



Statement: Matter 3 (Meeting Housing Needs)

North Essex Joint Strategic (Section 1) Plan

for Williams Group

14-007/17-334

Project : 14-007
Description : Braintree Local Plan
Client : Williams Group

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1. Introduction

- 1.1 This hearing statement is submitted on behalf of the Williams Group and should be read alongside its representations to the Publication Draft Braintree Local Plan (PDLP, July 2017). Emery Planning is instructed to attend the hearing session in relation to Matter 3 on behalf of the Williams Group. This is provisionally scheduled to take place on 17 January 2018.
- 1.2 From the outset, we note that the Inspector set out the scope of the examination of the Section 1 Plan in a letter dated 16th October 2016¹. In relation to matter 3, the letter confirmed that the role of the Section 1 Plan is to (amongst other things) set the housing land requirements for North Essex as a whole and for each of the three Local planning Authority (LPA) areas in North Essex (i.e. policy SP3) and allocate strategic areas for the development of three new garden communities (i.e. policies SP7-SP10). Whilst the letter explained that the Inspector should be able to reach conclusions on the soundness of these policies, the Inspector also explained that he would not be able to reach conclusions on:
- Whether or not the housing land requirements for each LPA are likely to be met over the plan period; and
 - The five year housing land supply position.
- 1.3 The Inspector explained that this is because the Section 1 Plan is only concerned with part of the overall housing land supply and the proposed site allocations to meet the requirements are set out in the Section 2 Plan, which will be examined separately after the Section 1 Plan.
- 1.4 As the Inspector will be aware from our representations to the PDLP, whilst our client does not object to the proposed housing requirement set out in policy SP3, Braintree cannot demonstrate a deliverable five year housing land supply as it is required to do so by paragraph 47 of the NPPF. The PPG expects the deliverability of sites to meet a five year supply to be thoroughly considered and examined during the Local Plan examination, which we understand will be undertaken during the examination of the Section 2 Plan. Nevertheless, the Inspector has asked questions relating to the methodology for calculating Braintree's five year housing land supply, which will be considered during the examination of the Section 1 Plan. These are discussed in this hearing statement.

¹ Ref: IED001

2. Matter 3: Meeting housing needs (Policy SP3)

New evidence

2.1 The Inspector's Guidance Note dated November 2017² states that participants to the hearing sessions may provide written statements if there is something to add to the original representations which could not have been included within them.

2.2 Necessarily, our representations to the PDLP were based on the evidence available at that time i.e. Braintree's five year housing land supply position at 31st March 2017 and the trajectory set out in the PDLP. Since then, there have been two further five year supply position statements published (at base dates of 30th June 2017 – published on 2nd August 2017 and 30th September 2017 – published on 31st October 2017). We have therefore not had the opportunity to comment on the Council's latest position and do so as follows.

- Firstly, we note that the accumulated backlog has increased from 1,459 dwellings at 31st March 2017 to 1,660 dwellings at 30th September 2017. Only 157 dwellings were completed in Braintree over the 6 months between 1st April to 30th September 2017 against a requirement over the same period of 358 dwellings. There has therefore been further persistent under delivery against the requirement as shown in the following table (which updates the table included in our representations to the PDLP):

Monitoring year	Requirement	Completions	Backlog
2013/14	716	182	-534
2014/15	716	409	-307
2015/16	716	523	-193
2016/17	716	291	-425
01/04/17 to 30/09/17	358	157	-201
Total	3,222	1,562	-1,660
Average	716	347	

- Secondly, this means that the overall five year housing requirement increases under each scenario (i.e. regardless as to how the backlog is addressed and whichever buffer is applied).
- Thirdly, on the supply side, the Council's claimed five year supply has only increased from 4,115 dwellings in the trajectory of the PDLP to 4,296 at 30th September 2017. As set out in our representations to the PDLP, the Council still relies on a significant

² Ref: IED004

proportion of sites (1,107 dwellings or 26%) without planning permission delivering within the five year period.

