

Home Builders Federation

Matter 2

CASTLE POINT LOCAL PLAN EXAMINATION

Matter 2 – Plan Period

Issue – Is the Plan period justified and consistent with national policy?

Q.17 The submitted plan covers the plan period 2018 to 2033. The Framework in paragraph 22 sets out that strategic policies should look ahead over a minimum 15-year period from adoption. What is the justification for a plan and strategic policies that would not look ahead a minimum 15 years from adoption?

The Council are proposing to amend the plan period with regard to housing needs at reflect the National Planning Policy Framework (NPPF) requirement for plan to look forward at least 15 year from the point of adoption. Whilst the Council accept that the plan period in the submitted local plan does not meet the requirements of the NPPF the Council have not looked to identify further sites or broad locations for development to meet the additional needs created by the extended plan period. Instead, the Council are relying on an early review in conjunction with the Joint Strategic Plan (JSP) to ensure needs are met in what would be years 11 to 15 of this local plan if the plan period were consistent with national policy. Such an approach is not acceptable on the basis of paragraph 61-022 of Planning Practice Guidance (PPG) which expressly states that strategic matters should not be deferred to subsequent plan reviews.



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Matter 3

CASTLE POINT LOCAL PLAN EXAMINATION

Matter 3 The Green Belt

Issue: Is the Green Belt Assessment consistent with national planning policy for Green Belts, is it based upon appropriate criteria and is it adequate and robust? Are the Green Belt policies clear, justified, and consistent with national policy and will they be effective?

Q.18 Was the Green Belt Assessment undertaken on the basis of a clear methodology consistent with national planning policy for protecting Green Belts?

No comment

Q.19 In terms of paragraph 138 of the Framework, have the proposed alterations to the Green Belt boundaries taken account of the need to promote sustainable patterns of development and are they consistent with the Local Plan strategy?

No comment

Q.20 Have all realistic alternatives to releasing land from the Green Belt been considered, such as development outside of the Green Belt, further development in the urban area or increasing development densities, and would the most efficient use of land proposed for release from the Green Belt be made?

The Council's evidence shows that there are limited opportunities for development within the urban area and that housing needs would not be met without amendments being made to the Green Belt boundary. However, even if further sites were found in the urban area or densities increased it remains the case, as we highlight in our representations and statements to matter 4, that this plan has no flexibility in supply. Any additional capacity that might be identified would ensure improved flexibility in supply and enable the plan to respond to any rapid change in circumstances.

Q.21 Is the site selection methodology for sites to be released from the Green Belt robust?

No comment

Q.22 In overall terms, having regard to the principles established in Calverton, (Calverton PC v Nottingham CC [2015] EWHC 1078 (Admin)) what are the exceptional circumstances for the proposed alterations of the boundaries of the Green Belt to accommodate the level development proposed which cannot be accommodated outside of the Green Belt?

We would agree that the principles established in Calverton Parish Council vs Greater Nottingham Councils provide a helpful steer when considering the exceptional circumstances required to amend Green Belt boundaries. What is clearly seen in the evidence presented by Castle Point in GB-003 is the acuteness and intensity of the housing needs and the worsening affordability of housing, not only in Castle Point but also the wider south Essex housing market area. Coupled with the constraints on the supply of land faced by the Council and the difficulties in achieve sustainable development without amendments to the Green Belt boundary, we consider that there are the exceptional circumstances present to justify the Green Belt boundary being amended in order for housing needs to be met in full.

The HBF cannot comment in detail on the more site-specific justifications considered under tests 4 and 5 of the Calverton judgment on the specific boundary amendments being proposed by the Council. However, it would appear from GB-003 and GB-006 that the Council have considered the extent of any harm with regard to the proposed amendments and the degree to which this harm can be ameliorated and reduced and as such the exceptional circumstances are present at both a strategic level and on a more site-specific basis.

Q.23 Are the special circumstances demonstrated for altering the Green Belt boundary as set out in the document Proposed Changes to the Green Belt in the Pre-Submission Local Plan (GB-006). NB. The specific Green Belt boundary alterations arising from the proposed allocations will be considered separately in later Hearing sessions.

See response to Q22.

