet existing demand and would not cater for the additional commuters from the proposed development. There is no parking at the station and, with most people likely to drive there, pressure on on-street parking will increase. The provision of cycle lockers and racks would meet a Friends' objective and be very welcome but, before the station can realistically be expected to handle the additional demand, service and capacity needs to be upgraded by longer trains and increased frequency.
161. **Joel Hughes** Pupil, local school. Interested in wildlife and would like to be an ecologist; has made a study of newts in the area. Great crested newts are known to be present in the ponds on and near the site. The appellants have found limited evidence of this but great crested newts sometimes go dormant and are very elusive. The ponds are breeding sites for the newts but they spend most of their time out of the water, and rough grassland is their preferred terrestrial habitat. They can travel within 500 metres of their breeding ponds so are likely to be around in the fields within the site boundary. They need a wide area of rough land, not a man-made nature area. They are a protected species and are threatened by this development, which would be within 150 metres of the ponds. The local wildlife is greatly valued by the local community. There is other land available more suitable for development. The development of this site could lead to the loss of an important protected species.

162. **Louise Parker** Local resident. The site is an important ecological and environmental resource for local children, who all love nature, and it would be wrong to develop it, the last open field site in Salford. The great crested newts on the site are very important. They are a protected species and should remain protected. The farm is important to the area; with concerns about future food sources and the cost of imported food, the farmland should be preserved to provide local food for future generations. Open land will always be preferred for development, where will it stop? The additional cars, especially multi-car ownership, will add to current high levels of NO₂ pollution. Affordable rather than aspirational housing is needed in the area.
163. **Carrie Elwell** Local resident. Peak traffic conditions mean that walking children to school is dangerous. More traffic and more children means more danger and it is likely that it will take a fatality to change things. Rush hour now starts earlier, with more cars, more roadside parking and more congestion. Local people enjoy the open outlook across the farm and appreciate the local environment. Develop it and it's gone forever. There is great pressure on school places; this scheme will mean more pressure, more journeys and more traffic. There is nothing to say in favour of this proposal.
164. **Paul Burgess** Local resident. The Government has consistently confirmed its commitment to revoking the RS and has taken the power to do so in the new Localism Act. In consequence, to rely on the RS at this stage to determine a controversial and contested development on a greenfield site is to bring the planning system into disrepute. Accordingly, as the act of revocation gets ever closer, and indeed is imminent, the Core Strategies being developed by local authorities have increasing weight in decision taking and will soon be given full weight. It is universally recognised that they provide the foundations for housing policy and local planning in the immediate post-RS era. The RS has had its day and it should only now carry limited weight in making decisions which relate to the longer term.
165. The Appellant is desperate to stay with the obsolete RS (Document CD3.3). This is because, in the context of the PPS3 5 year forward plan, the existing RSS sets out a supply requirement for the next 18 years or so of 28,800, or 1600 dwellings a year, which becomes 8,000 for the next 5 year period. This implies that the estimated available supply of 3,952 provides only 2.5 years of supply. But this is an entirely imaginary scenario. The RS on which these calculations are based is imminently to be revoked. It is utterly irrational to take any decision at this stage as if it had effect for the next 5 years. The Appellant points to the Council's own carefully researched Interim Housing Figure of 22,000 which gives an average of 1,100 pa for the years 2010-2030, equating over 5 years to a 3.6 year supply, but this is an incomplete account of the Council's work. The Appellant seems ignorant of the related important Core Strategy document '*Proposed Interim Housing Figure Sustainability Appraisal*' which provides on page 1 a forecast requirement of only 2,000 dwellings in the next 5 years (Document IP5.4). This is an annual average of 400. Furthermore, at the present time there is in Salford a total of 11,700 dwellings with planning permission but not built. This is key information for any properly constructed, evidence-based policy designed to meet the housing needs in Salford in the next 5 years. To ignore this information, as the Appellant urges the Inquiry to do, would be absurd.

166. The recent decision of the Secretary of State relating to a development consisting of 2,000 houses and other works on greenfield land at Barton Farm, Winchester has similarities with the issues arising in this appeal (Document AP8). There are several matters addressed by the Secretary of State in that case that can be seen to be important and material to this case. In particular, the weight attached to an ongoing consultation undertaken with the local community concerning housing need and land use is of direct application to Burgess Farm.
167. In his Winchester decision, the Secretary of State attached little weight to that Council's deficient 5 year plan compared with their intention to consult with local residents. In Salford, as part of its initial Core Strategy process, the Council organised a wide-ranging consultation with local residents over the use of greenfield sites and received a comprehensive rejection of such a policy. Inexplicably, the results of this consultation are not to be found in the Pre-Publication Core Strategy documents produced in June 2011 (CD6.3). The Council does, however, propose to consult on that with local residents on the use of greenfield land, but inexplicably Burgess Farm is excluded from this consultation. The proper consultation with local residents is a major aspect of Government policy.
168. There is also similarity in the status of the two proposed development sites. Barton Farm is greenfield and identified as a 'reserve' site, for release only if there is a compelling justification. Burgess Farm is greenfield and could be developed should it satisfy the relevant policy criteria. It has the equivalent of a compelling justification in Salford's commitment to safeguarding greenfield sites unless it is absolutely unavoidable. It is acknowledged that policy H2 in the Draft Core Strategy of 2008 (Document CD6.4) suggested it could be released, but this cannot be taken in isolation from the wider commitments to safeguard greenfield land and it cannot be assumed that the site would automatically be granted planning permission. In fact, the Draft Core Strategy lists 2 Burgess Farm sites, the current site for 350 houses and the Council-owned adjacent fields for a further 200 houses. Approving this development must clearly increase the possibility that the site would in reality become an estate of 550 houses.
169. In the Winchester decision, the Secretary of State indicates that the Government's intention to return decision making powers in housing and planning to local authorities constitutes a current "key planning priority". In consequence, he was impressed with Winchester Council's wish to move away from top down imposition and to allow local communities to take on a far greater role in identifying the level and location of the housing that is needed in their areas. He therefore considers it important to allow Winchester the opportunity to complete a community consultation process.
170. Salford has an equivalent and specific commitment in relation to consultation on greenfield sites. The Core Strategy Pre-Publication Consultation shows that Salford now has, by a series of steps, a very much reduced housing requirement of 22,000. The Council consulted widely over the use of greenfield land for housing, represented in Option 4 of four Strategic Options, in the consultation on its Draft Core Strategy. It received widespread opposition to Option 4. All the Community Committees, including those in inner city areas, opposed building on greenfield land unless there was no alternative. The Leader of the Council agreed (Document IP5.2 Appendix 2). It is regrettable that no trace of this consultation outcome is to be found in the current documents.

Salford's plans to consult local communities about the highly controversial use of greenfield land for housing development are similar to the Winchester consultation scheme and should attract the endorsement and support of the Secretary of State. There is no justification for Burgess Farm being excluded from these consultations. The bringing forward of the planning application prior to completion of the Core Strategy consultation is a breach of the trust implicit in the consultation. The Secretary of State found exactly on these grounds against the Barton Farm scheme.

171. Salford began the process of developing a Core Strategy and consulting its residents on the issues and options in exemplary fashion. There has been a marked dislocation between the early stage and the current stage in the approach to the use of greenfield land for development. Given the compelling evidence that the development of the site is inappropriate and problematic, the passage into law of the Localism Bill and the finalisation of the National Planning Policy Framework, the right decision is refusal (Documents IP5.1-IP5.4).

