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17/12/2018

Dear Sir/ Madam

**Response by the House Builders Federation to the Basildon Revised Publication Local Plan**

Thank you for consulting the Home Builders Federation (HBF) on the Basildon Local Plan. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.

In preparing our representations we have assumed that the Council is intending to submit prior to the end of the transitional period. As such we have considered the plan against the 2012 National Planning Policy Framework and the relevant supporting guidance.

**We would therefore like to submit the following representations on the Local Plan and we would welcome, in due course, participating in hearings of the Examination in Public.**

**Duty to Co-operate**

The Duty to Co-operate (S110 of the Localism Act 2011 which introduced S33A into the 2004 Act) requires the Council to co-operate with other prescribed bodies to maximise the effectiveness of plan making by constructive, active and on-going engagement. The high-level principles associated with the Duty are set out in the National Planning Policy Framework (NPPF) (paras 156, 178 – 181) and in twenty three separate paragraphs of the National Planning Practice Guidance (NPPG). In determining if the Duty has been satisfactorily discharged it is important to consider the outcomes arising from the process of co-operation and the influence of these outcomes on the Local Plan. One of the required outcomes is the delivery of full objectively assessed housing needs (OAHN) for market and affordable housing in the housing market area (HMA) as set out in the NPPF (para 47) including the unmet needs of neighbouring authorities where it is reasonable to do so and consistent with sustainable development (NPPF para 182).



What is difficult to gauge from the Council's evidence is whether the needs of the housing market area will be met in full. The Duty to Co-operate Statement which was belatedly published by the Council provides an overview of the co-operation but does not set out any evidence as to where unmet needs arising as a result of this local Plan will be delivered. Given that Councils are required under paragraph 09-11-20140306 of PPG to submit robust evidence of the efforts they have made to co-operate there would appear to be a failure to sufficiently justify their activities under the duty to co-operate. The only outcome identified by the Council relating to housing is the SHMA with actual delivery being stated as intended rather than the concrete outcomes required by paragraph 9-011-20140206 of PPG which states that:

*"... effective co-operation is likely to require sustained joint working with concrete actions and outcomes. It is unlikely to be met by an exchange of correspondence, conversations or consultation between authorities alone."*

From the evidence that has been provided as part of this consultation we are concerned that the actual outcomes from the duty to co-operate with regard to this plan are minimal. There has been joint working in the preparation of strategic housing market assessment covering the South Essex HMA and a broad commitment to prepare a Joint Strategic Plan for South Essex in future, but there does not seem to have been much progress made in how unmet housing needs in the HMA will be addressed through those plans being prepared now. For example, the recent decision by Castle Point not to consult on a draft a Local Plan, which also did not meet identified needs, suggests that there is little appetite within the HMA to meet the housing needs of their own areas let alone the needs of neighbouring authorities.

So, whilst we welcome work that is being undertaken with regard to the preparation of a Joint Strategic Plan there appears to be little evidence to indicate that the unmet housing needs in the Borough will be addressed elsewhere within a reasonable timeframe to be effective in meeting needs and addressing affordability. If, as required by PPG, the Council's approach to the duty to co-operate is judged on the basis of the "concrete actions and outcomes" achieved then the Council cannot be considered to have met the duty to co-operate. There would appear to have been discussions between authorities and a commitment to prepare a joint plan but no concrete actions or outcomes that will lead to the unmet housing needs of Basildon being addressed.

