

## Agenda Item 8

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<b>Date</b>	9 <sup>th</sup> December 2014

<b>Ward (s) affected</b>	All	<b>Key Decision</b>	Yes
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<b>Subject</b>	Mole Valley Housing and Traveller Sites Plan: Termination of further work.
<b>RECOMMENDATIONS</b>	
<ol style="list-style-type: none"> <li>1) That the preparation of the Housing and Traveller Sites Plan is terminated.</li> <li>2) That the Council embarks on the preparation of a new Local Plan in line with the requirements of the National Planning Policy Framework.</li> </ol>	

<b>EXECUTIVE SUMMARY</b>
<p>The purpose of the report is to outline the risks involved in either continuing the preparation of the Housing and Traveller Sites Plan (HTSP) or the termination of this work.</p> <p>It recommends that the Executive terminates its preparation and that work starts on preparing the new Local Plan for Mole Valley for the following reasons:</p> <ul style="list-style-type: none"> <li>• Doubt that the HTSP that will be found sound due to decisions by the Planning Inspectorate on similar Plans across the Country</li> <li>• Statement made by the Secretary of State Eric Pickles on 4th October 2014 and 'new' guidance issued on 6<sup>th</sup> October.</li> <li>• Statements made by Councillors Friend and Cooksey at the Council Meeting on 14<sup>th</sup> October</li> <li>• Improving housing land supply</li> </ul> <p>This Plan was being prepared as a 'daughter' document to the adopted Mole Valley Core Strategy but in the light of the above, the risks of it being not supported by the Council and not being found sound at Examination are now felt to be too high to continue its preparation.</p>

## **CORPORATE OBJECTIVES**

### **ENVIRONMENT - Maintaining the character and environment of Mole Valley**

#### **4. Support businesses and the local economy by enabling development in the district and facilitating appropriate housing growth.**

The termination of work on the HTSP may reduce the delivery of housing (including affordable housing) and will result in pitches for Gypsies and Travellers not being allocated in the short-term. The demand for social housing in Mole Valley is greater than the number of homes available. The Housing Register currently stands at approximately 450 households following the implementation of the new Housing Allocations Scheme.

Affordable housing supply is provided by housing associations from turnover in their existing stock and from development of new homes, which averages at about 50 new affordable homes for rent and shared ownership per year. The HTSP may have produced around 160 affordable homes as part of the development proposed to take place on land currently in the Green Belt. Every year about 150 households on the Housing Register are housed, but at least an equal number join. New housing stock not only helps to increase the number of homes available, but also creates movement in the stock enabling applicants and existing tenants to move more easily to appropriate accommodation, including those currently in emergency accommodation and thereby creating other vacancies and reducing the need to use bed and breakfast accommodation. New shared ownership homes help many first time buyers who are unable to afford to buy outright.

In the longer term, development in Mole Valley should, in accordance with the National Planning Policy Framework (NPPF), be 'plan led' and therefore a new Local Plan will need to be prepared. This should be based on an assessment of housing need in Mole Valley in cooperation with other neighbouring authorities and may lead to the need to build more houses than was planned for in the HTSP, albeit over a longer period of time. The new Plan will also consider other issues, not be solely focused on housing, including the needs of businesses.

#### **6. Improve the quality of the built environment whilst preserving the character and integrity of our towns and villages, and protecting the rural landscape.**

Terminating work on the HTSP should have only limited impact on this priority in the short-term. However in the longer term, the lack of land being released for housing outside of the built-up areas may continue to increase the pressure to build within the District's towns and villages. This would result in building at higher densities which may conflict with the existing character of these communities. It would however limit change in the rural landscape.