Written Representations

172. Written representations were made by letter, email and online submission. All but 1 of the 61 representations make objections to the proposal (Document IN3). The main objections can be summarised as:

- the loss of scarce green open space and the reduction in access to the countryside, with the consequent impact on health and wellbeing and an increase in anti-social behaviour
- the impact on the natural beauty of the area and local wildlife and the loss of opportunities for children to be educated about the countryside
- the loss of a working farm and the impact on the local food chain
- there is no need for extensive housing development in the area as there are many empty properties and what is needed should be affordable, not aspirational, housing; the negative impact on the community would far outweigh the minor contribution to housing supply
- local brownfield land should be developed first and investment directed towards the improvement of the city's deprived areas
- the Core Strategy consultation should be completed, with future housing supply figures and the options for greenfield land clarified, before any development proposal for this is decided
- the site and the surrounding area is prone to flooding and development will worsen this problem
- poor access to the site and the impact of additional traffic on existing congestion, road safety, noise and air pollution
- the poor quality of public transport provision, particularly at Walkden Station, and the additional burden on bus and rail services
- this is not a sustainable location for housing, with poor access to public transport not effectively mitigated by the proposed shuttle bus so there will be a consequent reliance on cars

- o Walkden town centre is poor and there are no employment opportunities in the area so all the new residents would have to travel for work, shopping and leisure
 - o local schools are overcrowded and there are no available spaces for so many additional children
173. The 1 letter in support is from the tenants of Burgess Farm (Document IN4). They outline the problems they experience with vandalism and anti-social behaviour and the impact this has on their lives and the operation of the farm. The proposal would enable them to move to a new and enlarged farm, incorporating most of the land they currently rent, where they would be able to farm more efficiently, selling livestock into the food chain through local livestock markets. Their quality of life and ability to expand and farm effectively would be much improved.

Conditions

174. Before the inquiry the appellant submitted a preliminary list of suggested conditions (Document CD6.19). Following discussion between the parties an agreed list was submitted at the inquiry (Document AP14). The agreed conditions (shown in brackets) and the reasons for them were discussed in full at the inquiry.
175. The application is in outline so it would be necessary to impose the standard outline conditions setting time limits for the submission of reserved matters applications and start dates. I see no need for separate phased approvals and, in order to provide some certainty about the future pattern of development in the area, I consider that the standard 3 year period for the submission of reserved matters applications for approval should not be extended to 5 years (1 & 2). The development is intended to be carried out in phases so a condition is necessary to ensure that phased development would be carried out satisfactorily (3). In the interests of good planning, and to ensure the claimed benefits of the application are secured, the development should be carried out in accordance with the application drawings (4 & 18).
176. To protect the amenities of local residents during the construction period, a Construction Method Statement should be submitted for approval, including site working times (5 & 6). To ensure that crime is planned out of the development at an early stage, a Crime Prevention Plan should be submitted for approval before development takes place (7). For similar reasons, a scheme showing proposals for lighting the footpath/cycleway at the southern edge of the site should be submitted (with reference to plan 399.12) (20). Coal mining has taken place on the site in the past so conditions would be necessary to ensure that, before any development takes place, there is an investigation and identification of any remedial work necessary, including making safe mine shafts, and that it is carried out before occupation (8 & 16). Japanese Knotweed has been found on the site and, in order to prevent its spread, a detailed method statement for its eradication should be submitted for approval (9).
177. The site has some limited archaeological interest so, to ensure the protection of archaeological features of value, investigation should take place in accordance with a written scheme of work (10). The proper drainage of the site is vital to the proposal so a condition requiring details of the sustainable drainage scheme

to be submitted for approval would be necessary (11). It would also be necessary to require mitigation measures to prevent flooding and to ensure no houses are built within the potential flood zones (with reference to plan 660094/1002.P2) (12). The provision and maintenance of wildlife corridors through the site is necessary to this rural location and could be ensured by a requirement for the submission of a scheme for approval (13).

178. The communal landscaping of the site is essential to its harmonisation with the area and the submission of a long term landscape management plan to ensure that this is achieved would be necessary (14). There is the potential for great crested newts being present on the development site so the submission of a Method Statement giving details of reasonable avoidance measures would be essential to ensure that they or their habitat are not harmed (15).
179. In order to make an appropriate contribution to the sustainability of the site it would be necessary to ensure that all the dwellings achieve at least Level 3 of the Code for Sustainable Homes (allowing for meeting the requirements of the Building Regulations in force at the time of construction) (17). As discussed, to ensure that the site contains an appropriate mix of aspirational dwellings a condition would be necessary to require a proportion of larger homes (19). It would also be necessary to ensure that the appropriate open space and public realm works would be fully provided within the site (21).
180. Although not on the list, 2 further conditions were discussed at the inquiry. It was agreed that, in order to make a contribution towards combating climate change, a proportion of the energy supply of the development should be from renewable sources. Additional traffic calming works would be carried out in Hilton Lane, as shown on the application plans, and while they would be subject to a s278 Agreement, it would be necessary to ensure that the works were carried out before any dwellings were occupied. This would have to be a Grampian-type condition but the works have been agreed with the highway authority and there is no real risk that they could not be implemented.

Conclusions

181. The following conclusions are based on my report of the oral and written representations to the inquiry and on my inspection of the site and its surroundings. The numbers in square brackets [n] refer to paragraphs in the preceding sections of the report from which these conclusions are drawn.
182. The main considerations in this appeal arise from the initial reasons for refusal and the objections raised by local residents. They are:
- housing demand and supply, with regard to location, deliverability, need and the provision of market and affordable housing;
 - the impact on the highway network and transport infrastructure, including public transport, and the sustainability of the location;
 - the loss of farmland and the effect on the character and appearance of the area and the amenities of neighbouring residents;
 - the impact on the adjacent Site of Biological Importance; and
 - whether any consequential impact on local infrastructure would be overcome by planning obligation.
183. The Council took no real part in the inquiry, submitting no evidence and calling no witnesses [40]. As a result it was not possible for the objectors, or me, to test the reasons for the Council's stance or to explore policy and related matters.