### **SD1 A Strategic Approach to Sustainable Development in Basildon Borough.**

This policy is unsound as it is inconsistent with national policy and is unjustified

The Council states that this plan makes land provision for 17,791 homes with a target of delivering 15,465 homes during the plan period. As the Council has recognised this level of delivery does not meet housing needs for the Borough and as stated above there is no evidence to show where the remaining homes will be delivered in order to meet needs. The reasons for not meeting housing needs are set out in the supporting text to policy DS1 which outlines that whilst the Council has had regard to the Government's ambitions for housing growth but that the constraints that will limit the

supply of land in the Borough have also played a significant part in the Council's proposed strategy. In particular the Council highlight in paragraph 6.22 of the Local Plan the "*great importance*" that has been attached to permanence, extent and role of the Green Belt. The consideration of these constraints has led to the decision that only 78%<sup>1</sup> of homes required to meet housing needs in the Borough will be delivered. The NPPF requires Council's to meet its development needs whilst also taking into account all those constraints. It is therefore important that the consideration as to which of those constraints may prevent a Council from meeting its development needs is robust where a plan is not meeting housing needs. In order to assess whether the approach taken by the Council in SD1 is sound it is therefore important to consider both the Council's assessment of housing needs and its assessment of the policy constraints that restrict development. Our assessment of this evidence is set out below.

### ***Objectively Assessed Housing Needs***

The Council has commissioned a Strategic Housing Market Assessment (SHMA) with 5 other authorities in the South Essex area. The first joint SHMA was published in 2016 and was subsequently updated in 2017 to take account of the 2014 based household projections.

#### **Demographic starting point**

As is established by PPG, the Council must consider the most up to date evidence when establishing their housing needs. At present these are the 2016 based household projections that were published earlier this year. These latest projections show that for Basildon there would be a decrease in the number of households forming during the plan period. But in considering these latest projections significant weight must be attached to the concerns surrounding these projections – and most importantly the concerns Government has which are most clearly articulated in the '*Technical consultation on updates to national planning policy and guidance*' published in October 2018. This paper outlines the serious concerns regarding the latest projections and the fact that these effectively bake into future housing delivery the low level of household formation rates that the Government was expressly seeking to address through increasing housing supply.

We recognise that this is still a consultation document and the outcomes are still unknown, but it is important to note some key paragraph within the consultation document that clearly articulate the Government's position. Firstly, paragraph 13 notes that the projections do not consider how many people may want to form a household but can't and that increased supply will allow more household to form. Basically, if we plan for lower household rates than that is what will be achieved. Secondly paragraph 27 outlines that the 2016 based projections would not support the Government aims of significantly boosting supply of homes. As this is a key Government objective as articulated in paragraph 47 of the NPPF this alone indicates that the use of the 2016 based household projections should be avoided when establishing housing needs.

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<sup>1</sup> Based on the higher need figure of 19,771 homes

In considering the appropriate demographic starting point the Council have also made a further adjustment in relation to household formation. This adjustment recognises that concerns regarding suppressed household formation have been an issue for some time in this area. Delivery has been poor and will have suppressed household formation. As such we support the adjustment being made to the demographic starting point. To conclude on the demographic starting point we would support the use of the adjusted 2014 based projections as set out the SHMA. We consider this to provide the most appropriate basis for planning for future housing needs and delivering the required boost to housing supply.

### Market signals

In addition to the uplift to take account of any suppression to the household formation resulting from the poor delivery of housing in the past the Council have included a 10% uplift to take account of market signals. Whilst we have concerns that this is low compared to other areas with similar affordability concerns the overall uplift of 26% when taken alongside increase for suppressed household would appear to be appropriate. However, it is important to remember that such uplifts will only have an impact on improving affordability if the Council meet this level of need or ensures that another authority in the HMA commits to their delivery.

### Conclusion on OAN

When taken together the two uplifts means that the Council will be delivering 26% above the baseline demographic projections. However, it is important to consider whether this will provide the necessary boost to housing supply that the Government requires. Whilst the standard methodology is not a sound approach to assessing housing needs within the context of the 2012 NPPF it does provide a basis against which to consider whether the Council is providing the necessary boost required to effectively support the Government's stated aim of delivering 300,000 homes per annum by the mid-2020s.

If the Council were to apply the standard methodology, then they would need to increase supply by 40% above the 2014-based household projections. This 40% increase effectively wraps up adjustments for household suppression, backlog in delivery and market signals used in the objective assessment of housing needs and then applies this to base period, with the current year being the start of this period. This results in an annual need figure for Basildon on 1,091 homes. When the backlog in housing delivery is taken into account for Basildon the OAN for the plan starting from 2018 would be 1,132. This would suggest that if the Council were to meet its assessment of housing needs set out in the SHMA it would provide the boost to supply envisaged by the Government in paragraph 47 of the NPPF.

