Matter 1. Legal and Procedural Requirements and other General Matters

Plan period
The Council’s response to PQ7 advises that the Plan’s strategic policies in relation to housing and economic development identify sufficient land to meet the needs to at least 2036, despite the plan period ending in 2035.

Q1.8. Is the Plan consistent with national planning policy that expects strategic policies to look ahead over a minimum 15 year period from adoption, or is it otherwise justified?
1. It is noted that the Plan period runs from 2015 until 2035, NPPF\textsuperscript{1} looks for Plans to have a 15-year period from adoption. As the examination is expected to take place in late 2020 it is unlikely that the Plan will be adopted in 2020. Therefore, the HBF consider that it may be beneficial to take a cautious approach and to extend the Plan period.
2. The HBF also note that the Plan period for land supply runs from 2018, and in the case of housing appears to run until 2033. This appears confused and an unnecessary complication.

Monitoring
The Council is required to publish monitoring reports, at least once a year, setting out the extent to which the Plan’s policies are being achieved\textsuperscript{2}. The Council will need to review the Plan’s policies to assess whether they need updating at least once every five years, and then update the Plan as necessary\textsuperscript{3}.

Paragraphs 15.12 to 15.14 explain how the Council will monitor the Plan, and Appendix 12 includes monitoring indicators, targets/direction of travel, and key delivery partners for the vision, objectives and most policies.

Q1.9. Will the approach set out in paragraphs 15.12 to 15.14 and Appendix 12 ensure that the Plan can be effectively monitored so that the extent to which its policies are being achieved will be clear?
3. Paragraph 15.12 to 15.14 explain that the Council will produce an Annual Monitoring Report, to monitor the indicators set out in Appendix 12. Whilst Appendix 12 sets out the indicators and direction of travel, it very rarely provides any SMART (Specific, Measurable, Achievable, Realistic, and Timely) targets and does not provide any actions that will be undertaken if these targets are not met. For example, it provides an indicator for the ‘number of net homes built’ but this is not related to the housing requirement within the Plan or the Local Housing Need (LHN) as set by the standard method, the target is only to ‘increase’. The HBF do not consider this is sufficient to

\textsuperscript{1} Paragraph 22 of NPPF 2019
\textsuperscript{2} Section 35 of the 2004 Act and regulation 34 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (“the 2012 Regulations”).
\textsuperscript{3} NPPF 33.
ensure that the Plan will be effectively monitored or to ensure that the polices are being delivered. The HBF considers that clear targets should be included, and they should be specific, measurable, achievable, realistic, and timely. The HBF also considers that actions should be identified for what action will be taken if the targets are not met, for example, working more closely with the development industry, or reviewing the Plan or particular policies or providing more allocations.

Viability evidence to inform the Plan
Plans should set out the contributions expected from development … such policies should not undermine the deliverability of the plan⁴.

The Council has provided evidence about the economic viability of development proposed in the Plan⁵. The Council’s response to PQ32 includes an additional viability appraisal that takes account of all of the policy requirements in the submitted Plan⁶. This indicates that most housing development in the high value market areas defined on the map in Appendix 5 of the Plan is likely to be viable, whereas most housing development in other parts of the Borough is unlikely to be viable if all of the Plan’s policy requirements are met.

The Council’s response to PQ33 indicates that a total of 12,125 dwellings are expected to be built in the high value market areas and 3,794 in other parts of the Borough. Of those 3,794 dwellings outside the high value market areas, 3,141 had planning permission on 1 April 2019 and 653 would be on allocations that did not have planning permission on that date. Of those 653, some are now subject to a planning application or permission, and most of the others are on sites owned by the Council.

Q1.13. Is the Council’s viability evidence proportionate and up to date having regard to relevant national policy and guidance⁷? Are the policy requirements set at a level such that the cumulative cost of all relevant policies will not undermine deliverability of the Plan?

4. The Whole Plan Viability Testing – Addendum (March 2020) continues to show that low value areas are unviable, and it shows that there are issues with medium value areas on brownfield sites. Whilst it is noted that a number of sites within the low value areas have planning permission and that some are Council owned, this does not remove the viability concerns. The HBF are concerned that these viability issues could limit the deliverability of the remaining sites and remove any flexibility in supply by way of windfall sites in these areas.

Developer contributions and viability assessments at planning application stage
The role for viability assessment is primarily at the plan making stage. Where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to

⁴ NPPF 34.
⁵ SDEB48.1, SDEB48.2, SDEB48.3, SDEB49 and section 8 of SDEB46.
⁶ Appendix PQ32.
⁷ PPG ID:10 (20190509).
demonstrate whether particular circumstances justify the need for a viability assessment at the application stage\(^8\).

Policy 66 sets out the Council’s approach to seeking planning obligations to ensure that development is planned in step with, and makes appropriate contributions towards, necessary infrastructure, whilst ensuring that development viability is not put at risk. The Council has suggested a change to part A to include an additional criterion referring to pooled contributions to reflect a recent change to the Community Infrastructure Levy Regulations\(^9\).

Policy 67 sets out the circumstances in which the Council will support development proposals that are unable to make the full contribution through planning obligations (to meeting policy requirements in the Plan) due to viability issues.

**Q1.14. Is policy 66 justified and consistent with national policy and guidance relating to the use of planning obligations\(^{10}\)? Is the Council’s suggested change necessary to make the Plan sound?**

5. The HBF do not wish to comment on this question at this time.

**Q1.15. Is policy 67 consistent with national policy and guidance relating to the use of viability assessments at the planning application stage\(^{11}\)?**

6. Policy 67 is not considered to be consistent with national policy, the HBF do not consider that it will support the Government’s objective of significantly boosting the supply of homes.

7. The HBF considers that there may be some circumstances where this policy and the use of trigger points can be utilised to bring forward the delivery of homes, and where used appropriately and agreed with the applicant can be a useful tool. However, the HBF have concerns around the implementation of this policy and how frequently it will be used. The use of trigger points could add further burdens to any developer who will need to reproduce viability assessments at a potentially regular basis, going against Government initiatives which are looking to reduce the need for viability assessments. The HBF considers that this policy causes unnecessary uncertainty and additional risk for developers, and that such disincentivising of developers could become an impediment to the development process and compromise the deliverability of large sites particularly those phased and implemented over long time periods.

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\(^8\) PPG ID:10-002- and 007-20190509.

\(^9\) CSDS.

\(^10\) PPG ID:23b (20190901).

\(^11\) PPG ID:10 (20190509).