

Whyburn Consortium

Hearing Statement

Week 1 Matter 2

Respondent ID: 63

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1.0 Introduction

CarneySweeney are acting on behalf of the Whyburn Consortium in making representations to the emerging Ashfield Local Plan (2023-2040), with representations having been made to the previous Regulation 19 consultation stage.

Our previous representations are not repeated here but should be read in conjunction with this Hearing Statement to the Inspector's Matters, Issues and Questions for Week 1: Matters 1, 2 and 3.

As requested, we have provided separate Hearing Statements for the following Matters:

- Matter 1 – Procedural and legal requirements including the Duty to Cooperate
- Matter 2 – Meeting Ashfield's Housing Needs
- Matter 3 - The Spatial Strategy and the distribution of development

This document covers Week 1 Matter 2 – Meeting Ashfield's Housing Needs.



2.0 Week 1 Matter 2 – Meeting Ashfield’s Housing Needs

Respondent ID: 63

Issue 1

Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to meeting housing needs.

Relevant policies – S1, S7, H2, H2a, H3, H4, H5, H6, H7, H8

Questions

2.1 Has the calculation of Local Housing Need (LHN) (446 dwellings per annum) been undertaken correctly?

No, the plan is unsound and needs to be amended and the requirement should be at least 547 dpa. The requirement for 446 dwellings does not take into account the most up to date median workplace-based affordability ratio. See our answer to question 2.2 below. There is, therefore, a requirement to add any backlog in delivery to this requirement from the start of the plan period as this is not encapsulated in the out-of-date affordability ratio used to calculate the 446 dwelling requirement. The relevant buffer should then also be added to the requirement and backlog.

The Housing Delivery Test (HDT) (2022) shows delivery of 897 dwellings over the 2019/20 – 2021/22 period against a requirement for 1,212 dwellings. This represents a shortfall of 315 dwellings and a 74% HTS measurement. The presumption in favour of sustainable development and a 20% buffer therefore applies to this authority.

Although the 2023 HDT results have not been released, the draft NPPF standard method records that an average of 340 completions were delivered in the 2020/21 – 2022/23 period against the requirement of 446 dwellings. This represents an average shortfall of 106 dwellings per annum and that the failure to meet LHN is set to continue.

Based on the latter annual shortfall, from the start of the plan period in April 2023 to adoption in April 2025, there is a predicted shortfall of 212 dwellings.



The revised updated requirement is therefore as follows:

Local Housing Need @ 446 dpa x 5 years	2230
Predicted shortfall prior to adoption	212
Add 20% buffer ((2230 + 212) x 20%)	488
Total 5 year requirement including 20% buffer (2239 + 212 + 488)	2930
Annual requirement including backlog and buffer (2930 / 5)	586

The revised annual LHN requirement should therefore be 586 dwellings per annum if the backlog is added to the requirement.

If the backlog is excluded and the buffer added only to the requirement, the revised updated requirement is as follows:

Local Housing Need @ 446 dpa x 5 years	2230
Add 20% buffer (2230 x 1.2)	446
Total 5 year requirement including 20% buffer (2230 + 446)	2676
Annual requirement including backlog and buffer (2930 / 5)	535

2.2 Has the correct median workplace-based affordability ratio been used to undertake the LHN calculation having regard to the date of submission of the Plan?

No. It is noted the Council has used the 2022 ratio of 5.73 published 22nd March 2023, which would have been the most up to date ratio published at the time of the Regulation 19 consultation stage. However, following the close of the Regulation 19 consultation stage in January 2024, and prior to the submission for Examination, an up-to-date ratio has been published.

The most up to date ratio published by ONS on 25th March 2024 has risen to 6.15. It is therefore necessary to apply the updated adjustment factor as follows:

$$\begin{aligned} & \frac{(6.15 - 4)}{4} \times 0.25 \\ & = \frac{2.15}{4} \times 0.25 \\ & = 0.5375 \times 0.25 \\ & = 0.134375 \end{aligned}$$



The Ashfield household growth 2023 to 2033 = 4,023 (402 dpa).

