



Position Statement on behalf of Wainhomes (South West) Holdings Ltd (ID: 192)

In relation to: Matter 1 – General Considerations

Wainhomes (South West) Holdings Ltd

Project : 6412
Hearing : Matter 1 – General
 : Considerations
Client : Wainhomes (South West)
 : Holdings Ltd (ID: 192)
Date : February 2018
Author : Stephen Harris

This report has been prepared for the client by Emery Planning with all reasonable skill, care and diligence.

No part of this document may be reproduced without the prior written approval of Emery Planning.

Emery Planning Partnership Limited
trading as Emery Planning.

Contents:

1. Introduction	1
2. Response to the Matters and Issues	2

1. Introduction

- 1.1 Emery Planning is instructed by Wainhomes (South West) Holdings Ltd (hereafter referred to as 'Wainhomes') to attend the examination into the soundness of the Cornwall Site Allocations DPD on their behalf.
- 1.2 Wainhomes is a key developer within Cornwall and will continue to be an important delivery partner for the Council in meeting its open market and affordable housing needs during the plan period. Their landholdings and developments can also facilitate further mixed use development including employment and social infrastructure. Wainhomes made representations to, and appeared at the examination of, the Local Plan: Strategic Policies (LPSP).
- 1.3 This statement summarises our client's position in response to the Inspector's schedule of Matters and Issues (INSP.S4), specifically the questions under Matter 1: General Considerations. It should be read in conjunction with our detailed representations to the Submission Version of the plan (ID: 192), and our other Position Statements submitted to this examination.

2. Response to the Matters and Issues

Is the CSADPD sound as a whole if the individual town site allocations are found to provide for the timely and effective implementation of the respective town strategies with respect to the numerical requirements of the adopted Cornwall LPSP?

- 2.1 Meeting the housing requirements set out within the LPSP is the most important role of the CSADPD. However, the soundness of the plan does not solely rest upon whether the CSADPD can meet the numerical requirements of the LPSP. Assessment is required as to whether the various policies and allocations are consistent with the LPSP, the Framework, and meet the other tests of soundness.
- 2.2 One test of soundness in particular is that the plan must be justified. This requires the plan to be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence. If sites are being allocated, then to meet this test of soundness requires an assessment and comparison with reasonable alternative site allocations which could meet the numerical requirements of the LPSP.

Is the existing housing land supply situation in each town based on robust, up to date evidence?

- 2.3 No. We have commented on the housing land supply position in a number of the settlements in our town specific Position Statements. The evidence relating to the delivery of a number of sites is not robust, and in a number of cases is over-optimistic.

Do the housing land allocations of the CSADPD make a sufficient contribution to the overall and five year housing land supply requirements of the adopted Cornwall LPSP 2010-2030?

Overall housing land supply

- 2.4 It is not possible to fully assess whether there are sufficient site allocations to meet the overall housing requirement, as the CSADPD does not cover all of the towns and Community Network Areas (CNAs). However it is important that the plan provides sufficient certainty for each town that is covered by the CSADPD. It is apparent that where the CSADPD is to allocate land, it is not allocating enough. There is insufficient flexibility to deal with the potential non-delivery of

sites in part or full. Even where sites can be demonstrated to be developable, there should always be a contingency in place in the event that they do not come forward as expected.

- 2.5 Paragraph 14 of the Framework requires that Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. No definition of rapid change is provided, but in our view the potential delay or non-delivery of sites is precisely the kind of rapid change the Framework requires the LPA to provide flexibility for. Even where Local Plans are produced in more than one part, as is the case in Cornwall, in practice each DPD takes a number of years to produce and adopt, and therefore reviewing the plan (even in part) is not usually an effective response to a shortfall in housing land supply. Plans should have the inbuilt flexibility to ensure that a shortfall in housing land supply is never encountered throughout the lifetime of the plan.
- 2.6 In our representations to the Submission Version, we identified a number of large sites which we consider to be at risk in terms of delivery within the plan period. This illustrates why flexibility needs to be built into the supply. It is inevitable that other sites, both large and small, will not be built out at the rates envisioned within the trajectory for a variety of reasons, even if the evidence currently indicates that they are deliverable / developable. In addition, we have identified a number of sites through our assessment of the 5 year supply with unrealistic lead in times. Also on sites where more than one developer has been identified, it is not clear what evidence is relied upon for that assumption.
- 2.7 It is important to note that the housing requirement set by Policy 2a of the LP:SP is a minimum requirement. The LP:SP Inspector's report states at paragraph 141:

*It is necessary to ensure that the requirement of 52,500 is met and is not interpreted in the future as a cap or ceiling on housing delivery as there is no evidence to justify such an approach. Accordingly, I consider that policy 2a should refer to the delivery of a **minimum** of 52,500 (part of **MM15**).*

- 2.8 At paragraph 149 of his report into the LP:SP, the Inspector made it clear that it will be for future plans to determine whether a sufficient scale of land is allocated in order to maintain a 5 year supply on a rolling basis:

"It will be for the SAP [Allocations DPD] and NPs to determine the appropriate scale and mix of allocations that, along with planning permissions, collectively ensure a rolling supply of housing to meet the on-going 5 year requirement."

