

DFSR

RESPONSE TO SGC HOUSING PROVISION OPTIONS PAPER (CE8)

SUMMARY RESPONSE

1. It is essential that Development Plan ("DP") led housing provision is put in place in SGC as soon as possible.
2. Option 2 set out in document CE8 represents the best Option to achieve (1) above.
3. Because Option 2 will leave a deficit in the 5 year housing supply (as is demonstrated below) it is essential to put in place a mechanism which can operate outwith the DP process which will identify and release further sites not included within the Core Strategy , necessary to maintain a 5 year housing land supply. Option 3 represents such a mechanism. It is not an ideal solution but, allied to Option 2, it represents the best way forward. The precise details of the mechanism will be discussed on 18 July.
4. The Report on the Examination should emphasise the necessity of an immediate Review of the Core Strategy ("CS") being undertaken. This Review should be undertaken with adjacent authorities so as to ensure that there is a fully coordinated response to housing needs in the HMA consonant with the duties in that respect set out in the NPPF.
5. The Cribbs / Patchway New Neighbourhood (CPNN) is a key building block of the CS approach to provision of housing and the development of an integrated and sustainable community, particularly in the critical first 5 year period and it is essential that it is able to commence development as soon as possible.

REASONS: BACKGROUND

6. The latest documents released by SGC which address housing supply continue to ignore the consequences of the Framework's clear commitment to delivery of housing and a 5 year supply in particular. Para 4.2 of CE8 proceeds on the basis that Policy CS15 will avoid the need to maintain a 5 year supply

"...However, in order to avoid planning by appeal, the plan will not deliver equally over the plan period as this would result in unsustainable patterns of development and would be contrary to the Plan's overall vision and development strategy. Therefore housing numbers are phased on Policy CS15 in order to recognise this inter-relationship with the Plan's overall development strategy."

This approach is not consistent with the commitment in the Framework to maintain a 5 year supply at all times. As will be seen below, there will not be a 5 year supply when the CS is adopted when the calculation is carried out correctly. Therefore numerous planning applications, for sites not in the CS, could be submitted in the knowledge that they could go to appeal on the basis of a deficient 5 year housing supply.

7. Neither is an adopted CS some form of guarantee against a successful 5 year supply appeal as the Land West of Uppingham Road, Oakham appeal (RE 10) makes clear. At para 24 the Inspector Mary O'Rourke said

"In the report on the CS, the Inspector concluded that given a reasonable prospect of NW Oakham delivering housing at the rate then anticipated, the plan made provision for 5 years supply of deliverable housing land. However on the basis of the detailed evidence presented two months later to this inquiry, and its testing by cross examination, the Council's witness conceded that the supply for the period 2011/16 would at most be 4.3 years."

8. CE8 introduces the latest iteration of policy CS15. For reasons which doubtless SGC will explain the revised CS15 has chosen to show only 235 units coming from Cribbs / Patchway in the period 2012-2017 despite the fact that in the SOCG (SS 28) SGC

agrees that 1,092 is deliverable from Cribbs / Patchway in the same period. In any event, as will be seen below, CS15 does not demonstrate a 5 year supply.

5 year supply (based on CS15 as amended by CE8).

9. (a) The Plan period is 21 years (2006-2027).
- (b) The Target provision figure is 26,855 which represents 1,279 dpa.
- (c) The provision during the first 6 years of the plan 2006-2012 has been 4,990.
- (d) The first 6 years should have provided $1,279 \times 6 = 7,674$.
- (e) The shortfall is therefore $(d) - (c) = 2,684$.
- (f) The supply for 2012 - 2017 is (according to CE8 / CS15) 6,635.
- (g) The requirement for the same period 2012-2017 is $1,279 \times 5 = 6,395$.
- (h) SGC argue for the shortfall to be made up over the remainder of the plan period (CE9 para 9) and rely on the Williams Close appeal (EB73) to justify this course of action. This approach ignores the fact that the Williams Close appeal was decided on 16.3.11 which was before the Plan for Growth (23.3.11) and the Steve Quartermain Letter of 31.3.11 enclosing Greg Clarke's Statement which committed the Government to growth through planning. The Framework reflects that commitment with its 5% / 20% buffer which is *"...moved forward from later in the plan period"* (para 47, 2nd indent)

