

Appendix A

Cabinet Proposed Response to the Recommendations of the Improvement and Review Commission

This Appendix sets out the Cabinet's proposed response to the Improvement and Review Commission's recommendations in relation to the reserve sites. There are 5 recommendations and these are addressed in turn.

Recommendation a) Look into and re-assess the objectively assessed figures for the known homes, homes in pipeline and windfall homes, and that this be done ahead of any decision to release any reserve sites;

Proposed Cabinet response

The objectively assessed need figures have been prepared by specialist consultants having regard to the available national planning policy and guidance for how such assessments should be undertaken. For this work to be reviewed by different consultants would cost in the region of £15-20k and would take in the order of 4-5 months, allowing for 6-8 weeks for the tendering process. It is highly unlikely that such a review would result in fundamentally different figures that lead to a different conclusion in relation to the reserve sites, given that all consultants will work from the same base data from the Office of National Statistics, and to the same Government policy and guidance. It is questionable, therefore, if the additional expenditure would be in the public interest, and the delay would also have negative implications. Alternatively we could wait for the forthcoming additional work with other authorities on housing need to be undertaken but this is likely to result in even greater delay.

The Objectively Assessed Need figure is under close scrutiny. If third parties believe that we are not making an 'objective' assessment of the need they will challenge the assessment through the Local Plan examination, and there is a high risk that the plan would fail. Local Plans are being rejected by Planning Inspectors including the Aylesbury Vale plan at the beginning of the year. Just last week a local plan examination in Cheshire East was suspended, and closer to home the examination of Chiltern District's Delivery Plan (a lower tier plan which amongst other things allocates housing sites to meet their Core Strategy target) was suspended by the Planning Inspector because the authority had not allocated enough homes to meet their objectively assessed need.

During the time that it will take to prepare and adopt the new Local Plan, decisions will need to be taken – such as the release of the reserve sites. If these decisions are based on assessments that are not seen by third parties to be 'objective', it is likely that those decisions would be subject to judicial review, which would add further cost and delay.

There is a view that the Cabinet should be making decisions based on the lower end of the potential housing numbers. However, as Paragraph 37 of the 20th October Cabinet report makes clear, the lower end of the range is based on projections that use older population trends. They are therefore less robust as a basis for

establishing objectively assessed need and the consultants' report highlights this. Basing decisions on this data would be open to challenge. The Cabinet report goes on to note that more recent population projections from the Office of National Statistics are comparable with the mid-range figures produced by the consultants. As such we cannot rely on the lower end of the range on which to base our 5 year housing land requirement on, and the report suggests that our objectively assessed need is likely to be in the mid to possibly higher end.

The Cabinet report also notes that we will be doing more work to firm up the objectively assessed need figure, working with other authorities. This will take place next year, taking account of the latest guidance and latest demographic data. However there is nothing in the latest projections from the Office of National Statistics that suggests there is likely to be a significantly different outcome.

In relation to looking again at the potential for new homes, including homes in the pipeline and windfall homes, this is something that has already been done in assessing our current housing land supply. Paragraph 39 of the Cabinet report indicates a supply of 2,447 homes from sites in the next 5 years (2014-19). This is made up of homes on sites with planning permission but also sites that are in the pipeline without a planning permission where the principle of development is likely to be acceptable and there is a good prospect of them being delivered in the 5 year period. We also include a "windfall allowance" for unidentified sites and for the first time this year have included care home developments in the housing land supply as a result of a relaxation of national guidance issued in March 2014. So in summary we count everything we can, but this has to be justified and we need to be able to demonstrate that the houses will be built within the 5 year period.

We update our 5 year housing land supply assessment every year and will be doing this in the first few months of 2015. However whilst some additional sites may come forward, it is also important to bear in mind that an additional years' worth (say 600 homes) of housing requirement has to be added in because the 5 year supply will be based on the 2015-20 period – ie it gets rolled forward by a year. Given the scale of the potential gap between supply and requirement outlined in paragraph 39 of the Cabinet report (potentially around 1,300 homes), it is extremely unlikely that this gap and the additional year of requirement will be made up by new sites.

