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Dear Sir / Madam

MANSFIELD LOCAL PLAN PRE-SUBMISSION 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 in due course appear at the Local Plan Examination Hearing Sessions to discuss these matters in greater detail.

Duty to Co-operate

As set out in the 2018 National Planning Policy Framework (NPPF) the Mansfield Local Plan should be positively prepared and provide a strategy which as a minimum seeks to meet local housing needs and is informed by agreements with other authorities so that unmet need from neighbouring areas is accommodated (para 35a). To fully meet the legal requirements of the Duty to Co-operate Mansfield District Council should engage on a constructive, active and on-going basis with other Outer Nottingham Housing Market Area (HMA) authorities namely Ashfield and Newark & Sherwood District Councils and other adjoining authorities outside of this HMA namely Bassetlaw and Bolsover District Councils to maximise the effectiveness of plan making. The Mansfield Local Plan should be prepared through joint working on cross boundary issues such as where housing needs cannot be wholly met within administrative areas of individual authorities. The meeting of unmet needs should be set out in a Statement of Common Ground (SoCG) signed by all respective authorities in accordance with the 2018 NPPF (paras 24, 26 & 27). If the Local Plan is to be deliverable over the plan period it should be based on effective joint working on cross boundary strategic matters that have been dealt with rather than deferred as evidenced by a SoCG (2018 NPPF para 35c). One key outcome from co-operation between the authorities should be the meeting of housing needs in full. The National Planning Practice Guidance (NPPG)



states that a key element of examination is ensuring that there is sufficient certainty through formal agreements that an effective strategy will be in place to deal with strategic matters such as unmet housing needs when Local Plans are adopted (ID 9-017). It is understood that Mansfield District Council and its neighbouring authorities have signed a SoCG to each meet their own housing needs in full.

Housing Need & Housing Requirement

As set out in the 2018 NPPF the determination of the minimum number of homes needed should be informed by a local housing need assessment using the Government's standard methodology unless exceptional circumstances justify an alternative approach (para 60). In summary the standard methodology comprises (revised NPPG ID 2a-004) :-

- Demographic baseline based on annual average household growth over a 10 year period ;
- Workplace-based median house price to median earnings ratio ;
- Adjustment factor = $\frac{\text{Local affordability ratio} - 4}{4} \times 0.25$;
- Local Housing Need = (1 + adjustment factor) x projected household growth.

Using this methodology the Council has calculated Mansfield's local housing need as 5,580 dwellings (279 dwellings per annum). As this is only the minimum starting point any ambitions to support economic growth, to deliver affordable housing and to meet unmet housing needs from elsewhere are additional to the local housing need figure. The Government's objective of significantly boosting the supply of homes remains (2018 NPPF para 59). It is important that housing need is not under-estimated. In Mansfield, the Council is proposing a higher housing requirement to meet both its own and the Derby & Nottingham D2N2 Local Enterprise Partnership's (LEP) economic growth aspirations. **Policy S2 : Spatial Strategy** proposes at least 6,500 dwellings (325 dwellings per annum) for the plan period of 2013 – 2033 to be distributed 90% (at least 5,850 dwellings) in the Mansfield Urban Area (MUA) and 10% (at least 650 dwellings) in Warsop Parish.

The revised NPPG confirms that during plan preparation local housing need figures should be kept under review and revised where appropriate. The local housing need figure calculated using the standard methodology may change when the Office of National Statistics (ONS) updates household projections (usually every 2 years) and affordability ratios (annually) and this should be taken into consideration by the Council (ID 2a-008 & 009). After submission of the Local Plan for examination the local housing need figure calculated using the standard methodology may be relied upon for 2 years (ID 2a-016).

The Council's local housing need figure is based on the 2014 household projects. If the local housing need figure is re-calculated using the 2016 based projections the resultant figure is higher (see Table below). It is noted that the

figure of 338 dwellings per annum (based on 2016 data) is used in the Council's Housing Monitoring Report 2018 rather than the figure of 279 dwellings per annum.

