

## EAST CAMBRIDGE BOROUGH LOCAL PLAN EXAMINATION

### **Matter 5: Highway, transport, infrastructure and community facilities provision and developer contributions**

***Issue 1: Whether the approach to identifying and delivering the requisite infrastructure to support the development objectives of the plan is fully justified, based on up-to-date evidence, deliverable, positively prepared and consistent with national policy.***

Q5. Specifically are the various infrastructure and community facilities policies which relate to each settlement, together with policy LP19, justified by evidence, effective and viable? Is it clear on what basis the provision of such infrastructure would be required and how such infrastructure would be delivered?

Where it can be demonstrated that a development creates the need for additional infrastructure then it local authority have the ability to require an applicant to provide that infrastructure or to make a financial contribution towards its provision. However, the Council is seeking in part m of LP19 to go beyond the provision of infrastructure and seek contributions toward the long term sustainability of this infrastructure. This goes beyond what should be required of the developer who should not have responsibility to pay for the long term financial sustainability of any facility. This should be achieved through the additional council tax funds that are accrued from that development.

### **Matter 11: Strengthening Communities**

***Issue 1: Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to its approach towards the provision of housing and affordable housing***

Dwellings with higher access standards

Q48. What is the justification to require all homes housing within the district to be built to regulations Part M (vol 1) Category 2? Is there a quantified need and how does this requirement impact on the viability of housing and its deliverability? Is the policy effective and consistent with national policy?

The evidence provided by the Council in relation to the need for all homes to be built to part M4(2) is set out in section 2 of PS.EVR6. This section outlines a number of national trends and concerns with regard to an ageing population which will lead to an increasing number of people requiring more accessible homes. However it is only in the final paragraph that the Council provides any justification – that it has an increasingly elderly

population – as to why all homes in East Cambridgeshire should be built to the lower optional standard.

When considering the application of this optional standard the Government have been clear that it must be based on need within that area. This is set out in paragraph 56-007 of PPG. The Government have considered the national evidence as set out by the Council and considered that this is insufficient to require all new homes to be built to this standard. It considered it acceptable that Part M4(1) would provide the necessary level of accessibility for the majority of households, including those containing older people. It must also be remembered that Part M4(1) provides a significant improvement in accessibility compared to much of the existing housing stock within East Cambridgeshire built prior to the latest mandatory Building Regulations. The difficulties with regard to poor accessibility in the areas housing stock will therefore relate to its older housing stock not its new homes.

With regard to the need for the higher accessibility standard the Council consider all people over 65 will require an accessible home. However, only a minority of those over 65 will require a home that is more accessible than the part M4(1). Using census data on Long term Health and disability 22% of East Cambridgeshire's population over 65 will have their day to day activities limited a lot by health or disability. A significant proportion of these people will also be in specialist accommodation that is purpose built to meet the needs of older people or will seek to have their current home adapted to meet their needs. Such information would have been available had the Council looked in more detail at the need in relation to the existing housing stock and tenure as is required by PPG. It is likely that the needs for homes built to part M4(2) will be significantly less than the level being proposed by the Council. As such we do not consider the Council to have provided the evidence on needs to justify all new homes being built to this higher optional standard.

In addition the blanket requirement for category 2 dwellings that this policy does not take into account site specific factors such as vulnerability to flooding and site topography which may make the implementation of M4(2) either impractical or impossible. It is essential that this is recognised in the local plan to ensure consistency with paragraph 56-008 of PPG which states:

*“Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied.”*

This policy is not sufficiently flexible and has the potential to limit the number of sites that come forward in the Borough to meet housing needs. In particular it could limit the number of windfall sites required to support the plan and the additional sites required by the Council to meet those needs that will no longer be delivered in Peterborough.

### Self-build homes

What is the justification for the 100 dwelling plus threshold set for self-build housing? Is such an approach justified, effective and consistent with national policy? What are the practical implications? Is the wording effective?

As outlined in our representations we are also concerned that the Council is placing the entire burden of meeting their duty to support self-builders onto the development industry. The Government in PPG sets out that the Council must look at their own land and the encouragement of land owners to provide land for self-builders rather than the blanket policy on all sites over 100 units.

