Examination of the Wealden Local Plan

Statement on behalf of Martin Grant Homes Ltd
(Respondent: 1186155 and 1186163)

Matter 4 – Supply of Housing

May 2019
1. Introduction

1.1 This statement is submitted on behalf of Martin Grant Homes Ltd for purposes of the Examination of the Wealden Local Plan (2019).

1.2 The statement responds to the Inspectors’ Issues and Questions for Matter 4: Supply of housing. Specifically, those questions attributed to Issue 1.

1.3 This follows representations from our client to Wealden District Council’s (WDC) Proposed Submission Version Local Plan consultation (Regulation 19) in October 2018.
2. Response to Issues and Questions for Matter 4

Issue 1: Is the Council’s approach to its housing supply, justified, effective and consistent with national policy?

Question 32—Is reliance on the scale of windfall housing predicated within the LP being delivered, realistic, justified and consistent with national policy? In particular, how have the Core Areas been determined? How does the projected contribution from windfall housing compare with recent housing delivery? Is it appropriate to rely to such an extent on windfall housing rather than the allocation of housing sites within a plan led system?

2.1 Addressing the last part of Question 32 first, we contend it is not appropriate in this instance to rely to such an extent on windfall housing. As we contend in our Statement to Matter 3, the quantum of housing proposed in the district and the plan period over which it is planned is not considered justified and should be re-assessed. If the plan were to be permitted to proceed to adoption in its current form, one would wish to have greater certainty the plan could deliver sufficient growth to maintain a continuous five year supply of land for housing over this relatively short plan period; or until a review plan could address any failings or unmet needs.

2.2 Over half (60%) of the homes that could be delivered through new allocations in the district are at Hailsham/Hellingly (5,357). This is a significant proportion of the plans growth. Yet the delivery of this relies on as yet unproven water discharge capacity at Hailsham North and Hailsham South Waste Water Treatment Works (Draft Local Plan paragraph 6.35 and Policy WLP 13). The lack of alternative or contingency options is evident at Policy WLP 13, which relies on a review of the local plan to address such matters should they become evident. This, compounded with the fact the plan is already planning for less than 10 years of growth from adoption, represents a serious flaw in the plan in our opinion.

2.3 The delays associated with waiting for an unenforceable and as yet unknown review date to address such unmet needs would only exacerbate and compound the delays meeting evidenced and mounting needs for housing. The risks increase in our view, when considering the reliance the Council places alongside this on Windfall and Core Area delivery. This is expected to contribute 2,516 homes of the residual requirement of 6,528 homes for the period 2017-2028 (circa 40%). In light of the uncertainties regarding the delivery of significant levels of growth in the Hailsham/Hellingly area, it would seem prudent, if not essential to ensure remaining supply sources are more certain. Windfall by its nature is far from certain and will make it harder to plan for and respond to infrastructure needs from such developments than through allocations. The reliance on such a significant quantum of supply coming from windfall in this context is not in our view justified, nor is it likely to result in an effective delivery of the plans objectives over even an interim short plan period.

2.4 This is compounded yet further when one considers Policy WLP1 makes provision for 14,228 of the 14,250 stated OAN for housing. No contingency or slippage allowance is incorporated into supply to ensure delivery of the OAN. This puts yet further
importance on the certainty of delivery of stated supply sources, which as we have alluded to above, is not in our view evident.

2.5 In addition, we would also question the Council’s ability to maintain a continuous five year supply of land for housing from the outset at anticipated adoption of the plan. It is noted at Table 20 of the Council’s Housing Background Paper (WDC, January 2019) that under supply is not accounted for in years 2013/14 to 2016/17, nor has a 20% buffer been applied in such calculations.

2.6 It is equally unclear why the Council have opted to move back in time to a 1st October 2017 starting point for calculating five year forward supply (Table 20 of Housing Background Paper, WDC, January 2019), rather than the WDC latest AMR starting point of 1st April 2018 (Table H4 [page 45] AMR, WDC, December 2018). Paragraph 8.3.1 of the Housing Background Paper (WDC, January 2019) states, ‘It should be noted that Council’s latest AMR for the 2017/18 monitoring period did update the 5 Year Housing Land Supply Position in view of the new stepped housing trajectory as of 1 April 2018 and is the latest position with regards to housing land supply.’ It is assumed therefore that Table 20 of the Housing Background Paper is out of date and WDC assume use of the latest AMR (WDC, December 2018).