**The Executive has the authority to determine the Recommendations**

## 1.0 **Background**

- 1.1 Mole Valley District Council (MVDC) is the Local Planning Authority and has a statutory duty to determine planning applications. These planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. Each local planning authority should therefore produce a Local Plan for its area.
- 1.2 Local Plans should be aspirational but realistic. They should set out the opportunities for development and clear policies on what will or will not be permitted and where.
- 1.3 In February 2013, MVDC agreed to prepare the Housing and Traveller Sites Plan (HTSP)<sup>1</sup> which would identify sufficient sites to meet the residual housing requirements of the Core Strategy (adopted in 2009). This would form part of the Local Plan for Mole Valley.
- 1.4 It was accepted that preparing this plan was not without some risk because the housing figures would be based on those in the Core Strategy which were inherited from the South East Plan (the now revoked Regional Spatial Strategy) rather than on the District's objectively assessed housing needs which is now required by the NPPF.
- 1.5 However, because of the uncertainties around the ability of London to meet its own housing needs and the potential housing consequences of a decision to build a second runway at Gatwick, it was felt on balance that the proposed approach was a pragmatic one. It would be an interim measure until a new Local Plan could be prepared that could take into account these uncertainties.
- 1.6 Informal advice from the Planning Inspectorate supported this approach but it was stressed that the Council would need to commit to the early preparation of a new NPPF compliant Local Plan. This was reflected in the Local Development Scheme that the Executive agreed in January 2014.

## 2.0 **HTSP progress**

- 2.1 Work on the preparation of the HTSP has been progressing in line with the timetable in the Local Development Scheme.
- 2.2 The draft Green Belt Boundary Review was the subject of consultation in February / March 2013. This was followed in 2014 by consultation on around 100 sites that land owners and developers had suggested should be allocated principally for housing.
- 2.3 It was intended that a draft HTSP would be considered by Council on 20<sup>th</sup> January 2015. Subsequently it would be submitted to the Secretary of State and an examination into it would be held.

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<sup>1</sup> At this point the plan was called the Land Allocations Plan.

- 3.0 **Recent events.**
- 3.1 Several events relating to the preparation of plans by other local planning authorities which are based on revoked regional spatial strategy housing numbers have occurred recently which are casting significant doubt on the prospect of the HTSP being found sound. The emerging picture emerging is very confusing. It provides MVDC with no certainty as to the success or otherwise of the HTSP going forwards and has created a considerable amount of additional work for Officers and as a consequence delay in the preparation of the Plan.
- 3.2 Of the many examples it is particularly worth noting the following:
- 3.3 **Harrogate** where the Planning Inspector conducting the examination suggested the Borough Council should withdraw its plan principally because it was not aiming to meet the area's objectively assessed housing requirements.
- 3.4 **Wokingham** where the Council's Plan which included proposals for delivering housing had been found sound but was then challenged by a developer who argued that the housing figures were out of date and the plan did not deliver the objectively assessed housing needs of the area insofar as was possible. However the High Court Judge noted that the Inspector had acknowledged that the plan's housing provision might prove to be an underestimate of that required but found that it was not the particular role and purpose of that Plan to re-examine the housing requirement, this was for a subsequent plan. This seemed to be a pragmatic approach that was at odds with the Harrogate Inspector's conclusions.
- 3.5 In a similar vein at a recent hearing into the **Three Rivers District Council** Plan, the Inspector commented that to stop work on the plan and start a new Local Plan was perverse. Examinations into similar plans in **Sevenoaks** and **Dover** also appear to be progressing with the Inspectors not significantly challenging the District Council's approach to housing provision which again is not based on an objective assessment of needs.
- 3.6 However, **Chiltern DC** has recently submitted its site allocations plan with a commitment to an early review of its Core Strategy. The Inspector has produced an initial appraisal of their Plan which raises a number of points relating to the housing figures being planned for which if applied to the HTSP being prepared by MVDC would give us cause for concern. We now understand that the Examination of this Plan is to be suspended for 6 months to enable further work to be completed.
- 3.7 Advice from the Planning Inspectorate is to commence the preparation of a new Local Plan based upon the requirements of the NPPF.
- 3.8 Further details of the various decisions are contained in Appendix 1.

