Comments

Site Specific Part 2 Local Plan - Publication Plan Consultation (18/12/19 to 12/02/20)

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Representation
Please use a separate form for each representation.

Which part of the Publication Plan does your representation relate to?
Housing Trajectory

Tests of Soundness
Do you consider the Local Plan is sound in terms of being:

- Justified . No
- Effective . No
- Positively prepared . No
- Consistent with National Policy . No

Legal and Procedural requirements

Do you consider the Local Plan has been prepared in line with legal procedural requirements? No

Duty to Cooperate

Do you consider the Local Plan to be compliant with the Duty to Cooperate? No

Reasons

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Please give the reason(s) why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the statutory Duty to Cooperate.

5.1.1 The tests of soundness required by paragraph 35 of the Framework outline that the SPP2 must be found to be positively prepared, justified, effective and consistent with national policy. Gladman have significant reservations regarding the ability of the Council's Sustainable Urban Extensions (SUEs) to deliver at the new suggested rates.

5.1.2 Gladman consider the Council’s assumptions made in respect of the housing trajectory risks the deliverability of the SPP2 (and the local plan as a whole) and will inevitably lead to further housing land supply problems in the future. Undertaking a comparison between the Council’s position contained in the NNJCS, SPP2 and intervening AMR reports reveals a significant shift in the Council’s position on all assumed delivery rates as detailed at Appendix 1 of these representations. The Council’s position demonstrates a shift in the anticipated delivery rates of the NNJCS and have now been increased in the later years of the plan period from those shown in the previous NNJCS housing trajectory. In addition, the AMR reports published in the intervening period also illustrate and serve to demonstrate that anticipated delivery on site has shifted each year. Indeed, it is noted that the delivery of Desborough North and Rothwell were expected to commence in 2015/16 and 2016/17 respectively, but delivery on these sites has yet to commence.

5.1.3 Gladman remind the Council that the definition of ‘deliverable’ has been updated as part of the changes to the NPPF. The NPPF now places the onus on local planning authorities to demonstrate that sites within their housing land supply are capable of coming forward within the next five years. In order to count towards the five-year supply, the previous Framework was vague in defining what ‘deliverable’ meant which resulted in contradicting appeal decisions culminating in the St Modwen Judgment. The NPPF 2019 introduced a new definition of what is considered deliverable. It states: “To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:
   a) Sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).
b) Where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is a clear evidence that housing completions will begin on site within five years.”

5.1.4 Given the above, it is apparent that clear evidence is required to demonstrate that committed sites are deliverable, can deliver homes in the next five years and will come forward as anticipated.

5.1.5 The delivery on SUEs in Kettering is falling below 75% of the NNJCS trajectory and requires immediate action from the LPA to correct it. Indeed, given the strategic scale and specific nature of many of the proposals within the Council’s commitments, it will be vitally important for the Local Plan to provide a clear contingency against its overall requirement to take into account the fact that such proposals will invariably deliver at a slower rate than originally envisaged through the examination of the NNJCS as demonstrated above. Accordingly, Gladman reiterate the need for additional policies to be included by way of modification that take a responsive and flexible approach to sustainable development at the edge of sustainable settlements to ensure positive action can be taken where monitoring indicates that a five year housing land supply is unlikely to be maintained. The inclusion of a meaningful contingency is common practice in plan making and would greatly assist in supporting the demonstration of the plan’s soundness at examination.

5.1.6 In considering the sites proposed for allocation within the SPP2, Gladman wish to highlight the presentation given by the Director of Planning at DCLG at the Home Builders Federation Planning Conference in 2015. Figure 1 below shows that 10-20% of permissions do not materialise into a start on site and that the permission in effect ‘drops out’. It provides multiple reasons for this occurring and highlights a clear need to plan for the granting of permissions on more units than are required to be completed to meet housing needs.
Proposed Actions/Changes

Please explain what changes or actions are needed to make the Local Plan legally compliant.

5.1.7 Given the above, it therefore stands to reason that the buffer proposed may fall away and SUEs may further stall and place the Council in a precarious situation where they are unable to demonstrate a housing land supply. In order to secure the deliverability of the Plan in full, Gladman consider that KBC must take the following steps. The Plan’s strategy must allow for additional flexibility so that sites not identified through the Plan are capable of coming forward to accommodate any slippage in the predicted delivery of the Council’s delivery rates that are likely to occur. This will also aid the Council in delivering additional housing above the minimum housing requirement, both in the mix and location of sites proposed.

Attendance at the examincations hearings

If you are seeking to change the Plan, would you like to attend the examination hearings?  Yes

Notifications

Do you wish to be notified?  
- When the Plan is submitted for independent examination?  
- When the Inspector's Report is published?  
- When the document is adopted?