HEARING STATEMENT

Peter Brett Associates on behalf of Midlands Land Portfolio Ltd (MLPL)

Matter 6 – Housing Land Supply

Introduction

1. This statement has been prepared by Peter Brett Associates, now part of Stantec (PBA), on behalf of MLPL, in respect of the soundness of the emerging Chesterfield Borough Council (CBC) Local Plan.
2. MLPL has control of available development land to the east of Chesterfield town centre which could deliver residential development in the short term.
3. MLPL is supportive of a plan-led system, especially one which recognises the importance of managing sustainable and well-planned development to meet local needs arising from a changing population and employment base.
4. CBC should be encouraged to positively respond to social and economic needs that arise within its HMA through a strategy that facilities the delivery of sustainable, well located development over the course of the plan period.
5. MLPL encourages the production of a sound Local Plan, but in doing so has identified some aspects that should be revisited to achieve a sound Plan.
6. In this context and in response to the Inspectors’ questions, the following observations are made:
   - It is not clear how the proposed level and rate of housing delivery will be achieved during the plan period;
   - A windfall allowance would be justified and should be included in the Plan.

Question 6.3: Does the Plan illustrate the expected rate of housing delivery through a trajectory and set out a housing implementation strategy describing how a five year supply will be maintained (NPPF paras 73,74 and 75)? On submission, the Plan does not contain a housing trajectory. Does Appendix 2 of the Housing Topic Paper (June 2019) present a sound trajectory.

7. The Plan demonstrates at paragraphs 3.4, 3.5, and Tables 3 and 4 (SD1 pp.21-23) that sufficient housing sites have been allocated to meet the OAN with a 20% buffer due to historic under delivery, as per the requirement of NPPF paragraph 73(c). However, the Plan itself does not provide a trajectory setting out the expected rate of housing delivery. It is therefore not clear from the Plan when housing is expected to be delivered and whether there is a five year supply of deliverable housing sites. This is not consistent with paragraph 74 of the NPPF.
8. CBC has only delivered 66% of the required housing need over the past three years (TP1, p.4, para 1.7). The Plan does not contain an action plan or implementation strategy setting out how delivery will be increased from previous years and maintained over the duration of the plan period, as per paragraph 75 of the NPPF. It is suggested that a specific Housing Implementation Strategy document is produced by CBC to provide further clarity on how the housing supply will be delivered over the duration of the plan period.
9. It is acknowledged that there is some explanation behind the housing trajectory provided at Section 6 of TP1 (p.22-23). While the ambition to deliver sites is acknowledged, there is concern regarding whether sufficient time has been given for allocations to gain planning permission and for building to commence. For example, allocation H29 (Dunston Road) is due to commence delivery in year 1 of the trajectory. Assuming that a planning application would follow adoption, it would be more realistic to suggest delivery would commence in year 3 of the trajectory to allow time for planning permission to be obtained, conditions discharged, site assembly and actual build out time. If such sites already have planning permission they should be categorised as commitments rather than allocations in the trajectory for clarity.
10. The Council is relying on a minimum of 60% of new housing being delivered on brownfield sites that are generally more complex and slower to deliver (SD1, p.21, para 3.3). When reliant on such brownfield sites, it is important to have a clear understanding of the constraints unique to each site. The Council must be satisfied that these constraints are able to be readily overcome within a reasonable timeframe.
(including any necessary land remediation and enabling works) and acknowledge that such sites typically have much longer lead in than greenfield sites. The Site Allocation Conclusion Summaries document (KSD23) identifies the constraints of the allocated sites but does not provide information on potential lead in times. Furthermore, NLP’s “Start to Finish” (2016) report states that large sites have an average lead-in time of 3.9 years. It is therefore not clear on whether sufficient time has been allowed at the beginning of the plan-period for the longer lead-in times required for complex brownfield sites.

11. It is suggested that the housing trajectory is revisited to ensure that there is sufficient time allowance at the beginning of the plan period for allocations to obtain planning permission and for longer lead-in times associated with brownfield development.