#### 4.0 **Statements by the Secretary of State: Eric Pickles**

4.1 On 4<sup>th</sup> October, the Secretary of State made the following statements about the Green Belt:

*“This government has been very clear that when planning for new buildings, protecting our precious Green Belt must be paramount. Local people do not want to lose their countryside to urban sprawl or see the vital green lungs around their towns and cities to unnecessary development.*

*Today’s guidance will ensure councils can meet their housing needs by prioritising brownfield sites and fortify the green belt in their area”.*

4.2 In addition, two new paragraphs about the Green Belt were added to the National Planning Policy Guidance which sits alongside the National Planning Policy Framework (NPPF). Although it was portrayed as new advice, it in effect repeats existing guidance in the NPPF. However, the way that it was described by the Secretary of State has given rise to the view that the Government has strengthened the protection of the Green Belt.

4.3 The first revision to the NPPG relates to the determination of planning applications for development in the Green Belt. The NPPF says that inappropriate development should not be approved in the Green Belt except in very special circumstances. This includes housing development.

4.4 The 6<sup>th</sup> October guidance says that “*unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the very special circumstances justifying inappropriate development on a site within the Green Belt*”. This is formalising in the NPPG written statements made in 2013 and earlier this year by Government Ministers. It is something that the Inspectors who considered the appeals against the refusal of residential development at Kiln Lane, Brockham and Kennel Lane took into account.

4.5 The second revision to the NPPG relates to Local Plans and how Green Belt issues should be taken into account in their preparation. It addresses the question as to whether housing and economic needs override constraints on the use of land such as Green Belt. It restates the NPPF’s advice that it should be read as a whole and that need alone is not the only factor to be considered when drawing up a Local Plan. It also restates the NPPF guidance that local planning authorities should through their Local Plans meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. This includes the NPPF’s Green Belt policies.

4.6 The guidance then goes on to restate the NPPF’s advice that local authorities should prepare a Strategic Housing Market Assessment to assess their full housing needs. It goes on to say that once need has been assessed, the local planning authority should prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and likely economic viability of land to meet the identified need for housing over the plan period, and in doing so take account of any constraints such as Green

Belt, which indicate that development should be restricted and which may restrain the ability of an authority to meet its need.

- 4.7 It is therefore questionable as to whether anything significant has changed. Local planning authorities already knew that they had to identify their housing needs and plan for them taking into account constraints including the Green Belt. What the Secretary of State has done is to emphasise the Green Belt above other constraints that need to be taken into account in deciding how much housing need can be met. Given the extent of the Green Belt in Mole Valley, it is unlikely that the full objectively assessed need for housing in the District can be achieved without changing the existing spatial strategy but this does not mean that provision should not be made for new housing.
- 5.0 **Council Meeting 14<sup>th</sup> October 2014**
- 5.1 At the meeting of Council on 14<sup>th</sup> October statements were presented by Councillors James Friend and Stephen Cooksey.
- 5.2 In summary, the key points made were as follows:
- The importance of the Green Belt to Mole Valley
  - The lack of support from the Council for development on Green Belt land that did not have the support of the local community.
  - The lack of support for any site being taken out of the Green Belt that continued to contribute to Green Belt aims.
  - The weight that should be given to the Secretary of State's statements on 4<sup>th</sup> October.
  - Current policy may result in the loss of land in the Green Belt to housing development which might not in the longer term have been proved to be necessary.
  - Look to local communities in need of affordable housing to champion sites and show that exceptional circumstances are there.
  - The need to redevelop our brown field areas.
  - The need to start any new process with clarity and leadership from day one.
- 5.3 These statements have highlighted the fundamental concerns that some Members have about the preparation of the HTSP, its aims and the possible outcomes of that work. This has led Officers to have serious doubts over the likelihood that the HTSP would be agreed at the Council meeting on 20<sup>th</sup> January, as currently proposed.
- 5.4 A delay in the preparation of the HTSP is unlikely to 'iron out' these issues in time to carry out consultation in advance of the period of 'purdah' before the May elections. If the Plan is not considered at the Council meeting on 20<sup>th</sup> January 2015 it would, in all likelihood, not be published until the autumn of next year. This means that the Core Strategy (on which it is predicated) becomes older and carries less weight with the prospect of the HTSP being found sound increasingly unlikely.

