

CORE STRATEGY FOR CHILTERN DISTRICT - EXAMINATION

INSPECTOR'S PRELIMINARY QUESTIONS (1) – SHLAA AND HOUSING POSITION.

1. Introduction

1.1 I have only just started my examination and have focussed on understanding the Council's position in relation to housing supply and delivery. The Regional Spatial Strategy (RSS), namely the South East Plan (SEP), has a requirement for 2,900 dwellings in the plan period in Chiltern, whereas the Core Strategy is proposing to deliver only 2,400. Two fundamental questions for the examination will be:

- *whether the Core Strategy is in general conformity with SEP;*
- *whether under provision is justified by local circumstances (as demonstrated in evidence by the Council).*

1.2 The SHLAA is always an important part of the evidence base in a Core Strategy Examination and given (if I have understood the Council's position correctly) the justification for 2,400 is based largely on land supply difficulties, it will be the subject of particular scrutiny in this Examination. It is essential therefore that the SHLA is robust, accurately expressed and that its application by the Council has been transparent.

1.3 Unfortunately, I have struggled to understand some of the figures in the SHLAA and related documents or how the Council has drawn on this material in making its assessment of deliverability. The hearings are not the place to sort out detailed factual matters. The purpose of this note is to seek some speedy clarification of factual matters, a better understanding of the Council's reasoning on some points and to alert the Council to the broader questions which are likely to be the focus of the hearings on this matter and on which the Council may wish to do further work.

1.4 I will set out in due course questions which will frame the discussion at the hearings and on which I will invite further comment from all relevant parties. Accordingly, I do not seek wider comment from other parties at this stage. I will not set the start date of the hearings until the Council has considered what, if any, further work it may wish to undertake and how long this would take. I am likely to have further questions on matters not yet covered in my initial preparation.

2. Overall Housing Position

2.1 I appreciate that when the Core Strategy was published for consultation, the SEP was believed to have been revoked and the Council rightly had to have regard to the advice on justifying housing numbers which accompanied the Chief Planner's letter of 6 July 2010. Since publication, but prior to submission of the Core Strategy, the SEP has been reinstated as part of the development plan. Only one minor amendment is suggested by the Council to update the publication version of the Core Strategy as a result of this change. In my view, irrespective

of all other matters, section 4.2 of the CS is likely to need updating and further amplification in the light of these events and the matters raised below.

2.2 There is the pending judgement in the 2nd Cala Homes Judicial Review of the materiality of the Secretary of State's advice relating to the intended abolition of Regional Spatial Strategies. But separate to that, it seems to me that the advice from the Chief Planner issued on 6 July 2010 has fallen by the wayside, given that the act of revocation on 6 July has been declared unlawful. I cannot see how that advice can be the starting point for the Council's justification for housing provision below that required by the SEP. The requirement of the SEP must be the starting point. I would want to see the delivery of this number appropriately tested within the broad constraints set out in the Core Strategy. If 2,900 cannot be delivered within those broad constraints it will be necessary to explore whether the constraints set out in the Strategy are justified (and such exploration may be required for other reasons).

2.3 PPS3, paragraph 33, gives advice on determining the level of housing provision. If the Core Strategy was meeting the RSS requirement it might not be necessary to explore these matters further. But in as much as the Council seeks to depart from the RSS, I consider that the Council should have regard to the need and demand for housing which are included in paragraph 33, as well as land supply constraints. Section 4.4 b) of the Core Strategy mentions household growth, but no specific figures are given and no comparison made between predicted growth and the planned increase in households. *The Council should consider how it might address the PPS3 matters more fully and the time required to do so.*

3. Housing Land Supply Trajectory 2006-2026 September 2010 (CDN089)

3.1 Two matters arise from the tables at the end of this document. Firstly, there appear to be inaccuracies or confusions in the way that rows and columns have been added-up. Secondly, I am unclear as to the justification for some of the assumptions made in this table.

3.2 Dealing firstly with possible corrections. In **Table H2-1:**

- The 1st row of past completions adds to 556 in the final column. The layout gives the impression that this figure is to be added with other totals below, but it has not been and should not be. Could this first row be shown separately from next 5 rows?
- 4th row: 5 x 4 add to 20, not the 19 shown.
- Column for Year 2015/16 adds to 242, not 192 shown,
- Column for Year 2018/19 adds to 162, not 112 shown
- Columns for years 2021/2 to 205/6 add to 23 not the 99s shown.
- Please check all additions across and down.
- I note that all the sub totals in the row titled 5. *Total Projected completions* are the same as the dark mauve row towards the end of table H2-2. It may be that, rather than the columns being added incorrectly, the wrong figures have been put in the columns. Are the correct items being added-up to make these sub-totals?

3.3 In Table H2-2.

- Following on from the last point on table H2-1, is the dark mauve row in table H2-2 meant to show (for each year) the total of the figures in the red, blue and green rows? If so, some of the columns do not appear to add-up correctly. Please check all rows and columns.

