



## **Independent Examination of the Hartlepool Local Plan – Inspectors Matters, Issues and Questions for Examination (August 2017)**

Client: Cecil M Yuill Ltd

Proposal: Response to Matter 7 – Housing Land Supply

Date: August 2017

Ref: NE2428

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## Document control

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Prepared by:	Checked by:	Approved By:

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**Issue 1** – How does the Plan meet the full OAN for market and affordable housing in the housing market area, including identifying a supply of specific, deliverable sites sufficient to provide five years' worth of housing and a supply of specific, developable sites for housing for years 6-10 and where possible years 11-15? (NPPF, paragraph 47)

**Q2 – Does the Plan, as submitted, set out a realistic range of land allocations for housing that would provide for:**

**(a) a supply of specific deliverable sites to meet the housing requirement for the five years from point of plan adoption?**

**(b) The supply of specific, developable sites or broad locations for years 6-10 from the point of plan adoption?**

**(c) For (a) and (b) what are the sources of supply and what assumptions have informed the scale and timing of supply and rates of delivery from the sources.**

1.1 Cecil M Yuill Ltd submitted representations at Publication Stage which confirmed that, in their view, the Council's overall housing requirement of 6,135, equating to an annual rate per annum of 410 dwellings (rounded up from 409dpa), was too low. An updated position has been established by Cecil M Yuill Ltd which is detailed in their response to Matter 3 (Housing Needs) which confirms an OAN of 447 dpa and subsequent housing requirement for Hartlepool over the Plan period to be 600dpa. The reasons and assumptions behind this uplifted housing requirement are detailed within the Matter 3 response.

1.2 In light of this it is considered that there are insufficient sites allocated to meet either the full OAN for market and affordable housing and a housing requirement of 600dpa and, without this situation being addressed by the allocation of additional housing sites, the Plan will remain unsound.

1.3 Notwithstanding the above, even if the overall housing requirement of 6135 dwellings over the Plan period was accepted, the Council are seeking to provide just 49 dwellings over and above this requirement. This represents a less than 1% buffer to provide for flexibility and choice, under delivery and 'affordable housing allowance'. This marginal buffer is not considered sufficient to ensure that the Plan requirement is met in full. Regardless of its inability to address the inevitable shortfall in the Council's affordable housing deficit, a minor slippage or lack of delivery for one or more sites will inevitably lead to under delivery. On this basis, a greater buffer is required.

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1.4 In order to address this shortfall additional land needs to be allocated for housing. Cecil M Yuill Ltd consider that the land directly adjacent to the allocated Quarry Farm Housing Site, which is also currently the subject of a planning application which officers are supportive of, is a fully deliverable, appropriate site for housing for a quantum of 450 dwellings. This additional 22-hectare site is in the single ownership of Cecil M Yuill Ltd and is fully deliverable, which has already been demonstrated through the preparation and submission of detail supporting information as part of representations made to the Publication Draft Plan. This previous submission need not be rehearsed as part of our submission to the EIP as part of this hearing statement – the inspector is already in receipt of the documentation.

1.5 In order to account for the allocation of the additional site at Quarry Farm 3, the Plan would need to be amended as follows:

- Inclusion of an additional housing allocation, known as Quarry Farm 3, in Table 8 (Future Housing Supply Over the Next 15 years) for 450 dwellings;
- Inclusion of Quarry Farm 3 within Policy HSG1 (New Housing Provision) for a quantum of 450 dwellings;
- Inclusion of Quarry Farm 3 within Policy HSG2 (Overall Housing Mix);
- The inclusion of a new Policy HSG5B (Quarry Farm 3 Housing Site) which relates specifically to the additional housing allocation proposed, with the wording appropriate to the site's specific requirements to be agreed with the Local Planning Authority; and
- Revision of criterion 5 of Policy HSG5a to reflect the inclusion of the Quarry Farm 3 allocation immediately adjacent to the west.

## **Q4 – What are the assumptions about the scale and timing of supply and rates of delivery from these various sources? Are these realistic? (Does the SHLA establish realistic assumptions about the availability, suitability and deliverability unlikely economic viability of housing sites? (NPPF, Paragraph 159)**

1.6 Site 49 of the Council's SHLA comprises the land, in its entirety, solely owned by Cecil M Yuill Ltd. The overall site area extends to 42 hectares and includes Quarry Farm 1, which is currently being built out by Bellway in the south-eastern corner, the Quarry Farm 2 allocated site directly north of Quarry Farm 1, which is currently the subject of an outline planning application for up 220 dwellings, which is supported by officers at Hartlepool Borough Council, and Quarry Farm 3 which is the remaining 22 hectares extending west of Quarry Farm 1/2. The SHLA confirms

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that the site in its entirety is suitable for housing, although reference is made by the Council to a potential yield of 300 due to site constraints, with these relating to the proximity of designated Local Wildlife Sites at Naisberry Quarry and Hart Quarry respectively. However, since the publication of the SHLAA, Quarry Farm 1 is currently being built out and the allocated Quarry Farm site is supported by officers at Hartlepool Borough Council via the live outline application for up to 220 units. In addition, detailed supporting information has been prepared and submitted to the Publication Stage of the Local Plan in support of Quarry Farm 3, which the Inspector will be in receipt of, comprising a landscape and visual effects appraisal, flood risk assessment, a highways technical note and a suite of ecological assessments. These demonstrate that the site is deliverable for a quantum of 450 dwellings with a suggested phasing of the following:

- 0-5 years - 90 units;
- 6-10 years – 150 units;
- 11-15 years – 150 units;
- 15+ years – 60 units.