Total minimum annual need at March 2024 is calculated as follows:

1 + adjustment factor x projected household growth =

$$1.134375 \times 402.3 = 456.4 \text{ dwellings}$$

LHN for April 2024 = 456 dwellings per annum (dpa)

With the 20% buffer added this rises to 547 dwellings per annum as shown below.

Local Housing Need @ 456 dpa x 5 years	2280
Add 20% buffer (2280 x 1.2)	456
Total 5 year requirement including 20% buffer (2239 + 456)	2736
Annual requirement including backlog and buffer (2930 / 5)	547

The most up to date LHN is therefore calculated to be 547 dwellings per annum.

The above figure is prior to taking into account the increase as a result of the changes to Standard Method approach through the draft NPPF which would see Ashfield’s housing requirement increase the 446 dwelling per annum to 604 dwellings per annum.

2.3 Are there any exceptional circumstances which justify an alternative approach to using the standard method? If so, what are they, and what should the housing requirement be?

No. The Council does not appear to be advocating a departure from the standard method and has not set out a case for doing so, and no exceptional circumstances have been identified to date. Should that change, we reserve the right to comment on any new reasons why the Council wishes to depart from the standard methodology. Given the persistent failure to meet the LHN and the pressing need to deliver homes nationally, the standard method should be expressed within the plan as a minimum requirement.

2.4 Is the plan positively prepared in light of the under-identification of homes over the full Plan period compared with the requirement under the standard method (6,825 compared to the LHN of 7,582)?

No. The plan has not been positively prepared for the following reasons.

- The Sustainability Appraisal does not reflect the under-identification of homes at the Regulation 19



stage (SD.03), along with the overall conclusions for the appraisal of both the housing growth and spatial strategy options remaining unchanged from the Regulation 18 consultation stage which supported a spatial strategy for strategic development.

- The LHN of 6,825 and 7,582 are based upon the out-of-date requirement of 446 dwellings per annum.
- A significant number of proposed allocations do not meet the NPPF definition of a deliverable site.

Sustainability Appraisal

The SA does not properly evidence the choices which have been made and which underlie the plan. The plan has not been positively prepared as the Sustainability Appraisal supporting the Regulation 19 consultation stage (SD.03) remains unchanged from the findings of the Regulation 18 consultation stage (CD.04), a matter discussed in detail in our Regulation 19 Representations (Respondent ID: 63), and within our submitted Hearing Statement to Matter 1.

The Revised LHN over the full plan period based on the updated need for 547 dwellings per annum

The identification of 6,825 homes is significantly short of the full plan requirement and is based upon 15.3 years ($6,825 / 446 = 15.3$) of the out-of-date annual requirement of 446 dwellings per annum. The LHN of 7,582 is also out of date as it is based upon 17 years ($7,582 / 446 = 16.99$) of the out-of-date annual requirement of 446 dwellings per annum.

It is assumed that the 17 year multiplier, 3 years less than the 20 year full plan period, is used as the plan period started in April 2022 and adoption (three years later) is expected in April 2025. If this is not the case, then the (revised) annual requirement should be multiplied by 20 years.

Based on the revised LHN of 547 dwellings per annum, described in the answer to question 2.3 above, the revised housing requirement over the whole plan should be 9,299 dwellings ($547 \times 17 = 9,299$). The plan is therefore at least 1,717 dwellings short of meeting the LHN for the full plan period.

Multiplied over the full 20 year plan period, the requirement would be for 10,940 dwellings ($547 \times 20 = 10,940$). In this scenario, the plan is at least 4,115 dwellings short of meeting the LHN for the full plan period.

Proposed allocations do not meet the NPPF definition of a deliverable site

In order for the plan to be considered sound, there should be sufficient housing allocations to meet the LHN for the full plan period, plus an additional contingency of allocations to take account of any unforeseen circumstances whereby an allocated site does not come forward.



We draw the attention of the Inspector to our Regulation 19 representations where a sample review of the proposed allocations has identified a number of the sites which are not currently available and fail to meet the definition of a deliverable site set out in the NPPF, and for which there is no evidence that they will do so during the plan period.

The plan relies upon the delivery of a number of sites, which would need to be deliverable over the relevant 5 year period, starting in the 2025/26 period, as tabulated in Appendix 2 of SD.01. These sites consist of those proposed to be allocated without planning permission, those with current planning permissions, deliverable under permitted development rights, residential institutions and a windfall allowance. A sample review of the proposed allocations is included at Appendix 3 of our submitted representations to the Regulation 19 consultation stage. Further comments on the proposed allocation will be provided within our Hearing Statement to Matter 10.

