Statement for the Wealden Local Plan Examination

Matter 4: Issue 1

Prepared For
Denton Homes

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1 INTRODUCTION

1.1 On behalf of our client, Denton Homes, we are pleased to enclose an additional representation to Stage 1 of the Wealden Local Plan Examination.

1.2 Our representations relate specifically to Matter 4 – the supply of housing. We will not be attending the Examination on this issue. We have limited our response to the key issues of relevance to our client.

1.3 We understand that the Plan is being examined under the transitional arrangements, meaning that the relevant national policies are set out in the National Planning Policy Framework (NPPF) of 2012. Where appropriate, we have also referred to updated national policy as set out within the NPPF of February 2019.
MATTER 4: ISSUE 1

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

Question 58. Is reliance on the scale of windfall housing predicated within the Local Plan 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 No. We do not consider that the Council’s approach to its housing supply is justified, effective or consistent with national policy.

2.2 To set the context to our detailed comments, firstly the approach of the Plan towards to housing numbers is confused and it is unclear whether or not the Council has conformed with the Duty to Cooperate.

DELIVERY ISSUES

2.3 In terms of delivery, a stepped trajectory is proposed whereby delivery is assumed as 750 dpa until the end of the 2020/21 monitoring period. This then increases to 1,179 dpa between 2021/22 and 2027/28.

2.4 However, the Council has a poor historic performance in terms of housing delivery. The figure show a high cumulative deficit of 2,076 units over the period between 2013/14 and 2017/18, based on the Council’s accepted objectively assessed need of 950 dpa.

2.5 It will be up to the Inspector to assess whether the proposed stepped trajectory is a sound approach. However, our view is that the high deficit is a reason to maximise the rate of delivery at the earliest possibility in order to boost the supply. This would be a more positive approach.

2.6 The latest housing land supply position for the District (as at 1 April 2018) shows a housing land supply position of 2.62 years. A further calculation is then shown which does not seek to accommodate the deficit as it is accounted for within the proposed stepped trajectory. It is unclear why this approach has been taken. This results in a land supply of 5.69 years (if the 5% buffer is used) and a small shortfall if the (more appropriate) 20% buffer is used. Our firm view
is that the 20% buffer is necessary; this is good planning practice to ensure and maintain a suitable supply of housing which is essential given the historic under delivery in the District and the knock on implications of this in terms of housing need. A number of the assumptions appear unrealistic and inaccurate, meaning that it is unlikely that the Council can demonstrate a 5 year housing land supply.

2.7 Given the high housing needs and low rates of historic delivery, it is essential that the Council is more proactive in allocating sites, rather than leaving delivery to chance via windfall sites. The outcomes of the Housing Delivery Test (HDT) show annual delivery rates of 518 (2015/16), 564 (2016/17) and 487 (2017/18) which are considerably below what needs to be achieved over the Local Plan period. To achieve the necessary step change in housing delivery the Council needs a fundamental change in its approach.

2.8 The Local Plan is reliant on a considerable amount of windfall sites to deliver the housing numbers (2,516 dwellings). The Plan states in paragraph 6.3 that “in addition to identified land, provision has been made for the delivery of some 2,516 dwellings through policies including the identification of town centre regeneration areas, development boundaries and core areas”. As clarified by Policy WLF7, these sites are actually ‘windfall’ sites which in terms of the definition within the NPPF are ‘sites not specifically allocated in the development plan’.

2.9 In terms of paragraph 48 of the (2012) NPPF, local authorities can include windfall sites as part of the anticipated supply but only if there is ‘compelling evidence that they will provide a reliable source of supply’. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends’. A similar version of this paragraph is included within the 2019 NPPF which by definition was windfall development.

2.10 The Council has not demonstrated this ‘compelling evidence’ meaning that the Plan is not consistent with national policy and that there is an issue of conflict with national policy in terms of the tests of soundness. Whilst we note from the Annual Monitoring Report that the Council has previously (between 2006/7 and 2017/18) delivered an average of 253 dwellings per annum on windfall sites, much of this delivery was due to a lack of allocations being made through the plan led system – with a considerable gap between the Wealden Local Plan (adopted 1998) and the Core Strategy (adopted 2013). This meant that there was a considerable amount of speculative development during that period.
2.11 There is some useful information in the Core Strategy (paras 5.7-5.9). Para 5.7 sets out (at that time, presumably 2013) "For the last 10 years some 80% of housing completions have been on previously developed (brownfield) land. As similar site opportunities for future growth in Wealden are limited, it will not be possible to maintain this high proportion in future years....".