2.9 Paragraph 1.63 of the LP:SP specifically recognises that there may be a need to allocate more sites above the residual housing requirement:

“There may be a requirement to allocate or permit development of further sites above the residual housing number to ensure delivery of the target in the Plan period or support the provision of a continuous 5 year land supply”.

2.10 Our concern is that within the Allocations DPD as presently drafted, insufficient flexibility has been built into the supply. In our view, the Allocations DPD needs to plan for significantly more housing than just the minimum requirement, to provide a realistic prospect of the overall requirement being met.

2.11 Taking the example of St Austell, the minimum requirement is 2,900 dwellings. Table St2 indicates a current supply of 2,951 dwellings. The Allocations DPD then makes allocations for a further 125 dwellings, which would give a total supply of just 3,076 dwellings. This would provide a flexibility factor of 176 dwellings, equating to just 6%. We consider that this provides insufficient flexibility to respond to changing circumstances, i.e. slippage in the delivery of housing from strategic sites or existing commitments, as required by the Framework. If any of the sites fail to deliver as expected, the requirement for St Austell will not be met.

2.12 We have highlighted that Table 15 of the Saltash housing evidence report factors in a 10% allowance to the residual requirement for allocations (see row K). Notwithstanding our concern as to whether 10% is sufficient, it is not clear why this is only done in the case of Saltash, and not for example St Austell or Bodmin which rely on larger sites. We note that the latest Council's latest housing land supply summary tables (CC.S4.4) refers to '5% flexibility' within in the final columns. We do not consider 5% to be anywhere near sufficient.

2.13 The Local Plans Expert Group has strongly advocated providing a high degree of flexibility in the supply of housing land. The group published its report to the Communities Secretary and the Minister of Housing and Planning in March 2016. Although the conclusions of the report have not yet been brought forward into national policy, they nevertheless highlight a number of common failings in plan making that often result in recently adopted plans being found to be 'out-of-date' not long after adoption. Paragraph 11.2 of the report identifies that particular problems currently occur with identifying and maintaining a five year supply of housing land, not least because:

- i. the factors affecting a five year land supply calculation are 'live', in the sense that matters such as build rates, site circumstances etc. change constantly so that, whatever a Local Plan Inspector finds as a result of the local plan examination will be out of date even before the local plan is adopted;
- ii. even though local plan examinations are often dominated by five year supply issues, they rarely have the time to address the full detail properly and there are several examples of appeals being won on the five year issue immediately after a local plan has been adopted because further scrutiny is possible through section 78 appeals;
- iii. even where a Local Plan has recently been found sound – with a housing requirement that meets OAN – the subsequent publication of new household projections or other data is being cited by developers and others as reason to argue that the plan is out of date;
- iv. because Plans tend only to allocate the minimum amount of land they consider necessary, once adopted, there is little that Local Plans can do to address any shortages that appear in the five year supply. Any shortages, therefore, trigger (slow) local plan reviews meaning that shortfalls tend to be addressed by application or appeal led solutions, rather than plan-led solutions; and
- v. the combination of short term focus, coupled with inevitable long term shortcomings, then encourages the concept of plans being found sound subject to early reviews, which undermines the credibility and sustainability of the plan-led system.

2.14 One of the report's recommendations (paragraph 11.4) is that local plans should not only demonstrate a five year land supply, but also focus on ensuring a more effective supply of developable land for the medium to long term (over the whole plan period), plus make provision for, and provide a mechanism for the release of, developable reserve sites equivalent to 20% of their housing requirement. In the case of Cornwall, where the requirement is a minimum, we see no specific need for reserve sites, providing that sufficient flexibility is built into the housing supply; at present it is not.

2.15 At present the recommendations of the Group are just that; recommendations. However their conclusions reflect the concerns that we have in respect of the Cornwall Allocations DPD. We consider that there is insufficient flexibility to deal with changing circumstances, specifically a

failure to deliver housing at the anticipated rates. There are also no reserve or backup sites proposed. Consequently, the reality is that any slippage from the allocated or committed sites could result in the housing requirement not being met. This would have serious implications in terms of the failure to meet identified housing need, and also the plan would be 'out-of-date'. This could happen almost immediately following adoption, as has been widely experienced elsewhere.