## **Q5 – What are the potential sources of Windfalls? Is there a compelling evidence to justify the approach to making an allowance for future Winfall sites? (NPPF, paragraph 48)**

1.7 The Council are currently incorporating a Windfall allowance of 65 dwellings per annum (table 6 – housing target breakdown) which is based on a 50% replacement of demolitions taking place. However, the 2015 SHLA does not provide any evidence to support a further winfall allowance with para 3.37 advising that the new paragraph.

*"In view of the number and scale of potential housing sites a steering group agreed that there was no need to include a winfall assessment in the SHLA".*

1.8 In light of the above, Cecil M Yuill Ltd are not convinced that compelling evidence does not exist for further a winfall allowance to be made.

## **Q6 – Does the Council's supply of specific deliverable housing sites incorporate a suitable buffer, in accordance with the NPPF and PPG?**

1.9 The Council's "Five Year Supply of Deliverable Housing Sites: 1<sup>st</sup> April 2017 – 31 March 2022" produced in August 2017 (EX/HB/57), confirms that, due to the Council's persistent under-delivery of housing since at least 2004, a 20% buffer is proposed, in line with paragraph 47 of

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the NPPF. However, it remains Cecil M Yuill Ltd's position that the supply of housing sites is insufficient and, therefore, the 20% buffer is ineffective.

## **Q7 – Has there been a persistent under delivery of housing? In terms of a buffer for a five-year supply, should this be 5% or 20% in relation to paragraph 47 of the NPPF?**

1.10 As confirmed in our response to Q6 above, the Council have acknowledged that there has been a persistent under-delivery of housing and, as such, propose a 20% buffer.

## **Q8 – Should an allowance be made for non-implementation of permissions and, if so, what is the evidence? Should any additional allowance be made for uncertainty or with supply from allocations on winfall?**

1.11 Cecil M Yuill Ltd are of the view that an additional allowance should be made to cover the under delivery of allocated sites. A 10% allowance rate has been acknowledged as appropriate and referenced in previous appeal decisions, notably Rothley (APP/X2410/A/13/2196928) and Honeybourne (APP/H1840/A/12/2171339).

## **Q9 – Is the Plan sufficiently clear on the basis on which the five-year supply calculation should be made, including the "Sedgefield" or "Liverpool" approach?**

1.12 The Council's five-year supply document (EX/HB/57) appears to clarify in paragraphs 3.9 and 3.10 that they now propose to front load the housing requirement, in accordance with principles set out in the PPG (ID3-035), which relates to the "Sedgefield" method.

## **Q10 – Should the annual housing requirement figure be staggered to reflect the focus on large strategic sites? (ie, lower figures in the early years of the Plan period, increasing later?) Are the leading times and delivery rates for High Tunstall and Wynyard realistic?**

1.13 Cecil M Yuill Ltd are of the view that the Council should seek to meet their housing requirement immediately rather than reducing delivery in the early years.

## **Q11 – Should the Plan contain an appropriate policy mechanism and indicators that would trigger Plan-led corrective measures to ensure deliverable supply of housing land should monitoring indicate there is an insufficient level of supply?**

1.14 Cecil M Yuill Ltd support the view of the HBF that the inclusion of specific triggers for assessing housing delivery is a critical element of the Plan. Not only is the NPPF explicit that plans need to be flexible to enable to adopt a change in conditions, the Government's Housing White Paper also suggests that a delivery test should be placed upon local planning authorities which will

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require action to be taken if delivery falls below 95% of the Council's annual housing requirement. The inclusion of triggers within the Plan relating to housing delivery falling below the projectory would be an appropriate method to deal with under delivery - such triggers could then be used to release further sites or initiate a partial Local Plan review.

## **Q13 – Should the Plan include an additional buffer for supply? Is this justified in the light of the requirement exceeding the fuller OAN? Based on past delivery rates would it be delivered?**

- 1.15 Cecil M Yuill Ltd consider that the Plan should include an additional buffer for supply. However, their submission to Matter 3 provides firm evidence through independent analysis that the full OAN is 447dpa and not 290dpa as the Council contend. In light of this, Cecil M Yuill Ltd do not consider that the housing requirement currently being proposed by the Council exceeds the appropriate full OAN. In light of this it is considered that, as the proposed housing requirement is insufficient, a 20% buffer on top of this would be ineffectual in terms of allowing for delay/under-delivery of sites and 'affordable housing allowance'. In terms of the latter, the 20% buffer presently generates a housing requirement of 6135 dwellings over the Plan period, equating to 410dpa (rounded up from 409). Applying the Council's annual affordable housing target of 18% on sites over 15 units provides 74dpa, which is roughly half of their annual affordable housing target of 144 units.
- 1.16 As highlighted in the Matter 3, submission of a 20% buffer on top of the full OAN of 447dpa (plus 50% demolition replacement) creates a requirement of 600dpa. In terms of affordable housing, applying the Council's 18% target, this would generate circa 110 affordable units per annum which, whilst not meeting the annual need in full, would make a significantly greater contribution and would, as a result, be fully justified.