What SGC argues for is inconsistent with the emphasis in the Framework of delivery. DFRS has not seen any post NPPF appeal decision which has used the residual approach and all have used the Sedgfield approach. If the Sedgfield approach is used here the provision requirement becomes $(e) + (g) = 9,079$.
- (i) Para 47 also requires a 5% or 20% buffer to be identified. This is a "20% authority" not only by reason of the deficit of 2,684 identified at (e) above (which represents a shortfall of more than two years supply, i.e. $1,279 \times 2 =$

2,558 over the period from the start of this Plan period from 2006) but also because SGC admits that it has failed to deliver over the period 1996 – 2011. CE9 accepts that the shortfall in that period was 1,150 (para 2). Accordingly, this is clearly a "20% authority" and 20% of the 5 year target is $20\% \times 6,395 = 1,279$. If this figure (of 1,279) is moved forward from the later years of the plan, as para 47 requires, the total first 5 year requirement becomes

2,684	(e)
6,395	(g)
<u>1,279</u>	(i)
10,358	

- (j) Expressed as an annual requirement this amounts to $10,358 \div 5 = 2,072$.
- (k) Against that figure the supply identified in CS15/CE8 is 6,635 which amounts to $6,635 \div 2,072 = 3.2$ years.
- (l) CS5 para 10.6 (b) introduces additional elements into the 5 year supply (which for some reason are not identified in CS 15 itself), namely

750	windfalls
250	North Yate
<u>858</u>	Cribbs / Patchway
1,858	

However, even if that figure is added to the supply

6,635 (k)
<u>1,858 (l)</u>
8,493

and the annual requirement of 2,072 (j) is applied, the resultant supply in years is $8,493 \div 2,072 = 4.1$ years which is still well below the necessary 5 year

provision. This demonstrates a fundamental failing in the CS against the requirements of the Framework.

- (m) DFSR raised the issue of phasing in CS15 on 11.7.12. The response was to refer the Examination to the new 10.6 (a) rather than to address the issue that had been raised. However, the amended supporting text to CS 15 continues to refer to phasing

"Instead this new housing will be delivered in accordance with the phasing set out in Policy CS15..."

The text at 10.6 (b) also refers to

"Reviewing the phasing arrangements for North Yate and Cribbs / Patchway."

DFSR raises again the question as to whether CS15 is intended to be a constraint mechanism. The reference to "plan, monitor and manage" in the text of the policy itself represents a throwback to PPG3 and the sequential approach for land release. "Plan Monitor, Manage has no place in a policy title or as a policy approach in a post Framework world. There is no justification for restricting the release of any of the sites the CS has identified for development. The impetus should be in completely the opposite direction with a commitment towards delivery as early as possible by an authority which has been a persistent under-supplier of housing land over many years.

- (n) The 5 year land supply analysis above has been undertaken on the basis that the SGC Target figure of 26,855 is correct. Clearly many Examination attendees believe that this figure represents an inadequate Target. Obviously, if a higher Target figure were to be regarded as necessary then the 5 year deficit will become deeper.
- (o) The 5 year analysis above has served to demonstrate that there is a fundamental difficulty with the CS as presently drafted which must be addressed as soon as possible This urgent requirement dictates the approach and response to the 3 Options which are addressed below.

- (p) DFSR are firmly of the belief that the appropriate response to the 5 year position is not to find the plan unsound because this would result in major delay to DP led housing provision in SG and in the interim there would be a multiplicity of sites coming forward relying on the absence of a 5 year supply. This process would also mean that Cribbs / Patchway New Neighbourhood as planned for in the CS could only come forward if the Council / a planning Inspector found that "very special circumstances" existed which justified release of the DFSR land in the Green Belt. Given that the SOCG (SS 28) accepts that 1,092 dwellings could be brought forward from Cribbs / Patchway New Neighbourhood in the first 5 years of the CS, this would amount to the unnecessary loss of one of the CS key building blocks. If at all possible, that should be avoided. As will be seen below, that is possible.