## **6.0 Current Housing Land Supply Position**

- 6.1 Local Planning Authorities are required to be able to demonstrate a five year supply of available housing sites. MVDC's latest 5 year housing land supply statement as at 1 April 2014 (i.e. for 2014-19) shows a 4.7 years supply. This is an improvement on the 2013-18 position which was 3.6 years (at April 2013 base).
- 6.2 In the 7 months April – October 2014 there have been 186 net permissions and 73 net completions. At the Development Control Committee meeting of 5<sup>th</sup> November planning permission was granted (subject to legal agreements) for around a further 106 dwellings (net) at:
- 1) QEF, Woodlands Road, Leatherhead = 64 (76 gross)
  - 2) Garages 46-48 Lincoln Rd, Dorking = 9
  - 3) Middlemead, Bookham = 33 (79 gross)
- 6.3 Initial estimates indicate that this may put the Council in the position of having a 5 year land supply. This will be confirmed one way or the other at the end of March 2015.

### **Progress towards meeting the Core Strategy's housing requirement.**

- 6.4 Between April 2006 and October 2014, the number of new homes built in Mole Valley was 1853. Taking account of the number of new homes which have planning permission but which have not been constructed, sites allocated in existing local plans and a forecast number of homes that will be built on windfall sites, it is estimated that the HTSP based upon the requirements of the Core Strategy would need to identify sufficient land to accommodate around 420 new homes. The range takes into account that permissions granted in October 2014 are not included within these calculations.
- 6.5 The basis of this forecast is explained in Appendix 2. The figures are as at 31<sup>st</sup> October<sup>2</sup>.

## **7.0 The Proposed Way Forward**

- 7.1 In the light of these important issues it is necessary to reconsider the benefits and risks to preparing the HTSP before deciding the way forward.

### **Benefits**

- In place by 2015/6
- Establishes housing land supply in the short term, making MVDC less vulnerable in defending appeals.

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<sup>2</sup> Housing permissions and completions are audited annually through the preparation of the Statement of 5 Year Housing Land Supply and the Authority Monitoring Report. These figures have been provisionally updated for the 7 month period to the end of October and may be subject to change. Permissions and completions data is not yet available for November.

- Provides around 160 affordable homes in addition to those that would come forward in the built-up areas (through windfalls)
- Will allocate some land for Mole Valley's Gypsies and Travellers.
- Provides certainty for local communities over the short term
- Consistent with previous messages about plan making
- Would assist in establishing CIL
- Give the Council the 'breathing space' needed in order to prepare a new Local Plan.

### **Risks and dis-benefits**

- Uncertain prospects of success in light of the experience elsewhere.
- The Plan would be making provision for a relatively small amount of new development and have a short shelf life to be superseded in due course by the new Local Plan.
- The HTSP will include proposals for altering the Green Belt boundary. When altering a Green Belt boundary, local planning authorities are advised to consider development requirements beyond the current plan period to avoid the need for a Green Belt review each time a new plan is prepared. Safeguarding land – excluding land from the Green Belt to meet an as yet unknown future development requirement – will be problematic and could lead to pressure from other local authorities unable to meet their own housing requirements. It is likely that a further review of the Green Belt would be required only shortly after the adoption of the HTSP.
- If the plan is found unsound there could be adverse financial and reputational consequences.
- Continuing with the HTSP does not provide the opportunity to reconsider the spatial strategy for the distribution of new development in the District.
- It is not NPPF compliant and therefore there is a risk that it could be found unsound.
- Would not take account of housing pressures from London and airport expansion especially if Gatwick chosen for a second runway.
- The Council's Medium Term Financial Plan assumes a certain level of income from the Government in the form of New Homes Bonus, this may now be less than anticipated.

7.2 It is therefore considered that on balance the risks of submitting the HTSP outweigh the benefits.

7.3 If preparation of the HTSP is terminated then the Council needs to consider how it is to prepare a new Local Plan. Brandon Lewis, Minister for Planning, has recently stated that "We have put Local Plans at the heart of the reformed planning system, so Councils and local people can now decide where development should and shouldn't go". The Council will therefore have to fulfill this duty and Members will be working on agreeing the way forward over coming months. The National Planning Policy Framework states that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.