Housing demand and supply, with regard to location, deliverability, need and the provision of market and affordable housing

184. For RS purposes this area, known as Salford West, together with the adjacent boroughs, lies within the Northern Part of the Manchester City Region where policy MCR5 supports the transformation of the local economy, regeneration of communities and enhancement of the environment. Economic and residential development is encouraged but not at the expense of the regional centre and inner areas, which attract the highest priority [28]. RS policy RDF1 sets out the spatial priorities for development, giving no mention to Salford West but indicating that development in larger suburban centres could be compatible with this policy. RS policy DP4 sets out a sequential approach to the use of land, giving priority to brownfield land and infill sites. This is reflected in UDP policy ST11, which gives last priority to previously undeveloped land, and only then if it is in a sustainable location. As the text to the policy explains, sites lower in the sequential order will only be brought forward when it can be clearly demonstrated that there are insufficient higher-order sites that are, or could realistically become, available. The release of previously-undeveloped land will be exceptional, requiring particular justification.
185. The Council's SHLAA update, published as part of the Pre-Publication Core Strategy consultation, shows that Salford currently has 346.5 ha of brownfield land suitable, available and achievable for new housing, capable of delivering 19,635 new dwellings [132,151]. In that light it is clear that the development of this site would not be consistent with the sequential approach to site use and would divert investment away from the regional centre and inner areas, thereby undermining the housing priority objectives of the development plan. A key

- principle of both PPS3 and PPS7 is that priority for development should be given to previously-developed sites, a stance strongly supported by the local development plan. There is no support for the development of this countryside site in terms of strategic housing policy.
186. UDP (2006) policy ST2 originally sought a housing supply requirement for Salford of 15,711 in the period 2004-2016 (6,360 net of clearances). This was outdated by RS (2008) policy L4, which seeks a net housing provision of 28,800 over the period 2003-2021 at an annual average rate of 1,600; at least 90% of the housing provision is to use brownfield land [28]. Although the Council's SHLAA 2010-2025 indicated a more than 5 year supply on that basis, that too is now considered out of date. The SHLAA update shows that just 3,952 net additional dwellings can be delivered over the 5 year period 2011-2016, at best 2.5 years supply in relation to policy L4 [38,48,131]. While it is the Government's clear intention to revoke RS, at the time of writing this report RS is a key part of the local development plan and therefore provides the main policy basis for development in the area. There is on that basis a shortfall against current RS housing provision targets.
187. However, this is a previously-undeveloped greenfield site, with the lowest priority for development, and the proposed development would make a very limited contribution to the shortfall [101]. I therefore need to take account of other material considerations.
188. In anticipation of the Government's intention to revoke RS, which would leave Salford without any identified housing requirement in its development plan, the Council has produced a Proposed Interim Housing Figure, which is currently undergoing a sustainability appraisal. The Interim Housing Figure would be used until such time as the Core Strategy is adopted [152,165]. It proposes a net increase of at least 22,000 dwellings in Salford in phases over the period 2010-2030, a substantially reduced figure.
189. I have given careful consideration to the weight to be attached to the proposed revocation of the RS and the implications for this case [46,129,144,165]. In that respect I make reference to the judgement in *Cala Homes (South) Ltd v Secretary of State for Communities and Local Government* [2011] EWCA Civ 639. Since that judgement the Localism Act has received Royal Assent and, while a final decision is subject to the outcome of environmental assessment, the intention to revoke RS has progressed significantly.
190. This development of 350 houses would be a fairly large scale extension of Walkden, phased over 6 years [20]. Although the appellant indicates that 175 houses would be built in the 5 year period 2011-2016, with the remainder completed by 2019, there can be no certainty of that. The standard time conditions attached to outline planning permissions [175] mean that development need not begin for at least 5 years so that, for a variety of reasons, it is possible that this development may not be completed until 2023.
191. It seems to me that, over these sorts of timescale, there is a clear prospect of a very substantial policy change and that in the circumstances of this case, where there is a strong site-specific objection, the RS policy justification for granting permission for such a long-term proposal may cease to exist within the fairly short term. I therefore give some weight to the proposed revocation of the RS.

192. The Interim Housing Figure is intended to be used during the period between the revocation of RS and the adoption of the Council's Core Strategy, which it will inform. Although subject to sustainability appraisal, the Interim Housing Figure derives from a housing assessment methodology which explicitly seeks to meet all of the forecast growth in households in Salford and any additional demand generated by the high level of office development proposed in the city. Unlike the current RS housing provision for Salford, it would not include housing growth redirected from other boroughs. It is therefore designed to meet a specific identified need within Salford, based on up-to-date household growth forecasts rather than RS policy L4. This is a strong evidence base arising from a procedure that other boroughs are likely to follow. I consider that, in the circumstances where policy L4 may soon cease to exist, and where there is no other forecast of housing demand, the carefully considered Interim Housing Figure is a material consideration of significant weight.
193. In that regard, the appellant argues that a need for 22,000 dwellings, at an annual average of 1,100, would still result in a significant shortfall; over the 5 year period 2011-2016, the delivery of 3,952 dwellings would be set against a requirement for 5,500, equivalent to about 3.5 years supply [48,52]. However, that argument ignores a key element of the Interim Housing Figure approach, that delivery should be phased over 4 5-year periods. For the period 2010-2015, 2,000 dwellings would be required, an annual average of 400; for 2015-2020, 6,000 dwellings, an annual average of 1,200; and 7,000 dwellings over each of the 2 remaining periods [129,165]. It is made clear that the calculation of Salford's 5-year housing land requirement would be based on this phasing. Updated for the period 2011-2016, 3,952 dwellings would equate to about 6 years supply. It also seems to me that the existence of extant planning permissions for over 11,000 new dwellings, the current high percentage of empty houses and the availability of such a large area of deliverable brownfield land [132,151] taken together can only serve to increase the likelihood of a higher delivery rate. On this basis, the argument that there is a housing shortfall cannot be sustained.
194. The appellant also argues that, in any event, there is an unmet qualitative need for the release of this site and that it will make a major contribution to meeting the need for aspirational housing in Salford, a cornerstone of the UDP and the emerging LDF [54]. The Council's aim is to create high quality neighbourhoods in order to attract high-earning aspirational households. There is a clear need to provide a range of family housing, including affordable units, to balance the recent predominance of flat-building in Salford [55-57]. Aspirational housing appears to be defined by larger dwelling size and a greater number of bedrooms [54,179] but it does not follow that the creation of a high-quality development of such housing inevitably requires a greenfield site to make it attractive. An imaginative and sensitive design approach to the re-use of well-placed brownfield land can result in successful, high quality residential environments, as evidenced by development elsewhere in Salford. For that reason I do not consider that there is an overriding qualitative need for the release of this site.
195. The up-to-date evidence provided by the Interim Housing Figure indicates strongly that the housing requirement may well substantially reduce as the Core Strategy consideration process progresses. I therefore consider that the quantitative need for additional dwellings, upon which the appellant's case largely

rests, is not sufficiently pressing to justify, as an exception, the release of this previously-undeveloped site for new housing development. Thus, while the proposal would bring the considerable benefit of additional market and affordable homes and would make a contribution to meeting the need for aspirational housing in Salford, on the balance of all the material considerations I consider that this is not sufficient to justify the development of a greenfield site in the face of substantial policy objections.

