
Independent Examination of the Cotswold Local Plan

Hearing Session 16
9.30 Wednesday 22 November 2017

Council's Response to Further Supplementary Questions for Matters 2 and 4 – submitted on 21 November 2017

Having considered all of the written information submitted for hearing session 16, the Inspector has the following Further Supplementary Questions for the Council. A written response is requested by 17.00 on Monday 20 November.

FSQ16.1. The Council's response to Action Point 4.1 refers to the proposed stepped approach to calculating five year requirements over the plan period being consistent with an approach endorsed by Inspectors elsewhere. Reference is made to Winchester District Local Plan and the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy. Please provide relevant extracts from the Inspector's reports.

Paragraphs 4.24–4.29 of the Housing Land Supply Report (November 2017) [ED046] provide the references to the Inspectors' reports on the examinations of other local authorities referred to. These authorities apply a 'step up' housing requirement approach, rather than the 'step down' approach used in Cotswold District. However, the general principle of a stepped approach has been widely accepted by Inspectors.

Notwithstanding this, there are several further examples of adopted Local Plans where the step down approach has been used. The Reigate & Banstead Core Strategy 2012-2027 (the RBCS) used a step down housing requirement that specifically took consideration of high housing delivery rates in previous years. The authority area's housing supply over the remainder of the Plan period was also constrained.

The Report on the Examination into the RBCS was published in January 2014¹. The full objectively assessed need for housing (OAN) for the RBCS over the plan period was found to be between 9,000-9,600 dwellings (an average of between 600 and 640 dwellings per annum).

Paragraph 31 of the Inspector's report states that: "*The RBCS adopts the SEP [South East Plan Regional Spatial Strategy] target of 10,000 houses over the period 2006-2026. Because the NGP [New Growth Points] initiative led to a high level of dwelling completions in the early years, the residual requirement (rolled forward by one year) is 6,900 dwellings between 2012 and 2027, an annual average of 460. This would meet the full numeric need arising from the existing*

¹ Examination into Reigate & Banstead Core Strategy 2012-2027 (File Ref: PINS/L3625/429/6)

population and allow some continued migration into the borough from other parts of the housing market (and wider) area. However, the analysis above indicates that it would only cater for part (approximately 40%) of the level of in-migration included in the objectively assessed housing need". (Council's emphasis)

Having considered the expected delivery from various sources of housing supply, in his concluding comments at paragraphs 63-64 the Inspector accepted the use of stepped down annual housing target of 460 dwellings per annum.

"As demonstrated above, there is potential for up to 7,400 dwellings to be delivered over the plan period... Whilst it is not certain that all 7,400 dwellings can be delivered, it provides a 500 dwelling margin above the Plan's minimum target of 6,900 dwellings. This margin builds resilience into the housing delivery proposals of the RBCS and gives confidence that at least the minimum 6,900 dwellings will be achieved.

Some representors argue that because the strategic sustainability testing found no appreciable difference between delivery of 6,900 dwellings (460 dpa) and 7,500 dwellings (500 dpa), the higher figure should be the target in the Plan. But although the potential for 7,400 dwellings (close to the higher figure) is recognised in the Plan, delivery of this number is not assured. Conversely, because delivery of 6,900 dwellings is robust, this remains the most appropriate target. The important point is that 6,900 dwellings is consistently referenced as a minimum target ("at least..."), with no upper limit being defined in the Plan. The only parts of the housing supply subject to a ceiling are the SUEs [Sustainable Urban Extensions], where the upper figure of the 500-700 dwelling range is based on sustainability testing of each broad location and takes environmental constraints into account." (Council's emphasis)

The Exmoor National Park Local Plan (2011-2031) also used a step down housing requirement due to the constrained nature of the authority area. The Inspector's report on the Local Plan examination found that the supply of deliverable sites was unable to meet the authority area's OAN.

Paragraph 50 of the report states that *"Taking account of the advice in NPPF paragraph 115 that great weight should be given to conserving landscape and scenic beauty in National Parks, I consider it would be inappropriate to expect the Authority to identify additional capacity for housing development, even if that were necessary to meet the identified level of housing need."*²

The Inspector went on to reason that some of the unmet need might be met through other means. This included some need being met in North Devon and Torridge and a small proportion from other sources of supply that were not identified in the Plan, such as sites under 0.1ha that were not assessed in the SHLAA.

However, in paragraph 53, the Inspector states that *"Taking all these factors into account, I find it is very likely that adequate capacity exists across the HMA to*

² Report on the Examination of the Exmoor National Park Local Plan 2011-2031 (File Ref: PINS/F9498/429/5, 15 June 2017)

meet the objectively-assessed need for housing arising in the National Park. Even if that is not the case, any shortfall is unlikely to be substantial and would not justify identifying additional capacity in the Park at the expense of its natural beauty, wildlife and cultural heritage." (Council's emphasis)

Like Exmoor, the Council's housing trajectory³ estimates that the District's estimated delivery rates would not produce a substantial shortfall. Indeed, only four of the 14 remaining years in the trajectory would deliver below the 420 dwelling per annum flat rate requirement and by a maximum of only 25 dwellings. These are in 2024/25 (395 dwellings), 2025/26 (402 dwellings), 2026/27 (398 dwellings) and 2028/29 dwellings (398 dwellings).

