HEARING STATEMENT FOR THE EXAMINATION IN PUBLIC:
DONCASTER LOCAL PLAN

MATTER 2: QUANTITY OF DEVELOPMENT NEEDED IN THE BOROUGH

PREPARED ON BEHALF OF HALLAM LAND MANAGEMENT LTD AND
HENRY BOOT DEVELOPMENTS

SEPTEMBER 2020

FREETHS LLP
PLANNING AND ENVIRONMENTAL GROUP

Cumberland Court
80 Mount Street
Nottingham
NG1 6HH

DX: 10039 Nottingham
Tel: 0115 9369 369
1. INTRODUCTION

1.1. This Statement is prepared by Freeths LLP on behalf of our client Hallam Land Management Ltd and Henry Boot Developments ("HLM/HBD") and is submitted as evidence as part of the examination into the Doncaster Local Plan ("DLP"). HLM/HBD has made detailed representations on a number of policies at the Regulation 19 stage (ref: 05283) and is promoting land to the north of Adwick & Woodlands for residential and employment development. This land is not proposed for allocation in the Submission Version of the DLP.

1.2. This Statement relates to Matter 2 ‘Quantity of Development needed in the Borough’ of the ‘Matters, Issues and Questions’ note prepared by the Inspector (INSP4) and forming the basis of the Examination Hearings.

2. Q2.4 – DOES THE PLAN CLEARLY ESTABLISH A HOUSING REQUIREMENT FIGURE FOR THE BOROUGH FOR THE PLAN PERIOD AS REQUIRED BY NATIONAL POLICY?

2.1. No. Policy 3 states that the strategic aim is to facilitate the delivery of 18,400 new homes within the Plan period (920 per annum) but that the requirement is to be expressed as a range with the bottom of the range being the Local Housing Need ("LHN") figure and the top of the range being 920 dwellings per annum. The fact that requirement is expressed as a range is dealt with under Q.2.5 below and we set out our objection to the proposed housing requirement figures in response to Q2.6.

2.2. There are two other issues with the approach in terms of establishing a clear housing requirement. Firstly, the policy states that the bottom of the range is the LHN figure but doesn't express what this is. The policy explains that five year housing supply requirement will be based on LHN and this will be revised throughout the Plan period in accordance with changes to household projections and affordability ratio. Doncaster Metropolitan Borough Council ("DMBC") in response to PQ21 confirm that it is the intention that this will be “recalculated each year throughout the plan period.” This is not clear and does not establish a housing
requirement figure. It provides no certainty and is effectively the same process as establishing a housing requirement where no up to date Plan is in place, ie: the Standard Methodology. The second issue is that the policy clearly indicates that the top of the range is 920 dwellings per annum. It is cap on development and is contrary to the aim of significantly boosting housing supply. Indeed the Housing Topic Paper refers to a maximum of 18,400 dwellings over the twenty year plan period.

3. **Q.2.5 - IS EXPRESSING THE HOUSING REQUIREMENT AS A RANGE CONSISTENT WITH NATIONAL POLICY OR OTHERWISE JUSTIFIED? IF SO, WHAT SHOULD THE BOTTOM OF THE RANGE BE (ASSUMING THAT IT MUST BE A FIXED FIGURE)**

3.1. The NPPF states that strategic policy-making authorities should establish a housing requirement figure. Paragraph: 010 Reference ID: 2a-010-20190220 of the PPG explains the circumstances where a higher housing need figure may be justified beyond LHN. If a higher figure is justified against the circumstances set out in the PPG (or other any circumstances), then this should be the requirement figure and there is no basis for it to be expressed as a range. A range approach lacks certainty and a housing requirement figure should be unambiguous. Most importantly a range has significant potential to substantially constrain housing delivery, contrary to national policy. The potential extent of such constraint is apparent by the wide gap between the bottom and the top of the proposed range.