The impact on the highway network and transport infrastructure, including public transport, and the sustainability of the location

196. The site is on the western edge of the Greater Manchester conurbation. There are few job opportunities in the local area [137,172] so it is likely that most of the working population of the development would have to travel some distance to work. In that sense the development would not be in a sustainable location, so it would be inconsistent with the objectives of RS policy DP5 and UDP policy ST11.
197. The site entrance off Hilton Lane is within about 850 m of the town centre, the station, most schools and bus stops, so these facilities would be within reasonable walking and cycling distance [87,117,137]. However, large parts of the development, particularly to the south and west, would be much further away. From here, walking or cycling to those destinations would be much less attractive. These parts of the site would be poorly located in terms of access other than by car to local facilities.
198. The appellant recognises this and undertakes to provide a frequent shuttle bus service from new and improved stops on Hilton Lane in a town centre and station loop [24,85,151,172]. This would undoubtedly improve accessibility but the service would only be provided for 5 years, starting after the completion of 26 dwellings and ceasing at about the time the final development phases to the south and west are expected to be completed [20,85]. Thus the service would have limited demand to start with and very little, if any, availability to those in the more distant parts of the development who would find it most attractive and who would be most likely to use it. The usual aim of such a provision is to establish the viability of the service so that it could be taken on as a going concern by a local operator. In this case, crucially, there would be no real chance of establishing viability. Without that it is unlikely that the provision of the shuttle service would be attractive to a commercial operator so the prospect of the service continuing beyond 5 years is remote. I consider that the short term provision of a shuttle bus service would not adequately address the accessibility deficiencies of the site over the longer term.
199. Local bus services provide access to Salford centre, Manchester centre and other surroundings towns [14,85], although for some of these journeys the bus stop is 960 m from the site [137] and involves 2 buses, rendering them long, tedious and unattractive [137]. The Leigh Guided Busway, when (or if) completed, could provide a faster, more direct route to Manchester centre but space may be limited [14,86,137,156]. Nonetheless, TGM makes no objection in terms of lack of capacity [85] and it is likely that people living on the completed development would have access to adequate local bus services.
200. Train services from Walkden station are currently overcrowded and often above capacity at peak times [146,156,160]. The platform was being lengthened at the time of the inquiry to allow the introduction of longer 4 carriage trains in

December 2011 [88]. I understand that 3 of the 10 peak hour services, 2 in the morning and 1 in the evening, are to be upgraded in this way, just meeting existing demand [88,160]. It is clear that, with the platforms lengthened, the operator would be in a position to provide additional upgraded services to meet an increased future demand. However, access to the station itself is poor; the platforms are accessible only by 3 flights of steps from ground level, with the ticket office at landing level, and disabled users have to be taxied to another station [118,156]. No improvements are envisaged. To facilitate cycling to the station, the appellant offers funding towards cycle stands and lockers [24,88]. However, no location has been agreed [88] and I saw that there is virtually no opportunity to site these much needed facilities [160] at ground level. I consider that, even if it is possible, location at platform level would be ineffective and would fail to encourage cycling as a means of travel to the station. These difficulties would make train travel from Walkden station unattractive.

201. As part of the site visit I travelled by train from Manchester centre to Walkden station, then walked the length of Park Road to the Hilton Lane junction 4-way mini-roundabout where I observed traffic conditions for some 20 minutes during the morning peak time. My observations support the appellant's survey findings of a fairly free flow of traffic [77,82] rather than the more extreme congestion conditions photographed by the objectors [135,154]. While there are clearly daily fluctuations in peak time traffic flow and levels of congestion, I must conclude that severe congestion is more likely to be caused by unpredictable traffic incidents [149] and that it is not an inevitable part of normal day-to-day conditions.
202. There would be 1 vehicular access to the site, off Hilton Lane. Objectors question the adequacy and safety of the access [134], but its position, width, alignment and visibility have all been designed to accord with current highway design requirements [76]. The level of traffic generated by the scheme has been assessed by reference to the industry standard TRICS database [80] and has been accepted by the highway authority. From empirical observation, objectors consider these levels to be far too low [136,156] but in the absence of directly comparable evidence to the contrary I consider the TRICS assessment to be reliable. By use of ARCADY, another industry standard programme, the appellant shows that this level of traffic, projected to 2018, would be absorbed into the highway network across the area without unacceptable impact on traffic flow and congestion at junctions [82,83].
203. So, while there would be a minimal impact on the highway network and public transport capacity is likely to be adequate, for many the combination of long walks to the bus stops or station, the lack of accessible cycle storage and the short term nature of the shuttle bus service all point to a greater likelihood of a reliance on the use of cars. These factors, taken with the need to travel to work, indicate that the site is not in a particularly sustainable location. The proposal would therefore be inconsistent with the national policy objectives of PPS1, PPS3 and PPG13 and statutory development plan policies RSS/DP5 and UDP/ST11.

The loss of farmland and the effect on the character and appearance of the area and the amenities of neighbouring residents

204. The site lies within an area of open countryside, lying between the built-up area of Walkden and the Metropolitan District boundary with Wigan, where the

Green Belt begins [8,13]. Although parts of this area were once mined, they have largely reverted to nature, with grassland and regenerating woodland of an entirely natural rural appearance much appreciated by local residents [8,140,155,157, 159,162,172]. The grassland is grazed by farm animals [9]. The site is also part of an area designated as Urban Fringe and Countryside in the UDP and is subject to Wildlife Corridor Key Area of Search policy EN9 so, in accordance with the key principles of PPS7, as countryside it should be protected for the sake of its intrinsic character and beauty; the diversity of its landscape, heritage and wildlife; the wealth of its natural resources; and so it may be enjoyed by all.

205. The site is part of Burgess Farm and development would be located on fields adjoining the built-up area of Walkden. I note the problems experienced by the farm tenants as a result of proximity to the urban area [111,173] but in itself this does not justify development. Burgess Farm would not be lost as a concern [140,157] but would be relocated to exclude the site [62,111]. The area of farmland that makes up the site is of low quality [9,62], not the best and most versatile, so its loss to agriculture would not be objectionable in principle.

206. The site is part of the open countryside which, in conjunction with the Green Belt land beyond, provides the characteristic rural setting of Walkden at the edge of the conurbation. Unlike local parks it provides semi-wild rural open space, crossed by public footpaths, providing opportunities for informal recreational activity in the countryside [140,145,157]. The new managed nature parks would not provide replacement facilities of a comparable nature [140,145,157]. Development of the site would result in the permanent loss of an area of open countryside enjoyed by local people and an encroachment into the wildlife corridor. The urbanisation of this rural open space and its public footpaths would represent a significant intrusion into the rural setting of Walkden. This would not be consistent with the protective aims of PPS7 and would seriously degrade the character and appearance of the area and the amenities of neighbouring residents.

The impact on the adjacent Site of Biological Importance

207. Parts of the site lie within an SBI, designated principally to protect the habitat of great crested newts, a protected species [10,139,161]. The ponds within the SBI and the surrounding terrestrial habitat are in poor condition and, with few recent sightings, it is considered that the local great crested newt population is at risk [98]. The new housing would extend to within 150 metres of the nearest pond [94,161]. Without proper mitigation, the newts would face extinction so that the proposed development would seriously undermine the ecological value of the SBI [99].

208. The scheme proposes that the 2 parts of the site within the SBI become managed nature parks [20,24,]. The western park in particular would include a chain of new ponds, intended to replace breeding ponds lost through desiccation or pollution [97]. The resulting enhancement of the breeding environment for great crested newts would be a major benefit. However, great crested newts spend most of the year on land, and, since they are known to forage up to 500 m from their breeding ponds, they require a substantial area of terrestrial habitat to support a viable population [161]. Within the nature parks there would be a range of habitats, including grassland, which is important for great crested

newts. However much of the grassland would be mown to allow public access and, with the loss of adjacent farmland to development, there would be a danger that a restricted terrestrial habitat could reduce the chances of the great crested newt population successfully re-establishing itself. I do not therefore accept the claim that these works of mitigation would as claimed [97] provide optimal conditions.