3.4 If any of the representations highlighted specific inaccuracies or expressed confusion with these tables, please consider whether further correction/clarification is needed. *Please provide as quickly as possible corrected tables. Please make clear (such as by use of italics and footnotes) what numbers have been changed and the reasons for doing so.*

3.5 In table H2-2, Item 1.1 is *Projected Supply – Extant planning permissions of 5 dwellings or more*. All are assumed to be delivered. *On what evidence is this assumption based? Have the landowners/developers of these sites been contacted to ascertain deliverability and do the Council’s conclusions reflect any such evidence? Similarly, Item 1.2 is the supply from small site planning permissions which are discounted by 10%. Is this discount based on any past evidence of implementation on such sites and, if so, is that evidence still credible in the changed market conditions which currently exist? If not explained in a submitted document, please provide an explanation. These matters can then be explored at the hearings if necessary.*

3.6 In table H2-2, Item 3 is *Projected Supply - Saved Local Plan H2 sites - included at a 30% delivery rate*. *Where is the explanation of what the 30% delivery means or why this discount has been chosen? The SHLAA 2008 (CDN041) explains that several of these sites have been part developed or have planning permission on part of the land. How does this affect the application of the 30% rate? If not explained in a submitted document, please provide a justification. This can then be explored at the hearings if necessary. A related question for the hearings will be the evidence for the developability of these sites given that, in part at least, they have not been developed for many years since being allocated.*

3.7 In table H2-2, I presume that the list of sites under each settlement consists of all the sites identified in Appendixes 1 -5 of the SHLAA Supplementary Report (CDN088) and that none have been dropped. *Please confirm*. I do not understand the housing numbers given to these sites set out in the 11-15 year period in the table. These bear no relation to the figures in the SHLAA Supp. Report. *Please explain what is being done here.*

3.8 It is not, in fact, necessary for this housing trajectory to list individual SHLAA sites apart from those which are being specifically allocated or otherwise identified in the Core Strategy. In addition to the explanations and corrected tables requested above, I would find it helpful to have an additional, shortened form of table H2-2 which included the strategic/MDS sites as shown, but had a final row simply of the residual quantity of

housing needed to be found in each year from other sources (eg from the SHLAA sites). One row should show what is needed to meet the Core Strategy's proposed of 2,400. This is, in fact, what is shown in column D of the table 2 in the Core Strategy. I would be grateful if this new table had another row to show what would be needed to meet the SEP requirement of 2,900.

4. The SHLAA 2008 (CDN041), the SHLAA Supplementary Report 2010 (CDN088) and the Housing Target for Chiltern District 2006-2026 January 2011 (CDN108)

4.1 I understand the overall objective of the Supplementary Report 2010, namely, to identify those SHLAA sites which are consistent with the Core Strategy. The reasonableness of excluding sites in certain areas can be explored further, if necessary, but I am clear as to the Council's intentions.

4.2 The 2010 Report does not, however, clearly identify the number of dwellings on sites which are considered *deliverable* (first 5 years) or the number of dwellings considered *developable* in the 2nd and 3rd 5 year periods (PPS3, paras. 54-56). The report identifies the number of dwellings in the 1st, 2nd, and 3rd *priority* lists, but my understanding of the 2008 SHLAA is that these 3 categories are based on the number of constraints applying to the site and do not fully correspond with time periods. Time periods were specifically shown in the individual site sheets in that study. *Please identify which sites are expected to be deliverable or developable in which time periods and the total number of dwellings in each period.*

4.3 PPS3 (para. 56) states that to be considered *developable* sites should not only be suitable for housing, but that there should also be a reasonable prospect that the site is available for and could be developed at the point envisaged. I have not looked at all the SHLAA sites in any detail, but many which are retained in the 2010 Report involve multiple ownership - either parts of numerous rear gardens or the plots of several dwellings. *How as the Council assessed the reasonable prospect test for such sites given that the unavailability of one rear garden may prevent development of the whole site?* Conversely, the Tibalds Chiltern SHLAA Study (CDN043) gives examples of how some sites in multiple ownership could be developed in phases, thus lessening the potential impediment of the unavailability of all plots. It is not clear whether this possibility has been applied to the larger multi-ownership sites so as to possibly split capacity between 2 time periods. *Please explain whether this has been taken into account and consider its practical application in any further revision of the SHLAA (see below).*

4.4 The housing potential identified in this 2010 Study shows that there is sufficient urban capacity to meet the SEP requirement of 2,900 (demonstrated by adding the additional 500 dwellings required to column D of table 2 in the Core Strategy). On this evidence, the Council's case that the District is so constrained as to make the SEP requirement undeliverable is not justified. The Green Belt and AONB constraints set

out in the Core Strategy in 4.2.4 are fully taken into account in the 2010 Study (as well as some exclusions within the urban areas).