Strategic Policy GB1 Green Belt Strategy

Q.24 Does the Policy serve a clear purpose, avoiding unnecessary duplication of national policy for Green Belts as expressed in the Framework?

No. We cannot see the purpose for policy GB1 given that it merely summarises paragraph 141, 143, 144 and 145 of the NPPF. As such it is not clear how this would assist a decision maker in determining a planning application for development in the Green Belt and that the policy is neither effective nor consistent parts d and f paragraph 16 of the NPPF.

Q.25 Is the Policy clearly written and unambiguous, so that it is evident how a decision maker should react to a development proposal?

See response to Q24.

Q.26 Is the Policy consistent with national policy for Green Belts as expressed in the Framework?

As set out above policy GB1 is essentially a very brief summary of national policy in relation to Green Belt and as such provides no assistance to a decision maker over and above that set out in the NPPF. It would be far more appropriate provided as background to those policies which follow GB1, and which will actually be used in determining a planning application.

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Matter 4

CASTLE POINT LOCAL PLAN EXAMINATION

Matter 4: Delivering a sufficient supply of homes.

Issue: Is the overall strategy and provision for housing development effective and justified?

A: Calculating the housing need

Q.47 What is the level of local housing need for Castle Point derived from the standard method using the most recent median workplace-based affordability ratios to apply an affordability adjustment, and capping as per the Planning Practice Guidance?

On the basis of the information available at the time of submission we would conclude that the local housing needs assessment (LHNA) for Castle Point using the standard method is 354 dwellings per annum (dpa). This level of need is arrived at using the base period annual housing growth from of 2020 to 2030 of 253 households and the 2019 median affordability ratio of 10.72¹. This results in an uncapped housing need of 359 dpa. However as set out in PPG the LHNA for an authority with a plan that was adopted more than 5 years ago the uplift is capped at 40% above the baseline growth of either the 10-year base period using the household projections, or the average annual housing requirement set out in the most recently adopted plan. Whichever is higher should be used. The most recently adopted local plan was 1998 which made provision for 1,600 homes between 1986 and 2001. Other than that, the adopted East of England Regional Spatial Strategy set out a target of 200 dpa for Castle Point. As both of these requirements when inputted into the standard method would result in growth that is lower than that using the household projections then the Council's projections are capped at 40% of the 2014-based household projections. As stated above this results in a LHNA of 354 dpa.

Q.48 Are there circumstances to justify a higher housing need figure than the standard method indicates?

As set out in our representations we are concerned that there remain unmet needs in neighbouring areas. As required by paragraph 60 of the NPPF the Council must take

¹ Housing affordability in England and Wales: 2019 released 19 March 2020.

into account any unmet needs in neighbouring areas when considering the amount of new homes, it should be planning for. In particular we highlighted the fact that Basildon Borough Council had submitted that fell short of meeting housing needs by over 4,000 homes. However, Basildon have recently submitted additional evidence to the inspectors examining their local plan highlighting that proposals to regenerate their town centre will see the delivery of circa 4,000 additional new homes over the plan period. Whilst such schemes are welcomed it is important to note that their remains significant uncertainty that these homes will be delivered during the plan period and until it is confirmed they are deliverable their remains a considerable number of unmet homes within the South Essex HMA.

In addition to the unmet needs in the HMA we remain concerned that the impact on South Essex arising from the identified unmet needs in London. If the capital's need is not met in areas such as South Essex it will place increasing strain on local housing markets to absorb the housing needs of those household unable to meet their needs in the capital. As we note in our representations the level of unmet needs in the capital is expected to be over 140,000 units and whilst Castle Point is not adjacent to London there are strong migratory links. In fact, the net migration between London and Castle Point has increased over the last 10 years and provides an indication that some households whose needs are not able to be met in London are moving to Castle Point.

Year	Net internal migration
2019	742
2018	847
2017	671
2016	702
2015	548
2014	559
2013	536
2012	537

Source ONS Internal migration: detailed estimates by origin and destination local authorities. HBF Analysis.

As such a lack of supply in the capital will place greater pressure on Castle Point and similar areas that form part of the wider regional housing market focussed on the capital. As under supply of new homes is expected in Basildon and London, and given their strong migration patterns with Castle Point, we would suggest it is essential for consideration to be given to additional allocations in this local plan in order that some of these unmet housing needs to be provided for in Castle Point.

