

NBBC Borough Plan Examination

Matter 7 Hearing Statement on behalf of Richborough

Policy DS7 - Monitoring of housing delivery

173. Does the policy provide a suitable mechanism to monitor the delivery of housing throughout the Plan period? Is a more detailed housing trajectory required to do this?

174. If housing delivery rates fail to meet the targets set out within the Plan, are the actions set out within the policy sufficient to ensure that the required housing delivery is provided during the Plan period?

175. Are the 4 bullet point actions set out within the policy intended to be ranked in order of preference? Is the policy sufficiently clear in this regard?

1.1 The policy states that NBBC will monitor the delivery of housing and publish progress against the Housing Trajectory shown in Appendix B. As noted in our Matter 3 Statement, the Housing Trajectory in Appendix B does not provide sufficient detail to evidence that the supply is deliverable, or to enable robust monitoring to be undertaken. Therefore, in order to be sound and justified, a detailed housing trajectory, providing evidence on a site by site basis should be inserted into Appendix B.

1.2 The adopted policy (Policy DS8) is currently worded as follows:

“The Council will monitor the delivery of housing and publish progress against the trajectory (as shown in Appendix B). Where it is apparent that delivery rates are falling short of what was anticipated, then the Council will take the necessary action to address any shortfall. Such action may include (but are not limited to):

- *Working with developers and site promoters, particularly of the two largest strategic sites, to review the requirements and phasing of infrastructure provision, where such re-phasing would assist with viability.*
- *Working with developers, site promoters and other interested parties to help unlock potential sources of funding for identified infrastructure, or;*
 - *considering the use of compulsory purchase powers to help address known land acquisition issues; or*
 - *bringing forward additional sites where it can be demonstrated that such sites will assist with delivery to address short-term needs.*

Where additional housing sites need to be brought forward, initial priority will be given to sustainable sites, including town centre redevelopment opportunities in Nuneaton and edge of settlement sites, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.”

- 1.3 The contingencies set out in the adopted policy were recommended specifically by the Examining Inspector through Main Modification MM29¹ in order to make the Plan 'sound' through formalising a positively prepared approach to monitoring housing delivery and stimulating action where necessary.
- 1.4 Therefore there is no supporting text to DS8, but Paragraph 194 of the NBBC Borough Plan Inspector's Report provides the background to the formation of the policy. Paragraph 194 states:
- "Where there is a need to deliver in the short term and there is not a deliverable supply, then the basic contingency may well be the release of additional sites. Where this is demonstrably necessary, the priority should be the redevelopment opportunities emerging in Nuneaton town centre and elsewhere at the edge of settlements in accordance with the modified settlement hierarchy in Policy DS2."*
- 1.5 Given the long term lack of housing delivery since the adoption of the Plan, without significant action taken by NBBC, it is clear that the Policy has not been applied as envisaged by the Inspector.
- 1.6 Despite good intentions by the Inspector to formalise a positively prepared approach, the final wording suggests greater weight will be given to the re-phasing of sites to assist viability and secure external funding, rather than the other two options which include releasing more sites. Granting planning permission for additional new homes is likely to be the most effective way to address any delivery of housing and the policy wording should be more explicit on this point.
- 1.7 NBBC have sought to modify the emerging Policy so as to provide more guidance around the sequencing of the policy. Whilst Richborough support the principle of simplifying the policy, it would be wrong to do so in the way the Council have proposed. The performance of the current plan shows the minimal impact that the Council's favoured actions have had in addressing the shortfall, to the effect that on their best case, delivery will fall 1,357 dwellings short of the overall requirement of 14,060 by 2031. This point is evidenced in Paragraph 1.4 of our Matter 3 Statement. Prioritising additional sites is the quickest way to address the issue of under delivery and should be considered alongside the other suggested actions.
- 1.8 Richborough are also of the view that NBBC should allocate additional sites and reserve sites prior to adoption of the Plan, so that these could be released if monitoring continued to show under delivery. This would enable the issue to be addressed promptly, without the need for a full or partial review of the Plan.
- 1.9 Richborough is of the view that Policy DS7 should be re-emphasised so it clearly establishes that if monitoring shows that the Plan is not delivering housing as required, then NBBC will grant permissions for additional housing; release reserve sites; and undertake other actions to help bring schemes forward, in that order. The Policy wording should also set strict deadlines for publication of monitoring each year and failure to do so would trigger the contingencies. The end of the calendar year is a reasonable time frame for monitoring data to be collected and published and should be identified as the deadline within the Policy. It is important for any under-delivery of housing to be addressed as soon as possible.
- 1.10 As currently drafted, Policy DS7 is not considered to be sound as it is not justified, effective, positively prepared or consistent with national policy.