2.12 We would expect that diminishing brownfield opportunities would lead to a reduction in windfall site availability.

2.13 Para 5.9 of the Core Strategy relates to windfalls. This states that windfalls provide some 'limited contingency'. The para usefully goes on to explain that "...windfall sites can increase the demands on the District’s environmental and infrastructure constraints and this in turn could have a determining effect on overall delivery capacity at any particular settlement. Through monitoring arrangements, the Council will need to ensure that the unplanned development of windfall sites does not conflict with the strategy".

2.14 We support these sensible statements — the role of a development plan is to plan for growth rather than leave it to chance. Over reliance on windfall sites not only means that delivery rates are far from certain, but also means that development is not planned for in the necessary holistic way. One of the key roles of the development plan is to ensure that the infrastructure requirements of development as a whole are planned for (normally through an Infrastructure Delivery Plan prepared in conjunction with infrastructure providers). With so much windfall development proposed, this work cannot be done accurately. This has potential implications for infrastructure of all kinds including education, highways etc, which can't be properly delivered on a piecemeal basis.

2.15 Appendix 2 of the emerging Local Plan includes a windfall allowance for each settlement in the District. If this windfall allowance within the plan is based on site availability, then it would be a sound approach to identify and allocate these specific sites as suitable for development. We suggest that the Council should make additional firm allocations for housing to give the necessary certainty that the housing requirement can be delivered, and also to plan properly for the necessary infrastructure that needs to be provided to support the development.

**COUNCIL'S APPROACH TO CORE AREAS**

2.16 Denton Homes are promoting a site north of Bletchinglye Lane which lies within the Town Row Core Area. Our main issue of concern is justification of the Council's approach to Core Areas,
particularly in regard to not identifying sites for allocation within these areas, and also seeking to artificially cap the numbers in these areas.

2.17 Firstly we would like to emphasise that we support, in principle, the introduction of Core Areas as areas of the District within which some additional development is acceptable. Paragraph 2.58 of the Council’s background paper on this issue sets out that “Core Areas identify the heart of the settlement to ensure that development is delivered in close proximity to the centre whilst allowing for organic growth within and adjacent to the Core Area”. The background paper explains how the boundaries have been drawn, which, for Town Row seems to result in a logical outcome.

2.18 Our concern is that having proactively identified the Core Areas as sustainable locations for new development, it is then contradictory to put a cap on the numbers of houses that can be delivered. For Town Row the figure is capped at 10 dwellings, which is completely arbitrary and unnecessary and constitutes a negative approach, rather than the necessary positive approach. There is scope to develop a higher number than this in Town Row. The capped numbers will result in either sporadic growth across the Core Area or a concentrated development in a part of it and then the rest left undeveloped.

2.19 The Core Area can certainly accommodate more than 10 dwellings and the approach therefore fails the tests of soundness as it is not a justified approach. The background paper on this issue explains that (para 2.45) “The settlement capacity may only be exceeded in principle of development is on suitable brownfield land in accordance with other policies in the Plan”.

2.20 However, once a boundary has been defined, planning applications should be considered against the usual range of planning considerations, which includes efficient use of land and character considerations.

2.21 The 2012 NPPF emphasises the role of planning policies and decisions in promoting an effective use of land to assist in meeting the need for homes. Policy WLP5 and Policy WLP7 are therefore unsound in this regard, as they do not accord with the NPPF, instead setting an artificial cap on development.

2.22 Additionally, any planning application within the Core Area would have to take the 2019 NPPF into account, rather than the 2012 NPPF. The 2019 NPPF (para 122) places more emphasis on achieving appropriate densities by supporting development that makes efficient use of land.
Therefore an application which does not represent effective use of land by setting out an artificially low number for a site would potentially not accord with the NPPF. Para 123 of the 2019 NPPF states that “Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site”. There is therefore a contradiction between the intent of policy WLP5 and how, in reality, it will be implemented.

2.23 Additionally, Town Row is, functionally, part of Rotherfield. Given that Rotherfield has a range of ‘shops, services and employment opportunities’ (para 25.164 of the emerging Local Plan), it is, in principle, a sustainable location for additional growth.

2.24 Paragraph 55 of the 2012 NPPF is clear that “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby…”.

2.25 This gives further weight to the justification for the removal of the ten unit restriction of development within the Town Row Core Area.