- 7.4 The Local Plan should include (amongst others) policies to deliver:
- The homes and jobs needed in the area
  - The provision of retail, leisure and commercial development
  - The provision of infrastructure
- 7.5 The Local Plan should plan positively for the development and infrastructure required in the area; be drawn up over preferably a 15 year period; be based on co-operations with neighbouring authorities, public, private and voluntary sector organisations; identify areas where development would be inappropriate; and, allocate sites for development where necessary.
- 7.6 The first stage in this is the preparation of a Strategic Housing Market Assessment which will assess the level of need for housing in the District and adjoining areas. Early investigations into undertaking this study with a number of adjoining Councils principally to the north of the District, has taken place already. In addition early consideration will be given to how best to consult with the local community.
- 8.0 **Financial Implications**
- 8.1 The Council's Medium Term Financial Plan assumes a certain level of income from the Government in the form of New Homes Bonus – a reward for the net number of new homes built or recovered in the district. The impact of these changes on the numbers of new homes will be monitored over the next few years to assess the effect on the Council's funding levels.
- 9.0 **Legal Implications**
- 9.1 The Development Plan for Mole Valley will comprise the Local Plan (2000), the Core Strategy (2009) and the Dorking Town Area Action Plan (2012). There will however be no plan that demonstrates how the requirements in the Core Strategy to deliver housing and sites for Gypsies & Travellers will be delivered. Please also see the section on 'Risks'.
- 10.0 **OPTIONS**
- 10.1 **Option 1 - Continue with the preparation of the HTSP and submit the Plan as soon as possible.**
- 10.2 This approach is not without risk but if successful it would give the Council time to consider the longer term future in the knowledge that it is delivering some housing and Traveller Sites and it would provide local residents with some level of certainty. The preparation of the HTSP will require land to be removed from the Green Belt, although less than previously calculated.
- 10.3 It should also be stressed that Officers will now not be in a position to meet the proposed Council meeting on 20<sup>th</sup> January 2015 as delays created by the uncertainty over the preparation of the HTSP means there is insufficient time available to complete the work. It would not be possible to publish the Plan until after the General Election in May 2015.

- 10.4 **Option 2- Terminate work on the HTSP and embark on the preparation of a new Local Plan in line with the requirements of the NPPF including in the first instance the commissioning of a Strategic Housing Market Assessment.**
- 10.5 This would allow the Council to prepare a Local Plan that is fully compliant with the NPPF and determine how many new homes are needed and how many could be accommodated in Mole Valley. Much of what has already been done on the Housing and Traveller Sites Plan will be rolled forward to inform this work. It will enable MVDC to establish how it will respond to the views of the community, work closely with other Authorities on assessing the level of housing need and assess how it might be delivered.
- 10.6 Not having a new Local Plan in place until 2018 at the earliest could have implications in terms of a shortage of identified available housing land and increase the potential for losing appeals, albeit that this risk is currently reduced by the improving land supply position. New housing development will only be delivered through a continuation of the policy of infill and redevelopment within the main towns and villages.
- 10.7 The recent consultations on the HTSP have created significant uncertainty for residents.
- 11.0 **Conclusion and Recommendation**
- 11.1 Given the uncertainty that has been created at this stage of the HTSP, the Council is unlikely to support the publication of the HTSP in January or any subsequent meeting. It is recommended that work on the plan should now be terminated and that work commences on the preparation of a new Local Plan in line with the requirements of the NPPF including in the first instance the commissioning of a Strategic Housing Market Assessment.
- 12.0 **CORPORATE IMPLICATIONS**
- 12.1 **Monitoring Officer commentary**  
The Monitoring Officer confirms that all relevant legal implications have been taken into account in the report.
- 12.2 **S151 Commentary**  
The s151 Officer confirms that all relevant risks and financial implications have been taken into account in this report.
- 12.3 **Risk Implications** – In terms of its reputation, a decision to terminate the HTSP places the Council at risk in a number of areas.
- a) Many residents have been very concerned about the preparation of the HTSP and around 3,550 individuals and organisations commented as part of the consultations this year. Many would view the termination of work on the Plan in a positive light, reflecting their desire to see no change to the Green Belt. However, this is likely to be a relatively short-term suspension in the

work and the sites considered as part of the HTSP consultation will still be promoted through the preparation of a new Local Plan.