B: The Supply of Housing

Q.49 What is the up-to-date level of housing supply proposed to be provided by the plan?

For Council.

Q.50 Which sites make up the extant permissions included with the housing trajectory and what is the evidence that they are either deliverable or developable as per the Framework definitions?

For Council.

Q.51 What is the compelling evidence for the supply of housing from windfall sites through the plan period?

No comment.

Q.52 What are the specific sites included in the housing land supply from the Brownfield Register and Policy Compliant SHLAA sites and what is the evidence that they are either deliverable or developable as per the Framework definitions?

For Council.

Q.53 Whilst the proposed housing allocations will be considered separately, are the broad assumptions made as to site capacity and when houses would be delivered realistic and justified? Is it effective and justified to express site capacity for a number of sites as being up to a certain number of homes?

No comment

Q.54 Will there be a five-year supply of deliverable housing sites on adoption of the Plan?

No. Based on the Council's latest trajectory set out in the topic paper H-015 the Council consider that they have a five-year housing land supply on adoption in 2021/22 of 5.0 years. However, we would not concur with this position as the Council have applied the buffer to the five-year supply without including the shortfall from delivery in previous years. Planning Practice Guidance establishes at paragraph 68-022 that the appropriate buffer is applied to the requirement in the first five years including any shortfall. Given that on adoption the Council will be required to apply a 20% buffer, rather than a 5.0-year housing land supply the Council will instead have a 4.86-year housing land supply as can be seen in table 1 below.

5-year requirement 2021/22 to 2025/26	1,734
Backlog 2018/19 to 2020/21	381
total 5-year requirement 2020/21 to 2025/26	2,115
Buffer applied (5%/20%)	2,538
Supply 2021/22 to 2025/26	2,465
surplus/shortfall	-73

Years supply in first five years	4.86
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This lack of a five-year land supply even with a stepped trajectory reflects the lack of flexibility within the supply of land to meet housing needs. Whilst we recognise the difficulty in identifying land to meet needs in a tightly constrained borough such as Castle Point, we are concerned that unless more flexibility is built into this plan there is the very real risk of the Council failing to have a five-year housing land supply in future. Whilst we do not have any concerns with regard to the delivery estimates on those sites allocated in the local plan, should there be any unforeseen delays then the Council's land supply lacks the flexibility to ensure housing needs will continue to be met if delivery expectations change.

Q.55 Given historic levels of housing completions in the Plan area, are the numbers of units envisaged to be built per annum in the plan area as set out in the trajectory realistic and achievable?

Whilst we cannot comment on the delivery expectations of individual sites it must be recognised that the Borough has largely been constrained in its supply due to the Council's failure to adopt a local plan that allowed for more development to come forward. The adoption of this local plan and the allocations within it will significantly improve delivery and should allow the Council to meet its delivery expectations. However, and as we note below there is very little flexibility should circumstances change and why additional allocations are a necessity.

C: Housing needs and Strategic Policy HO3 Housing Mix

Q.56 Does the Plan adequately address the needs of different groups in the community as set out in paragraph 61 of the Framework and Q57 Is Strategic Policy HO3 justified, and would it be effective in meeting the housing needs of different groups in the community?

We welcome the modifications made by the Council to include the amount of specialist accommodation required to support the needs of older people such as retirement homes and extra care housing. This will provide a mechanism against which the supply of such accommodation can be monitored. However, to ensure a positive position with regard to specialist accommodation for older people in its decision making we would suggest the following amendment to the proposed modification:

The Council will strongly support applications on all sustainable sites that meet the accommodation needs of older people. Where a site is 1ha in size or larger, the Council will expect developers to have considered how homes specifically aimed at older people can be accommodated within the site, and where appropriate made provision for such homes as part of the overall housing mix. Such homes could take the form of bungalows, specialist accommodation, or houses which meet Part M4(2) of the Building Regulations. In determining an appropriate form for older

people's accommodation regard should be had to the requirements of policy CC2 on Canvey Island.

This additional modification will ensure that a positive approach is taken to all sites that could provide for older people's accommodation and recognises that the most appropriate and sustainable sites for such schemes are most often in the urban area close to services and may well be less than one hectare in size.