## ***Green Belt***

Whilst we cannot comment on the conclusions of the Green Belt Review with regard to specific parcels or sites, we do have some concerns with regard to the approach taken in assessing the performance of each parcel against the purpose of Green belt. Our concerns relate to:

- Those settlements considered to be large built up areas and towns in relation to the assessment of purpose 1 and purpose 2
- The consideration of a parcel's contribution to purpose 4 where they contained an element of historic interest

### **Large built up areas and towns**

Paragraph 5.56 of the Green Belt Review states the Bowers Gifford, Crays Hill and Ramsden Bellhouse and Noak Hill as large built up areas when assessing purpose 1 and later on paragraph in 5.59 the Council defines the same settlements as being towns for the purposes of assessing purpose 2. We would disagree with their inclusion within the assessment of either of these purposes. None of these settlements should be considered in either of these purposes as they can be considered to be neither large built up areas or towns. Some parcels therefore need to be reassessed against these purposes with view to allocating additional sites for residential development.

### **Historic towns**

The Council correctly state that there are no nationally recognised historic towns within Basildon. However, instead of then discounting the need to consider this purpose within the Green Belt assessment the Council have assessed each parcel in relation to other aspects of historic interest such as Conservations Areas, Scheduled Ancient Monuments and historic field patterns. Whilst the Council should consider such issues as part of the preparation of the local plan, we do not consider it to be appropriate to include such assessments as part of the Green Belt Review.

## ***Exceptional circumstances***

The Council's Green Belt Topic Paper sets out the Council's consideration of the exceptional circumstances required to support the amendment of Green belt boundaries. This paper considers that the acuteness of needs, the limited harm to the Green belt from the loss of just 5% of the Green Belt in BBC and the limitation of any impacts through mitigation. This has led the Council to arrive at the conclusion that there is sufficient evidence to support support the amendment of Green Belt boundaries in line with paragraph 83 of the NPPF. We would agree with the Council's assessment that there are exceptional circumstances to support the amendment of Green Belt boundaries. It is evident that the need for new homes is acute in the South Essex area with no ability to meet needs within the urban area.

However, we also consider that the acuteness of needs for both market and affordable homes and the worsening affordability indicates that more land should be released

from the Green Belt in order to meet housing needs. Unless the Council seeks to meet needs in full then the position with regard to housing affordability and affordable housing delivery will worsen – an approach that cannot be considered to be a sustainable approach. For example, to meet the need for affordable housing delivery as set out in table 4.1 of the SHMA Addendum would require the Council to deliver nearly 930 new homes per annum. Considering that between 2018 and 2028 this plan has set a target of delivering just 655 dpa the backlog in the provision of affordable housing will continue to grow and the needs of those unable to afford housing on the open market will not be addressed.

As such it is vital that the Council not only allocate more sites but identify sites that will deliver within the first ten years of the plan. The Council's delivery trajectory will see a growing back log of unmet housing needs during the earlier part of the plan period. This will worsen affordability and limit the formation of households in the Borough. Therefore, whilst we welcome the Council's decision to amend Green Belt boundaries and the allocations that have been made, it is evident that they have not allocated sufficient sites to meet needs and in particular have failed to address delivery in the first half of the plan – which will be key in the long-term goal of improving affordability. In order for the plan to be considered sound it must meet housing needs in full and increase delivery in the first ten years of the plan.

#### *Conclusions on the approach to Green Belt release*

We welcome the Council's decision to amend Green Belt boundaries in recognition of the acuteness of the housing needs in this area. However, we consider the approach taken by the council in the Green Belt Review is inconsistent with national policy and that the Council must reconsider its approach to its assessment of purpose 1, 2 and 4. We also consider the circumstances faced by BBC would support further releases to ensure that the Council meets its objectively assessed needs for housing.