	2014 based SNHP	2016 based SNHP
Households 2018	47,079	46,902
Households 2028	49,548	49,901
	2,469	2,999
10 year average	247	300
Affordability ratio (2017 data)	6.03	6.03
Local housing need	279	339

The proposed housing requirement in **Policy S2** is less than the minimum housing need figure based on the most up to date household projections. It is recommended that the Council re-considers its local housing needs calculation before the Local Plan is submitted for examination.

Spatial distribution & Housing Land Supply (HLS)

As set out in the 2018 NPPF the strategic policies of the Local Plan should provide a clear strategy for bringing sufficient land forward and at a sufficient rate to address housing needs over the plan period by planning for and allocating sufficient sites to deliver strategic priorities (para 23). The Council should have a clear understanding of land availability in the plan area by preparing a Strategic Housing Land Availability Assessment (SHLAA) which should be used to identify a sufficient supply and mix of housing sites taking into account availability, suitability and economic viability. The policies of the Local Plan should identify a supply of specific deliverable sites for years 1 – 5 of the plan period and specific developable sites or broad locations for growth for years 6 – 10 and where possible years 11 – 15 (para 67). The identification of deliverable and developable sites should accord with the definitions set out in the 2018 NPPF Glossary. The Council should also identify at least 10% of the housing requirement on sites no larger than one hectare or else demonstrate strong reasons for not achieving this target (para 68). The Local Plan should include a trajectory illustrating the expected rate of housing delivery over the plan period. A minimum 5 years supply of specific deliverable sites including a buffer should be maintained (paras 73 & 74).

Policy S2 : Spatial Strategy identifies a three tiered hierarchy of (a) Mansfield Urban Area (MUA), (b) Market Warsop and (c) Warsop Parish Villages however the spatial distribution only refers to MUA and Warsop Parish. It is suggested that the separate reference to Market Warsop in the hierarchy is superfluous and unnecessary which should be removed.

Policy H1 : Housing Allocations proposes 24 site allocations (Sites H1a to H1x) for 2,480 dwellings. There is a variety of site sizes of which 5 sites are less than 20 dwellings, 9 sites for 21 – 50 dwellings, 4 sites for 51 – 150 dwellings and 6 sites more than 150 dwellings. **Policy H2 : Committed Housing Sites** lists 38 consented sites for 1,780 dwellings in MUA and 5 consented sites for

107 dwellings in Warsop. There is a variety of site sizes of which 18 sites are less than 20 dwellings, 16 sites for 21 – 50 dwellings, 7 sites for 51 – 150 dwellings and 2 sites more than 150 dwellings. There are 3 Sustainable Urban Extension (SUE) sites allocated in **Policies SUE1 : Pleasley Hill Farm** (for circa 925 dwellings), **Policy SUE2 : Land off Jubilee Way** (for circa 800 dwellings) and **Policy SUE3 : Berry Hill** (with planning permission for 1,700 dwellings of which 400 dwellings are deliverable post 2033). Under **Policy S4 : Delivering Key Regeneration Sites** 3 mixed use sites are identified but not allocated. **Policy S5 : Development in the Countryside** sets out where outside the MUA development is permissible.

There is a wide range of housing sites by size but market location is limited to 90% in MUA and 10% elsewhere. For the Council to maximize housing delivery the widest possible range of sites by both size and market location are required so that small, medium and large housebuilding companies have access to suitable land to offer the widest possible range of products. This approach was advocated in the Housing White Paper “*Fixing the Broken Housing Market*” because a good mix of sites provides choice for consumers, allows places to grow in sustainable ways and creates opportunities to diversify the construction sector.

It is important that the proposed distribution of housing meets the housing needs of both urban and rural communities. In Mansfield the median house price to median earnings ratio has doubled from 2.94 in 1997 to 6.03 in 2017 whilst housing in the District is relatively inexpensive compared to elsewhere in the East Midlands and England it may still be unaffordable for many residents as incomes are also below the national average. Affordability may be particularly acute in rural communities. The 2018 NPPF asserts that “*in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs*” (para 77) and concludes that “*to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services*” (para 78).

