

**SOUTH HOLLAND DISTRICT COUNCIL LOCAL PLAN INQUIRY**  
**Notes of the Strategic Round Table Session – 10 January 2006**

Mr Brian Rogers (BR) - Inspector  
Mr Robert Sexton (RS) – Assistant Inspector

**Representatives**

David Cowie (DC)  
Robert Lewis (RL)  
Richard Greenwood (RG)  
James Faircliffe (JF)

**Representing**

South Holland District Council  
on behalf of South Holland District Council  
South Holland District Council  
South Holland District Council  
  
Barker Storey Matthews  
Calthrops  
Charles Russell  
Development Land and Planning Consultants Ltd  
Environment Agency  
Geoffrey Collings and Co  
Robert Doughty Consultancy  
Smith Stuart Reynolds  
Stansgate Planning Consultants

**Abbreviations**

AMR Annual Monitoring Report  
LDF Local Development Framework  
PPG3 Planning Policy Guidance Note 3 (Housing)  
PPS3 Planning Policy Statement 3 (Housing)  
RSS8 Regional Spatial Strategy for the East Midlands  
RPG8 Regional Planning Guidance for the East Midlands  
SFRA Strategic Flood Risk Assessment

**Housing - Topics for discussion**

- Does the plan allocate sufficient land for housing? Does the Urban Capacity Study provide a robust assessment of the likely delivery of housing in urban areas?
- Is there an adequate supply of housing sites in terms of distribution, location and size? Does the Plan deal adequately with the issue of rural housing?
- Does the Plan provide sufficient guidance to allow the proper monitoring and management of housing provision? Is the phasing of large sites appropriate and is this matter appropriately dealt with in the Plan? How far should this be dealt with in the Plan itself, rather than in Supplementary Planning Document and/or the Annual Monitoring Report?
- Is the Council justified in requiring one third affordable housing on-site, including on small sites?

**General**

Mr Brian Rogers opened the session and advised that questions could be put across the table.

*Prior to commencement of the session Mr Rogers asked if the Council could provide*

- a schedule of all housing settlements, down to Other Rural Settlements, the schedule to include proposed housing provision broken down into components, eg allocations, planning permissions, proposed planning sites etc.
- a detailed plan of Holland Park showing those areas which had already been built out, planning applications, allocations etc.

*This schedule would be incorporated into a Core Document.*

## **Topic 1**

### **Does the plan allocate sufficient land for housing? Does the Urban Capacity Study provide a robust assessment of the likely delivery of housing in urban areas?**

BR opened by asking whether the Plan should take into account the draft revised RSS8 and the draft revised PPS3, or whether this should be left to the LDF.

DC stated that the draft revised RSS8 was at an early stage so the Council felt that it could not influence the Plan, although it would influence the LDF. The Council had not yet finalised its representations on the RSS consultation but would do so within the next couple of weeks. In respect of the draft PPS3 although it lent weight to the Council's objectives it was still at consultation draft stage so the Council could not be bound by it.

Topic 1 was broken down into separate areas:-

- **Does the plan allocate sufficient land for housing?**

BR asked whether the land supply should be calculated on the basis of the Structure Plan requirements or build rates. The difference was 380 in the Structure Plan and 682 achieved (per annum). Either way, how many years' supply was there, and should the Plan be looking at a 5, 10, 15 year supply?

GW considered that if the current build rates continued there would be an oversupply, so there was an issue of build rates and overhang. The Council must take a view whether to comply with the Structure Plan or the previous Plan. The previous Plan had resulted in an overhang in rural unsustainable locations. GW considered that the Council should disregard the approach on current build rates as there would be over provision which both the RSS8 and Structure Plan were seeking to bring down.

BR asked whether there would be undesirable consequences of putting a brake on development.

GW considered that there would be to an extent, but the point of the Plan was to control development. If there was demand and need (and GW differentiated between the two) then the undesirable effect of constraint was that there would not be development to meet those needs/demands. The Council could not count on the bank of affordable housing to supply the need. The annual requirement of affordable housing was 539 per year, but according to the Council's statistics 11 had been provided.

DC felt that the Council had to have regard to the strategic housing allocation in the Structure Plan. The strategic requirement might be increased in the review of the RSS8 in which case the LDF would respond to that increase in due course.