- b) Developers and landowners had been following a well established programme of work led by the Council with the anticipation that a decision would be made in January. Although they are well aware of the risks and no guarantees were given as to the likelihood that any parcel of land would make it into the Plan, the very late halting of work on the Plan may lead some to question MVDC's credibility in future plan making work.
  - c) The public have been led to expect a decision in January. There would have been 'winners' and 'losers' and although there would be considerable publicity around those sites that were in the Plan, it would also remove a considerable level of anxiety from those that were no longer likely to be affected in the short term.
  - d) Currently there is an improving position in terms of the Council's 5 year housing land supply. However, it should be noted that this is measured against the target in the Core Strategy which will increasingly be out of date. As a result, the longer it takes MVDC to resolve how it might contribute to delivering the Government's objective of increasing housing development, the greater the risk of it being taken out of the Council's control and resolved through the appeals process. However MVDC has successfully won a number of appeals for development in the Green Belt and it is likely that this will continue - at least in the short-term. However, the Council will need to carefully observe any changes in this trend, not only within Mole Valley but elsewhere across England. Nevertheless, pressure to use industrial and commercial land for residential development is likely to increase and may prove challenging to defend.
- 12.4 A decision to terminate work on the Plan leaves all these issues unresolved until such time as a new Local Plan can be completed.
- 12.5 **Equalities Implications** – An Equalities Impact Assessment (EqIA) has been prepared in support of each stage of the preparation of the HTSP.
- 12.6 The potential Equalities impacts of stopping plan preparation are considered to be:
- The HTSP would have delivered around 160 affordable homes in addition to those delivered through development within the main built up areas. These will no longer be provided through the Plan. This delay in providing affordable housing will impact those on low incomes, older and younger people within the District. Affordable housing for those living in rural communities can still be delivered through Rural Exceptions sites.
  - Although housing will ultimately be delivered through the new Local Plan, the timetable has changed and this will do nothing to relieve the current pressure in the local housing market (including those in private rented accommodation).
  - Mole Valley has an identified need for Gypsy and Traveller pitches and providing sites for the travelling community has historically been difficult to achieve in the District. The HTSP aimed to provide further Gypsy and Traveller pitches, this will now not happen.

- MVDC conducted a wide ranging consultation which many residents of Mole Valley engaged with. The HTSP identified approximately 100 sites which were suggested to the Council for development. The consultation document gave no indication (for most of the sites) of which were the 'preferred' sites. This has left those residents who live adjacent to the suggested sites in an uncertain situation going forward.
- 12.7 **Sustainability Issues** – Any plan being prepared is accompanied by a Sustainability Appraisal and therefore this issue is covered throughout the plan making process.
- 12.8 **Consultation** – This report will also be considered by the Scrutiny Committee.
- 12.9 **Communications** – If Option 2 is agreed this decision will be supported by:
- a) Press Release
  - b) Letter / e-mail to all those who commented as part of the consultation on the HTSP in 2014 in order to provide them with an update.
- This decision is widely anticipated and indeed has already been picked up by the press and national Planning Press, therefore major publicity is not required.

## **BACKGROUND PAPERS**

None.

## Appendix 1: Recent Local Plan Examinations.

### Harrogate

- A1 Harrogate is within the Green Belt and the Borough Council had adopted a Core Strategy in 2009. Its housing figures were taken from the regional spatial strategy for the area. Harrogate BC embarked on the preparation of a site allocation plan based on its Core Strategy, with a commitment to an early review of its Core Strategy. This is an identical approach to that being taken by MVDC.
- A2 Examination of the site allocations plan commenced earlier this year and after a couple of hearing sessions in April the Planning Inspector conducting the examination suggested the Borough Council should withdraw its plan because it was not aiming to meet the area's objectively assessed housing requirements, was using out of date information on employment land and had not fully explored constraints on development.
- A3 The Borough Council considered the Inspector's views and decided not to withdraw the draft Plan. Instead, it requested a suspension of the examination to allow it to do further work. The Inspector was not convinced this extra work could take place in a timely fashion and would not fundamentally alter the Plan. Harrogate has now withdrawn the Plan and will now prepare a new local plan.