Table 5.1 sets out an overall HLS of 8,597 dwellings from 1,543 completed dwellings, 3,290 consented dwellings (under **Policies H2 & SUE3**), 2,425 allocated dwellings (under **Policies H1**), 959 dwellings on SUEs (**Policies SUE1 & SUE2**) and a windfall allowance of 380 dwellings (38 dwellings per annum from 2022/23 – 2032/33). Any proposed windfall allowance should be based on compelling evidence that such sites have consistently become available in the past and will continue to do so taking into account any restrictive policies in the Local Plan. There is some discrepancy between **Table 5.1** numbers and cumulative figures set out in individual policies. It is suggested that the Council’s re-checks its figures. A housing trajectory is set out in **Appendix 5**.

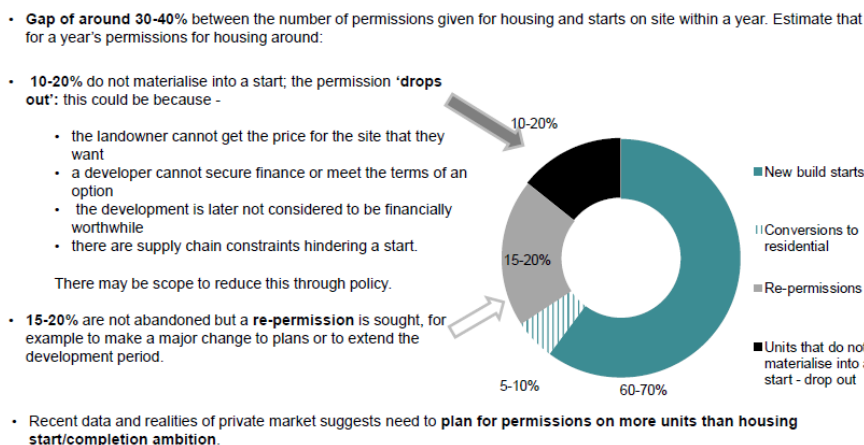
The Council’s proposed contingency is 13% excluding the SUEs or 28% including the SUEs. It is recommended that a flexibility contingency is

incorporated into the Council’s HLS in order that the Local Plan is responsive to changing circumstances and the housing requirement is treated as a minimum rather than a maximum ceiling. The HBF acknowledge that there can be no numerical formula to determine the appropriate quantum for a flexibility contingency but where a Local Plan or specific settlement or locality is highly dependent upon one or relatively few large strategic sites greater numerical flexibility is necessary than in cases where supply is more diversified. In Mansfield 90% of proposed housing growth is in MUA and 3,125 dwellings on 3 SUEs. As identified in Sir Oliver Letwin’s draft analysis large housing sites may be held back by numerous constraints including discharge of pre-commencement planning conditions, limited availability of skilled labour, limited supplies of building materials, limited availability of capital, constrained logistics of sites, slow speed of installation by utility companies, difficulties of land remediation, provision of local transport infrastructure, absorption sales rates of open market housing and limitations on open market housing receipts to cross subsidise affordable housing. The HBF always suggests as large a contingency as possible (at least 20%) because as any proposed contingency becomes smaller so any in built flexibility reduces. If during the Local Plan Examination any of the Council’s assumptions on lapse rates, windfall allowances and delivery rates as shown in **Appendix 5 : Housing Trajectory** were to be adjusted or any proposed housing site allocations were to be found unsound then any proposed contingency would be eroded. As set out in the Council’s Housing Technical Paper 2018 (Table 6) average lapse rate between 2006/07 – 2016/17 was 11%. The application of 11% lapse rate eliminates the Council’s proposed contingency of 13% excluding the SUEs. The Department of Communities & Local Government (DCLG) presentation slide from the HBF Planning Conference September 2015 (see below) illustrates a 10 – 20% non-implementation gap together with 15 – 20% lapse rate. The slide also suggests “*the need to plan for permissions on more units than the housing start / completions ambition*”.