OPTION 1: SUSPENSION

10. DFSR notes that, in CE8, SGC opines that it would be unable to complete a necessary review of additional sites in a 6 month period (para 3.2. (i)). There is obviously no point at all in any Review where at the start of the process those responsible for undertaking it complain there is insufficient time available for the task.
11. Add to that the suggestion that there is, according to para 3.2 (iv), a real risk that any review process may be rejected by SGC members so that the Inspector is effectively presented with a fait accompli.
12. DFSR believes that not only is there little enthusiasm for or commitment to a successful Review but the period lost by the process would be better spent in advancing the CS "warts and all". This is especially so when Cribbs / Patchway is an essential building block of CS early delivery of housing by an authority which has a long history of under provision of housing.
13. During the Review period and until the CS is adopted, other less sustainable sites than Cribbs / Patchway will obtain planning permission based on the obvious and severe existing 5 year land supply deficit. This process could actually threaten Cribbs /

Patchway rather than merely delay it or result in only partial development of the new neighbourhood given that a planning application is already with SGC for part of the area.

14. Option 1 should be rejected.

OPTION 2: REVIEW

15. This is the only option which offers the certainty of DP led housing provision. In particular, it would enable an early start on the Cribbs / Patchway New Neighbourhood which is a key building block of the CS and which offers the opportunity of major contribution to the first 5 years housing supply, i.e. 1,092 which has been accepted by SGC. (SS 28).
16. Because of the 5 year deficit based on SGC's own target figure there is clearly an urgent need for a Review.
17. That Review should involve co-operation with neighbouring authorities as NPPF requires. It is wrong that other authorities have taken advantage of adoption of DP documents without regard to the requirements of the HMA and of adjoining authorities. This unjust anomaly should be addressed sooner rather than later. For these reasons it is not in SGC's own interests that the Review should be post 2021 as they argue.
18. For reasons set out above at para 9, SGC is wrong to believe that its CS as presently drafted will protect it from 5 year supply appeals (CE 8 para 3.4 (vi)). Furthermore, an early review would help avoid the need for "speculative planning applications" (para 3.6).
19. The approach that CE8 takes at para 3.7 to the other adjacent authorities in the West of England represents a triumph of hope over experience. These authorities will not develop an appetite for Green Belt review with the passage of time but only if the urgency of its provision is impressed upon them through the Report into this CS Examination.

20. Option 2 should be pursued with an early Review.

OPTION 3: INTERIM ARRANGEMENT

21. Some measure must be identified to address the clear 5 year deficit but it must not delay the adoption of the CS for reasons set out above.

22. The advantage of an interim arrangement to supplement early adoption of the CS allied to an early Review is that it puts into SGC's hands the control to decide which sites should come forward to fill the 5 year supply gap, rather than see a process of supply merely representing a response to applications. SGC has referred the Inspector to examples of this process in the following Districts:

- Taunton Deane – Examination Library reference RE5 and RE6
- Cotswold - Examination Library reference RE7
- Exeter City - Examination Library reference RE8

23. Documents CE8 and CE9 demonstrate that SGC is unable or unwilling to acknowledge the extent of its 5 year supply difficulty and the consequences that this has having regard to the provisions in paras 49 and 14 of the Framework. It is essential that the CS is adopted as soon as possible but this 5 year problem cannot be ignored having regard to the plan making duties in respect of the housing provision set out in paras 159 and 182 of the Framework.

Positively Prepared.

24. There is inadequate 5 year supply in CS 15 which, in so far as it is a policy which seeks to control necessary development by phasing, is flawed. The Inspector may conclude the overall target of 26,855 is too low. To the extent that he does so, the need for Review and an interim arrangement is enhanced.

Justified.

25. The "most appropriate strategy" is not the pursuit of the perfect: it is expressly measured against "reasonable alternatives". Those "reasonable alternatives" include the 3

Options identified in this process. The combination of Option 2 and 3 represents a "justified" and reasonable approach to future housing land supply.

Effective.

26. It is essential that an early start is made to early delivery of the CS and in particular the contribution to housing supply that the Cribbs / Patchway New Neighbourhood can deliver.

Consistent with National Policy.

27. SGC's approach to housing delivery fails to acknowledge the critical importance in DP preparation of ensuring continuity of housing land supply and particularly within the first 5 years.
28. Option 3 (together with Option 2) is therefore an unusual but essential measure to guarantee that continuing supply of necessary housing land is made available. The land identified in the CS is DP led development which needs to be supplemented either by ad hoc planning applications or alternatively through a delivery process in Option 3 which gives SGC control over sites which are necessary to be released to achieve a 5 year supply.

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