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**Forest Heath District Council**

**Single Issue Review Public Examination**

**Matter 3**  
**“The Supply of Land for Housing”**

**Submitted by Sellwood Planning**

**on behalf of**

**The Earl of Derby**

**September 2017**

Regulated by RICS

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## 1.0 **Introduction**

- 1.1 This response has been prepared on behalf of Lord Derby who is the freeholder of the Hatchfield Farm site which was previously proposed for 400 homes, a Primary School and a minimum of 5 hectares of employment land under Policy N1(c) of the Site Allocation Local Plan Preferred Options (April 2016). This proposal was assessed in the corresponding SA prepared by AECOM and found to be an appropriate site in the context of the spatial strategy in the adopted Core Strategy (May 2010).
- 1.2 The site was deleted from the pre-submission Single Issue Review (SIR) in January 2017 following the Secretary of State’s refusal of an application for 400 homes in August 2016. Since then, High Court has quashed the Secretary of State’s decision but not the Inspectors Report recommending approval. The Newmarket Horsemen’s Group (NHG) sought leave to challenge this decision in the Court of Appeal, but leave was refused in August 2017. There is no further right of appeal.
- 1.3 The Inspectors have correctly identified the resulting low housing provision in Newmarket and the robustness of the SA as key issues to be examined.

2.0 **(Q 3.1) “From the table in Policy CS7, it appears that the overall supply of land for housing comprises 2,437 homes from existing completions and commitments, and 4,440 from allocations proposed through the Site Allocations Local Plan (including a windfall allowance). In total, this amounts to 6,877 dwellings.**

**a) Is that correct?**

**b) Are these figures up to date? If not, we ask the Council to provide up to date figures.**

**c) Do these figures include any allowance for under-delivery or non-implementation? If so, what allowance has been made and what is the reason for the level used? If no such allowance has been made, should one be?**

**d) A windfall allowance of 25 dwellings a year is made from 2022/23. What is the justification for this?”**

- 2.1 With regard to Questions 3.1 (a) and 3.1 (b), the most up to date figures are required in order to accurately inform the public examination.
- 2.2 Q 3.1 (c). The Council's assessment of the supply of housing appears to rely on 100% completion of all commitments and allocations prior to the end of the plan period in 2031. These figures are taken from Tables 1 and 2 of the Council's response of the 27<sup>th</sup> June 2017 and make no allowance for stalled sites, unviable sites or sites which are withdrawn from the development market. This is an unrealistic assumption. For example, it is noted that the latest five year land supply assessment assumes that all of the 1,300 homes on the 'west of Mildenhall' site will be completed by 2031. However, this relies on
- first completions in 2020 / 21, when no application has yet been submitted and considerable prior infrastructure works are required
  - the final 120 homes being completed in 2030 / 31. It would only require a one year delay in the start on site for 120 units to be lost from the trajectory.
- 2.3 It is noted that when the 2010 Core Strategy was submitted it allowed for 5% of existing commitments to lapse (see para 5.2 of the Local Plan Inspectors Report March 2010). The Council provide no reasoned justification for discarding their previous approach which was supported by the Inspector. At least this level of non implementation should be included in the Plan.
- 2.4 Q3.1 (d). The Council needs to provide clear evidence to support its continuing windfall allowance of 25 dwellings per year. This will need to demonstrate that there is no double counting of existing small site commitments.
- 3.0 **(Q 3.2) "The total supply amounts to only 77 dwellings more than the OAN.**
- a) Is there a risk that the need for housing will not be met?**
- b) Should the supply be increased to improve certainty in this regard?"**

3.1 Even when the Council makes overly optimistic assumptions that all commitments and allocations will be fully implemented by 2031, the supply only exceeds the current OAHN by 77 units. It should be recalled that both the NPPF and the NPPG regard the meeting of the full OAHN as a minimum. Where this can be exceeded by the identification of viable and deliverable sites in sustainable locations, there can be no objection to a Local Plan providing a higher housing figure. To make the SIR robust, the supply should be increased to allow at least one years buffer to the supply to ensure the OAHN is met.

**4.0 (Q 3.3) “Is there sufficient land available in the right places to deliver the level and spatial distribution of new homes planned for?”**

4.1 The spatial distribution is the focus for Matter 4. The submission on this issue prepared by Sellwood Planning argues that the proposed SIR housing distribution is not consistent with the approved CS1. In particular, that more of the housing should be located at the three Market Towns. With regard to Newmarket, this can be partially achieved by the reinstatement of the Hatchfield Farm allocation proposed at Preferred Options stage.

4.2 However, even with the currently proposed distribution, there remain uncertainties whether all of the allocations within the SAC / SPA consultation zones can bring forward appropriate mitigation to satisfy the requirements of Natural England.

4.3 In the case of Site SA10(a) (Land North of Acorn Way, Red Lodge), in addition to SAC / SPA issues, a recent planning application was withdrawn following a formal objection from the National Grid. The National Grid Gas SALP objection to this site stated :

**“National Grid has a high pressure gas transmission pipeline that crosses the proposed site allocation SA10(a). The proposed allocation does not adequately consider the restrictions advised by the HSE on what should be built in proximity to a major hazard pipeline. Due to the location of the pipeline it is highly likely that a large proportion of the proposed allocation cannot be built**

**due to the restriction advised by the HSE. It is highly unlikely that National Grid would divert the pipeline or carry out works to reduce the HSE consultation zone to allow development to proceed”.**

4.4 This combination of SPA / SAC issues and a major hazard make this site very uncertain. On its own, the loss of this site would more than remove the notional surplus of 77 dwellings.