209. Nonetheless ecologists on both sides agree that the proposed works of mitigation would significantly improve current conditions, helping the great crested newt population to become more resilient and therefore more likely to survive [99]. Proper avoidance measures would be taken during the construction period and an appropriate long term management plan has been agreed [95,178]. On that basis, and with the mitigation measures in place, the detrimental impact of the development on the nature conservation interest of the SBI would be minimised as far as is practicable, consistent with the objectives of UDP policy EN8.

Whether any consequential impact on local infrastructure would be overcome by planning obligation

210. The appellant's unilateral undertaking is aimed at meeting a range of local policy objectives and to complying with appropriate supplementary planning guidance with the intention of overcoming or substantially mitigating a number of potential objections [24,25].

211. The provision of a proportion of 20% affordable housing in an appropriate mix of tenures [25] would accord with UDP policy H4 and the Council's Housing Planning Guidance, and would meet the national policy objectives for affordable housing set out in PPS3. The creation of the nature parks and their future management and maintenance [97-99] would mitigate the impact of the development on the SBI and allow controlled public use in accordance with UDP policy ST13 and the Council's Nature Conservation and Biodiversity SPG. There would also be a degree of biodiversity gain through enhanced amphibian habitat and the reversal of its deterioration, which would benefit from the 10 year maintenance plan. This would meet key objectives of PPS9. Improvement of the footway on routes to local schools [87] would improve pedestrian access and road safety for children from this development in accordance with UDP policies A1 and A2. I consider that all these provisions are necessary to make the development acceptable in planning terms, are directly related to it and are fairly and reasonably related in scale and kind. These obligations would overcome potential objections to the proposal.

212. The appellant accepts that some form of additional public transport provision would be necessary to ensure that all residents of the site would have sufficient access to public transport, as required by UDP policies A1 and A2 [25,117]. The provision of a shuttle bus, and new and improved bus stops on Hilton Lane, would meet that requirement and provide acceptable levels of access to the station, town centre and other bus stops [85,86]. The undertaking is restricted to providing the shuttle bus service for 5 years, with no provision for future arrangements [24,151,153]. The provision of a shuttle bus is clearly necessary to make the development acceptable in planning terms [25] but this necessary service would be time-limited. The short term nature of the shuttle bus provision raises serious questions about the accessibility of the site in future years and I do

not consider that this obligation would sufficiently mitigate the accessibility problems of the site in the longer term.

213. The undertaking provides for a contribution towards the provision of cycle stands and lockers at the station. In principle this would increase accessibility for cycle users to an acceptable level in line with UDP policies A1 and A4. However, no location has been agreed with the operator and nothing suitable is apparent on site [88,156]. It is not at all certain that the cycle lockers and stands could be provided at the station. While the provision of cycle facilities is necessary to make the development acceptable in planning terms, is directly related to it and is fair and proportionate, I consider that there is little prospect of these facilities being provided, so that this obligation would not overcome the identified substandard level of accessibility for cyclists at the station.
214. Thus the planning obligations to provide affordable housing, nature parks and a safer route to schools meet the tests set out in CIL Regulation 122 and the policy objectives of Circular 5/2000, and would overcome the impact on local infrastructure that the development would have in those respects. However, because the shuttle bus would only be a temporary service, and the provision of cycle parking at the station cannot be relied upon, the obligations in those respects would not adequately mitigate the impact of the development with regard to the accessibility of the site and the poor sustainability of its location. These 2 obligations would not therefore meet the tests of the CIL Regulations so I am unable to take them into account.

Other matters

215. **Flooding and drainage** Parts of the site are prone to surface water flooding but development would be confined to those areas of the site within FRZ1 where there is little risk [63]. Existing combined sewers are known to surcharge from surface water overload but surface water from this site would not be connected to the existing system. Measures would be taken through an integrated sustainable urban drainage system to control run-off and to limit discharge rates to local waterways [64,138]. This system would protect downstream properties and, since it would be designed to take full account of climate change, should improve the current situation [65]. The location of dwellings outside the flood zone and the design and implementation of a suitable drainage system would be assured by appropriate conditions [177]. On that basis I consider that the proposed housing would not be affected by flood waters and that the proposal would not harmfully affect, and may improve, the drainage of the area's surface water.
216. **Air quality** Salford suffers from high levels of air pollution and objectors are concerned about the health impact of any increase arising from more traffic, particularly on the area's children [146,156,159,162]. However, the occurrence of higher levels of pollution, where national limits are occasionally met or exceeded, relates primarily to motorway corridors and junctions. Records show that there has been no exceedance in Walkden since 2005 and that, since 2007, measured concentrations of NO₂ have been lower than the Council's air quality objectives [90]. Increases in NO₂ and particulate emissions arising from traffic associated with the development would be small and their effect insignificant [91]. Accordingly I do not consider that there can be a significant objection on these grounds.

217. **Schools** Objectors argue that local primary schools are oversubscribed and, with rapidly rising admission numbers, there is a shortage of places in schools nearest the site so that the substantial number of additional children from this development would overwhelm local school provision [133,147,153,159]. It is evident that some local schools are more popular than others, leading to pressure on available places. However, the local education authority indicates that, while some schools are close to capacity, taken overall there is spare capacity in local schools [92]. There is no real evidence of a significant shortfall and I note in this respect that the local education authority makes no objection to the proposal nor seeks a contribution towards the provision of necessarily additional school places. On the evidence before me I do not consider that an objection on these grounds can be sustained.
218. **Prematurity** The Council's replacement DPD is at an early stage. The draft Core Strategy is currently subject to pre-publication consultation and could potentially be amended [33]. This is not such a substantial proposal that it would significantly prejudice strategic decisions by pre-determining the scale and location of new housing currently being considered as part of the DPD process [100,101]. There is little prospect of the DPD being submitted for examination in the near future so there is no real justification for considering the application to be premature in the sense set out in *The Planning System General Principles* [102,103].
219. Nonetheless, local residents see this proposal as an attempt to pre-empt the Core Strategy process and to bypass local consultation [166]. The pre-publication consultation draft of the Core Strategy provisionally designates this site for housing. That must carry some weight but, given the likelihood of a significant reduction in the housing requirement, and the fact that the strongest response to the earlier *Issues and Options Report* was to protect greenfield land from development, it is entirely possible that this designation might change [125]. It seems premature to release a greenfield site at this stage.
220. Local residents wish to have a proper say in the future development of Salford through the consultation process [126,144,152,172]. They draw parallels with the Secretary of State's recent decision relating to proposals at Barton Farm, Winchester [166-168]. Despite the appellant's claim that there are fundamental differences [104], I have found in this case that, like Barton Farm, there is significant conflict with the development plan but that, unlike Barton Farm, there is no shortfall in housing provision to justify development. In dismissing the Barton Farm appeal, the Secretary of State gave great weight to the ongoing consultation process, indicating that the Government's intention to return decision making powers in housing and planning to local authorities is a key planning priority which will allow local communities to take on a far greater role in identifying the level and location of the housing that is needed in their areas [169]. While there are differences of scale between the 2 cases, it seems to me that these same considerations are material to this proposal. While it is not yet in full force, allowing local residents to have more say through the consultation process would be consistent with the objectives of the Localism Act.

