
FREETHS

**STATEMENT OF REPRESENTATION FOR THE EXAMINATION IN
PUBLIC HEARINGS : NORTH WARWICKSHIRE BOROUGH COUNCIL**

MATTER 3: HOUSING NEEDS AND REQUIREMENTS

PREPARED ON BEHALF OF HALLAM LAND MANAGEMENT LTD

AUGUST 2018

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1. INTRODUCTION

- 1.1. This Statement is prepared by Freeths LLP on behalf of our client Hallam Land Management Ltd (“HLM”) and is submitted as evidence as part of the examination into the North Warwickshire Local Plan. HLM has made detailed representations on a number of policies throughout the Plan preparation and is promoting site H13 at Land to the west of Robey’s Lane, adjacent to Tamworth.
- 1.2. This Statement relates to Matter 3 of the ‘Phase 1 Matters, Issues and Questions’ note prepared by the Inspector and forming the basis of the Examination Hearings. No comment is made in response to Questions 3.1 to 3.8 and 3.12 and 3.13.

2. QUESTION 3.9 – IS LP POLICY ASPIRATION TO DELIVER 3790 HOMES FROM THE GBHMA ROBUSTLY EVIDENCED?

- 2.1. The ‘positively prepared’ test of soundness in Paragraph 182 of the NPPF, in addition to meeting objectively assessed needs (OAN), confirms that Local Plans should be based on a strategy that includes meeting unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- 2.2. Firstly, Policy LP6 states that the 3790 dwellings, accommodated from the GBHMA is an ‘aspiration’ and that the actual amount of development delivered over the Plan period will be governed by the provision of infrastructure to ensure developments are sustainable. Our Regulation 19 response form identified a fundamental flaw with this approach in that ‘aspiration’ provides no certainty of what will be delivered and the Plan lacks any clarity over the tests that might be employed to govern these aspirational housing figures against the provision of infrastructure. For these reasons, as proposed, we consider that the Plan fails all four of the tests at Paragraph 182 of the NPPF.

2.3. We note from document INSP2, specifically paragraphs 37-40, that the Inspector appears to share these concerns. The Plan must be significantly clearer in what it is seeking to achieve in terms of housing delivery and where infrastructure is deemed to be a potential barrier for development, this should be clearly identified including the required remedies. It appears to us that the point made in paragraph 39 of INSP2 is particularly pertinent, in that an ‘aspirational’ approach gives no certainty and if a similar approach is adopted by other LPAs across the GBHMA area, the deficit against the 37,900 dwelling shortfall of Birmingham City Council’s unmet needs, stands no realistic chance of being addressed.

3. QUESTION 3.10 – HOUSING REQUIREMENT FOR FIVE YEAR SUPPLY CALCULATION PURPOSES AND RELATED MATTERS

3.1. There are two main components to NWBC’s housing requirement. The figure of 5808 dwellings accounts for its own OAN, the 500 dwellings from Tamworth Borough Council and the redistribution from the CWHMA, and based on a plan period of 2011-2033 equates to an annual requirement of 264 dwellings.

3.2. The Birmingham City Local Plan runs from 2011 to 2031 and therefore the annual requirement derived from the 3790 dwellings which the Local Plan ‘aspires’ to deliver would mean an additional annual requirement of 190 dwellings for the first 20 years of the 22 year plan period. This would result in a total base requirement of 454 dwellings per annum.

3.3. Document CD8/13A which outlines the LPA’s five housing supply, takes the 264 dwelling per annum figure as the requirement and does not include the GBHMA requirement figures. This again underlines the uncertainty with respect to meeting the needs of the GBHMA. If no account is to be taken of the GBHMA housing requirement figure (3790 dwellings), in measuring housing supply, it is totally unrealistic to expect that NWBC will deliver this requirement and therefore there will be a shortfall in provision for the GBHMA.

3.4. In accordance with our Regulation 19 submissions and our response to Q3.9 we submit that the Local Plan should be clear on the amount of housing it will deliver to assist unmet needs from the GBHMA. Based on 3790 dwellings we submit that the annual requirement for the five year housing supply calculation should be **454 dwellings**.

Question 3.10a

- 3.5. The shortfall of 593 dwellings from the period 2011 is not accurate. Against an annual requirement of 454 dwellings, then from the period 2011 there would be a shortfall of **1923 dwellings** ($454 \times 7 = 3178 - 1255$ (Net completions) = 1923).

Question 3.10d

- 3.6. There has been a clear and persistent under-delivery of housing sufficient to justify a 20% buffer for five year housing supply calculations purposes. Table 2 of document reference: NWBC11 sets out completions from 2003/04 to 2017/2018. Firstly, it is unclear why from the period 2011/12 to 2013/14 the housing requirement is expressed as the Regional Spatial Strategy figure when the Core Strategy plan period commenced in 2011.

- 3.7. Moreover in any event we submit that the housing requirement should be that now proposed by the Local Plan, which including the GBHMA requirement would be 454 dwellings per annum. Against this barometer housing delivery has been substantially under requirement every year back to 2011 and even against old RSS figures and previous Local Plans, delivery has never reached requirement, albeit it is noted that some historic requirements are expressed as 'maximum' figures. Even if we were to adopt NWBC annual requirement figure of 264 dwellings, which we consider is inappropriate given the commitment to assist the GBHMA, with the exception of 2016/17, delivery has been under requirement in 6 out of the 7 Plan period years and substantially so in the first three years of the Plan.

Question 3.10f

- 3.8. We consider that the shortfall should be addressed within the first five years, wherever possible, in accordance with the PPG.

4. QUESTION 3.11 – WINDFALL ALLOWANCE

- 4.1. The period of evidence base for windfall allowance is insufficiently short in that it only covers a six year period. Paragraph 48 of the NPPF (2012) states that windfall allowance should take account of historic windfall delivery and expected future trends and should not include residential gardens. The evidence base should cover a much broader period to cover Local Plan and economic cycles in order for the figures to be accurately relied upon. The LPA should also distinguish whether the figures include planning permissions in residential gardens.