Q.58 The Framework in paragraph 61 states that the size, type and tenure of housing needed for different groups in the community should be assessed and be reflected in planning policies. Has the size, type and tenure of properties needed for the Plan Area been adequately assessed and would the Policy be effective in meeting needs?

We welcome the proposed modifications to HO3 that removes the specific requirements relating the type of home to be provided. The proposed policy is less prescriptive and provides improved flexibility to ensure decision makers can respond to changing evidence. However, we would suggest the proposed modification is amended to read "*have regard to the most up to date evidence on housing needs and supply.*" rather than to the most recent SHMA. This ensures that monitoring information regarding the types of homes that have been provided top date can be taken into account by applicants and decision makers.

Q.59 In particular and with regard to the Public Sector Equality Duty, does the Plan identify the housing requirements of older and disabled people, does it set clear policies to address these particular needs and has the viability implications of meeting the housing needs of these groups been taken into account?

In our representations we noted that the Council had not considered the viability of specialist residential accommodation for older people and whether such development would be made unviable by the policy costs being placed on them through this local plan. The Council have updated their viability evidence which is set out in submission document DV-005 however this still does not include a typology for specialist residential development such as retirement homes. The only specialist accommodation for older people considered is a care home. The reason why it is important to test the impact on viability of retirement homes, for example, is the additional costs faced by developers of retirement homes compared to other forms of residential development. In particular the level of non-saleable floorspace such as common rooms and warden accommodation needs to be taken into account when considering their viability. Without the necessary testing we would suggest that the Council states in policy HO4 that any specialist C3 accommodation that meets the needs of older people should be exempt from providing a contribution for affordable housing to ensure such development remains viable.

Q.60 Would the Plan be effective in meeting the housing needs of people wishing to commission or build their own homes?

No comment

Q.61 Are the proposed modifications necessary for soundness?

Yes.

D: The Housing Requirement

Q.62 The submitted Plan sets a housing requirement based upon the local housing need figure of 342 homes per annum. The Framework in paragraph 11 sets out that plans and decisions should apply a presumption in favour of sustainable development.

a) Does the plan positively seek opportunities to meet the housing needs of the area and is it sufficiently flexible to adapt to rapid change?

The Council have published further evidence on housing supply in topic paper H-015. This indicates that the Council expects to deliver between 2018/19 and 2032/33 a total 5,367 new homes against its housing requirement of 5,295 units. This is a buffer of just 72 homes, 1.3% of the homes required over the plan period. Such a buffer provides very limited flexibility should there be any unforeseen delays regarding any of the strategic allocations. Whilst local plans with longer plan periods have the opportunity to review their plans should circumstances change in order to address shortfalls this is not an option open to Castle Point given that from adoption there will essentially be just 11 years remaining of the plan period and as such it is important that there is flexibility in the plan that is adopted to ensure needs are met in future.

b) The plan is seeking to meet the minimum local housing need for the plan period 2018 – 2033. Should the plan provide for some 'headroom' in terms of housing supply over the minimum local housing need figure and if so, would this be justified?

Yes, see answer to 62a.

c) In the context of paragraph 11 b) of the Framework, are there reasons which indicate that strategic policies should not provide for the minimum objectively assessed needs for housing? If so, how should any unmet need be addressed?

No.

Q.63 The level of housing development proposed represents a significant increase from that achieved per annum in recent years. Is there evidence to justify a stepped housing requirement so as to transition between the supply of housing arising from current policies and achieved to date in the plan period, to that proposed in the Plan?

We recognise that the proposed level of development required by the standard method represent a significant increase compared to previous level of delivery. However, past delivery in the context of Castle Point is an authority that last adopted a local plan in 1998. It is inevitable that in such circumstances that the standard method would be a significant increase from what has been achieved in the past. However, in many cases

the stepped trajectory is required as a result of the chosen strategy for meeting housing needs on larger sites coupled the need to ensure a five-year land supply on adoption. Before deciding to introduce a stepped trajectory, the Council should have considered whether further allocations of small sites could have been made that would both meet needs in the shorter term but also provide greater flexibility in overall supply.