Department for
Communities and
Local Government

In recent years there has been a 30-40% gap between permissions and housing starts



Extract from slide presentation “DCLG Planning Update” by Ruth Stanier Director of Planning - HBF Planning Conference Sept 2015

As part of this pre-submission consultation the Council has not provided a 5 YHLS calculation. The HBF's preferences for the calculation of 5 YHLS are the Sedgfield approach to shortfalls as set out in the NPPG (ID 3-035) with a 20% buffer applied to both the annualised housing requirement and any shortfall. Using the housing trajectory the HBF estimate that on adoption of the Local Plan the Council's 5 YHLS is circa 6 years. At the time of the Local Plan Examination the Council should provide an up to date statement on its 5 YHLS position.

Housing Policies

Policy H4 : Affordable Housing

As set out in the 2018 NPPF the Local Plan should set out the level and type of affordable housing provision required together with other infrastructure but such policies should not undermine the deliverability of the Local Plan (para 34). **Policy H4** requires affordable housing provision on sites of 10 or more dwellings in Zone 1 of a minimum 10% on greenfield sites and a minimum 5% on brownfield sites and in Zone 2 of a minimum 20% on greenfield sites and a minimum 10% on brownfield sites. Non-policy compliant development will only be acceptable where it is satisfactorily demonstrated that a different level or mix of affordable housing is required to make the development viable.

The cumulative burden of policy requirements should be set so that most development is deliverable without further viability assessment negotiations (2018 NPPF para 57). Viability assessment is highly sensitive to changes in its inputs whereby an adjustment or an error in any one assumption can have a significant impact on the viability or otherwise of development. It is important that the Council understands and tests the influence of all inputs on viability as this determines if 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*". The Council's viability evidence is set out in Mansfield District Council Whole Plan & Community Infrastructure Levy (CIL) Viability Assessment dated June 2018 by NCS. This evidence does not justify the "minimum" prefixes in **Policy H4** which should be deleted.

The Council's definition of affordable housing (social rented housing, affordable rented housing, intermediate affordable housing and starter homes) set out in para 5.32 and the exclusion of low-cost market housing in para 5.33 is inconsistent with national policy. The 2018 NPPF definition of affordable housing set out in the Appendix 2 Glossary includes affordable housing for rent, starter homes, discounted market sales housing and other affordable routes to home ownership. It is recommended that the 2018 NPPF definition of affordable housing is adopted by the Council.

Policy H5 : Custom & Self Build Homes

Policy H5 Bullet Point (1) proposes on sites of 100 or more dwellings provision of at least 5% reasonably sized serviced plots for self / custom build to be advertised for sale at a fair market price for 12 months from commencement of the overall development. After 12 months any unsold plots may be used for general market housing.

The HBF is supportive of self / custom build for its potential additional contribution to the overall supply of housing but the Council's approach under **Bullet Point (1)** is only changing housing delivery from one form of house builder to another without any boost to housing supply. A policy requirement for at least 5% self / custom build serviced plots on housing sites of 100+ dwellings should be fully justified and supported by evidence of need. The Council should assess the demand from people wishing to build their own homes from data on its Self-build & Custom Housebuilding Register and other secondary sources (revised NPPG ID 2a-020). The Council should analyse the preferences of entries as often only individual plots in rural locations are sought as opposed to plots on housing sites of 100+ dwellings. Before introducing **Bullet Point (1)** the Council should consider the practicalities of health & safety, working hours, length of build programme, etc. as well as viability assessing any adverse impacts. There is the loss of Community Infrastructure Levy (CIL) contributions as self / custom build properties are exempt to consider too.

