

MANSFIELD LOCAL PLAN EXAMINATION

**MATTER 6 – WHETHER OR NOT THE PROPOSED HOUSING
ALLOCATIONS ARE SOUNDLY BASED & DELIVERABLE, WHETHER
OTHER HOUSING POLICIES ARE SOUNDLY BASED & WHETHER A 5
YEAR SUPPLY OF LAND CAN BE PROVIDED ON ADOPTION &
THROUGHOUT THE PLAN PERIOD**

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 – Will the plan provide an appropriate choice and mix of housing to meet the needs of different groups in the community? (Policies H3, H4, H5 & H6)

6. Have Policies H3 and H6 been positively prepared to meet the housing needs of different groups having regard to the findings of the SHMA (H4) and Housing Needs of Particular Groups (H3), including the need for accessible and adaptable homes? What are the implications for overall plan viability?

Policies H3 and H6 will meet the housing needs of different groups. However the reference to dwelling size in the policy wording of Policy H3 should not be construed as the Council attempting to introduce the Nationally Described Space Standard for which the Council has provided no supporting evidence. It is understood that the Council is not adopting the optional higher standards for accessible and adaptable homes. The Housing Needs of Particular Groups Final Report dated April 2018 by JG Consulting (Document H3) demonstrates that in Mansfield older persons in the population and projected change in population of older persons between 2013 – 2033 percentages align with figures for Nottinghamshire, East Midlands and England (see Figures 5.1 & 5.2). All new homes are built to Building Regulation Part M Category 1 (M4(1)) standards which include level approach routes, accessible front door thresholds, wider internal doorway and corridor widths, switches and sockets at accessible heights and downstairs toilet facilities usable by wheelchair users. These standards are not usually available in the older existing housing stock and benefit less able-bodied occupants. These standards are likely to be suitable for most residents. There is no justification for optional higher standards which have not been viability tested.

7. Are the thresholds and targets for affordable housing in Policy H4 justified and based on a robust assessment of economic viability? Are the different percentages for greenfield and brownfield land justified by

the viability assessment?

Policy H4 requires affordable housing provision on sites of 10 or more dwellings in Zone 1 of a minimum 10% on greenfield sites and a minimum 5% on brownfield sites and in Zone 2 of a minimum 20% on greenfield sites and a minimum 10% on brownfield sites. Non-policy compliant development will only be acceptable where it is satisfactorily demonstrated that a different level or mix of affordable housing is required to make the development viable. At the pre submission consultation the proposed thresholds and differentiated targets were justified by the Council's viability evidence as set out in Mansfield District Council Whole Plan & Community Infrastructure Levy (CIL) Viability Assessment dated June 2018 by NCS with the exception of the minimum prefixes which are not justified and should be deleted from the policy. Subsequently this evidence has been updated in the Whole Plan Viability Appraisal Update dated December 2018 by Keppie Massie (Document V2) and the Whole Plan Viability Appraisal Addendum – Policy H5 (Custom & Self Build) dated February 2019 by Keppie Massie (Document V2a). These updated assessments conclude that based on cumulative testing results the three Sustainable Urban Extension (SUE) sites and 50% (9 out of 18) of residential site allocations in Zone 1 are not viable without a relaxation of policy requirements (also see HBF answer to Matter 9 Q1).

8. Is the provision in Policy H5 for at least 5% of the dwelling plots on sites of more than 100 dwellings to be provided for self build or custom build homes appropriate and what evidence justifies the threshold of 100 dwellings? What evidence is available to demonstrate the level of interest in these types of dwellings?

The provision of at least 5% self / custom build plots on sites of more than 100 dwellings set out in Policy H5 Bullet Point (1) is not appropriate.

Under the Self Build & Custom Housebuilding Act 2015 the Council has a duty to keep a Register of people seeking to acquire self / custom build plots and to grant enough suitable development permissions to meet identified demand. The NPPG (ID: 57-025-201760728) sets out ways in which the Council should consider supporting self / custom build. These are :-

- developing policies in the Plan for self / custom build ;
- using Council owned land if available and suitable for self / custom build and marketing such opportunities to entrants on the Register ;
- engaging with landowners who own housing sites and encouraging them to consider self / custom build and where the landowner is interested facilitating access to entrants on the Register ; and
- working with custom build developers to maximise opportunities for self / custom housebuilding.