F Housing Policies

Strategic Policy HO1 Housing Strategy

Q.70 A number of criteria set out in parts 2, 3 and 4 of Strategic Policy HO1 appear to duplicate other policies of the plan. Do the criteria serve a clear purpose and is it evident as to how a decision maker should react to development proposals? Would the criteria be better expressed in a separate strategic policy to address the strategic priorities of the area?

We would agree that the policy needs to avoid duplication between with other policies in the local plan. Whilst we understand this is a strategic policy the Council do not need to reiterate, for example, the fact that they will seek a proportion of new homes to be affordable given that this is more clearly articulated in HO4.

Strategic Policy HO2 Master Planning

Q.71 Is Policy HO2 consistent with paragraphs 39 – 46 of the Framework in expecting master plans and/or planning or development briefs for all major housing development proposals and entering into voluntary planning performance agreements with promoters?

Q.72 Are the proposed modifications necessary for soundness?

Whilst we welcome the amendment to policy HO2 and agree that these are necessary for the soundness of the local plan we would continue to suggest that not all allocations should be required to produce development briefs. The allocations in the local plan go down to 10 units and we would suggest a threshold of at least 50 units is placed on the requirement for development briefs.

Strategic Policy HO4 Securing More Affordable Housing

Q.73 Is the evidence for the requirement for affordable housing need justified by robust and up to date evidence?

No comment

Q.74 Are the thresholds for seeking affordable housing justified, effective in terms of viability considerations and consistent with national policy?

As we mention in our response to question 59, we are concerned that the viability of older people's accommodation, such as specialist retirement homes, have not been tested in the latest viability study DV-005. It was a concern raised in our representations and it is surprising that it was not addressed in the latest evidence on viability. As we also note in our response to Q57 the additional costs faced by developers of retirement homes compared to other forms of residential development can be significant. What is noticeable however, is that flatted development on both the mainland and Canvey Island is significantly less viable than for houses. For example, typology 12 (30 flats on a brownfield site) is rendered unviable by the affordable housing requirement and typologies 15 and 16 (50 flats on a brownfield and Greenfield site respectively) are marginal when full policy costs are applied. These typologies most closely reflect the type of site specialist retirement accommodation would usually be built on and with the additional development costs they face the Council's policies would clearly have an impact on viability. Therefore, without the necessary testing we would suggest that the Council states in policy HO4 that any specialist C3 accommodation that meets the needs of older people should be exempt from providing a contribution for affordable housing to ensure such development remains viable.

in addition to the issue highlighted above our representations also highlighted our concerns that the infrastructure costs on strategic sites had not been adequately reflected in the viability evidence. We note that the DV-005 has addressed this concern and included within the assessment higher infrastructure costs on such sites. However, the costs used in the typologies does not exceed £18,000 were as the Council's IDP suggests that these could be as high as £22,000. However, we note that the Council has tested a higher infrastructure cost at allocation HO23 on the basis of the developer's expectations as to the cost of strategic infrastructure. This indicates that the high infrastructure costs expected on this site when considered cumulatively with other policy costs would have a significant impact on the viability of that site and the Council should consider whether the specific flexibility should be outlined in HO4 that supports the reduction in contributions where strategic infrastructure costs are higher than expected.

Q.75 Why are some thresholds expressed as absolutes whilst other are expressed as 'up to'?

No comment.

Q.76 Is the Policy clear as to the circumstances where viability should be assessed in decision making?

As outlined above further clarity could be provided as by stating that the Council will reduce contributions for affordable housing where strategic infrastructure costs are higher than expected.

Q.77 Are the proposed modifications necessary for soundness?

No comment.

Home Builders Federation

Matter 2

Matter 7 Development Management Policies

Issue: Are the individual policies clear, justified and consistent with national policy and will they be effective?

Strategic Policy CC4 Sustainable Buildings

Q.330 Is the Policy consistent with national policy for meeting the challenge of climate change as set out in the Framework?

No comment.

Q.331 Is part 4 of the Policy clearly written and unambiguous in regard to the requirements for water efficiency? The Proposed Main Modification M18.14 introduces a criterion requiring compliance with the optional water efficiency requirements as set out in the Building Regulations. Is that justified?

The amendment provides the necessary clarity as to the requirements regarding water efficiency in relation to the optional technical standards.

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