4.5 The 2010 Report specifically acknowledges the changes in PPS3 (June 2010) and explains why the findings are still considered robust (3.0.3). My impression, from a quick skim, is that no site capacities have been changed from the 2008 assessment solely for reasons relating to changes in PPS3. This assessment makes it difficult to understand the questioning of the site capacities now introduced by the Council in the Housing Target document of January 2011. I note that representors will not have had the opportunity to comment on this new paper.

4.6 The January 2011 paper, in effect, criticises the robustness of the Council's own SHLAA. It raises questions about capacity and deliverability which create considerable uncertainty. It suggests that the SHLAA evidence is not fit for purpose. In my view, it would be difficult to conduct the appropriate focussed and efficient examination with evidence in this state, bearing in mind the particular burden placed by the Council on the SHLAA to justify housing provision below that required by the RSS. *I therefore suggest that the Council consider updating the SHLAA to properly reflect its position in relation to PPS3 issues and all other matters.* There would then be one up-to-date evidence document which the Council relies on to support its housing position and which can be tested as necessary as part of the examination.

4.7 Any update of the SHLAA should take into account the necessary clarity in relation to time periods and the *reasonable prospect* requirements already mentioned. In relation to densities and resulting capacity, I would question whether the average densities of new development in each settlement or of the settlement as a whole are particularly relevant for sites in the urban areas. The Council should consider carefully whether the local context is most relevant, which would include accessibility. The 2008 SHLAA classified sites into 5 locational categories to reflect accessibility and this influenced the selected density. This would still seem a relevant consideration.

4.8 In presenting any update to the SHLAA, it would be helpful if the changes from the 2008/2010 SHLAA were readily apparent. For example, for each site included in the update, the 2008/10 capacity/density and locational category could be recorded in addition to any new density/capacity and a note of the reason for any change.

4.9 The January 2011 paper refers to the emerging work of the Townscape Character Assessment. In so far as the Council seeks to rely on such work it would need to be published at the same time as any updated SHLAA. The Council cannot rely on this work if it is not available to me in preparing questions prior to the hearings and if it is not available to interested parties in responding to any further questions. I note that the Chiltern Townscape Character Assessment Interim Findings Paper (CDN092) is included in the submitted evidence, but this primarily deals with the context for the further area specific work being undertaken. The

soundness of the approach set out in CS21 may be a separate matter for the Examination.

4.9 It is essential in undertaking any SHLAA update that the outcome of the work is not predetermined, but undertaken as objectively as possible. A key aspect of soundness is flexibility and the ability to respond to changing circumstances. One aspect of flexibility in relation to housing delivery is to have an adequate basket of sites in the SHLAA so that not every site has to be delivered to ensure that housing provision is met.

5. Small site windfalls.

5.1 The Council's work has rightly (given the advice in PPS3) not included any windfalls in its assessment of supply. I do not suggest that it should do so. Nonetheless, some windfalls will inevitably occur. *I am interested to know what is the Council's assumption for small site windfalls (below the SHLAA site threshold) over the remaining plan period.* The 2008 SHLAA considered this topic in section 8, but no doubt the Council will want to review the assumptions made there in the light of its view of the implications of the changes to PPS3.

6. Policy CS2 Amount and Distribution of residential development

6.1 A main matter for the examination will be the overall spatial strategy and whether policies CS1 and CS2 provide a sufficient spatial steer for housing development between the various settlements. I will address this topic more fully in due course. I highlight below just 2 matters for the moment.

6.2 The table in CS2 splits the proposed 2,400 dwellings between the *main settlements* (which, from paragraph 7.6, I take to be the built up areas of these settlements i.e. not any part in the Green Belt) and the villages excluded from the Green Belt, again presumably not including any parts of these villages/parishes in the Green Belt. *Is this how the policy should be read?* If this is correct, then any residential development such as at the proposed MDSs (ie at sites in the Green Belt) would be additional to that planned in the main settlement and villages. However, that is not how the Council appear to be presenting evidence of housing supply and delivery, such as in Table 2 of the Core Strategy or the housing trajectory. Does policy CS2 achieve what the Council intends? Is it effective?

6.3 Possibly a minor point, but I note that the urban areas are described differently in 7.3c), in policy CS1 and in policy CS2. To help me understand whether there is any significance to these differences (particularly given the concerns expressed about the way that the consultation choices were presented) could the Council explain how the main settlements have been defined and whether this has changed over time.

7. Action Required

7.1 I would be grateful for any corrections to the tables in CDN089 fairly quickly. I would also be grateful for an early estimate as to when I might expect the response to the various specific questions raised.

7.2 The Council should consider whether it wishes to update the SHLAA as I suggest and how long this might take. This will affect the timing of the hearings. If the SHLAA is updated, it would need to be published before I finalise my questions for further comment from all parties. I would need to do this at least 7 weeks before the hearings and longer may be required depending on my actual availability for pre hearing preparation as I have a number of other commitments through the Spring. The Council may wish to consider a short suspension of the Examination to undertake this work. I will continue with my preliminary preparation and identify over the next 10 days any further matters on which I seek initial clarification or which may require further work.

Simon Emerson
Inspector
27 January 2011