¹ Paragraph 194 of the Inspectors Report

Policy DS8 - Review

176. Is the policy sufficiently clear and responsive in setting out under what circumstances a full or partial review of the Plan would be triggered?

177. Does the policy need to be more explicit about what evidence and what level of change would be required regarding housing and employment need in order to trigger a review?

178. Does the policy have sufficient regard to and set out the approach to dealing with the possibility of unmet housing and employment need arising in the housing market area/region?

1.11 Policy DS8 establishes when the Plan will be reviewed (either wholly or in part). In addition to the requirements set out in national guidance the following circumstances when a quicker review may be required, are also identified (as modified):

- *If there is clear evidence that the Borough's local housing need or employment need has changed significantly since the adoption of the plan.*
- *Strategic employment land need will be reviewed following publication by the Council of a West Midlands Strategic Employment Land Needs Study.*
- *Updated evidence or changes to national policy suggest that the overall development strategy should be significantly changed.*
- *Any other reason that would render the plan, or part of it, significantly out of date.*

1.12 The Government is currently undertaking consultation on reforms to the planning system to include changes to the NPPF and the method for calculating Local Housing Need. The outcome of the proposed revised method for NBBC results in an increase from 421dpa to 774dpa. Paragraph 5 of Chapter 12 of the consultation document is clear that:

"...those plans at examination will continue to be examined under the version of the NPPF they were submitted under. However, if the revised LHN figure is more than 200 dwellings per annum higher than the annual housing requirement set out in the adopted version of the plan, upon introduction of the new plan-making system, the local planning authority will be required to begin preparation of a plan under the new system as soon as possible"

1.13 The emerging Borough Plan is therefore caught by these arrangements and Richborough is of the view that the examination should be delayed until certainty around the reforms to the NPPF has been provided.

1.14 In any case, additional detail is needed in regard to the triggers for the review as they are currently too vague to be effective.

1.15 The specific circumstances and factors which would be taken into account should be referenced in the policy, whether it be the Monitoring Report or the Housing Delivery Test.

- 1.16 The time period for a review should be established along with the level of variance in respect of housing or employment needs which would trigger an early review.
- 1.17 As currently drafted, Policy DS8 is not considered to be sound as it is not justified, effective or consistent with national policy.

Monitoring General

179.Does the Plan have clear and effective mechanisms for monitoring?

180.Do the monitoring tables contain relevant and measurable indicators?

181.Should the monitoring tables include “triggers” which would alert the Council to consider a review of the relevant matter?

- 1.18 As noted in the response to the MIQ's in respect of Policy DS7, the adopted Policy DS8 was recommended specifically by the Examining Inspector through a Main Modification in order to make the Plan 'sound' through formalising a positively prepared approach to monitoring housing delivery and stimulating action where necessary. Consequently, there was no supporting text to explain the policy and there was no clear and effective mechanism for monitoring the policy. For instance there was no monitoring table included at the end of the policy, and it has not been applied as envisaged by the Inspector.
- 1.19 The Monitoring Reports that have been published since the adoption of the Borough Plan have therefore not made reference to the requirements and contingencies included within the adopted version of Policy DS8.
- 1.20 Richborough is therefore of the view that a monitoring table should be included at the end of both Policy DS7 and DS8. This should reflect the measurable indicators that have been recommended above and these should be continually reviewed throughout the year with an assessment included within the Monitoring Report.

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