



The Planning Policy Team
Bolsover District Council
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SENT BY E-MAIL AND POST

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Dear Sir / Madam

BOLSOVER LOCAL PLAN – IDENTIFIED STRATEGIC OPTIONS CONSULTATION

Introduction

Thank you for consulting with the Home Builders Federation (HBF) on the above mentioned consultation. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing. We would like to submit the following representations and appear at future Examination Hearing Sessions to discuss these matters in greater detail.

Duty to Co-operate

Under S110 of the Localism Act 2011 which introduced S33A into the 2004 Act the Council must co-operate with other prescribed bodies to maximise the effectiveness of plan making. The Duty to Co-operate requires the Council to "*engage constructively, actively and on an on-going basis*". The high level principles associated with the Duty to Co-operate are set out in the National Planning Policy Framework (NPPF) (paragraphs 156, 178 – 181). In addition there are twenty three paragraphs in the National Planning Practice Guidance (NPPG) concerning the Duty to Co-operate.

In considering if the Duty to Co-operate has been satisfied it is important to consider the outcomes arising from the process and the influence of these outcomes on the Plan. One required outcome is the delivery of full objectively assessed housing needs (OAHN) for market and affordable housing in a housing market area (HMA) as set out by paragraph 47 of the NPPF including

the unmet needs of neighbouring authorities where it is reasonable to do so and consistent with sustainable development (paragraph 182 of the NPPF).

Bolsover District Council forms part of the North Derbyshire / North Nottinghamshire HMA together with North East Derbyshire, Chesterfield and Bassetlaw Councils. However there is also an identified overlap between the North Derbyshire / North Nottinghamshire HMA and the Sheffield City HMA. At this time it is not known if Sheffield can fully meet the city's OAHN within its own boundaries and therefore whether or not unmet needs will have to be accommodated elsewhere. Whilst the linkages between Sheffield and Bolsover are the weakest of the North Derbyshire / North Nottinghamshire HMA authorities Bolsover may encounter a ripple effect as authorities closest to the city assist in meeting unmet needs. This unresolved strategic matter (paragraph 1.47) should be addressed in any Statements of Co-operation and / or Memorandums of Understanding accompanying the Bolsover Local Plan when it is submitted to the Secretary of State for examination.

OAHN and the Housing Requirement

The Council's evidence on OAHN is now somewhat dated originating from a SHMA dated November 2013 (paragraph 1.14) and additional sensitivity testing undertaken in March 2014 (paragraph 1.19). In November 2013 the Council estimated its OAHN as 235 – 240 dwellings per annum. In March 2014 an updated estimate of OAHN was 222 – 251 dwellings per annum.

The NPPG sets out that household projections produced by DCLG are the starting point for OAHN (ID 2a-015-20140306). The NPPG confirms that the 2012 Sub National Household Projections (SNHP) are the most up to date estimate of household growth. Whilst it is agreed that the appropriate starting point for the calculation of OAHN is the 2012 SNHP as set out in "PAS Objectively Assessed Need and Housing Targets Technical Advice Note Second Edition" dated July 2015 further sensitivity testing of migration trends, unattributable population change (UPC) and household formation rates (HFR) are also necessary.

The NPPG also confirms that worsening trends in market signals should be considered which may necessitate an upward adjustment above demographic projections (ID 2a-018-20140306 & 2a-019-20140306). The NPPG is explicit in stating that a worsening trend in any one of the market signal indicators will require an upward adjustment to planned housing numbers (ID : 2a-020-20140306). The Council should also consider other factors such as economic growth. Paragraph 5.13 confirms that housing and economic strategies should be aligned.

Paragraph 47 of the NPPF requires the Council to assess the OAHN for both market and affordable dwellings. The NPPG states that an increase in the total housing included in a Local Plan should be considered where it could help to deliver the required number of affordable homes (ID : 2a-029-20140306). This approach was reinforced by Stewart J in *Satnam Millennium Ltd v Warrington Borough Council* (2015). Moreover in *Oadby and Wigston Borough Council v Secretary of State for Communities and Local Government*

and Bloor Homes Ltd (2015), Hickinbotton J stated that a failure to respond to affordable housing is a policy choice. This demonstrates the importance of ensuring either affordable housing need is met or justifying why it cannot be met and addressing any unmet need through the Duty to Cooperate. Therefore the Council's statement in paragraph 3.36 "there is a significant theoretical need for affordable housing in reality the private rented sector plays an important role in meeting housing need" should be reconsidered especially in view of the Eastleigh Borough Local Plan Examination Inspector's Preliminary Conclusions on Housing Needs and Supply and Economic Growth dated November 2014 in which Mr Emerson wrote "there is no justification in the Framework or Guidance for reducing the identified need for affordable housing by the assumed continued role of the private rented sector with local housing allowance (housing benefit). This category of housing does not come within the definition of affordable housing in the Framework ... the Framework requires planning authorities to meet the housing needs of its area including affordable housing needs ... I recognise that I and other Inspectors elsewhere have previously accepted an on-going role for the PRS with LHA to discount the assessment of affordable housing needs, but I am no longer persuaded that this approach is justified ... the failure of the Council to recognise the true scale of need for affordable housing and therefore the consequential failure to consider how it might be addressed is a serious shortcoming" (Paragraphs 29, 30 and 33).