A specific policy requirement for at least 5% self / custom build plots on residential development sites of more than 100 dwellings should not be sought. This policy requirement seeks to place the burden for delivery of self /

custom build plots on developers contrary to national guidance which outlines that the Council should engage with landowners and encourage them to consider self / custom build. The Council's proposed policy approach should not move beyond encouragement by requiring provision of self / custom build plots on residential development sites of more than 100 dwellings.

All policies should be underpinned by relevant and up to date evidence which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The Council's Self & Custom Build Register alone is not a sound basis for setting a specific policy requirement. As set out in the NPPG the Council should provide a robust assessment of demand including an assessment and review of data held on the Council's Register (ID 2a-017-20192020) which should be supported by additional data from secondary sources to understand and consider future need for this type of housing (ID 57-0011-20160401). The Council should also analyse the preferences of entries as often only individual plots in rural locations are sought as opposed to plots on large housing sites. It is also possible for individuals and organisations to register with more than one Council so there is a possibility of some double counting. It is understood that the Council's Register is wider than the District covering the Outer Nottingham Housing Market Area. The Register may indicate a level of expression of interest in self / custom build but it cannot be reliably translated into actual demand should such plots be made available. As set out in the Housing Needs of Particular Groups Final Report dated April 2018 by JG Consulting (Document H3) in November 2017 only 51 individuals and 2 groups were registered on the Outer Nottinghamshire Register of which only 15 expressed Mansfield as a potential location so demand is relatively minimal.

The Council's policy approach should be realistic to ensure that where self / custom build plots are provided they are delivered and do not remain unsold. It is unlikely that the allocation of self / custom build plots on large housing sites of more than 100 dwellings can be co-ordinated with the development of the wider site. At any one time there are often multiple contractors and large machinery operating on a housing site from both a practical and health & safety perspective it is difficult to envisage the development of single plots by individuals operating alongside this construction activity. If demand for plots is not realised there is a risk of remaining permanently vacant effectively removing these undeveloped plots from the Council's housing land supply. Where plots are not sold it is important that the Council's policy is clear as to when these revert to the original developer. It is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible the 12 month timescale from commencement of the overall development is considered too long. The consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site after the marketing period has finished to build out plots which have not been sold to self / custom builders.

Eight allocated housing sites for 1,907 dwellings are affected by Policy H5 which potentially provides at least 95 self / custom build plots presumably the three SUEs will also be required to provide self / custom build plots too. Furthermore there is a potential supply of self / custom build plots from the Council's 38 dwellings per annum windfall allowance. This suggests a significant over supply against minimal demand.

As well as on-site practicalities any adverse impacts on viability should be tested. It is the Council's responsibility to robustly viability test the Plan in order that the cumulative burden of policy requirements are set so that most development is deliverable without further viability assessment negotiations and the deliverability of the Plan is not undermined. Viability is already challenging across the District. The Whole Plan Viability Appraisal Addendum – Policy H5 (Custom & Self Build) dated February 2019 by Keppie Massie (Document V2a) concludes that there is a further reduction in viability from the requirements of Policy H5. There are also some doubts about the Council's assumptions used in this viability assessment. It is not appropriate for the Council to be determining the fair market price at which self / custom build plots are advertised for sale. The assumed value of self / custom build plot is £70,000 in Zone 1 but evidence in Appendix 2 shows much lower building plot values of £40,000 – 50,000. Self / custom build are exemption from Community Infrastructure Levy (CIL) contributions and affordable home ownership provision as set out in national policy. Policy H5 may have a detrimental impact upon the level of affordable housing provision achieved on allocated sites of more than 100 dwellings. The Council may wish to adopt an aspirational approach in allocating plots to deliver self / custom build but this should not be pursued at the expense of delivering affordable housing for which a specific need has been identified in the Council's own evidence (also see HBF answer to Matter 9 Q1).

Bullet Point (1) should be deleted from Policy H5 as proposals for self / custom build housing are supported by the Council under Bullet Point (2) of Policy H5 which accords with the approach set out in the NPPG. It is noted that very recently in a nearby Nottinghamshire authority a policy requirement for self / custom build plots was found unjustified due to insufficient demand for such provision by the Inspector examining the Broxtowe Local Plan Part 2. This policy requirement will be deleted in its entirety in the forthcoming Main Modifications consultation (see Post Hearing Advice Note dated 18 March 2019 INSP/08 para 16).

If Bullet Point (1) is retained then the policy should be modified to encourage rather than require. The marketing period should be shortened to 6 months and the reference to self / custom build plot selling prices should be deleted.

Issue - Will the plan provide a 5 year supply of specific deliverable housing sites on adoption and is there a reasonable prospect that this will be maintained throughout the plan period?

