



Torbay Local Plan
Strategic Planning Team
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SENT BY E-MAIL AND POST

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Dear Sir / Madam

TORBAY LOCAL PLAN MAIN MODIFICATIONS CONSULTATION

1.Introduction

1.1 Thank you for consulting with the Home Builders Federation (HBF) on the above mentioned consultation. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing. We would like to submit the following representations and appear at any resumed Examination Hearing Sessions to discuss these matters in greater detail.

2. Housing Needs

2.1 It is acknowledged that Main Modification (**MM1**) to **Policy SS1** increases the housing requirement from 8,000 (400 dwellings per annum) to 10,000 (500 dwellings per annum) dwellings over the plan period 2012 – 2032 in line with the Inspector's Interim Findings dated 15 December 2014. Accordingly **MM9**, **MM10** and **MM12** increase the housing requirements in the sub-areas of Torquay, Paignton and Brixham. However in **Policy SS1** the housing requirement should be expressed as at least 10,000 dwellings.

2.2 Moreover in Paragraph 13 of the Inspector's Interim Findings the Inspector determined that the full objectively assessed needs for Torbay were 5,430 jobs and 12,300 dwellings. In Paragraph 19 the Inspector considers that the prudent approach is to plan for 10,000 dwellings over the twenty year period. Therefore there is an unmet need of 2,300 dwellings over the plan period. It is noted that the current Main Modifications consultation does not

address the unresolved matter of unmet needs which is pivotal to the soundness of the Torbay Local Plan.

3. Land Supply

3.1 **MM1** to **Policy SS1** clarifies that the Council will adopt a Site Allocation DPD if sites are not identified in Neighbourhood Plans or if there is a shortfall in 5 years housing land supply (YHLS) as per the Inspector's Findings. There will also be a 5 yearly review of the plan as specified in **MM7**.

3.2 **MM7** amends **Policy SS12** on 5 YHLS. Instead of an annualised housing requirement of 500 dwellings per annum **Policy SS12** proposes a slightly back loaded trajectory over the plan period of :-

- 450 dwellings per annum between 2012/13 – 2017/18 ;
- 500 dwellings per annum between 2018/19 – 2023/24 ;
- 550 dwellings per annum between 2024/25 – 2031/32.

However the Council should consider the deletion of the reference to the buffer in **MM7** which is confusing and unnecessary.

3.3 It is noted that existing car parks are included in the supply of available sites. It is questionable if this is a reliable source of future land especially given the Major's approach to referendums. What happens if local residents decide the retention of existing car parking facilities is preferable to redevelopment for residential use?

3.4 The Council states that there is sufficient land available for 473 (calculated as 450 + 5% buffer) dwellings per annum from existing commitments comprising of planning permissions and allocations for 343 dwellings per annum plus 130 dwellings per annum from windfalls between 2012 – 2017. However this statement represents a static position. When the 5 YHLS is rolled forward it is not evident whether or not there is a 5 YHLS. Using the trajectory proposed in **MM7** the 5 YHLS for 2015/16 to 2019/20 is calculated as :-

- 450 dwellings per annum x 3 years plus 500 dwellings per annum x 2 years = 2,350 dwellings ;
- average delivery in last 6 years is 360 dwellings per annum so between 2012/13 to 2014/15 shortfall equalled 90 dwellings per annum ;
- 90 dwellings per annum x 3 years is 270 dwellings ;
- 2,350 plus shortfall of 270 is 2,620 dwellings ;
- 5% of 2,620 is 131 dwellings ;
- Total housing requirement for 2015/16 to 2019/20 is 2,620 plus 131 which equals 2,751 dwellings.

On the supply side :-

- 343 dwelling per year from existing commitments x 5 years is 1,715 dwellings ;

- 130 dwellings per year from windfalls x 5 years equals 650 dwellings ;
- 1,715 plus 650 equals 2,365 dwellings ;
- 360 completions per year x 3 years is 1,080 completed dwellings ;
- 2,365 dwellings less 1,080 completed dwellings equals 1,285 dwellings remaining from existing commitments and windfalls.