DC stated that the First Deposit Draft had a period to 2011. If the Council had provided a strategic housing requirement in accordance with the Structure Plan to 2011 it would have been restraining. The Redeposit Local Plan had extended its period to 2021 so the Council had

sufficient supply in respect of planning permissions and land allocated. The Council had set out tables in its position statement (page 4) regarding supply in response to the submissions of Smith Stuart Reynolds. The tables related to the need for land with planning permission – the Council were not looking at allocations without permissions. Table 1b showed that the district had 7.4 years' supply, the urban areas had 6.9 years' supply and the rural areas had 9.6 years' supply, as at 1 April 2004. This related to figures in the Redeposit Plan. Table 2 showed figures as at 1 April 2005 and included updates. In respect of the district housing provision Table 2b showed 8.1 years' supply, with urban areas having 8.2 years' supply and rural areas 7.5 years' supply. Above that there was the land allocation in the Plan which met the strategic housing provision to 2021.

BR stated that it appeared the Council were convinced that there was provision for 7-8 years.

PF asked whether the Council had sufficient provision in the south of the district. He was interested in Crowland. BR considered that this was an argument for topic 2.

GW then asked whether there was a relationship between years' supply and phasing. BR again considered that this was a matter to be considered under topic 3.

DC considered that in respect of years' supply there was adequate land with planning permission and adequate land supply. In respect of phasing, there was phasing looking forward at additional sites, plus mention had been made of reserved sites which could be brought on board. There was also phasing of allocated sites. The Council's position was that there was adequate provision – there was no need to identify additional sites as a reserve.

BR reminded those present that topic 3 would look at the monitoring and management of phasing. BR then stated that there had been various arguments as to whether there should be a flexibility allowance or a non-implementation allowance, say 10% in urban areas and 3% in rural areas. BR also asked about the impact of non-renewal in rural areas where permissions were unsustainable. Was this realistic and was the number sufficient, and how confident was the Council that the Sutton Bridge permission would not be renewed.

DC replied that on the general point the Council did not consider it necessary to apply a non-implementation allowance, and felt that the emphasis on, and effect of, the policies regarding reduction in strategic housing requirement resulted in appropriate development and implementation of outstanding planning permissions. That was not to say that there would not be any non-implementations, but the numbers would be low and would not impact on the housing provision. These would be picked up on annual monitoring.

DC continued that in rural areas as a result of the PPG3 reduction in strategic housing requirement and the emerging Local Plan the Council were seeing few planning permissions lapse and few up for renewal.

BR asked whether the declared policy not to renew unsustainable permissions had resulted in a drop in rural areas.

DC suspected that a few permissions would lapse, although around 300 remained in rural areas. These would be monitored over the next 2-3 years. Through the emerging policies the Council were seeking not to renew unsustainable permissions although there had been a significant level of implementation.

BR asked whether the Council had any idea how many permissions would be lost.

DC replied that this was difficult, as it was not the policy of the Council to contact owners to advise of changes to policy!

RS reminded those present that 290 had been discounted at Sutton Bridge.

DC advised that that related to two adjacent permissions. BR asked whether they had already lapsed. If the Council were to refuse renewal was the Council confident that they could not be implemented.

DC replied yes. The 290 had been referred to in the tables.

BR reminded DC that the Council had not allowed for non-implementation in rural areas. He then asked if the Council had any comments in respect of a flexibility allowance.

DC felt that as there was a significant planning horizon, 15 years, a flexibility allowance was not necessary. There would be greater certainty in the Plan without one.

BR considered, then, that the Council would be relying on monitoring/managing. DC stated that the Council was also mindful that through the LDF the Council would need to respond to PPS3 in its final form and RSS8. A whole range of considerations would come forward which would properly inform the LDF.

BR asked if there were any other views on non-implementation.

SS stated that not all permissions would come forward during the Plan period and some would lapse. The Council's Monitoring Report acknowledged the same point in urban areas. In respect of rural areas because of the low numbers and changes to policy non-implementation would be lower. In urban areas SS suggested 10% may be appropriate.

BR asked why it was important to allow for 10% and why this would be better than monitoring and managing. SS replied that it was because of the nature of planning and the time for planning permissions to be implemented. Annual monitoring did not cover the gaps. Although monitoring was a good approach there would always be a period between the report and further permissions to make up any shortfall.

BR advised that this would be touched on in topic 3.