2.7 The draft plan seeks to provide 14,228 homes from 2013-2028, which falls just slightly short of the OAN requirement upon which this is acknowledged to be based (i.e. 950pa). The Council have not sought to rebase this housing figure from 2018 to account for shortfalls between 2013-2018, which would otherwise have resulted in a higher annual requirement from 2018 to 2023, using the Sedgefield approach to calculation. No justification is given for adopting the Liverpool method, nor do we feel there is cause to deploy this method in this instance. The Council have opted for a shorter plan period post adoption, with circa 40% of supply assumed from windfall sources for this plan period. There is arguably a greater need therefore to ensure unmet needs are accounted for and redressed as soon as possible over such a short plan period. There is little justification in our view in deferring needs which should have been met between 2013/14 and 2017/18 to the back end of the plan period. These are needs that are already five years unmet and mounting and one would argue needs that shouldn’t be deferred further through use of the Liverpool method in our view.

2.8 Figure 3 and Policy WLP12 confirm the Council seek to apply a stepped provision of 750pa from 2013/14 to 2020/21, then 1,179 from 2021/22 to 2027/28. Figure 3 of the Local Plan confirms that 2,673 homes were completed in the period 2013/14 to 2017/18, which is some 1,077 homes short of the Council’s stepped requirement or 2,077 short of the standard annualised requirement of 950pa for this period. If such shortfalls were factored into Table H4 of the Council’s AMR (WDC, December 2018), it is clear the Council would be unable to demonstrate a five year supply.

2.9 In addition, in relation to buffer, the Council claim only a 5% buffer, yet by the Council’s own admission in Figure 3 of the Local Plan, the Council falls some way short of meeting even the stepped 750pa for all completed years 2013/14 to 2017/18 and indeed forecasted to continue in 2018/19. If the Council continue to retain the plan starting point as 2013 and base their delivery assumptions on meeting a stepped provision of 750pa from this year to 2020/21, then it could be argued the Council has
persistently under delivered against this target in all of the previous 5 years; and predicted to do so for the forthcoming year. Hence under para 47 of NPPF (2012), a 20% buffer would normally be adjudged as required. Equally, if one assessed this for purposes of a planning application under paragraph 73 of NPPF (2018), all three of the last three years completions are substantially not met and hence a 20% buffer would need to be applied.

2.10 If a 20% buffer is applied to Table H4 of the Council’s AMR (WDC, December 2018), the Council would not be able to demonstrate a five year supply. If the historic shortfall were to be added in as well, as we contend it should, this would drop yet further. If the annualised OAN requirement of 950pa is used instead of a stepped provision, with shortfall and 20% buffer added, this drops yet further. This is without interrogating the Council’s supply assumptions further or using the increased OAN requirement we suggest is justified in comments to PolicyWLP1 (see our Statement to Matter 3).

2.11 The same conclusion was made by the Council in table H3 (Page 40) of the Council’s AMR (WDC, December 2018). Namely using 950pa, accounting for shortfall and a 20% buffer would result in only demonstrating a 2.62 years supply of land against requirement. At Table H4, the Council assert the use of the new Local Plan stepped provision, no shortfall and only 5% buffer to arrive at a claimed 5.69 years supply. We would strongly contend the position is closer to the former, not the latter, even accepting the stepped delivery rate of 750pa 2013/14 to 2020/21 in the submitted plan. The Plan as drafted does not therefore in our view provide five years’ worth of deliverable sites against requirement, as required by NPPF and accordingly leads the plan to be out of date from inception, failing to meet the positively prepared or effective tests of soundness therein. The over reliance on windfall is a further shortcoming of a strategy that we conclude is not the most appropriate one of reasonable alternatives. If the Local Plan is permitted to proceed on the basis of an early review, as a minimum, such windfall allowance should be reduced in favour of allocations. Further lands deemed suitable for housing by the Council should and could be allocated in its place to create further certainty, including our client’s lands at Bird in Eye (North), Uckfield1. WDC could control windfall growth beyond such allocations in the same manner they are proposing to manage growth beyond the current windfall cap at present.

2.12 We continue to assert the plan as drafted is unsound and should be withdrawn to allow a new OAN for housing to be calculated, over an appropriate plan period in excess of 15 years; and that associated assessments and collaboration under the Duty to Cooperate commence as soon as possible.

- End –

1 Site Reference 127/1410 and 725/1410, page 354 and 452 of SHELAA (WDC, January 2019).