3.2. Parallels are drawn with the North Warwickshire Borough Council (“NWBC”) Local Plan. The NWLP is currently at examination and the Inspector issued an interim note in 14 December 2018 identifying concerns about how the requirement was expressed. In this case NWBC proposed a minimum of 5,808 dwellings but also planned as an aspiration to meet 10% of Birmingham’s housing need, a further 3,790 dwellings. NWBC Local Plan made provision through allocations for the sum total of these two figures (9,598 dwellings) but the relevant policy took the lower figure as the minimum requirement and therefore the position was ambiguous. The Inspector has in that case advised that this should be remedied through a main modification with the higher number taken as the requirement. The circumstances

---

1 DMBC4 – Para 4.1.1
are not exactly the same in the case of DLP but the underlying principle which directed the NWBC Local Plan Inspector to require a clear requirement equally applies to the DLP. A copy of the Interim Note from the Inspector examining the NWBC Local Plan is provided as Appendix A, with paragraphs 2-4 the relevant section.

4. **Q.2.6 - IS THE STRATEGIC AIM IN POLICY 3 TO FACILITATE THE DELIVERY OF 18,400 NEW HOMES IN THE PERIOD 2015 TO 2035 (920 DWELLINGS PER YEAR) JUSTIFIED AND POSITIVELY PREPARED?**

4.1. No, Policy 3 is neither justified nor positively prepared. The Economic Forecasts and Housing Needs Assessment (SDEB44) is the key evidence base for setting the housing requirement. Paragraph 4.29 sets out figures relating to the job-led scenario driven by Sheffield City Region targets and states that for the plan period 2015-2032 (as was at the time of SDEB44) this is 1,073 dpa and for 2016-2026, the assessment period used in the new standard method, 912 dpa.

4.2. Paragraphs 4.37 and 4.40 then seeks to explain why 1,073 dpa is not deemed necessary as the requirement figure as this would result in ‘full achievement’ of the Strategic Economic Plan which is an aspiration, and OAN should be based on realistic expectation of jobs and not aspiration. Paragraph 4.40 then explains why it may be prudent to adopt a lower number and suggests perhaps halfway between the LHN figure (at that time 579) and 1,073.

4.3. There is an absence of any reasonable or logical explanation as to why the uplift in housing need related to the job-led scenario has been constrained to a 10 year period and does not extend to the life of the Plan period. Despite the commentary in SDEB44 about whether it is appropriate to fully uplift the housing target in line with the job led scenario, this approach appears to have been adopted, but only over a 10 year period. There is no clear explanation within the evidence as to why the figure of 920 dpa has been chosen and hence it is not justified. The NPPF requires Plans to be ‘aspirational but deliverable’. The policy-led scenario is based on future job growth of 1% per annum which aligns with historic job growth over the period.
from 1997 to 2015\textsuperscript{2}. We submit that the job led figure should be applied over the whole plan period to 2035.

4.4. The PPG advises that where previous levels of housing delivery are significantly greater the outcome from the standard method, authorities will need to take this into account when considering whether it is appropriate to plan for a higher level of need than the standard model suggests.

4.5. The Housing Topic Paper (DMBC4\textsuperscript{3}) sets out housing completions (gross and net) for the period 2004/05 to 2017/18 and reports an average gross annual completion rate of 785 and net annual completion rate of 658. Elsewhere in DMBC4\textsuperscript{4} it is reported that the RLA (SDE26) confirms net completions for 2018/19 are 1,189. A gross figure does not seem to be provided but it is understood that this is 1,327\textsuperscript{5}. This raises the gross and net averages to 820 dwellings p/a and 693 dwellings p/a. There is clear and compelling evidence that historic housing delivery is significantly in excess of the requirement derived from the standard methodology.

4.6. However the more recent trend, following the recovery after the recession years of 2008-2013, is that delivery has been significantly in excess of the proposed 920 p/a requirement.