There is no justification within the Council's evidence base for this level of demand for self-build housing. The Council's monitoring report indicates that at present there 60 people on part 1 of their self-build register. To therefore suggest that there is a need for 5% of all homes built on sites over 100 units to be self-build is not supported by the evidence. It is also worth noting that no one was registered on part of the self-build register which provides evidence on those with a local connection to the area. It may be that some of these needs will be better addressed in neighbouring Boroughs.

In paragraph 4.4 of PS.EVR6 the Council states that there is no need for plots to be returned to the land owner if they are not sold as this would lead to plots being marketed on the basis of poor terms. It is in the interest of the developer to sell these plots quickly in order to maximise returns from their investment. It must also be remembered that these will be serviced plots and as such the developer will need to see a reasonable return on its investment. The Council's response also fails to recognise that the expected demand for such plots may well not be as high as it expects, and that plots may remain vacant. There must be a mechanism, without the need for an application to amend the S106 agreement, for unsold plots to be developed and provided as much needed housing rather than remaining vacant for an indeterminate period of time to the cost of the developer.

## **Matter 17: Delivering a wide choice of high quality homes**

**Relevant Policies- LP2, LP3, LP5, LP6, LP7, LP32 including individual site allocations and the housing trajectory**

***Issue 1: Whether the approach towards the supply and delivery of housing land is justified, effective and consistent with national policy?***

63. What is the estimated total supply of new housing in the plan period 2016-2036? How does this compare with an annual requirement of 598 dwellings (11,960)? Would it be appropriate for the timescale of the Plan to be reduced from 2016- 2034 (as per Council's letter of 3 August 2018) and would such an approach be justified, effective and consistent with national policy?

The Council sets out in the Local Plan its expectation to deliver 11,672 new homes during the plan period 2016 to 2036 which is an annual average delivery rate of 583 homes per annum. This level of delivery is 308 units short of what is being proposed and further sites must be allocated to ensure that the plan meets this level of housing needs and further

adjustments to the plan period cannot be considered to be appropriate. The Council's suggestion is purely a mechanism to reduce overall needs in order to match their supply. The Council have already decided to amend the starting point for the plan from 2014 to 2016 in order to remove the undersupply during that period from their housing requirement and this is a further attempt to avoid planning for the homes that are needed in East Cambridgeshire. Such an approach cannot be considered sound as it would mean that the needs being planned for would not be met as required by paragraph 47 of the NPPF.

The Council's justification in its letter to the Inspector outlines concerns that meeting this higher requirement would require additional evidence documents to be prepared, the difficulty it would have in maintaining a five year land supply post adoption and that the Council will fail the housing delivery test. The updates to the evidence base should be minimal given that the overall increase above what is expected to be delivered is relatively small and could be addressed through short addendums. With regard to the five year land supply the delivery expectations in the Local Plan suggest that this should not be an issue for the Council – unless it now considers its trajectory to be overly ambitious. Delivery shortfall is likely to be later on in the plan period and as such further allocations should be possible to ensure needs are met in full.

We would suggest that these are not sufficient justification for amending the plan period again and not planning to meet housing needs across the plan period. The amendment to the plan period to 2016 to 2026 already removed a considerable backlog of under delivery and further adjustment will further reduce planned growth. The Council must therefore allocate further sites to ensure that it has sufficient development land to meet housing needs within East Cambridgeshire if the plan is to be considered sound.

69. How has flexibility been provided for in term of the supply of housing? Are there other potential sources of supply not specifically been identified? Can these be quantified?

Flexibility in the supply of housing is essential to ensure that should any of the sites major sites identified in the plan be delayed or not deliver at the rates anticipated then there are sufficient allocations to ensure the Council can maintain delivery and meet requirements as planned. There was some flexibility in the previous plan largely achieved through windfall and community land trust development. This provided around a 7.5% buffer. However, this development would not provide the buffer against the 598 dpa requirement being proposed. Further allocations must be included in the plan to continue to provide the necessary buffer to ensure the planned level of housing development is delivered.