#### ***Stepped housing target***

When considering housing land supply across the plan period the Council have included within SD1 a stepped trajectory which sets a target of 622 dpa for 2014 to 2023 to 2021/22, 688 dpa for the 2023 to 2027 period and 1,111 dpa for the remaining six years. This stepped target will mean that the Council is aiming to deliver over half of the housing requirement between 2018 and 2034 in the final six years of the plan. The result of this will be a growing backlog of housing needs that will not be addressed until much later in the plan period. As mentioned earlier in our representation, such an approach will not improve affordability as needs will continue to outstrip supply. In particular delivery in the early years of the plan it will not provide the necessary boost to housing supply that will support the Government in achieving its aim of delivering 300,000 homes per annum by the mid-2020s.

Stepped trajectories are also often used by Councils seeking to they have a five year land supply on adoption as they push the delivery of homes further back in the plan period. In considering stepped trajectories it is important to note that the Government

set out in PPG the need for any backlog in housing delivery to be addressed within the first five years of the plan. The Council's stepped target is therefore not in conformity with national policy and an annualised target should be adopted alongside allocations that ensure that housing supply can meet its housing requirement.

However, even using the proposed stepped trajectory, it would appear that the Council will not have a five year housing land supply on the adoption of this plan. Using estimates of supply published by the Council on page 755 of the agenda for the October Strategic Planning and Infrastructure Committee<sup>2</sup> the Council would only be able to show a 4.17 year housing land supply between 2018/19 and 2022/23. This calculation is based on Sedgefield methodology and applying a 20% buffer due to significant under delivery of housing in the previous three years. Even if a 5% buffer is applied the Council would have a 4.76 year housing land supply on adoption<sup>3</sup>.

The HBF does not comment on the trajectories of specific sites and whether these can be brought forward or should be pushed back. However, what is evident is that the Council have looked to allocate strategic sites that will deliver towards the end of the plan period. Whilst we make no comment on the specific allocations what should have been evident to the Council was that:

- In addition to the strategic sites a range of smaller sites should have been removed from the Green Belt to bolster supply in the early years of the plan; and
- Consideration should be given to enabling earlier supply on strategic sites through improved phasing of infrastructure delivery alongside the delivery of the sites required to support the provision of strategic infrastructure improvements.

The circumstances faced by the Council with regard to unmet needs, worsening affordability and a lack of supply in the first ten years of the plan would support such an approach and would be in line with the tests put forward by the Council with regard to exceptional circumstances.

### **Conclusions and recommendations on SD1**

The Council's assessment of housing needs would appear to sound and, if met in full would provide the necessary boost to housing supply as required by paragraph 47 of the NPPF. However, the Council is not meeting housing needs and whilst we recognise that the Borough is constrained by the Green Belt and other designations, we still consider SD1 to be unsound because:

- The Council's Green Belt Review is flawed in its approach to assessing purposes 1, 2 and 4. The assessment should reconsider its assessment of

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<sup>2</sup> <https://www.basildon.gov.uk/article/2009/Local-Plan-2014-2034>

<sup>3</sup> No backlog has been included within this calculation as it is not clear how the Council is applying the stepped trajectory between 2014/15 and 2017/18. If the 622 annual target is used then the back log of 241 homes would see the Council five year land supply fall to 4.42 with a 5% buffer and 3.87 with a 20% buffer.

these purposes in order to identify whether there are sites that could come forward as a result of any reassessment;

- The circumstances faced by the Council with regard to housing needs and affordability are so significant that they warrant further amendments to the Green Belt boundary to meet housing needs;
- The Council cannot show, as outlined in our comments on the Duty to Cooperate, how the unmet need for housing will be delivered elsewhere in the HMA; and
- The stepped housing target will mean that over half of the housing scheduled for delivery in the remaining plan period will be in the last six years of the plan and, as such, fails to provide the boost to housing supply required by national policy.