**Question 6.4:** In general terms completions since 2011/12 (period of relative economic stability) have been averaging around the 150 dwellings per annum mark, notwithstanding a 2013 Core Strategy and evidence that the Council has permitted schemes in the absence of a 5-year housing supply. Against this background is the housing topic paper trajectory realistic to forecast a significant increase in delivery, peaking at 800 dwellings per annum in 2022/23?

12. The Council is relying on a similar level of brownfield site delivery as the adopted Core Strategy (a minimum of 60%). As shown at Graph 1.2 (TP1 p.9) CBC has consistently delivered under the housing need (c.250 dwellings per annum) since 2008. It is therefore not clear how, if based on a similar strategy, housing delivery will suddenly increase to providing significantly over the 292 housing target in the first 5 years of the trajectory (426, 489, 619, 806, and 627 dwellings per annum).

13. If the Council is looking to significantly increase delivery, there is the need to be reliant on wide range of sites in wide range of areas to allow market to respond. The trajectory would appear unrealistic based on historic levels of delivery with no evidence to explain how this substantial increase will be achieved.

**Question 6.6:** In applying the NPPF’s definition of deliverable, would there be a deliverable supply of housing for at least 5 years upon plan adoption? Does the Plan strike the right balance between sufficient sites for genuine, early choice and competition for the housing market, including smaller sites, whilst maintaining focus on larger, strategic brownfield and regeneration sites.

14. There does not appear to be any evidence to confirm that there would be a deliverable supply in the first five years of the Plan period. The submitted Annual Monitoring Report (2017-2018) (KSD11) suggests the Council can demonstrate a five year housing supply, however this is based on an annual requirement figure of 248 and not 292. Once the 20% buffer is applied a shortfall is created. This is also not clear from the housing trajectory, given that the accuracy of the trajectory is questioned in the answers to questions 6.3 and 6.4 above.

15. It is suggested that:
   - Evidence is provided in the housing trajectory to demonstrate that sites are deliverable, as per the NPPF definition; and
   - Local Plan policies should identify a supply of deliverable sites for the first five years of the plan period as a minimum.

16. As stated in PBA’s Matter 2 Hearing Statement and in the answer to question 6.4, there is concern that previous under-delivery will be perpetuated and complex brownfield sites will not be delivered as the trajectory suggests.

17. Should additional sites be required to ensure a deliverable supply, MLPL has control of a small development site on Hady Hill, to the east of Chesterfield town centre. This site is available and could be delivered within the first five years of the plan period. A site location plan is enclosed at Appendix 1.
Question 6.9: The Local Plan housing supply has no reliance on windfall sites. Is that a justified approach in light of the evidence at Appendix 4 of the Housing Topic Paper (June 2019)?

18. The failure to identify windfall sites in the Local Plan housing supply is not a justified approach. The evidence at Appendix 4 of the Housing Topic Paper, overall, provides sufficient evidence to justify windfall inclusion, consistent with paragraph 70 of the NPPF. However, there should not be a windfall allowance for the first three years of a plan period because any site already with planning permission that comes forward should be classed as a commitment, not a windfall site.

19. As stated at paragraphs 2.1.13-2.1.14 of PBA’s Reg.19 Representations, MLPL supports the inclusion of windfall sites in the housing supply. CBC have consistently under-delivered on housing, therefore a windfall allowance provides additional flexibility to supplement the housing supply to help mitigate any future under-delivery. This approach is consistent with NPPF paragraph 68(c) which encourages the provision of windfall sites to promote the delivery of a mix of sites.

20. Without a windfall allowance, the soundness of the Plan is questioned, as there is uncertainty over whether the housing needs of the Borough would be met. It is therefore suggested that a windfall allowance is built into the housing supply.

21. If the supply is partly reliant on the delivery of windfall sites, the policy framework of the Plan must support this. This is not the case with the Plan as currently written, as Policy LP4 seeks to restrict windfall development when a five year housing supply can be demonstrated.

22. It is also suggested that a small sites policy is included in the Plan to facilitate the delivery of sustainable windfall sites. The suggested wording can be found at paragraph 2.1.16 of PBA’s Reg.19 Representations (p.5).
Hady Hill, Chesterfield

Accessibility Map
Client: Severn Trent Water
Figure 3
Rev A
24/10/18
Drawn: TL
Checked: MG

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