Conditions

221. At Annex A to this report I attach a suggested list of conditions which is based on the agreed list and additional matters discussed at the inquiry conditions

session [174-180]. Where necessary I have made minor adjustments to the proposed wording to reflect the Inspectorate's published list of model conditions, to ensure compliance with Circular 11/95: *The use of conditions in planning permissions* or to improve consistency. I have also re-ordered the list to ensure clarity. I am satisfied that, should planning permission be granted for this proposal, for the reasons given these conditions would be necessary and reasonable and would meet the other tests of Circular 11/95.

Overall conclusions

222. The proposal to develop this previously-undeveloped countryside/urban fringe site would run counter to national and local development plan policies prioritising the use of previously-developed land as locations for new development. Salford has much previously-developed land and, as the UDP makes clear, the use of greenfield sites is only justified in exceptional circumstances. The appellant argues that a major housing shortfall and a lack of aspirational housing provides this justification. That shortfall carries significant weight in favour of the development. However, the shortfall is predicated on the housing provision set by the RS. Since the Government's clear intention to revoke RS has progressed significantly, over the timescale of this development RS is likely to cease to exist. Although it has legal status as part of the current development plan, I consider the RS policy justification for this proposal to be weak.
223. The site is not in a particularly sustainable location and measures to improve its accessibility would not be effective. This would be likely to make the use of public transport unattractive, leading to more reliance on travel by car. This would be contrary to national and local sustainability policy objectives and would not fully accord with the aims of '*Planning for Growth*'. I have taken account of the work being done by the Council to revise the housing land requirement and there is every indication that the figures will reduce substantially with the effect that there would be no shortfall. In these circumstances, there is no compelling justification for the development of this site, which would result in the loss of valued open countryside and an intrusion into the rural setting of Salford West.
224. There would be some considerable benefits but, nonetheless, the proposal is in clear conflict with the local development plan. There is no pressing housing shortfall to justify the development of this site and the benefits are not sufficient to outweigh that conflict and the harm it would cause. Even if less weight is given to the revocation of RS so the case is more finely balanced, there is still sufficient harm on the balance of all considerations for there to be significant conflict with current UDP planning policy. On balance, in the face of substantial land use policy objections, I find no exceptional circumstances sufficient to justify the development of this greenfield site.

Recommendations

225. I recommend that the appeal be dismissed. Should the Secretary of State decide otherwise, I recommend that a grant of planning permission should be subject to the conditions set out in Annex A.

Colin Ball

Inspector

CORE DOCUMENTS

1. Application documents

- CD1.1 Planning application form.
- CD1.2 Application Boundary plan *399A 04A*.
- CD1.3 Development Framework plan *399A 05.F*
- CD1.4 Movement Network plan *399A 06B*.
- CD1.5 Urban Design Parameters plan *399A 07B*.
- CD1.6 Illustrative Layout plan *399A 08*.
- CD1.7 Proposed Access plan *M09028-A-001G*.
- CD1.8 Coal Report.
- CD1.9 Design & Access Statement.
- CD1.10 Draft Heads of Terms: planning obligation.
- CD1.11 Flood Risk Assessment.
- CD1.12 Utilities Statement.
- CD1.13 Planning Statement.
- CD1.14 Update to Chapter 8 of the Planning Statement.
- CD1.15 Regeneration Statement.
- CD1.16 Residential Market Research.
- CD1.16 Statement of Community Involvement.
- CD1.18 Sustainability Checklist.
- CD1.19 Transport Assessment.
- CD1.20 ES Supplement, including the Updated Transport Assessment.

Environmental Statement

- CD1.21 Non Technical Summary.
- CD1.22 Introduction.
- CD1.23 Project Description.
- CD1.24 Need and Alternatives.
- CD1.25 Geology, Soils, Contamination and Mining.
- CD1.26 Surface Water and Flood Risk.
- CD1.27 Traffic and Transportation.
- CD1.28 Ecology and Biodiversity Conservation.
- CD1.29 Archaeology and Cultural Heritage.
- CD1.30 Landscape, Townscape and Visual Impact.
- CD1.31 Socio-Economic.
- CD1.32 Air Quality.
- CD1.33 Noise and Vibration.
- CD1.34 Cumulative Impacts, Consequential Developments and Impact Interactions.
- CD1.35 Environmental Management.

Consultation responses

- CD1.36 Letter from County Archaeologist to Urban Vision 1 June 2010.
- CD1.37 Letter from The Coal Authority to Urban Vision 28 June 2011.
- CD1.38 E-mail from Design for Security to Urban Vision 30 March 2010.
- CD1.39 Letter from the Environment Agency to Urban Vision 19 April 2010.
- CD1.40 E-mail from Greater Manchester Ecology Unit 10 January 2011.
- CD1.41 Letter from Greater Manchester Ecology Unit 26 April 2010.
- CD1.42 Letter from Greater Manchester Passenger Transport Executive 4 May 2010.

- CD1.43 E-mail from Greater Manchester Passenger Transport Executive 4 May 2011.
- CD1.44 Letter from Transport for Greater Manchester 11 April 2011.
- CD1.45 Letter from Miller Goodall 16 April 2010.
- CD1.46 E-mail from Miller Goodall 7 January 2011.
- CD1.47 Letter from Natural England 5 May 2011.
- CD1.48 E-mail from Natural England 4 January 2011.
- CD1.49 E-mail from Network Rail 23 April 2010.
- CD1.50 E-mail from SCC Drainage Engineer 27 April 2010.
- CD1.51 E-mail from UV Highway Engineer 17 May 2011.
- CD1.52 Letter from United Utilities 22 April 2010.
- CD1.53 E-mail from UV Environment 15 April 2010.
- CD1.54 Memo from UV Environment 16 April 2010.
- CD1.55 Memo from UV Environment 24 March 2011.

2. Planning committee reports

- CD2.1 Report to the Planning and Transportation Regulatory Panel held on 7th July 2011.
- CD2.2 Amendment Report to the Planning and Transportation Regulatory Panel meeting held on 7th July 2011.
- CD2.3 Minutes of the Planning and Transportation Regulatory Panel meeting held on 7th July 2011.
- CD2.4 Decision Notice 10/58745/OUTEIA.
- CD2.5 Minutes of the Planning and Transportation Regulatory Panel meeting held on 15th September 2011 where the Council resolved not to defend the reasons for refusal.

3. Development plan

- CD3.1 City of Salford Unitary Development Plan 2004 – 2016 (adopted 21 June 2006).
- CD3.2 Letter from the Government Office North West to Salford City Council and Direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 (saving certain policies in the City of Salford Unitary Development Plan 2004 – 2016) both dated 26 February 2009.
- CD3.3 North West of England Plan - Regional Spatial Strategy.
- CD3.4 Supplementary Planning Document - Greenspace Strategy.
- CD3.5 Supplementary Planning Document - Nature Conservation and Biodiversity.
- CD3.6 Supplementary Planning Document - Design and Crime.
- CD3.7 Supplementary Planning Document - Trees and Development.
- CD3.8 Supplementary Planning Document - Planning Obligations.
- CD3.9 Supplementary Planning Document - Sustainable Design and Construction.
- CD3.10 Supplementary Planning Document – Design.
- CD3.11 Planning Guidance – Housing.
- CD3.12 Planning Guidance - Flood Risk and Development.

4. National planning policy guidance

- CD4.1 Planning Policy Statement 1 – Delivering Sustainable Development.
- CD4.2 Planning and Climate Change Supplement to Planning Policy Statement 1.
- CD4.3 Planning Policy Statement 3 – Housing.