These soundness issues can only be rectified through the allocation of additional sites that that will enable an increase in housing supply in the early years of the plan.

### **SD3 Designated Neighbourhood Areas**

#### The policy is not sound as it is not effective

This policy sets out the number of homes that will be provided in the designated neighbourhood areas cover Bowers Gifford and North Benfleet and Ramsden. Whilst Ramsden's allocation is relatively small, we are concerned that the allocation of 1,350 homes will be determined by the Neighbourhood Plan. Whilst we recognise the Government's support for the preparation of neighbourhood plans, there is the potential for the proposed level development at Bowers Gifford and Benfleet, which is required to support the strategic infrastructure improvements on the A127, will be delayed by the neighbourhood plan. It is important that the delivery of infrastructure, and the development required to support that infrastructure, is phased in a way that brings forward these sites as quickly as possible. In particular this phasing should not be delayed by the preparation of the neighbourhood plan and not delayed until the review of the next local plan if no progress is being made.

### **H25 The Size and Type of Homes**

#### The policy is unsound as it is not effective

#### *Part 2 – housing mix*

The HBF understands the need for a mix of house types, sizes and tenures and is generally supportive of providing a range and choice of homes to meet the needs of the local area. It is, however, important that any policy is workable and ensures that housing delivery will not be compromised or stalled due to overly prescriptive requirements or the need to provide significant amounts of additional evidence. Whilst Strategic Housing Market Assessments (SHMA) can provide a broad snapshot in time of what is needed it should be left for developers to supply the homes they consider are necessary to meet demand. The development industry understands what types of



homes are needed to meet the demands of its customers, if it did not then the homes would not sell.

In order for the right type of homes to be delivered it should be left to the development industry to build the right homes to meet the needs of the market in that location. We would therefore suggest that the policy requires applications for housing development have regard to the evidence on housing mix on strategic sites but that the final mix is left to agreement between the applicant and developer on a site by site basis. This would establish a flexible approach to housing mix which recognises that needs and demand will vary from area to area and site to site; ensures that the scheme is viable; and provides an appropriate mix for the location.

#### *Part 5 – Nationally Described Space standards*

Paragraph 56-020-20150327 of PPG sets what is required of a local authority in order to adopt internal space standards. This paragraph states:

*“Where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:*

- need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.*
- viability – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.*
- timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions.”*

Whilst the Council have tested the impact on viability arising from the introduction of space standards no evidence has been provided in relation to the needs for such homes and whether this could impact on the deliverability of starter homes. Small homes for first time buyers form an essential part of delivery that will improve the affordability of homes for younger people who, as the Council’s evidence shows, are forming households far later than previous generations. It is important therefore important that any potential impacts in relation to needs is considered and without this evidence the Council cannot justify the inclusion of this policy.

### Recommendation

That:

- Part 2 be deleted and replaced with the following text: *“When considering the mix of homes on sites of more than 100 units regard should be had to the most up to date evidence on housing mix.”*
- Part 4 is deleted unless sufficient evidence supporting the adoption of the NDSS is provided.

### **H26: Affordable housing provision**

#### The policy is unsound as it is not effective, justified or consistent with national policy

Whilst it is expected that this plan will be examined under the 2012 NPPF it is important to remember that decisions will be made on the basis of the policies in the 2018 NPPF. The latest NPPF establishes some fundamental differences in relation to how viability will be considered placing far greater emphasis on testing the viability at plan making and minimising the need for negotiation on a site by site basis. This means that general policies in relation to affordable housing, and indeed other policy costs, must be viable in the majority of situations not just in the best case scenario. This will require local plans to be more circumspect in the costs that are placed on development and to examine the differential impacts on different types of development in different locations.

On examining the viability assessment undertaken by the Council it would appear that the Council has considered the range of additional costs that would result from the implementation of the plan across a range of geographies and development scenarios. Whilst we would not disagree with many of the assumptions, we do have some concerns. Firstly, we are concerned that the potential cost of the Recreation Avoidance and Mitigation Strategy (RAMS) has not been fully considered. Whilst the monitoring and management costs of similar programmes have not generally been greater than £1,000 per unit the infrastructure requirements arising from offsetting recreational impacts can be a significant cost to the developer and should be considered.