It is recommended that **Bullet Point (1)** is deleted because under **Bullet Point (2)** in all cases proposals for self-build and/or custom housing will be supported by the Council provided certain criteria are met. If **Bullet Point (1)** is retained the Council's proposed mechanism of reversion to the original builder after a 12 months marketing period is too long which should be shortened to 6 months.

Other Policies

Policy S1 : Presumption in favour of sustainable development

In **Policy S1** the Council sets out the presumption in favour of sustainable development. The 2018 NPPF confirms that Local Plans should avoid unnecessary duplication including repetition of policies in the NPPF itself (para 16f). The presumption in favour of sustainable development is clearly set out in the 2018 NPPF (para 11). In attempting to repeat national policy there is a danger that some inconsistencies creep in and lead to small but critical differences between national and local policy causing difficulties in interpretation and relative weighting. It is recommended that **Policy S1** is deleted.

Policy E5 : Improving Skills & Economic Inclusion

Under **Policy E5** the Council will seek to negotiate Local Labour Agreements via planning agreements for sites of 10 or more dwellings. Such use of planning

agreements is inconsistent with the 2018 NPPF (paras 54 – 56) it is recommended that **Policy E5** is deleted.

Policy IN10 : Car & Cycle Parking

Under **Policy IN10** vehicle and cycle parking provision should be designed to include appropriate electric car charging provision to meet current and future demand. It is premature for the Council to require electric vehicle charging points in residential developments. Before pursuing such proposal the Council should engage with the main energy suppliers in order to determine network capacity to accommodate any adverse impacts if a proportion of dwellings have a re-charge facility. If re-charging demand became excessive there may be constraints to increasing the electric loading in an area because of the limited size and capacity of existing cables and new sub-station infrastructure may be necessary. The cost of such infrastructure may adversely impact on housing delivery. If electric vehicles are to be encouraged by the Government, then a national standardised approach implemented through the Building Regulations would be more appropriate. The Council should be wary of developing its own policy and await the outcome of the Government's proposed future consultation to be undertaken by the Department of Transport later this year. It is recommended that this **Bullet Point** is deleted from **Policy IN10**.

Policy IM1 : Monitoring & Review

Policy IM1 states that the Council will monitor the delivery and effectiveness of Policies in the Local Plan against specific performance indicators and targets set out in the Monitoring Framework in **Appendix 13**. Under **Bullet Point (2)** the Council will consider a partial review of the Local Plan if (a) the number of homes built falls below 50% of the annual requirement on a three year rolling average and (b) the supply of deliverable housing sites is below four years for three years in a row. However the triggers in **Appendix 13 : Monitoring Framework** and **Policy IM1** are not aligned. The Monitoring Framework indicates that there will be a partial review of the Local Plan if supply of deliverable housing sites falls below 3 years. It is recommended that **Policy IM1** is amended accordingly.

Conclusion

For the Mansfield Local Plan to be found sound under the four tests of soundness as defined by the 2018 NPPF (para 35) the Plan should be positively prepared, justified, effective and consistent with national policy. The Local Plan is unsound (not positively prepared, unjustified, ineffective and inconsistent with national policy) because of :-

- an under estimation of local housing need against the most up to date household projections (**Policy S2**) ;
- a lack of flexibility in the HLS (**Policies S2, H1, H2, SUE1, SUE2, SUE3 & S5** and **Appendix 5**) ;

- an incorrect definition of affordable housing and an unviable affordable housing policy provision (**Policy H4**) ;
- an unnecessary policy on the presumption in favour of sustainable development (**Policy S1**) ;
- unjustified requirements for at least 5% self / custom build plots on housing sites of 100 or more dwellings (**Policy H5**), electric vehicle charging points (**Policy IN10**), and Local Labour Agreements (**Policy E5**) ;
- an inconsistency in monitoring triggers for a partial review of the Local Plan (**Policy IM1** and **Appendix 13**).

It is hoped that the Council will consider these representations and amend the Local Plan before submission for examination. In the meantime if any further assistance or information is required please contact the undersigned.

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



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