<table>
<thead>
<tr>
<th>Year</th>
<th>Gross Completions</th>
<th>Net Completions</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014/15</td>
<td>933</td>
<td>881</td>
</tr>
<tr>
<td>2015/16</td>
<td>1088</td>
<td>1025</td>
</tr>
<tr>
<td>2016/17</td>
<td>1067</td>
<td>1049</td>
</tr>
<tr>
<td>2017/18</td>
<td>1208</td>
<td>1137</td>
</tr>
<tr>
<td>2018/19</td>
<td>1327</td>
<td>1189</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>5,623</strong></td>
<td><strong>5,281</strong></td>
</tr>
<tr>
<td><strong>Average 2014-2019</strong></td>
<td><strong>1,124</strong></td>
<td><strong>1,056</strong></td>
</tr>
</tbody>
</table>

4.7. It is accepted that the longer the average period, the more robust the figures are, but there is clear evidence that housing delivery can be sustained at higher levels than

\textsuperscript{2} Para 5.4 of SDEB44  
\textsuperscript{3} Figure 16 P71  
\textsuperscript{4} Para 3.6.2  
\textsuperscript{5} Housing Delivery Test results
that currently proposed (920p/a) and in line with the future job growth assumption of 1%. The DLP has an opportunity to capitalise on the recent strong growth in housing delivery in the Borough and the method for achieving this is to be more ambitious in its housing requirement and through the allocation of additional land. We do not consider, having regard for the evidence, that the housing requirement is positively prepared or justified.
Appendix A – Interim Note of Inspector in Examination of North Warwickshire Local Plan
1. This note follows the first week of examination hearings in respect of certain strategic matters addressed in the Local Plan. It covers several areas where, at this point in time, I consider that the plan as submitted is not fully justified and further work is necessary. Whilst informed by everything that I have read and heard, any reasoning is interim and without prejudice to the outcome of the examination. The full reasoning for any conclusions will be set out in my final report.

Housing

2. Policy LP6 sets out the intention to provide a minimum of 5,808 dwellings to 2033. That figure reflects household projections, market factors, and a contribution of 540 dwellings towards unmet needs likely to arise in the Coventry and Warwickshire Housing Market Area. Policy LP6 also sets out the aspiration to deliver 10% of Birmingham’s housing needs which the City Council is unlikely to be able to accommodate within its administrative boundaries to 2031. That 10% equates to 3,790 homes.

3. Whilst determining housing needs is not an exact science, I conclude that the combined total of a minimum of 9,598 dwellings to 2033 represents an appropriate figure for the housing needs of the Borough recognising its wider strategic context (i.e. 5,808 plus 3,790). However, subject to subsequent elements of this note, including in respect of reasonable alternatives, policy LP6 should refer to making provision for a single minimum housing requirement of 9,598.

4. That clarity is necessary for the plan to establish unambiguously a housing requirement, and to set a clear basis for what will be permitted and where. A lower housing requirement, or one phrased as an aspiration, would potentially result in some identified housing needs within the Borough’s housing market areas being unprovided for.

5. A requirement of 9,598 homes to 2033 averages to 463 dwellings a year. That compares to 264 a year based on a requirement of 5,808 as in the submitted plan. The effect of the plan period starting at 2011 is to establish what should have been provided relative to a requirement year-on-year since. Therefore the extent of the shortfall is likely to be significantly greater than the 576 figure given by the Council.

6. It will only be following the hearing sessions concerning site allocations that I will be able to determine whether or not the plan provides for an adequate supply of deliverable and developable sites for housing. However, in view of the significant step-change in delivery proposed by the plan compared to the Core
Strategy, shortfall in the early years of the plan period set out above, and the realities of delivery in the future, it may be that stepped housing requirement figures across the plan period and/ or recovering past shortfall over the lifetime of the plan (known as the Liverpool method) would be justified.

7. Consequently I request that the Council consider possible options for such an approach. At the present time I consider that the five year land supply requirement should include a 5% buffer.

