

MANSFIELD LOCAL PLAN EXAMINATION
MATTER 1 – DUTY TO COOPERATE AND OTHER LEGAL
REQUIREMENTS

Inspector's issues and questions in bold type.

This Hearing Statement is made for and on behalf of the HBF which should be read in conjunction with our representations to the pre submission Local Plan consultation dated 1st November 2018. This representation answers specific questions as set out in the Inspector's Matters, Issues & Questions document issued on 20th March 2019.

Issue – Has the Council has complied with the Duty to Cooperate in the preparation of the plan?

1. What are the relevant strategic matters in relation to the Duty to Cooperate? (Defined as matters having a significant impact on at least two planning areas or on a county matter in a two tier area1).

The relevant strategic matters under the Duty to Co-operate in relation to housing are the identification of an appropriate Housing Market Area (HMA), the meeting of objectively assessed housing needs (OAHN) in full and the distribution of housing.

2. Has the Council maximised the effectiveness of the plan by engaging constructively, actively and on an ongoing basis with the prescribed bodies on relevant strategic matters during the preparation of the plan and what form has this taken?

The relevant prescribed bodies for engagement with on strategic housing matters are :-

- Ashfield District Council and Newark & Sherwood District Council in the same HMA as Mansfield District Council ;
- Adjoining authorities of Bassetlaw District Council and Bolsover District Council ; and
- Nottinghamshire County Council.

The Council has engaged with these prescribed bodies during the preparation of the Plan via the preparation of joint evidence and regular meetings.

3. What outcomes have resulted from the co-operation with the prescribed bodies on any relevant strategic matters and how have these informed the plan's policies?

One key outcome from co-operation between authorities should be the meeting of housing needs in full. A key element of Local Plan Examination is

ensuring that there is certainty through formal agreements that an effective strategy is in place to deal with strategic matters such as meeting housing needs in full when respective Local Plans are adopted. The Council's engagement has resulted in signed Statements of Common Ground (SoCG).

There is some concern that outcomes set out in the latest SoCG between the HMA authorities is less definitive than previous versions so that there is now less certainty that OAHN will be met in full which should be tested during this examination. The following extracts set out in chronological order identify the changes as underlined :-

In the interests of delivering the development needs of the Nottingham Outer HMA and FEA, and of complying with the Duty to Cooperate (a requirement of the Localism Act 2011), the Authorities formally agree the following matters : to deliver and meet the objectively assessed housing needs (identified for each Authority by the 2015 SHMA) within their own district boundary." (SoCG dated February 2017 in Appendix 6 of Duty to Co-operate Statement (DCT4) para 3.1 Agreed Matters)" ;

"Ashfield, Mansfield, and Newark and Sherwood District Councils shall work together in seeking to ensure that the development requirements of the Nottingham Outer Area are met. The jointly produced evidence base documents, Nottingham Outer Strategic Market Area Assessment (2015) and Employment Land Forecast Study, have informed the housing and employment land requirements for the HMA. The MoU has the following broad objectives :

The Authorities agree to work collaboratively to deliver the development requirements of the Nottingham Outer Area (as identified by the Local Plan for each District).

The Authorities agree to formalise their agreement to deliver the objectively assessed housing needs, identified for each of these Authority's area by the Nottingham Outer Strategic Housing Market Area Assessment, within their own district boundary." (HMA MoU dated November 2017 in Appendix 7 of Duty to Co-operate Statement (DCT4) para 5.1) ;

"PT indicated that Mansfield District Council (MDC) were mindful of the potential changes to the NPPF that sought to introduce a standardised methodology for the calculation of Objectively Assessed Needs (OAN). PT indicated that the plan was currently based on the 376 houses per year that was identified in the Nottingham Outer SHMA but that the Council would have to consider whether to adopt the standardised methodology. Ashfield District Council (ADC) and Newark & Sherwood District Council (N&SDC) have both submitted plans based on the SHMA requirements. The standardised methodology would result in an uplift in the housing requirements for N&SDC (454 to 510) and ADC (480 to 518). The requirements for MDC would reduce from 377 to 291. This entails that the standardised methodology would result in a HMA housing requirement that is broadly the same as the SHMA. ADC &

N&SDC considered that if MDC are able to meet the 377 houses per year it should be retained as the annual local plan requirement. Diversion away from this may undermine the HMA position resulting in a HMA shortfall.” (Minutes from Meeting held on 3 May 2018 included in Appendix 5 of Duty to Co-operate Statement (DTC4) Item 6 - Quantity and distribution of housing and potential changes to methodology) ;

“Draft Statement of Common Ground and potential way forward a. Housing requirements and standardised methodology ADC indicated that they would now be using the Standard Methodology to determine their housing requirements. Using the most recent figures the annual requirement would be for 492. KM indicated that Mansfield DC were progressing with the plan using the Standard Methodology. There was a risk associated with this given submission would be within the 6 month transition period. The requirements using the latest data were for 338 pa. NS asked how the discrepancy between the 325 in the plan and 338 would be dealt with. KM indicated a main modification would be required but that there was still flexibility in the requirements. MN indicated that the housing figures for N&SDC were based on the SHMA given the advanced stage of plan production. A review of the ‘Housing Need and Affordability’ study had been commissioned to inform the implementation of housing mix and affordable housing policy. All parties acknowledged that the data and methodology may be subject to change. PT suggested that a caveat should be included in the Statement of Common Ground (SoCG) that indicated that any figures were accurate at the time of drafting. KM indicated that SoCGs were a ‘live’ document that could be changed in response to circumstances. All parties confirmed that, based on the latest figures, there would be no unmet need arising and it was agreed that each LPA would meet its own housing need.” (Minutes from Meeting held on 18 October 2018 included in Appendix 5 of Duty to Co-operate Statement (DTC4) para 3) ;

“The parties have agreed that :

- 3.3.1 They are all part of the Nottingham Outer Housing Market Area ;*
- 3.3.2 All parties agreed to work collectively as a Housing Market Area but to seek to meet their own objectively assessed requirement for housing within their own district boundary ;*
- 3.3.3 A Strategic Housing Market Assessment (SHMA) for the Nottingham Outer Housing Market Area was produced in 2015 and updated in 2017. The SHMA identified an annual housing requirement of 1,310 homes across the HMA (Ashfield 480, Mansfield 376 and 454 in Newark & Sherwood). Newark & Sherwood have used this study as the basis of the Full Objectively Assessed Need (FOAN) for Housing in their emerging Local Plan ;*
- 3.3.4 The National Planning Policy Framework (2018) has introduced a ‘Standard methodology’ for calculating FOAN housing requirements in new Local Plans. Ashfield will be required to utilise the Standard Methodology for the new plan. Mansfield District intends to use the ‘Standard methodology’ to identify FOAN ;*

3.3.5 *The standardised methodology (September 2018) results in an annual housing requirement for Mansfield of 338 and 492 for Ashfield. The annual housing requirement for Newark & Sherwood District Council of 454 is already included in their Local Plan which is currently being examined. Under the transitional arrangements set out in the NPPF 2014 the SHMA is the basis by which its FOAN is established rather than the Standard Methodology ;*

3.3.6 *The Local Authority partners agree that each authority should meet their own Full Objectively Assessed Need for housing within their own administrative area. The HMA partners are confident that FOAN can be met during the plan period.* (SoCG (HMA Partners) dated November 2018 which is unsigned in Appendix 8A of Duty to Co-operate Statement (DCT4) para 3.3).