11. Taking into account completions since 2013, what is the residual amount of housing that needs to be delivered to meet the housing requirement of 6500 dwellings over the plan period?

The residual housing requirement between 2019/20 – 2033/34 is 4,446 dwellings based on the completion of 2,054 dwellings between 2013/14 – 2018/19 as set out in the housing trajectory in the Technical Housing Paper Addendum (H2). It is important to remember that forecast completions of 510 dwellings for 2018/19 are estimated rather than actual figures which should be confirmed as correct as soon as possible by the Council preferably before the Matter 6 Examination Hearing Session.

12. Is the development proposed on the sites listed in Policy H1 deliverable in the timescales envisaged in the updated housing trajectory in document H2? Are the assumptions for start dates and rates of delivery on each site appropriate and justified?

The Council's assumptions on lead-in times and delivery rates for sites should be realistic with support from parties responsible for housing delivery but sense checked by the Council using historical empirical data and local knowledge.

The updated housing trajectory in Document H2 assumes earliest completions from site allocations in 2022/23 which provides a lead in time of approximately four years for pre on-site commencement (including processing of planning permission applications, discharging of planning conditions and completing Section 106 agreements by the Council) and start on-site by developers to first completion and occupation by new residents.

The rates of delivery vary between 25 to 50 dwellings per annum. Whilst these delivery rates per site appear reasonable it is not clear if the Council has taken into consideration any impacts on market absorption rates by concentrating 90% of housing growth within the Mansfield Urban Area (MUA).

13. Does the updated trajectory in the Housing Technical Paper Addendum (H2) provide an accurate indication of housing supply in the plan period from :

- **Completions 2013 – 2019 (as at 31.3.18) ;**
- **Sites with planning permission for 10 or more dwellings (large sites) ;**
- **Sites with planning permission for 9 or less dwellings (small sites).**

(In responding to this question, the Council should provide up to date figures from the most recent monitoring information)

The updated housing trajectory in the Technical Housing Paper Addendum (H2) indicates 2,054 completed dwellings between 2013/14 – 2018/19. The completion of 510 dwellings for 2018/19 are forecast estimates rather than actual completions if the Council's most recent monitoring data identifies a significant variation between forecast and actual completions the HBF may wish to make further comments orally during the Examination Hearing Session.

The updated housing trajectory indicates a total housing land supply (HLS) from sites of 10 or more dwellings with planning permission (excluding forecast completions in 2018/19 and planning consents pending) of 3,123 dwellings of which 2,632 dwellings are located in the MUA and 491 dwellings in Warsop Parish.

The updated housing trajectory indicates a total HLS from sites of 9 or less dwellings with planning permission (excluding forecast completions in 2018/19 and planning consents pending) of 58 dwellings of which 49 dwellings are located in the MUA and 9 dwellings in Warsop Parish.

14. Are the assumptions for the ‘non delivery’ of sites set out in section 3 of document H6 justified and based on robust evidence?

The explanation of non-delivery of housing sites set out in Section 3 of Document H6 is non-specific so it is difficult to know if assumptions are justified and based on robust evidence. It is agreed that large strategic sites will be delivered during and beyond the plan period. However it is not clear if a lapse rate has been applied and if so the quantum of lapses. It is also not clear if the assumptions have been revisited during the updating of the housing trajectory.

15. Are the assumptions about the rate of windfall development (380 dwellings from 2023 – 2033) justified and are there any policy changes which could change the rate of delivery in the future compared with historical rates?

National policy permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply. The updated trajectory in the Housing Technical Paper Addendum (H2) includes a windfall allowance of 38 dwellings per annum from 2023/24 onwards. This means that if the Local Plan is adopted in 2019/20 the Council’s 5 YHLS position for 2019/20 – 2023/24 includes a windfall allowance of 38 dwellings.

The Council’s analysis of windfall development is set out in Section 4 and Appendix B of Document H6 the windfall allowance of 38 dwellings per annum comprises of 14 dwellings per annum from sites of 6 – 49 dwellings and 24 dwellings per annum from sites of 5 or less dwellings. Policy S5 : Development in the Countryside restricts development outside the Mansfield Urban Area, Market Warsop Urban Area and other settlement boundaries which may effect the future rate of delivery of windfall sites compared to past historical rates.

16. Does the proposed supply of 8,597 dwellings set out in Table 5.1 of the plan against a requirement of 6,500 dwellings incorporate a sufficient ‘buffer’ to allow for non-delivery as well as providing choice and flexibility in the supply of housing land?