- Finally and critically, the Council still cannot demonstrate a deliverable five year supply of housing land under any scenario as we set out in the following table (which updates the table included in our representations to the PDLP):

	Requirement	Liverpool + 5%	Liverpool + 20%	Sedgefield + 5%	Sedgefield + 20%
A	Net annual requirement	716	716	716	716
B	Five year requirement (A x 5 years)	3,580	3,580	3,580	3,580
C	Backlog 01/04/13 to 30/09/17	1,660	1,660	1,660	1,660
D	Backlog to be addressed in five year period	535	535	1,660	1,660
E	Total five year requirement (B+D)	4,115	4,115	5,240	5,240
F	Buffer	206	823	262	1,048
G	Five year requirement including buffer (E + F)	4,321	4,938	5,502	6,288
H	Annual average (G / 5 years)	864	988	1,100	1,258
	Supply				
I	Five year supply from 1 st October 2017	4,296	4,296	4,296	4,296
J	Five year supply (I/H)	4.97	4.35	3.91	3.41
K	Shortfall (dwellings I – G)	-25	-642	-1,206	-1,992

2.3 Consequently, whilst we understand the Inspector will not make a conclusion on the five year housing land supply position, it is relevant that even on the Council's best case it cannot currently demonstrate a deliverable five year supply of housing land.

2.4 At the time the five year supply issue will be addressed, we expect the Council to:

a) publish all of its evidence to support the delivery rates of all sites it has included within the five year housing land supply. This is particularly relevant for the sites that do not have planning permission as the PPG³ requires the Council to publish robust and up to date evidence to support the deliverability of such sites; and

³ Paragraph 3-031 (Reference ID: 3-031-20140306): "What constitutes a 'deliverable site' in the context of housing policy?"

b) set out its evidence in terms of lead-in times and build rates taking into account of the guidance contained within the PPG⁴

2.5 As the Inspector will have noted from our representations to the PDLP, in our view, the Council has not published sufficient evidence to support its housing trajectory to date.

Inspector's questions

5) Should policy SP3 make it clear that the five-year supply of housing land must include an appropriate buffer in accordance with NPPF paragraph 47?

2.6 Yes. The 5% buffer is designed to ensure choice and competition in the market for land and should be increased to 20% where there has been persistent under delivery to also provide a realistic prospect of achieving the planned supply. Whilst it is brought forward from later in the plan period, the five year supply that needs to be demonstrated should include the buffer and therefore policy SP3 should be amended to reflect that. It should also be clear that the buffer applies to the total five year requirement including the backlog

2.7 Whilst Braintree Council considers that the buffer should be 5%, we consider that it should be increased to 20% for the reasons set out in our representations to the PDLP, which are summarised as follows:

- The Council has persistently under delivered in each and every one of the last 4.5 years of the plan period against the housing requirement;
- The Council persistently under delivered in each of the two years before the plan period before the plan period began in 2013;
- Even the Council's trajectory expects there to be further under delivery in 2017/18 and 2018/19; and
- Whilst it is a draft document, the Housing Delivery Test set out in the Housing White Paper would mean that the 20% buffer applies in Braintree regardless as to whether it is concluded that there has been persistent under delivery.

⁴ Paragraph 3-033 (Reference ID: 3-033-20150327): "Updating evidence on the supply of specific deliverable sites sufficient to provide 5 years worth of housing against housing requirements"

6) How will any undersupply of housing against the relevant requirement since 2013 be accounted for in the Section 1 Plan?