**Strategic approach and reasonable alternatives**

8. Aside from the option of accommodating none of Birmingham’s likely unmet needs, no alternative levels of provision to the 3,790 homes figure cited above have been assessed in the Sustainability Appraisal [CD1/2]. In order to ensure that a requirement proposed via policy LP6 is justified, the Council should undertake a comparative assessment of the impacts of the plan making provision to deliver a minimum requirement of 5,808, 7,963 and 9,598 homes.

9. The middle figure of 7,963 homes is on the basis of accommodating approximately 2,155 dwellings for Birmingham based on 2011 Census data related to the functional commuting relationship between the two areas [AD24, PS.M3.01]. That assessment should be by way of an update to the Sustainability Appraisal, and must be undertaken without a predetermined outcome in mind. **Clearly, should the additional SA work indicate that a housing requirement figure of 9,598 is not the most appropriate in the light of reasonable alternatives, it would likely be necessary for me to significantly alter my interim findings in this note.**

10. Work to address the concerns of the Environment Agency and Historic England [SLP302, SLP341] should be made available in advance of hearings on examination matter 6 ‘planning and environmental constraints’, and may inform the Sustainability Appraisal work referred to above. I may need to request further information thereafter in the event that there are significant issue remaining. In advance of hearings into site allocations, the Council’s Settlement Sustainability Assessment (‘SSA’) [CD6/3B], updated to reflect present circumstances, should also be made available as supporting evidence.

**Gypsies and Travellers**

11. Both the evidence in support of, and targets set by, the Local Plan in relation to travellers are the same as in respect of the Core Strategy adopted in 2014, since which there is some evidence of traveller sites having been provided in response to applications [NWBC2]. Whilst I understand that the Council intend to undertake further assessment work in respect of traveller needs at some point, they now have no intention of bringing forward allocations directly. That does not appear to accord with the approach in Planning Policy for Traveller Sites published in 2015 (‘PPTS’), broadly that traveller sites should be allocated in much the same way as for the settled community.

12. In order that I am able to determine whether or not the plan is sound in relation to the accommodation needs of travellers, I request that the Council provide a note which, having regard to PPTS, sets out the detailed justification for the approach proposed in the plan. This should detail the latest available
Future work and examination progress

13. In summary I ask the Council to undertake the following work:

i. Additional Sustainability Appraisal work to assess the relative effects of providing for 5,808, 7,963 and 9,598 homes in the Borough.

ii. Subject to the outcome of the SA work, policy LP6 should be modified to establish a single figure, i.e. 9,598, as a minimum housing requirement.

iii. In that context the Council are asked to propose, if necessary, a stepped or phased housing requirement figures. Alongside the updated SSA, that should be available before hearings on site allocations in order to provide a suitable basis for determining the appropriateness of supply.

iv. Before hearings on strategic matter 6 ‘planning and environmental constraints’ [INSP5], the Council should seek to address, and to produce notes setting out the extent of agreement and remaining dispute between them and the Environment Agency and Historic England (and potential remedies for the latter).

v. The Council should also provide a note setting out the latest evidence in respect of traveller needs relative to supply before hearings conclude.

14. Provided the Council agree to undertaking (i) through (iv), those actions need not necessarily delay proceeding to further hearings. It will, however, likely be necessary to provide the opportunity for representors to comment on any outcomes if they do not logically fall within hearings currently indicated in the programme [INSP4] or if written representations and main modifications would not provide suitable opportunity. I would ask the Council to explain how they intend that such further work would best be addressed in the course of the examination.

15. I acknowledge that the contents of this note will be met with some disappointment, and I appreciate that the Council is keen to make progress as quickly as possible. If the Council is agreed to the above, I will put arrangements in place for the next hearings into other strategic matters. As with previous correspondence I would ask that the Council acknowledges receipt, and I would welcome an indication of when the above work will be completed and submitted. Whilst I am not inviting comments on this note, I would be happy to provide clarification to the Council if necessary.

Thomas Bristow
INSPECTOR
14 December 2018