It is recommended that the Council undertakes an up-date of its OAHN before determining whether or not a proposed housing requirement of 240 dwellings per annum is correct.

Land Supply

The Council has proposed four alternative spatial options which focus on :-

- More sustainable settlements ;
- Most viable settlements ;
- Settlements with the greatest regeneration needs ;
- East – West growth corridor.

It is suggested that a combination of all four spatial options would be the most appropriate.

The Council is also considering four strategic site allocations. Whilst the HBF does not comment on the merits or otherwise of individual sites in allocating sites the Council should be mindful that to maximize housing supply the widest possible range of sites, by size and market location are required so that house builders of all types and sizes have access to suitable land in order to offer the widest possible range of products. The key to increased housing supply is the number of sales outlets. Whilst some SUEs may have multiple outlets, in general increasing the number of sales outlets available means increasing the number of housing sites. So for any given time period, all else been equal, overall sales and build out rates are faster from 20 sites of 50 units than 10 sites of 100 units or 1 site of 1,000 units. The maximum delivery is achieved not just because there are more sales outlets but because the

widest possible range of products and locations are available to meet the widest possible range of demand. In summary a wider variety of sites in the widest possible range of locations ensures all types of house builder have access to suitable land which in turn increases housing delivery.

The HBF would caution against prioritising brownfield land before or instead of green-field land as such an approach would be inconsistent with national policy. The core planning principle set out in paragraph 14 of the NPPF is to “*encourage the effective use of land by re-using land that has been previously developed (brownfield land)*” such encouragement is not setting out a principle of prioritising brownfield before green-field land. Similarly paragraph 111 of the NPPF states that “*Local Planning Authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land*” again there is no reference to prioritising the use of brownfield land. In paragraph 17 of his determination of the Planning Appeal at Burgess Farm in Worsley Manchester (APP/U4230/A/11/215743) dated July 2012 (4 months after the introduction of the NPPF) the Secretary of State confirms that “*national planning policy in the Framework encourages the use of previously developed land but does not promote a sequential approach to land use. It stresses the importance of achieving sustainable development to meet identified needs*”. The Council should clarify its position and amend any references in the Local Plan accordingly.

Viability and Policy Requirements including Affordable Housing

If the Bolsover Local Plan is to be compliant with the national policy, the Council must satisfy the requirements of paragraphs 173 and 174 of the NPPF whereby development should not be subject to such a scale of obligations and policy burdens that viability is threatened. The Council acknowledges that viability across the District is marginal (paragraph 3.38) so it is essential that the Council’s assessment of viability is kept up to date.

The residual land value model is highly sensitive to changes in its inputs whereby an adjustment or an error in any one assumption can have a significant impact on viability. Therefore it is important to understand and test the influence of all inputs on the residual land value as this determines whether or not land is released for development. The Harman Report highlighted that “*what ultimately matters for housing delivery is whether the value received by land owners is sufficient to persuade him or her to sell their land for development*”.

As viability is marginal the Council is cautioned against setting unrealistic targets in any Climate Change Policies. Moreover the Government wishes to streamline the planning system and rationalise many differing existing standards into a simpler system which will reduce policy burdens and increase the delivery of more housing. The Deregulation Bill 2015, which received Royal Assent in March 2015, specifies that Councils should not set any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. Now the only technical standards that can be considered and incorporated into Local Plans are restricted to the nationally described space standard, an optional

requirement for water usage and optional requirements for adaptable / accessible dwellings.

Conclusions

For the Bolsover Local Plan to be found sound under the four tests of soundness as defined by paragraph 182 of the NPPF, the Plan should be positively prepared, justified, effective and consistent with national policy. It is suggested that the Council gives due consideration to the above mentioned matters in order to produce a sound Local Plan.

It is hoped that these representations are of assistance to the Council in informing the next stages of the Bolsover Local Plan. In the meantime if any further information or assistance is required please contact the undersigned.

Yours faithfully
for and on behalf of **HBF**



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