2.8 As set out above, the accumulated backlog of housing in Braintree is 1,660 dwellings. This is significant and equates to 2.3 years of unmet housing need (i.e. $1,660 / 716 = 2.3$ years)

2.9 Braintree Council maintains that the accumulated backlog should be addressed over the whole plan period. This is known as “the Liverpool method”. We disagree and consider that the backlog should be addressed in full in the five year period for the reasons set out in our representations to the PDLP, which are summarised as follows:

- The NPPF does not specifically state how the backlog should be addressed. However, it did introduce a requirement to “boost significantly” the supply of housing (paragraph 47). The backlog is a shortfall in supply which exists at the start of the five year requirement, so to defer addressing it until the end of the plan period makes little sense in the light of paragraph 47. Therefore addressing the backlog as soon as possible would be consistent with this requirement.
- The PPG⁵ is clear that Local Planning authorities should aim to deal with the backlog within five years.
- Whilst the PPG does appear to recognise that there may be circumstances when this is not possible, it does not suggest that the backlog should be addressed over any other period in those circumstances, which appears to be the Council's interpretation of the PPG. Instead it states that local planning authorities will need to work with neighbouring authorities under the ‘Duty to Co-operate’, presumably with adjacent authorities looking to help to address the backlog by making immediate provision. The PPG does not endorse deferring addressing the issue for longer than five years.
- The message to LPAs is clear – housing land supply should be significantly boosted. Failure to address the backlog has implications for both the Council's five year supply and the deliverability of the plan as a whole. The longer the unmet need exists, the higher the annual requirement is and therefore the less likely the Council is to be able to demonstrate a deliverable five year supply of housing land. Our view is therefore that the backlog should be addressed as soon as possible by approving more deliverable sites.

2.10 In summary, there is no support in either policy or guidance for the Council's approach in deferring addressing the backlog until the end of the plan period. The accumulated backlog should be addressed in full within the five year period.

⁵ Paragraph 3-035: (Reference ID: 3-035-20140306): “How should local planning authorities deal with past under-supply?”

7) Should policy SP3 include mechanisms for:

(a) review of the housing delivery strategy in the event of a failure to maintain the required level of housing supply?

- 2.11 In the event that the Council cannot demonstrate a deliverable five year housing land supply, then in accordance with paragraph 49 of the NPPF, the policies for the supply of housing will be considered to be out of date and the tilted balance to the presumption in favour of sustainable development set out in paragraph 14 of the NPPF will apply. The presumption in favour of sustainable development is also set out in policy SP1 of the Section 1 Plan. Consequently, there is already a mechanism in place for when a five year supply of housing land cannot be demonstrated. This is highly relevant in Braintree as the Council cannot demonstrate a deliverable five year housing land supply even on its own calculation, then this is the case at present.
- 2.12 In addition, in terms of the supply over the plan period, as we have set out in our representations to the PDLP, there is a heavy reliance on the new garden settlements (24%) and other strategic growth locations (34%). Much will depend on when these sites (if allocated) will come forward. Our representations conclude that the lead-in times are unrealistic and this results in a fragile and overly optimistic supply, which will be divorced from the main centres of population.
- 2.13 On this basis, we consider that the remedy to both the absence of a five year supply and the fragility of the supply over the plan period is to provide additional flexibility to the plan now by allocating additional sites. We have recommended that the flexibility be increased to 20% for the following reasons:
- Firstly, the reliance on 3 very large untested strategic sites without planning permission to deliver in the plan period (as discussed above and in our representations) and if realistic lead-in times were applied then there would be a shortfall in supply to meet the full OAN in the plan period;
 - Secondly, the 20% buffer for five year supply purposes is designed to ensure a realistic prospect of delivery in the five year period and therefore should be applied to the plan period on the same basis; and
 - Thirdly this would be in line with the Local Plan Expert Group's recommendation to Government.

(b) review of the housing requirement figures in order to provide for possible future unmet need from other local authority areas?

2.14 Yes. As explained in the PPG⁶, there is a duty to co-operate with other authorities whereby:

“if a local planning authority preparing a Local Plan provides robust evidence of an unmet requirement, such as unmet housing need, identified in a Strategic Housing Market Assessment, other local planning authorities in the housing market area will be required to consider the implications, including the need to review their housing policies.”

2.15 Consequently, the policy should be amended to state that the housing requirement figures will be reviewed to provide for unmet need from other local authority areas.

⁶ Paragraph 9-020 (Reference ID: 9-020-20140306): “If a local planning authority has adopted a Local Plan is it required to cooperate with another local planning authority that is bringing forward a plan?”