### Wokingham

- A4 The **Wokingham Borough Council** Managing Development Delivery Plan included proposals for delivering the Borough Council's housing requirement which had been included in its Core Strategy and was based on the South East Plan. The Plan had been found sound by a Planning Inspector and adopted by the Council. This was then challenged by a developer who argued that the Borough Council's housing figures were out of date and the Inspector had failed to meet the requirements of the NPPF that local plans deliver the objectively assessed housing needs of an area. The High Court judge hearing the case concluded that the Inspector had taken a lawful approach to assessing housing numbers in the plan. He noted that the Inspector had acknowledged that the plan's housing provision might prove to be an underestimate of the amount of housing that will be required but found that he was not required to consider an up to date objective assessment of housing need in order to assess whether the Plan was sound as that was not the role and purpose of this particular Plan. The Plan was therefore upheld and the legal challenge rejected. This seemed to be a pragmatic approach that was at odds with the Harrogate Inspector's conclusions.
- A5 In a similar vein at a recent hearing into the **Three Rivers District Council** Plan, the Inspector commented that to stop work on the plan and start a new Local Plan was perverse. He also stated that there is was a requirement for local planning authorities to keep their plan making framework up to date, and so long as there is a commitment to review a Core Strategy that requirement is satisfied. Examinations into similar plans in **Sevenoaks** and **Dover** also appear to be progressing with the Inspectors not significantly challenging the District Council's approach to housing provision which again is not based on an objective

assessment of needs. However these Councils have been asked to consider the implications of recent decisions and the final Inspectors Reports have not been published.

### **Chiltern District Council**

- A6 **Chiltern DC** has recently submitted its site allocations plan with a commitment to an early review of its Core Strategy. Hearing sessions are due to take place in November and the Inspector has produced an initial appraisal of their Plan. It raises a number of points which if applied to the HTSP being prepared by MVDC would give us cause for concern.
- A7 The Inspector states that *“The Council will be aware of the risks associated with plans relying on pre-NPPF and RS housing figures (although the judgement in the case of Gladman Developments v SSCLG & Wokingham BC does offer a modicum of comfort). As with the Wokingham Plan, this DDPD has a housing requirement based on the Core Strategy anticipated delivery of housing to 2026 which, in turn, was based on the now revoked SEP figure of 2,900. However, the most recent SHMA is dated July 2008 and this indicated ‘little growth prospect’, but at the same time indicated a substantial level of need for affordable housing – amounting to some 272 dpa. The most recent assessment of the housing market is (Assessment of Housing Demand in Chiltern District 2006 – 2026) prepared in support of the Core Strategy in February 2011. It indicated a potential future demand for 5,000 – 7,260 dwellings to 2026. In my judgement, the housing requirement based on the Core Strategy, in turn reflecting the revoked RS figures, is vulnerable, particularly in view of the advice in the national Planning Practice Guidance (PPG), that constraints should not be applied to the overall assessment of need.*
- It is clear that most of Chiltern District is constrained in terms of Green Belt and AONB designations. However, this does not absolve the Council from its duty of meeting the requirement to assess and provide evidence of housing need prior to addressing those considerations. In this respect the evidence base is incomplete.”*
- A8 In November Chiltern sought a 6 months suspension to the Examination in order to consider further evidence.

**Appendix 2: Progress towards meeting the Core Strategy's housing requirement.**

Total number of houses required		3,760
What has been built (1st April 2006 – 31 <sup>st</sup> October 2014)		1,853
What remains		1,907
What we expect to see built in the next 5 Years		921
Comprising	<i>Developments recently granted planning permission but not yet built</i>	785
	<i>Sites allocated in the Dorking Town Area Action Plan</i>	30
	<i>Sites with planning permission subject to the signing of legal agreements (See Para 6.2)</i>	106
What is in the Pipeline after 2019		115
Comprising	<i>Sites allocated in the Dorking Town Area Action Plan</i>	65
	<i>Sites allocated in the Mole Valley Local Plan</i>	50
Windfalls		450
Remainder to be found		421