- CD4.4 Planning Policy Statement 7 - Sustainable Development in Rural Areas.
- CD4.5 Planning Policy Statement 9 - Biodiversity and Geological Conservation.
- CD4.6 Planning Policy Guidance 13 – Transport.
- CD4.7 Planning Policy Guidance 14 - Development on Unstable Land.
- CD4.8 Planning Policy Statement 25 - Development and Flood Risk.
- CD4.9 ODPM Circular 05/05 – Planning Obligations.

5. Rule 6 statements

- CD5.1 Appellant's Rule 6 Statement.
- CD5.2 Council's Rule 6 Statement.
- CD5.3 Worsley Civic Trust and Amenity Society (WCTAS) Rule 6 Statement
- CD5.4 Burgess Farm Residents Group (BFRG) Rule 6 Statement

6. Other core documents

- CD6.1 Planning for Growth.
- CD6.2 Draft National Planning Policy Framework.
- CD6.3 Pre-Publication Consultation Core Strategy Report.
- CD6.4 City of Salford Draft Core Strategy.
- CD6.5 Core Strategy Housing Supply (accompanied the Pre-Publication Consultation Core Strategy Report).
- CD6.6 The June 2011 List of sites forming the Five Year Supply.
- CD6.7 The Salford West Regeneration Framework.
- CD6.8 Greater Manchester Strategic Housing Market Assessment (December 2008).
- CD6.9 Greater Manchester Strategic Housing Market Assessment Update (May 2010).
- CD6.10 Greater Manchester Strategy.
- CD6.11 Manchester Independent Economic Review.
- CD6.12 Burgess Farm 1993 Wainhomes Appeal Decision.
- CD6.13 Statement of Common Ground Appellant/Council.
- CD6.14 Statement of Common Ground Appellant/WCTAS.
- CD6.15 Statement of Common Ground Appellant/BFRG.
- CD6.16 Draft Planning Obligation.
- CD6.17 Note on Title.
- CD6.18 Summary of obligations in draft.
- CD6.19 Preliminary list of agreed conditions.

INQUIRY DOCUMENTS

- IN1 Secretary of State's recovery letter.
- IN2 PIM notes.
- IN3 Bundle of letters of objection
- IN4 Letter of support

COUNCIL DOCUMENTS

- CO1 Email 21 October 2011 and note on Deliverable Housing 2011-2016.
- CO2 The Council's Position Statement.
- CO3 Email 18 November 2011 with details of the 1991 Wainhomes proposals.
- CO4 The Council's Opening Statement at the inquiry.

APPELLANT'S DOCUMENTS

- AP1.1 Michael Courcier's proof of evidence.
- AP2.1 Mike Hibbert's proof of evidence.
- AP2.2 Appendices 1-26 to Mike Hibbert's proof of evidence.
- AP3.1 Anne Goodall's proof of evidence.
- AP3.2 Appendices 1-6 to Anne Goodall's proof of evidence.
- AP4.1 Pauline Randall's proof of evidence.
- AP4.2 Appendices 1-10 to Pauline Randall's proof of evidence.
- AP5.1 Chris Patmore's rebuttal proof of evidence.
- AP5.2 Appendices 2-5 to Chris Patmore's rebuttal proof of evidence.
- AP6 Final draft planning obligation.
- AP7 Note on Air Quality and Noise issues.
- AP8 Copy of Appeal Decision APP/L1764/A/10/2126522 (Cala Homes (South) Ltd at Barton Farm, Winchester).
- AP9 Print copy of PowerPoint presentation slides.
- AP10 Copy of The Planning Inspectorate's Advice Note regarding Royal Assent of the Localism Bill.
- AP11 True copy of executed deed of planning obligation.
- AP12 Summary of unilateral undertaking obligations.
- AP13 Note on compliance with CIL Regulations.
- AP14 List of agreed conditions.
- AP15 Email 27 November 2011 regarding involvement of residents' groups in the management of the Nature Parks.
- AP16 Appellant's closing submissions.

BFRG DOCUMENTS

- BF1.1 Richard Critchley's proof of evidence.
- BF1.2 Appendices 1-4 to Richard Critchley's proof of evidence.
- BF2.1 Dr Eleanor Hill's proof of evidence.
- BF2.2 Appendices 1-9 to Eleanor Hill's proof of evidence.
- BF3.1 Tony Yarwood's proof of evidence
- BF3.2 Appendices 1-6 to Tony Yarwood's proof of evidence
- BF4.1 Dr Emma Gardner's proof of evidence (as amended).
- BF5.1 Wendy Howarth's proof of evidence.
- BF5.2 Appendix 1 to Wendy Howarth's proof of evidence.
- BF6.1 Sue Occleston's 'Considerations'.
- BF7 Email 23 November 2011 regarding unbuilt planning permissions.
- BF8 BFRG Closing Statement

WCTAS DOCUMENTS

- CTA1.1 Adrian Dunning's proof of evidence.
- CTA1.2 Appendix to Adrian Dunning's proof of evidence.
- CTA1.3 WCTAS Closing Statement.

OTHER DOCUMENTS

- IP1.1 Barbara Keeley's letter of 8 November 2011.
- IP1.2 Barbara Keeley's letter of 18 November 2011.
- IP1.3 Barbara Keeley's statement to the inquiry

- IP1.4 Barbara Keeley's note of sources for quotes.
- IP2 Cllr Ord's statement.
- IP3 Cllr Garrido's statement.
- IP4 Mr Pattinson's note.
- IP5.1 Paul Burgess' proof of evidence.
- IP5.2 Appendices 1-2 to Paul Burgess' proof of evidence.
- IP5.3 Paul Burgess' note of additions made in evidence in chief.
- IP5.4 Proposed Interim Housing Figure Sustainability Appraisal.

ANNEX A

Schedule of conditions to be attached to outline planning permission for residential development consisting of 350 dwellings, open space, nature parks, roads, foot and cycle links and landscaping; together with recreational and ecological works at Burgess Farm, Hilton Lane, Worsley, Manchester M28 3TL:

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby approved shall be carried out in accordance with the phasing principles contained within Section 9 of the Design and Access Statement prepared by Randall Thorp dated March 2010.
- 5) The development hereby permitted shall be carried out in accordance with the principles and design philosophy set out in the following approved plans: 339.04A, 339A.05F, 339A.06B, 339A.07B and M09028-A-001G.
- 6) No development shall take place, including any works of excavation or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the times of construction activities on site
 - ii) the parking of vehicles of site operatives and visitors
 - iii) loading and unloading of plant and materials
 - iv) storage of plant and materials used in constructing the development
 - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - vi) wheel washing facilities
 - vii) measures to control the emission of dust and dirt during construction
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - ix) measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity
 - x) measures to prevent the pollution of watercourses
- 7) Development of any phase shall not begin until a Crime Prevention Plan has been submitted to and approved in writing by the local planning authority. Each phase of development shall be carried out in accordance with that Plan.
- 8) No development shall take place until a scheme for the lighting of the foot/cycleway between Mather Fold Road and Point A on plan reference 399A.12, including the timing of its provision, has been submitted to and approved in writing by the local planning authority. The approved scheme