**5.0 (Q 3.4) “The Council’s paper ‘Assessment of a five year supply of housing land taking a baseline date of 31 March 2016’ [B11] calculates the five year requirement excluding the shortfall since 2011.**

**a) It appears that within the various calculations presented, the 5% buffer is added before the shortfall figure, and thus excludes the shortfall. Should the shortfall figure be added before the 5% buffer is applied?**

**b) Both the Sedgfield and Liverpool methods of calculating the five year requirement are contemplated in the Council’s paper [B11]. Should the shortfall be addressed in the first five years (as in the Sedgfield method)? If not, why not?**

**c) In the light of answers to the above questions, what is the five year requirement including the shortfall?”**

5.1 No comment. This question has largely been superseded by the July 2017 Housing Land Supply Assessment (CD : D8).

**6.0 (Q 3.5) “Has there been a record of persistent under delivery of housing, such that the buffer should be increased to 20% (for consistency with paragraph 47 of the Framework)?”**

6.1 The Council’s latest Housing Land Supply Report (CD : D8) states at para 2.7 that over the last ten years there has been five years of under delivery and five years of over delivery. On this basis, the Council conclude there has not been ‘persistent under

delivery’. However, the year by year statistics do not give the real answer to this question. Paragraph 5.1 of the latest FHDC Monitoring Report (CD : B32) shows net completions from the start of the Core Strategy period of 2001. If these completions are assessed against the target of 320 dpa (2001 – March 2011) and 340 dpa (April 2011+), it becomes evident that there has been an annual shortfall in nine of the fourteen years set out in this table. However, of greater relevance is that the cumulative housing completions for Forest Heath have not caught up with the cumulative requirement at any point since 2001. Since the housing completions have been in a deficit position and trying to play ‘catch up’ for the whole of the last sixteen years, it is clear that this is a Council which experiences ‘persistent under delivery’. The buffer should, therefore, be 20%. For ease of reference, the table from the AMR is reproduced below with the cumulative completions and requirement added.

<b>Housing Completions 2001 – 15 compared to requirement</b>					
	Requirement per year	Requirement cumulative	Completions per year	Completions cumulative	Shortfall
2001 – 2002	320	320	147	147	173
2002 – 2003	320	640	62	209	431
2003 – 2004	320	960	67	276	684
2004 – 2005	320	1280	201	477	803
2005 – 2006	320	1600	334	811	789
2006 – 2007	320	1920	265	1076	844
2007 – 2008	320	2240	549	1625	615
2008 – 2009	320	2560	310	1935	625
2009 – 2010	320	2880	454	2389	491
2010 – 2011	320	3200	368	2757	443
2011 – 2012	340	3540	332	3089	451
2012 – 2013	340	3880	363	3452	428
2013 – 2014	340	4220	246	3698	522
2014 – 2015	340	4560	182	3880	680
<b>Totals</b>	<b>4560</b>	<b>4560</b>	<b>3880</b>	<b>3880</b>	<b>680</b>

**7.0 (Q 3.6) “Overall, is there a supply of specific deliverable sites sufficient to provide five years worth of housing, with an appropriate buffer ( moved forward from later in the plan period) to ensure choice and competition in the market for land?”**

7.1 Not if Forest Heath requires a 20% buffer for persistent under delivery and the following adjustments need to be made to the supply

- add a 5% non implementation allowance
- reduced capacity at Site SA10(a) North of Acorn Way, Red Lodge
- doubts about the start date of the west of Mildenhall allocation (SA4(a)).

7.2 *Appendix 1* contains a revised version of the ‘Five Year Deliverable Housing Supply’ table shown at paragraph 2.8 of CD:D8 incorporating the amendments suggested above. This revised Table demonstrates that the supply is 4.62 years, at best.

7.3 In these circumstances, the Council cannot show five years’ worth of specific, available, deliverable sites. However, if Hatchfield Farm was allocated for 400 homes, the housing land supply would rise to 5.42 years (see footnote \*\*\* of *Appendix 1*).

## ***Appendix 1 : 5 Year Land Supply 2017 / 22***

### **Requirement**

Adopt (a) to (e) of table at para 1.15 of July 2015 HCA	2085
Add 20% buffer	<u>417</u>
Total Requirement 2017 – 22	2502
Annual Requirement	500.4

### **Supply**

Unimplemented Large Sites	1254
Unimplemented Small Sites	269
Submission SALP Sites *	<u>911</u>
Total Supply	2434
Less 5% non implementation allowance **	<u>-122</u>
Total Supply	<u>2312</u>
Divide by 500.4 annual requirement	4.62 years***

### **Footnotes**

\*Assumes :

-SA4(a) Land west of Mildenhall starts in 2021-22 = Loss of 120 units (post 2031)

-SA10(A) is deleted due to National Grid objections = loss of 350 units

\*\*Based on 5% used in Core Strategy

\*\*\*If 400 homes at Hatchfield Farm was added to the supply of 2,312 dwellings, the supply would rise to 2,712 which represents a 5.42 years supply