Should the strategy currently being developed include requirements to provide alternative recreational areas then the costs can be substantial. For example, Surrey Heath Borough Council's CIL charge for developments requiring off site mitigation of the recreational impacts on the Thames Basin Heaths is £125 per sqm higher than for those that development providing on site mitigation. This provides an indication of the potential cost of such mitigation and the need for a clear consideration as to how this could impact on the deliverability of the plan and the infrastructure required to support delivery. It is also unclear from the study whether the potential reduction in the net land available for housing from increased provision of recreational space as part of RAMS has been considered.

Therefore, until there is agreement on the likely costs of RAMS, we would suggest the Council take a more cautious approach to its cost on development and the impact it will have on policies in the local plan such as H26. We are concerned that the level of affordable housing contribution is considered against proposed CIL charges and the potential impact of RAMS could impact on the viability and subsequent delivery of development in the Borough. In particular there are concerns that such additional costs in combination with the high CIL charge set for Billericay and Wickford, £350 per sqm and £230 per sqm respectively, will have a significant impact and have the potential to impact on the viability of development and the deliverability of the plan.

Secondly, we do not consider it sound for the viability study to assume delivery of homes from just six months after site acquisition. Whilst this issue is not discussed in the main report, the timings in appraisal examples indicates that this is the approach that has been taken. The Lichfield's study "From Start to Finish" provides an overview of the length of time taken to the completion of first home on site following planning permission as averaging between 10 and 18 months depending on the site. However, this can take much longer depending on the number of pre-commencement conditions that must be discharged by the developer. Therefore, if it is assumed that planning permission triggers the option to purchase a site, to suggest just 6 months before a return on investment is not appropriate and could have an impact on viability. We would therefore ask the Council to consider viability on the basis of at least an 18 month period between the grant of planning permission and the sale of the first house.

Aside from the evidence supporting this policy we also consider part 6 to be unsound. The Council cannot state that it will only accept viability assessments on specific development types in specific locations. Whilst the 2018 NPPF outlines that viability should be considered principally at plan making it does, in paragraph 57, allow for viability consideration to be taken at the application stage where viability evidence is out of date or there has been a change in circumstance regardless of the type of development.

### Recommendation

That the viability assessment is reviewed including a more realistic costing in relation to RAMS and an adjusted assumption with regard to the delivery of homes are undertaken and any necessary adjustments that may result from this policy are made prior to submission.

Part 6 of policy is deleted in replaced with the following: *"Where there has been a change in circumstances with regard to viability in the Borough or on a specific site then the Council will consider reducing the requirement for affordable housing."*

### **DES1 Achieving good design**

The policy is unsound as it is not consistent with national policy

The 2012 NPPF has established that policies must provide a practical framework for decision making with policies that provide a clear indication as to how the decision maker should react to a development proposal. These considerations are taken forward in the 2018 NPPF at paragraph 16 which states that plans should “*contain policies that are clearly written and unambiguous*” as well as requiring policies to “*serve a clear purpose, avoiding unnecessary duplication*”

When DES1 is considered against these aspects of plan making set out in the NPPF we do not consider it to be sound. The policy as it is currently written is overly complex and as such does not provide the necessary clarity to support effective decision making. For example, part ‘i’ of the policy refers to development densities that “enhance the special qualities of the area”. Such a statement is completely subjective in relation to density and will lead to inconsistent decisions. Similarly, in part ‘a’ the council refers to locally distinctive patterns of development, again it is subjective as to what could be considered to be local and distinctive.

We are also concerned that there is significant overlap between policy DES4 and DES5. In effect all these policies are seeking to achieve the same goal of well designed buildings. We would therefore suggest that both these policies be redrafted to provide a simpler and more effective policy that will ensure consistent decision making within BBC. Much of what is set out in these policies would more appropriately be set out in supplementary guidance to ensure improved clarity within the local plan’s policies on design.