Table 5.1 of the submitted Local Plan indicates a potential HLS of 8,597

dwellings against a proposed housing requirement of 6,500 dwellings which potentially provides a buffer of 2,097 dwellings (32%). It is noted that the potential HLS identified in the updated housing trajectory has reduced to 8,319 dwellings lowering the potential buffer to 1,819 dwellings (28%).

The HBF is supportive of a contingency to HLS to give flexibility to respond to changing circumstances, to treat the housing requirement as a minimum rather than a maximum and to provide choice and competition in the land market.

It is acknowledged that there is no numerical formula for determining the appropriate quantum for such a contingency but if a Plan is highly dependent upon one or relatively few large strategic sites or a specific settlement / locality greater numerical flexibility is necessary than in cases where HLS is more diversified. It is noted that in Mansfield the spatial distribution of future housing growth is located 90% in Mansfield Urban Area and only 10% in Warsop Parish. Furthermore 20% of housing growth is focussed on one strategic site. The HBF always suggests as large a contingency as possible. The Council should fully justify the sufficiency of its proposed buffer. If during this Examination any of the Council's assumptions on lapse rates, windfall allowances and delivery rates are adjusted or any proposed housing site allocations are found unsound then any proposed contingency also reduces.

17. Does past delivery and/or the recent Housing Delivery Test (HDT) results have any implications for the appropriate buffer to be added to the five year housing land supply?

The results of the recently published HDT have no implications for Mansfield. The Council is not required to prepare an Action Plan or to provide a 20% buffer. However the Council should not be complacent the 2018 HDT calculation only measured housing delivery for the previous three financial years 2015/16 to 2017/18 against the lowest denominator of housing need which in the case of Mansfield was 2012 and 2014 based Sub National Household Projections (SNHP).

18. What is the 5 year requirement for the relevant period on adoption of the plan?

The 5 year housing requirement is 1,625 dwellings using an annualised housing requirement of 325 dwellings per annum. This is the HBF's preferred position.

It is noted that the Council is proposing a lower 5 year housing requirement by deducting any surplus in housing delivery accrued in the period 2013/14 to 2018/19. However actual completions between 2013/14 to 2017/18 equalled 1,544 dwellings which is -81 dwellings below the annualised housing requirement for this 5 years period. The Council only accrues a small surplus of +104 dwellings by including the forecasted completions of 510 dwellings for 2018/19. Until this forecasted number of completions is verified as correct by the Council it cannot be relied upon as an actual completion figure. At this time the HBF consider an adjustment to the 5 years housing requirement to

1,520 dwellings effectively reducing the annualised housing requirement to 304 dwellings per annum by using a Sedgfield approach is not justified.

19. Is the approach to calculating the 5 year requirement set out in document H2 appropriate and consistent with national policy, in particular the deduction of ‘oversupply’ from the subsequent 5 year period?

Unhelpfully national policy does not set out an approach to oversupply. If the surplus of +104 dwellings is confirmed by the Council’s most up to date monitoring information on actual completions in 2018/19 the HBF consider it is so marginal that an adjustment to the annualised housing requirement to 304 dwellings per annum (using a Sedgfield approach) is not appropriate and an unnecessary complication. Furthermore there is no certainty that oversupply will continue. If the Council insist on deducting oversupply from subsequent 5 year periods then a more cautious way forward should be applied using a Liverpool approach of spreading the surplus over the remaining plan period. This reduces the annualised housing requirement to 317 dwellings per annum resulting in a 5 years housing requirement of 1,585 dwellings.

20. Based on a requirement of 325 dwellings per year, would the plan help to ensure a 5 year supply of deliverable sites on adoption and over the plan period? Is there clear evidence to support the delivery of sites in the relevant 5 year period?

(In responding to this question, the council should provide a worked table of the 5 year requirement based on 325 dwellings per year and the deliverable 5 year supply position against the 5 year requirement)

If the Local Plan is adopted in 2019 using a housing requirement of 325 dwellings per annum with no deduction for oversupply and applying a 5% buffer the 5 YHLS for 2019/20 – 2023/14 is 6.35 years as set out in the following calculation :-

Annualised housing requirement of 325 dwellings per annum x 5 = 1,625 dwellings ;
Plus 5% buffer of 81 dwellings = 1,706 dwellings (341 dwellings per annum) ;
HLS 2019/20 – 2-23/24 of 2,166 dwellings = 6.35 years.

Word Count (excluding Questions in bold) : 3,037 words