For the proposed allocations to be considered deliverable in accordance with the NPPF definition there must be clear evidence that the proposed allocations will come forward. The Council's own evidence submitted with the plan shows numerous constraints, significant negative sustainability appraisal scores, renewal of old Local Plan 2002 allocations that have not been delivered and previous refusals for residential development.

Without evidence to demonstrate that the constraints identified by the Council can be mitigated, this sample of initially assessed sites falls considerably short of the 'clear evidence' required to demonstrate deliverable sites for the above 771 dwellings.

There are a total of 876 dwellings proposed to be allocated that do not comply with the NPPF definition of a deliverable site. We reiterate that this is a sample of assessed sites based upon an initial assessment of the evidence provided by the Council. We reserve the right to fully assess proposed allocated sites at later consultation stages.

Conclusions

The plan has not been positively prepared for the following reasons:

- The Sustainability Appraisal (SD.03) continues to rely on the same evidence which supported a wholly different strategy at the Regulation 18 consultation stage (CD.04), which had proposed additional allocations towards meeting the LHN, which have now subsequently been omitted at the Regulation 19 stage.
- Based on the updated annual requirement of 547 dwellings, the housing requirement over the whole plan should be between 9,299 dwellings (17 years of the annual LHN) and **10,940** dwellings (20 years



of the annual LHN).

- A sample selection of sites within the housing trajectory shows that at least **771** dwellings do not meet the NPPF definition of a deliverable site.
- Given the above, there is a shortfall of up to **4,886** homes over the full plan period. ($10,940 + 771 = 11,711$. $11,711 - 6,825 = 4,886$)

2.5 The plan identified a shortfall in housing allocations over the full plan period but nonetheless proposes the release of a number of sites from the Green Belt. Is this approach consistent with paragraph 143(e) of the Framework which indicates that when defining Green Belt boundaries, plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period?

The principle of green belt release is justified – the identified selection of sites is not. Paragraph 3.6 of SD.01 outlines that the SHELAA process and the Brownfield Capacity Study have identified “... *insufficient developable brownfield sites within the existing built-up areas to accommodate the required levels of growth over the plan period. As such, it has been necessary to direct new development to greenfield land outside of the existing settlements. Some of this new development requires the release of land from the Green Belt...*”. Based upon the approach proposed in the plan it is likely that the Green Belt boundary will need to be altered at the end of the plan period.

Unless the plan is changed, the authority will need to undertake a further review of the Green Belt boundary as the submitted plan firstly fails to meet the minimum housing requirement, and secondly, the district’s future housing requirement is only likely to increase, an increase to occur in the immediate future with the anticipated publication of the revised NPPF.

We accept that for the purposes of this Examination the emerging NPPF is not the relevant document for this plan-making process, but there needs to be an acknowledgement in examining this plan that with the Government’s renewed emphasis on delivering homes, and a target of delivering 1.5 million new homes over the next 5 years, housing requirements are only going to increase. Therefore, if found sound, the submitted plan is likely to be immediately out of date in terms of the overall housing need arising from the proposed changes to the Standard Method approach and require an immediate review.

Our response to question 2.4 should also be noted.



2.6 How has the SA considered the under-allocation of housing compared to the housing requirement over the full plan period?

No. The Sustainability Appraisal (SA) has failed to fully consider the under allocation of sites and as set out in our response to question 2.4, the conclusions of the Regulation 19 SA (SD.03) remain unchanged from the Regulation 18 SA (CD.04), which proposed additional allocations that have since been omitted at the Regulation 19 consultation stage.

The Sustainability Appraisal undertaken for the Regulation 19 consultation stage is demonstrably not appropriate as it fails to address the shortcomings associated with the now preferred spatial strategy approach for dispersed development, an approach previously dismissed at Regulation 18 consultation stage. In respect of our client's site at Whyburn, the Regulation 18 Sustainability Appraisal (CD.04) appraised this site to be suitable for allocation to deliver a strategic scale of development as part of Spatial Strategy Option 10 and would support the delivery of the minimum housing need for the district.