#### **DES4 High quality buildings**

The policy is unsound as it is not consistent with national policy

Alongside our concerns regarding the duplication with DES1 we consider parts b and f to be inconsistent with national policy as they seek to apply standards to the internal layout of the building. The only standard that should be applied through the local plan are those set out in the optional technical standard.

#### Recommendation

Part b and f are deleted.

#### **DES5 High Quality Landscaping and Public Realm Design.**

As well as our concerns regarding duplication we do not consider part 5 of the policy to be justified. This additional cost has not been factored into the viability assessment for the continued enhancement of maintenance of the public realm. Table 3.1 considers all the policies and does not reference DES5 as having any additional cost however part 5 suggests that this will not be the case. Alongside the lack of justification in the viability assessment we do not consider it appropriate for the developer to make payments for the continued maintenance of open spaces and other amenities required by the local authority. These spaces should be managed by the local authority using

the additional finance received from such developments through council tax receipts, revenue support grant and the new homes bonus.

### Recommendation

Part 5 is deleted.

## **DES6: Public Art and Cultural Interpretation**

### The policy is unsound as it is inconsistent with national policy

Planning Practice Guidance sets out the situation with regard to existing legislation on planning obligations. In particular it states that:

*“Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind”* (Ref: 23b-001-20161116).

The Council have not established within the plan or the supporting evidence base how it considers public art to meet any of these tests. The Council has set out its expectations with regard to the need for development to be of high quality and this should be sufficient. If the developer in agreement with the Council consider public art to be appropriate then this should be considered on a case by case basis. We therefore consider this policy to be unjustified, ineffective and inconsistent with policy and legislation.

### Recommendation

Policy DES6 should be deleted

## **Policy HC1 Health and Well Being Strategy**

### This policy is unsound as it is ineffective

We recognise the importance of ensuring new development supports the wider aims of local authorities and their partners to improve the health and well-being of their residents and workforce. However, the requirement for all residential developments of over 50 units to undertake a Health Impact Assessment (HIA) is unnecessary and an additional burden on applicants. The PPG sets out that HIAs *“may be a useful tool to use where there is expected to be significant impacts”* but it also outlines the importance of the local plan in considering the wider health issues in an area and ensuring policies respond to these. We would also suggest that this policy is not consistent with paragraph 154 of the NPPF as it does not give an indication as to how a decision maker should react to the HIA. We consider that the Local Plan should already have considered the impact of development on the health and well-being of

their communities and set out policies to address any concerns. Where a development is in line with policies in the local plan an HIA should not be necessary.

### Recommendation

That HC1 is deleted

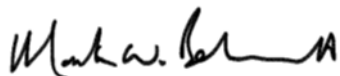
### **Conclusion**

At present we do not consider the plan to be sound, as measured against the tests of soundness set out in paragraph 182 of the NPPF, in the following key areas:

- No evidence has been provided as to where unmet housing needs will be delivered as part of the Council duty to co-operate;
- Review of Green Belt is inconsistent with national policy;
- Exceptional circumstances support further release of land from the Green Belt in order to meet housing needs;
- Stepped trajectory is not consistent with national policy and guidance;
- Phasing of infrastructure needs to better support the early delivery of housing and should not be influenced by the slow delivery of any neighbourhood plans;
- Viability assessment needs to take account of higher potential costs relating to the delivery of RAMS;
- Housing mix policy is insufficiently flexible;
- Insufficient evidence has been provided to support the adoption of the optional technical standards as set out in H25;
- Duplication of requirements between design policies will not support consistent decision making; and
- No justification of policy DES6 requiring provision of public art.

We hope these representations are of assistance in taking the plan forward to the next stage of plan preparation and examination. I would also like to express my interest in attending any relevant hearing sessions at the Examination in Public. Should you require any further clarification on the issues raised in this representation please contact me.

Yours faithfully



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