Delaying the release of the reserve sites to allow more work to be done on the objectively assessed need and the housing land supply will significantly increase the risk of planning applications coming forward on the reserve sites and the opportunity to work more proactively with the community on development briefs for the sites would be lost. It also significantly increases the risk of other applications coming forward elsewhere in the District, which – unlike the reserve sites – have not been identified in any adopted plan for development, and therefore have not been subject to any process of democratic oversight.

It is therefore proposed that Cabinet do not accept this recommendation.

Recommendation b) Re-assess the core strategy with particular reference to the Green Belt review, before releasing any reserve sites;

It is recognised that aspects of the Core Strategy are out of date, not least policies which set the level of housing to be provided in the District. This is because of the abolition of the South East Plan and the introduction of the concept of objectively assessed housing need.

The Core Strategy was approved through a government examination, and any re-assessment or review would also have to go through that process. Changes to planning terminology mean that we now have to prepare Local Plans not Core Strategies. The new Local Plan is therefore the mechanism to review or re-assess the Core Strategy.

The request for the Green Belt review to precede a decision on the reserve sites would seem to be based on the assumption that the review would result in some or all of the Reserve Sites being put into the Green Belt. That would depend on at least four things being agreed at the Local Plan examination. First, that there has been a significant change in circumstance to overturn the principle of development that has been agreed in the most recent adopted plan – this would be difficult to demonstrate, and be closely scrutinised by the land owners. Second that the sites fulfil Green Belt functions – this argument has been won and lost at previous inquiries and examinations. Third, that sites with equivalent capacity could be found – which could be a challenge given the topographical constraints of the small area of the District which is in the Green Belt but outside of the AONB. Fourthly, and most importantly, that through the Duty to Co-operate our neighbouring authorities accept that they should take the development that is ‘displaced’ from the reserve sites – which is likely to be challenged, and more likely that the outcome would be development of the ‘new’ sites as well as the reserve sites. Ultimately Government policy requires there to be exceptional circumstances for changing the Green Belt and this test applies as much to adding land into the Green Belt as it does to taking it out.

In any event, as paragraphs 41–48 of the Cabinet report explain, preparation of the new Local Plan will now take longer than originally planned and will not be complete until quite possibly 2018. This delay is particularly due to the problems up and down the country with the Duty to Cooperate and the issue of how to plan for objectively assessed need, and, as is noted in response to Recommendation (a) above, Local Plans are being rejected by Planning Inspectors where they fail to meet their objectively assessed need.

The Green Belt review has to take place as part of the Local Plan review. As the Green Belt is a strategic designation crossing many local authorities, a Green Belt review it is not something that should be done on your own but with other authorities in a wider functional area. Discussions are taking place with other authorities about how this should happen.

As a result of needing to work with authorities, and given the longer timescales for the new Local Plan, the outcome of a Green Belt review and its subsequent examination by a planning inspector is years rather than months away. As such

planning applications would long since have been submitted and considered on the reserve sites, without the ability to take account of the implications of the Green Belt review. It is therefore proposed that Cabinet do not accept this recommendation.

Recommendation c) Revisit and test the case for less dwellings because of the District's AONB/green belt circumstances with Government/Planning Inspectors, before releasing any reserve sites;

In September the Cabinet Member for Planning and Sustainability and a planning officer had a discussion with the senior inspector recently responsible for local plans at the Planning Inspectorate on this point. Would we be able to advance an argument that we should have a reduction to the 5 year housing land requirement in advance of the Local Plan process to take account of the constraints of the District? His response was that this is not possible on the basis of current Government policy and guidance. His response is consistent with a ruling from the Court of Appeal in relation to a case in St Albans District, also a Green Belt authority. Whilst practice guidance indicates that full weight may not be attached to the objectively assessed needs until they have been tested through the local plan process, it is clear that objectively assessed need is now the starting point for assessing the 5 year housing land supply. Added to this is the fact that we are considering the reserve sites where the principle of development has been established for many years.