- 2.16 We have also set out concern in our representations to the Submission Version that there is insufficient guidance is provided as to how much flexibility Neighbourhood Plans will need to provide for, to ensure that an adequate supply of housing land is maintained. Again we would advocate a minimum flexibility factor of at least 20% for each CNA, in particular the main towns listed under Policy 3 of the LP:SP. There is also insufficient contingency in case the proposed Neighbourhood Plans fail to come forward and/or fail to deliver the required quantum of development. Paragraph 1.69 of the LP:SP states:

"Should these plans not reach submission stage within two years of the adoption of this Plan or do not make sufficient housing provision within the Neighbourhood Plan to meet key targets, the Council will undertake the necessary site allocations to support the delivery of the targets set out in the Local Plan."

- 2.17 The reality is that by the time that the Allocations DPD is adopted, 2 years from adoption of the LP:SP (i.e. November 2018) is likely to be on the immediate horizon, if not passed. If it is apparent that any Neighbourhood Plans are not making sufficient progress, this should be identified now so that there is potential to deal with the issue through this DPD, rather than starting the process again potentially for a number of residual CNAs.

5 year supply

- 2.18 Wainhomes' representations to the Submission Version of the plan addressed the issue of the 5 year housing land supply. However we note the Council's Regulation 22(1)(c) statement, and the subsequent clarification from the Inspectors that representations that the overall County housing supply is inadequate will not be heard. Such matters are now for the consideration of individual planning applications.
- 2.19 The proposed approach is consistent with the approach taken in a number of recent examinations, and presumably reflects the fact that an examination such as this cannot realistically test the deliverability of all sites, particularly those which are not specifically

allocated within this plan. In any event such an exercise would be futile given that housing land supply is a constantly evolving subject, and the operation of paragraph 49 of the Framework requires an assessment of the 5 year supply at the time a decision is made.

2.20 Notwithstanding, in the absence of a full critical assessment of the Council's 5 year housing land supply, it is impossible to determine how much immediately deliverable land needs to be allocated in order to provide a robust 5 year housing land supply. Consequently it is not possible to assess whether the plan would address the requirements of paragraph 47 of the Framework, and as such whether additional sites are needed in order to provide for a robust 5 year supply. It must therefore be recognised that if it does transpire that there is a shortfall in the housing land supply, this will need to be rectified outside of the plan-led system, through the operation of paragraphs 14 and 49 of the Framework and the tilted planning balance.

C2 and specialist accommodation

2.21 Paragraph 14 of the Framework requires Local Plans to meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. Paragraph 50 requires local planning authorities to plan for the needs of different groups in the community, including older people.

2.22 Policy 2a of the CLSP sets out 5 key targets, one of which is the provision of 2,550 bed spaces in communal establishments for older persons, including nursing and specialist accommodation. Appendix 1 confirms that this is a net requirement. However, the Allocations Plan does not even refer to the identified requirement, let alone seek to meet the need. No sites are allocated and the existing supply is not addressed.

2.23 It is not clear why the Allocations DPD fails to provide for this clearly identified need. The Council will recall that during the LP:SP examination, consideration was given as to whether the need should be included as part of the overall housing requirement, such is the inter-relationship between the needs. It would be illogical to rely on a future DPD to meet these needs given that the supply of land is so intrinsically linked with C3 housing, and there may be a need to allocate further land beyond the existing settlement boundaries.

2.24 We consider that the failure to plan for the identified need for bed spaces in communal establishments for older persons renders the plan unsound. Specifically, it does not seek to meet objectively assessed development and infrastructure requirements, and is therefore not

positively prepared. It is also inconsistent with national policy, in particular paragraphs 14 and 50 of the Framework.

Do the employment (commercial, industrial and retail) land allocations of the CSADPD make a sufficient contribution to the employment land supply requirements of the adopted Cornwall LPSP?

2.25 We have set out in our Position Statement in relation to St Austell (Matter 8) our concerns in relation to the employment land supply requirements within that settlement.

Does the CSADPD make effective provision for the delivery of necessary highway and other infrastructure necessary to the implementation of the respective town strategies?

2.26 No comment.

Does the CSADPD make appropriate provision for open space and sports pitches and green infrastructure with reference to current guidance?

2.27 No comment.

Does the CSADPD make appropriate provision for the protection of European wildlife habitats (in advance of the adoption of a European Sites Mitigation SPD)?

2.28 No comment.

Should the Purpose and Definition of 'Direction of Growth' allocations be clarified by way of a MM to the Plan text?

2.29 Yes. We note the Council's explanation and suggested text as set out within CC.S4. The principle of allocating such sites to highlight the longer term strategy for a town, in terms of clarifying certain aspects of provision around strategic infrastructure, is a sound one. Furthermore the identification of such sites could provide some flexibility to the housing land supply; for example if the allocated sites do not progress at the rates envisioned, the Council could then look to a Direction of Growth. It is not clear, therefore, why 'Directions of Growth'

are identified in only some settlements. We have suggested that our client's strategic site at St Austell could be identified as a Direction of Growth, in the alternative that it is not allocated for development within this plan.

Should the 'retail requirement' of the Plan be clarified in the absence of any retail allocations in the towns by way of a MM to the Plan text?

2.30 No comment.