Therefore there is a gap of 1,466 dwellings between the housing requirement for 2015 – 2020 and the remaining 5 YHLS from 2012 – 2017 which should have been allocated in adopted Neighbourhood Plans meaning proposals under **MM1** for a Site Allocations DPD should be enacted immediately.

3.5 As there is not reasonable certainty that the Council has a 5 YHLS the Local Plan is not sound because it is neither effective nor consistent with national policy as set out in Paragraph 47 of the NPPF. Moreover if the Local Plan is not to be out of date on adoption it is critical that the land supply requirement is achieved as under Paragraph 49 of the NPPF *“relevant policies for the supply of housing will not be considered up to date if the LPA cannot demonstrate a five year supply of deliverable housing sites”*.

4. Neighbourhood Planning

4.1 Neighbourhood Plans must be consistent with the Local Plan therefore if the Neighbourhood Plans do not comply with the timetable set out by the Local Plan nor identify sufficient sites to provide for the housing requirement determined in the Local Plan development sites must be brought forward in Site Allocations DPD (**MM1**).

5. Minor Modifications

5.1 It is noted that modifications to Policy **H2** Affordable Housing (**AM129**) are proposed to comply with national policy. For clarity the modification should state that the payment of the commuted sum sought on sites of 6 – 10 dwellings is deferred until the end of the development as set out in the House of Commons Written Statement on Support for Small Scale Developers, Custom and Self-builders dated 28 November 2015.

5.2 The proposed amendment to Paragraph 6.4.1.24 (**AM135**) is concerning. The NPPF (Paragraph 154) is explicit in stating that Supplementary Planning Documents (SPD) should not add to the financial burden of development. The Regulations are equally explicit in limiting the remit of an SPD so that policies dealing with development management cannot be hidden in an SPD.

5.3 At this time it is also noted that Self Build Affordable Housing is not defined in the Glossary of Terms. This omission should be corrected by the Council.

5.4 **AM104** to Paragraph 6.4.2.10 and **AM144** Table 6.1 Dwelling Sizes are incorrect interpretations of the Government’s intentions as set out in its response to the Housing Standards Review consultation. The standards referred to by the Council will not become mandatory. If the Council determines to opt into such optional requirements its decision to do so must

be based on evidence and viability assessment. Therefore the Council must evidence and satisfy specific tests on need, viability, affordability and timing as set out in the Government's consultation document which will assess the impact and effect of these policies in the local area. So for example :-

- Need – what is the size and type of dwellings currently being built in the local area to ensure that the impacts of adopting nationally described space standards can be properly assessed in the future? ;
- Viability – what is the impact of potentially larger dwellings on land supply? ;
- Affordability – how will affordability be maintained in the local housing market? ;
- Timing – is there the need for a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost into future land acquisitions?

5.4 **AM155 to Policy ES1 – Energy** the Council should re-check this policy for compliance with the outcomes of the Housing Standards Review (when known) and other recent consultations such as “*Next Steps to Zero Carbon Homes – Allowable Solutions*” and “*Next Steps to Zero Carbon Homes – Small Sites Exemptions*” dated November 2014.

6. Conclusions

6.1 For the Torbay Local Plan to be found sound under the four tests of soundness as defined by Paragraph 182 of the NPPF, the plan must be positively prepared, justified, effective and compliant with national policy. Unfortunately despite the above mentioned proposed Main and Minor Modifications there remain reservations about the soundness of the Torbay Local Plan in particular unmet needs and lack of 5 YHLS. Therefore the Local Plan has not been positively prepared and properly justified meaning it will be ineffective and non-compliant with the NPPF.

6.2 These conclusions only relate to the current Main and Minor Modifications. The HBF reserves its position on those parts of the Plan not yet examined. In the meantime it is hoped that these representations are of assistance to the Council in informing the next stages of the Torbay Local Plan. If any further information or assistance is required please contact the undersigned.

Yours faithfully
for and on behalf of **HBF**



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