Furthermore, unlike the RBCS and Exmoor, Cotswold District *is* able to meet its full OAN. In addition, the Cotswold Local Plan also acknowledges that the OAN is not a maximum. Indeed, the Council expect the OAN to be exceeded by 125%. However, like the Reigate, Banstead and Exmoor authority areas, Cotswold District is in a position of constraint whereby maintaining an annual target of 420 dwellings would, in the Council's judgement, lead to unsustainable development. Indeed, the Council has sought to allocate nearly all identified deliverable and developable sites in the submitted Local Plan.

Subsequent to the submission of the Local Plan in July 2017, the SHELAA Review (September 2017) [EB012] has assessed some newly submitted sites and has reassessed the previously submitted sites. The SHELAA concludes that, subject to overcoming the further tests of the Local Plan process, there are deliverable / developable sites that could provide approximately 260 further dwellings to those submitted in the Local Plan.

Conversely, the Council estimate that the use of the 420 dwelling per annum flat rate requirement would require over 12,000 dwellings to be built over the Local Plan period or over 12,300 dwellings when a 5% buffer is maintained⁴.

The Housing Land Supply Report (November 2017) estimates that 10,500 dwellings will be delivered in the District using the proposed 'step down' methodology. If the 420 dwelling per annum requirement were maintained, this would effectively lead to a shortfall resulting from the five year requirement of approximately 1,575 dwellings or 1,800 dwellings when a 5% buffer is applied. Furthermore, the Local Plan policies have no phasing restrictions. Given the District's strong housing demand, which incentivises sites to be built out quickly, further housing sites would likely be required to maintain a five year supply throughout the Plan period.

In summary, the 420 dwelling requirement would lead to a delivery rate approaching (if not in excess of) 150% of the 8,400 dwelling OAN.

³ Figure 2 of the Housing Land Supply Report (November 2017) [ED046]

⁴ This assumes that the District has completed and extant planning permissions (minus 27 dwellings expected to lapse) for 6,389 dwellings at 2 November 2017 and that there are 13 years and 5 months of the Local Plan period remaining (5,635 dwelling requirement at 420 p.a. and 5,917 dwelling requirement at 420 p.a.+ 5% buffer)

Meeting the 420 dwelling per annum requirement would therefore require the Council to allocate sites on land that has been assessed to be unsuitable and where development would be harmful. As with National Parks such as Exmoor, Areas of Outstanding Natural Beauty (AONB) have protection under NPPF paragraph 115.

In an area as constrained at Cotswold District, where 80% of the District is within the Cotswolds AONB and much of the remaining area is also heavily constrained by other material considerations, allocating the quantum of development that would be needed to meet the 420 dwelling per annum requirement would undoubtedly lead to substantial harm.

FSQ16.2. For the purposes of applying proposed policy DS5, is it intended that the five year housing land requirement, against which the assessment of whether there is 5.5 years supply, would include a 5% buffer (as seems to be the case from proposed Table 2 of the Plan)?

Yes, 5.5 years includes a 5% buffer; i.e. $5 \text{ years} + 5\% = 5.25 \text{ years}$. The Council has added an additional 0.25 year buffer because it would be inappropriate to wait until there is a supply shortfall (i.e. less than 5 years plus buffer) before taking the remedial action of triggering proposed Policy DS5.

FSQ16.3. The proposed reasoned justification for policy DS5 states that for land to be considered as adjacent to a Development Boundary it must not be separated by a road. Please explain the rationale for this, with reference to a limited number of examples of Development Boundaries defined on the Policies Map and SHELAA sites considered suitable and not suitable.

A good example of where it would clearly be inappropriate for development to extend over a road into 'new' territory is on the eastern side of Cirencester. If development were allowed to 'leap-frog' eastwards from 'Kingshill North' beyond the outer Cirencester bypass (A419(T)), this would breach an obvious physical boundary that helps to define the eastern limit of the town. The road here is such an imposing feature that any development to the east would be physically and visually disconnected from the rest of the town.

Similar examples include the A40 at Andoversford and the A429 (Fosse Way) at Bourton-on-the-Water. In both cases, development 'creep' across these roads would, effectively, eradicate these effective physical boundaries.

The principle of insisting on contiguity is rooted in a desire to avoid development 'leap-frogging' physical features or fields (which could be relatively narrow) to potentially open-up new areas of land beyond. Besides potentially facilitating needless greenfield land-take in a highly sensitive District (in environmental terms), this would lead to 'disconnected' areas of development, which are physically and/or visually separated from the rest of a settlement. An example of disconnected development is the aforementioned Kingshill North site, where a sterile strip of land (to facilitate overhead transmission lines and buffer) creates an unsightly visual separation between two housing areas.