The Council's decision to proceed with this unevidenced spatial strategy approach has subsequently resulted in the plan failing to meet the minimum housing requirement and an under provision of sites, which has not been assessed as part of the Sustainability Appraisal for the Regulation 19 consultation stage. As such, the impacts of the full scale of under delivery have not therefore been appropriately tested.

2.7 Do the Council's latest Housing Delivery Test results have implications for the housing delivery and trajectory expectations in the submitted plan?

Yes. As set out in our response to question 2.1, the Housing Delivery Test (HDT) (2022) shows delivery of 897 dwellings over the 2019/20 – 2021/22 period against a requirement for 1,212 dwellings. This represents a shortfall of 315 dwellings and a 74% HTS measurement. The presumption in favour of sustainable development and a 20% buffer therefore applies to this authority.

Although the 2023 HDT results have not been released yet, the draft NPPF Standard Method approach records that an average of 340 completions were delivered in the 2020/21 – 2022/23 period against the requirement of 446 dwellings. This represents an average shortfall of 106 dwellings per annum and the failure to meet LHN is set to continue.



Issue 2

Whether the plan will deliver an appropriate mix of housing to meet the various housing needs over the plan period and whether these are justified, effective and consistent with national policy.

Questions

2.8 How does the need for affordable housing compare to the housing requirement? Based on the thresholds and requirements in Policy H3, will affordable housing needs be met?

No. Page 22 of Background Paper 2: Housing (BP.02) describes that there is a need for 237 rented affordable homes per annum and 195 affordable ownership homes per annum. Over the plan period there will be a need for 4,029 rented and 3,315 ownership, so a total affordable housing need of 7,344 dwellings.

The affordable housing need currently exceeds the total number of proposed 6,825 housing allocations. Policy H3 seeks provision of 25% affordable housing on greenfield sites and 10% on brownfield sites. Policy H1 has a breakdown of greenfield and brownfield sites, which is roughly circa 88% greenfield and circa 12% brownfield. The split between greenfield/brownfield for the remaining sites which make up the total housing provision is unclear, such as sites with planning permission etc. However, at a circa 88%/12% split, only 1,706 affordable homes would be delivered from the plan. This equates to approximately 25% of the affordable housing need, which is a significant under delivery that has not been suitably assessed in the Sustainability Appraisal.

As a rough calculation, the Council would need to allocate 29,376 homes, with 25% of those homes delivered as affordable housing, to meet the total affordable housing need of the authority. Therefore, this plan-making process needs to take account of whether the overall requirement is increased to better meet the identified need, but to also ensure viable schemes are brought forward to secure the delivery of the affordable housing provision which is being planned for, such as our clients site at Whyburn which was a proposed allocation at the Regulation 18 consultation stage.

2.9 What is the need for specialist forms of accommodation (e.g. Older persons housing, housing people with disabilities, student accommodation)? How does the submitted plan seek to address these needs?

Question 2.9 is a matter for the Council to respond to and depending on the Council's response to this question, we may have further comments to make during the Examination Hearing session.



2.10 Are the requirements for affordable housing in Policy H3, including the proposed tenure splits justified? Are the affordable housing percentages justified? Will they be viable?

No. The Background Paper 2: Housing (BP.02) fails to discuss or justify the significant undersupply of affordable housing identified in response to question 2.8 above. It refers to the 25% and 10% requirements being based on viability assessments, but it has not tested the impact of meeting the full affordable housing requirement.

BP.02 describes a need for 237 rented affordable homes per annum and 195 affordable home ownership homes per annum. This is a split of 55% rented and 45% home ownership.

The tenure split within Policy H3 is as follows:

- 25% Shared ownership,
- 25% Social Rents, and
- 50% Affordable Rent

This is an equivalent split of 75% rented and 25% home ownership, which is at odds with the identified need splits of 55% rented and 45% home ownership. Policy H3 therefore seeks a higher proportion of affordable rented properties which is not supported by the evidence base, compared with the identified need.

2.12 What is the need for custom and self-build housing in the District? How will this be met over the plan period?

Question 2.12 is a matter for the Council to respond to and depending on the Council's response to this question, we may have further comments to make during the Examination Hearing session.