- shall be implemented in full before the occupation of any dwelling, and shall be retained in full working order thereafter.
- 9) No development shall take place until a detailed site investigation has been carried out in accordance with Section 4.5 of the Environmental Statement, dated March 2010. The investigation shall address the need for remedial works to treat/address the mine entries, areas of shallow mine workings and areas of former opencast backfill. The details of any proposed remedial works shall be submitted to, and approved in writing by the Local Planning Authority and the works shall be undertaken in accordance with the approved details to ensure the safety and stability of the proposed development prior to commencement.
- 10) Prior to the commencement of each phase of development:
- (i) A Site Investigation report shall be submitted to and approved in writing by the Local Planning Authority. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health and the wider environment;
- (ii) The details of any proposed Remedial Works shall be submitted to, and approved in writing by the Local Planning Authority. Such Remedial Works shall be incorporated into the development during the course of construction and completed prior to occupation of the development; and
- (iii) A Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of any dwelling within that phase. The Verification Report shall validate that all remedial works undertaken on site have been completed in accordance with those approved by the Local Planning Authority.
- 11) No development shall take place until a detailed method statement for the removal or long-term management /eradication of Japanese knotweed on the site has been submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures to prevent the spread of Japanese knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall only be carried out in accordance with the approved method statement.
- 12) Prior to the commencement of each phase of development a programme of archaeological work shall be undertaken in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 13) No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include the arrangements

for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

- 14) The development permitted by this planning permission shall only be carried out in accordance with mitigation measures set out in the approved Flood Risk Assessment (FRA) March 2010 Ref 660094-FRA-R1(3)/RSK Land & Development Engineering Ltd, or any subsequent FRA approved in writing by the local planning authority, including that no houses or gardens shall be sited within the area shown hatched blue on RSK plan ref 660094/1002/P2.
- 15) Prior to the commencement of each phase of development a scheme for the provision and management of a buffer zone alongside the watercourses shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include plans showing the extent and layout of the buffer zone, details of the planting scheme (for example, native species), details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term, and details of any footpaths, fencing, lighting etc.
- 16) Prior to the commencement of each phase of the development a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be implemented as approved.
- 17) No development, including any vegetation clearance or ground works, shall take place within the application site (including the Nature Parks) until a comprehensive Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall give details of the Reasonable Avoidance Measures to be taken to avoid any possible harm to great crested newts or their habitats during the course of the development. Development shall only be carried out in accordance with the approved method statement.
- 18) The dwellings shall achieve at least Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that the appropriate Code Level has been achieved.
- 19) At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary of PPS1 supplement 'Planning and Climate Change' 2007). A scheme showing details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority as part of the reserved matters submissions required by condition 1. The scheme shall be implemented in accordance with the approved details and timetable and retained as operational thereafter..
- 20) At least 31% of the dwellings forming the total development shall have 4 or more bedrooms, and at least 60% of all dwellings shall have a floorspace of at 95 square metres.

- 21) The development shall provide fully on-site for the open space and public realm works required by Policies H8 and DEV5 of the City of Salford Unitary Development Plan, adopted June 2006. In each phase, no dwelling shall be occupied until the open space and public realm works within that phase have been completed and are available for use.
- 22) No dwelling shall be occupied until the offsite works of highway improvement shown on approved plan M09028-A-001G have been completed.

APPENDIX 2

GUI'S POLICY RECOMMENDATIONS DECEMBER 2011 ON DRAFT POLICY CS17; TABLE 8 AND TABLE 9

Berkhamsted were discussed at the workshop which included the need for improvement of social and transport infrastructure in and around Berkhamsted and the provision of more affordable housing. Land to the south of Berkhamsted offers a solution to meet these above local objectives.

GUI undertook a community engagement process during this year (2011) and the Concept Plan aimed to address many of the local community's concerns. Details are found at the Planning Document (at Appendix 8).

It is acknowledged that the local community are not supporting the Proposals. However, DBC also needs to decide, beyond the political pressures to be conservative in growth, that future housing needs and demands for the town will only benefit the community's future generation's housing needs and demands if new development is allowed to take place. This will mean that the younger generations of the existing community will be able to afford to stay in their home town and in turn retain and enhance the town's function and vitality - one of the key strategic and local objectives for the town within the CS Plan.

Concluding Commentary

All of the above evidence illustrates that Land South of Berkhamsted is considered the most logical and sustainable development option at the town in terms of PPS2, PPS3 and other national planning-related criteria and guidance to include the NPPF. It will also ensure the delivery of a package of local social and transportation infrastructure benefits which are intended to significantly improve the long term functioning and vitality of the town. These aspects are considered to respond to the comments identified in the Officers' Conclusion in DBC's Alternative Site Assessment (2010) as well as positively addressing the "Strategic Objectives" and "Common Local Objectives" identified in the CS Plan.

Conclusions on soundness of draft Policy CS17, draft Table 8 and draft Table 9

Draft Policy CS17, draft Table 8 and draft Table 9 are not justified on the basis that the housing targets on which they are based are not supported by a robust and credible evidence base nor are they effective as their approach would not deliver the quantum or distribution of housing needed in the Borough.

Draft Policy CS17, draft Table 8 and draft Table 9 are not consistent with national policy because they are based on housing targets which do not sufficiently meet local housing needs and natural household and population growth projections.

By identifying the actual projected level of housing growth required borough wide and at Berkhamsted, and further by identifying Land South of Berkhamsted as a Housing Allocation for development purposes, the strategic and local objectives of the CS Plan will be achieved whilst also meeting key objectives contained in PPS1, PPG2, PPS3 and the NPPF.

5. Please set out what change(s) you consider necessary to make the Core Strategy legally compliant or sound.

Your response should have regard to the test that you have identified in Q3 above where this relates to soundness. You will need to say why this change will make the Core Strategy legally compliant or sound. It would be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

For the reasons set out above, the following changes (indicated in red) are considered necessary in order to make the Core Strategy is sound.

Policy CS17: New Housing

An average of ~~430~~ 530 net additional dwellings will be provided each year (between 2006 and 2031).

The new housing is planned to come forward in phases. Should housing completions fall below 15% of the housing trajectory at any time, and review of the deliverability of planned sites indicates that the housing trajectory is unlikely to be recovered over the next 5 years, the Council will take action to increase the supply of deliverable housing sites *through a review mainly of existing Housing Allocations where earlier delivery could be achieved.*

~~Existing housing land and dwellings will normally be retained.~~

Table 8: Prospective Distribution of Housing 2006 – 2031

Place	Number of Dwellings indicated in each Local Objective
Berkhamsted	1,180. 2,871
Total	11,320. 13,246

Table 9: Strategic Sites and Local Allocations

Place	Location	Number of Homes
Local Allocations		
Berkhamsted	Land at South Berkhamsted	Development capacity target of some 800 units

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further comments. After this stage, further submissions will only be at the request of the Planning Inspector, based on the matters he/she identifies for examination.

6. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

Please note representations made in writing carry the same weight as those made via the oral examination.

7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary.

It is necessary as the above relates to fundamental changes to the Core Strategy Plan in relation to future development growth across the borough.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.



	<p>Dacorum's Local Planning Framework</p> <p>Core Strategy - Pre-Submission Representation Form – Additional Sheet</p>	<p>Ref: (For official use only)</p>
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