The forum for testing whether the Council should set a housing target that is below its objectively assessed need is through the Local Plan process. This includes the Duty to Cooperate process that would assess whether other local authorities are able to assist with meeting some of Wycombe District's unmet need. As explained elsewhere in this report, and in the Cabinet report of 20 October, this is a lengthy process.

The Leader of the Council has already highlighted his concerns to Government about the issues the Council is facing and did not receive a sympathetic response. Even if the Government decided to take a different approach, this would take time to feed through into changed Government guidance. In the meantime applications would be submitted and assessed against the 5 year requirement calculated on the basis of the current methodology set out in current government policy and guidance.

It is true that the Council has had a good track record over the last decade or so of delivering housing against its approved housing targets. However this has been on the basis of much lower housing targets and assessments of the 5 year housing land supply are not based on past performance but objectively assessed need, and on identifying specific housing sites that are going to deliver housing in the next 5 years.

It is therefore proposed that Cabinet do not accept this recommendation.

Recommendation d) Consult with Officers to revisit what Wycombe District Council can do as a result of being constrained by AONB and Green Belt and to discuss this with DCLG (Department for Communities and Local Government) as to reducing the number of homes needed, as a result of these constraints, before releasing any reserve sites;

This recommendation raises the same issue as recommendation c) regarding the ability to reduce the housing requirement due to the District's constraints, and as such is addressed above.

DCLG do not offer specific advice to individual Councils. To ensure that all Councils get the same advice, and avoiding the risk of real or perceived inconsistencies, DCLG works by issuing national guidance.

DCLG issued further guidance on 6th October to address whether housing and economic needs override constraints on the use of land, such as Green Belt. This guidance re-iterates existing national planning policy, which is that through preparing the Local Plan, and through its examination, we can make a case that the District should not meet all our objectively assessed needs because of its constraints, working through the Duty to Co-operate with neighbouring authorities. Until that time, as is explained in answer to point (c) above, the Inspectorate are using objectively assessed need as a starting point in considering individual planning applications.

Given that the guidance has only recently issued it is extremely unlikely that discussions with the DCLG will result in any further national guidance being issued.

As such the DCLG statement does not change the situation and does not have a bearing on the response to recommendation c) above. It is therefore proposed that Cabinet do not accept this recommendation.

Recommendation e) Investigate and bring forward robust District-wide infrastructure plans in conjunction with other statutory partners, before releasing reserve sites.

Paragraph 72 of the Cabinet report of 20 October sets out the mechanisms for looking at infrastructure issues with the community should the reserve sites be released. This includes the establishment of a round table group of interested parties to look at the collective or more strategic infrastructure implications of development of the reserve sites. Key infrastructure partners would be involved in this work and indeed the Council have already undertaken significant infrastructure assessment work with relevant infrastructure partners. This has included undertaking with Buckinghamshire County Council extensive traffic modelling that factors in potential development from the reserve sites. As a Cabinet we are committed to fully assessing the infrastructure impacts of the reserve sites and to work with the community, infrastructure providers, and developers to secure the right package of improvements. As has been highlighted by the Cabinet Member for Planning and Sustainability to the Improvement and Review Commission in response to the reasons for the call in, we cannot expect or indeed require new development to deal

with all existing infrastructure issues but we can look to new development to address the impacts of the development.

If the sites come forward individually, the infrastructure needs required of that development will also be considered individually, in the light of individual planning applications. By releasing the sites together, the impacts can be considered collectively, ensuring that wider implications can be better taken into account, and ensuring that those implications are built in to any planning applications that then come forward.

Preparing district wide infrastructure plans is an integral part of the preparation of the Local Plan, which, as is explained above, will take a significant amount of time to prepare and resource which would prove difficult to allocate. In the meantime it is likely that planning applications will come forward on the reserve sites. In assessing the applications we will have to take into account in the 5 year housing land supply position, and the existing status of the reserve sites in the adopted Core Strategy, potentially without the benefit of the wider infrastructure impact assessment.

It is therefore proposed that Cabinet do not accept this recommendation.