2.13 Are the requirements of Policy H5 justified? What is the evidence for the thresholds set out in the Policy?

No. Policy H5 refers to the Ashfield playing pitch strategy 2023 to 2027 (SEV.15) and the 'Public open space strategy 2016 to 2026' (SEV.16) forming the evidence base for this policy. However, our review of these documents does not provide any detail as to the basis to justify the thresholds included within the draft policy.

2.14 Is Policy H5(1)(b) sufficiently clear to developers, decision-makers and local communities? Is it justified?

No. This part of the policy refers to "on sites of less than two hectares and more than five dwellings..." but there is no justification for the threshold. The policy also outlines that for such sites, "... the extent of public open space required will be assessed by taking account of house types and the extent and accessibility of the site to existing open space in the locality." Again, the process of such an assessment is not evidenced. The



relevant evidence base noted for Policy H5 refers to SEV.15 and SEV16, neither of which provide any evidence or justification.

2.15 Does Policy H6 accord with paragraph 62 of the Framework in respect of those who wish to commission or build their own homes?

Yes – whilst it is noted that Part 1 of Policy H6 which refers to housing mix does not make an explicit reference to ‘self-build’/‘custom-build’, Part 3 of Policy H6 does state that “the inclusion of self-build and custom-build properties on sites will be encouraged”.

2.16 Does Policy H6 reflect the housing mix that was subject to viability testing in the Whole Plan Viability Assessment (SEV.38)? Why is the recommended housing mix not included within the text of Policy H6?

No. There are variations between the housing mix provided at Table 6, Paragraph 6.147 of the Pre-Submission Draft document (SD.01) and the housing mix tested in SEV.38. Furthermore, the housing mix included at Table 6 of SD.01 is noted to reflect the findings of the Greater Nottingham Housing Needs Assessment 2020 (SEV.19). However, an updated housing needs assessment (SEV.19a dated 2024, and also see ADC.01) has been uploaded to the Examination library on 24th July 2024. **SEV.19a** was not available during the Regulation 19 consultation stage and has not therefore been the subject of any consultation process, and neither does it form part of SEV.38. We therefore request that the Council provides an explanation as to the implications of the variations in the housing mix, extracts of which are below, and SEV.38.

Source: Extract from SEV.38, Ashfield District Council whole plan viability assessment

4.12 The following housing mix was tested to broadly reflect identified need in the District.

Market Housing	2 Bed	30%	3 Bed	45%	4+ Bed	25%
Affordable Home Ownership	Apt	20%	2 Bed	40%	3Bed	40%
Affordable/Social Rent	Apt	30%	2Bed	40%	3Bed	30%

Source: Extract from SD.01, Regulation 19 Pre-Submission Draft

Recommended Housing Mix				
Housing Type	1 Bed	2 Beds	3 Beds	4+ Beds
Market	4%	27%	45%	24%
Affordable Home Ownership	23%	38%	24%	15%
Affordable Rented	35%	37%	25%	3%

Table 6: Recommended Housing Mix
Source: Greater Nottingham & Ashfield Housing Needs Assessment 2020



Source: Extract from SEV.19a (and also see ADC.01) Greater Nottingham and Ashfield Housing Needs update 2024

Table 8.30 Recommended Housing Mix by Tenure and Type

	Market	Affordable home ownership	Affordable housing (rented)	
			General needs	Older persons
1-bedroom	8%	18%	24%	46%
2-bedrooms	34%	42%	39%	54%
3-bedrooms	41%	30%	30%	
4+-bedrooms	16%	10%	8%	

2.17 Are the housing density requirements in Policy H7 justified? Are they evidence-based?

No. Whilst Background Paper 2: Housing (BP.02) sets out the proposed density, the evidence base justifying these requirements is not clear. We note that the Council are due to provide a response to this question and so we may have further comments to make during the Examination Hearing session.

2.18 Is the wording of Policy H7 sufficient clear as to whether the density requirements are gross or net? Is Policy H7 sufficiently flexible to deal with circumstances where the minimum densities set out may not be appropriate for particular site-based reasons?

No. The policy does not refer to gross or net, but the evidence base for the density requirements must be addressed as per our response to question 2.17 above.