70. Has there been a persistent undersupply of housing? If so, is it appropriate that a buffer of 20% be applied?

MO3 sets out in table 3 on page 10 that there has been a 782 home shortfall against planned supply. Most significantly is the fact that the majority of this under supply has occurred in the last five years where there has been a total under supply of 971 homes, an average of 194 homes per year. Given this persistent level of under supply the Council must apply the 20% buffer to its five year housing land supply requirement as established in paragraph 47 of the NPPF.

71. How should the shortfall in delivery since 2016 be dealt with?

Planning Practice Guidance sets out in paragraph 03-035 that where possible local authorities should address backlog within 5 years. PPG does recognise in the same paragraph that where this is not possible then the Council should work with other council's under the duty to co-operate to ensure the under supply is addressed elsewhere. What is clear from this paragraph is that the Government does not want any backlog in the supply of housing to be pushed back across a plan period through the use of stepped trajectories or the "Liverpool" method. Both these approaches will mean that any backlog is not delivered in the first five years and to use both compounds the issue.

This is especially a concern where there is a 20% buffer. This buffer is not additional supply but they are homes brought forward from later on in the plan period to improve the certainty of the plan being delivered. Therefore the use of a stepped trajectory and the "Liverpool" approach to backlog means that this buffer is then spread back across the plan period and as such must be considered contrary to the aims of the buffer. This was noted by the Inspector at the EIP of the Guildford Local Plan. In a guidance note to the Council<sup>1</sup> following the hearing sessions on housing need and supply, he noted:

*"However, the submitted plan's level of delivery in the early years, based on a stepped trajectory combined with the Liverpool methodology, is not acceptable. It would negate the purpose of the 20% buffer (which the Council accept), frustrate attempts to address key factors affecting worsening affordability, and would be contrary to Government policy which is seeking to boost the supply of housing."*

Therefore, the only sound approach to addressing shortfall is for it to be delivered within the first five years of the plan – commonly referred to as the "Sedgefield" approach.

72. What would the requirement be for a five year supply of housing, including a buffer, and accommodating any shortfall since 2016?

Using the Council's published evidence and on the basis of the Sedgefield approach with no stepped trajectory the five year housing land supply requirement for 2017/18 to 2021/22 with a 20% buffer would be 4,027 homes (calculation provided below).

Basic requirement	598 x 5	= 2990
Backlog	598 – 232	= 366
Total five year requirement	2990 + 366	= 3,356
20% buffer	3,356 x 0.2	= 671
<b>Total five year supply with 20% buffer</b>	<b>3356 + 671</b>	<b>= 4,027</b>

73. Would the Local Plan realistically provide for a five year supply on adoption? Will a five year supply be maintained?

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<sup>1</sup> <http://www.guildford.gov.uk/newlocalplan/CHttpHandler.ashx?id=28033&p=0>

On the basis of the Council's five year housing land supply statement that there will be a five year housing land supply on adoption even with the higher delivery requirement. However, the HBF cannot comment on the delivery expectations for specific sites within the Council's trajectory but it will be important that the deliverability of those sites included is realistic. In particular it is important that start dates and delivery expectations for strategic sites are realistic and recognise the complexities inherent in delivering such schemes.

74. Is there a case for a staggered or phased housing requirement with a lower figure in the early years of the plan period to take account of the larger strategic allocations and the findings of my letter of the 30th of July? If so, what would be the appropriate phasing in respect of annual housing requirements and timing?

No. As stated above the Government is clear that it does not want needs to be pushed back across the plan period. By staggering its housing requirement the Council is effectively delaying the delivery of much needed housing until later in the plan period. It should therefore prepare a plan that allocates sites that will meet these needs without recourse to a stepped trajectory. It would also seem unnecessary for the East Cambridge Local Plan that expects to see significant delivery in early in the plan period – unless the Council does not expect the levels of delivery set out in its housing trajectory.

75. In overall terms would the Local Plan deliver the wide choice of high quality homes required over the plan period?

No. The plan will not deliver the housing requirement of 11,672 between 2016 and 2036.

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