NO stated that the primary emphasis was on shifting the balance of location. Over provision was a phenomenon in rural areas. The Plan had increased development in urban areas. The issue of over provision was linked with the delivery of the correct number in the correct location. If there were provision for reservation of urban sites the application of the monitor and management arrangements would mean that even if there were reserve sites they would not come forward if not needed. NO considered that the provision of reserve sites and the monitoring provisions went hand in hand.

NO continued that the Council's policy regarding the review of the RSS was to encourage a higher level of housing in Lincolnshire. The Council was confident that the annual housing requirement would be restored to its former level.

DC advised that the plan included major allocations under policy HS3 and within those areas land had been identified post 2021. Whether or not these were called reserve sites it gave certainty for future development in those areas. The Plan stated that if more land was required before 2021 then at least some had been identified, although that was not to say that those would be the only areas of land available.

NO considered that the Council was correct in respect of reserve sites which would come forward if the strategic allocations were built out quickly. But NO meant in respect of reserved

sites. If Urban Capacity sites did not come forward quickly enough then other sites would be needed for the correct number of dwellings. The Council were putting too many eggs in one basket if development was too concentrated in one area with one developer. NO considered that there was substantial reliance on unidentified Urban Capacity sites. There was a notional figure which might or might not come forward.

GW stated that if there were a choice between flexibility or reserved sites he would choose the latter, as the site would have been identified, would be sustainable, deliverable etc. If there were any doubt about the rate of provision then reserved sites should be identified. Using flexibility might lead to problems.

BR noted that over concentration on one site came within topic 2.

DC stated that sites identified for development post 2021 were sustainable, ie Holland Park and land at Holbeach. DC agreed that it would have been useful to have gone through a site identification/assessment, however it was necessary to draw a line under the process. The Council had identified considerable land post 2021 and would not be looking to add to it.

RS asked how much land post 2021. GW advised that in respect of Holland Park there would be roughly 600 dwellings

DC advised that he would have to come back on the Holbeach figure, which was roughly 150. Note requirement to obtain further information.

BR asked if there were any further comments. There were none.

- **Does the Urban Capacity Study provide a robust assessment of the likely delivery of housing in urban areas?**

BR stated that this was fundamental to the Council's approach and asked whether there was any criticism of the underlying methodology without being site specific (RG joined the table on behalf of the Council.)

PF stated that the methodology used had been based on officer knowledge and hunch. BR asked PF where he considered it fell down, and PF replied that it could have been more thorough and could have listed properties in more detail.

BR stated that he did not want to be site specific in this forum and asked for other comments.

MR considered that there had been little market appraisal, which begged the question whether most sites could be relied on to come forward. BR asked whether MR considered the capacity to be over optimistic, but MR had not concluded that to be the case. Based on the previous 3 years the Council's position appeared to be satisfactory, however MR considered the discounting at Long Sutton to be too heavy. It would get harder as the easy sites had so far been considered.

GW considered that there was not enough monitoring to give a trend. The only document which had so far given a trend was the Monitoring Report, but that was too short a period. The underlying issue was the amount of undeveloped land. There were also issues regarding windfall sites and employment sites.

NO agreed that it was not an easy task however diligently carried out – forums were always debating the issue but there was a great deal of uncertainty regarding the rate of production on these sites.

BR stated that monitoring was required to keep up to date. He then asked whether the discounting rates were too low.

GW replied that they may be although he was not informed on the matter. Discounting was a balancing job but was not the issue – 44% of the provision in South Holland was expected to come from unidentified sources.

AH advised that the Environment Agency was supportive of the Urban Capacity Study and heavy discounting regarding flood zones. However the Agency did not consider there to be enough distinction between zone 2 areas (white or purple hatched areas) to demonstrate the sequential approach advocated in PPG25 – there was an assumption that all zone 2 land was at the same risk, but although the percentage of risk might be the same, PPG25 required the actual risk. This requirement separated the areas – the purple land was within the breach area and the white land was outside of that area. The SFRA suggested that the purple land could be deluged to 0.3m which was the same as the high risk areas. There was also a reliance on the sustained integrity of defences although there was no reason to assume defences would not be maintained.

AH continued that the essence of PPG25 was to guide development to lower risk areas. There seemed to be plenty of land within the white area which should be used first. AH considered that the Council appeared to rely on the draft PPS25 (annex D – the sequential test and exception test). The Environment Agency would be guarded about the weighting of the document as it was still in draft form.

BR asked whether the Agency would be submitting representations on draft PPS25, and AH replied that they would.

GW then queried the rationale behind 20% of Urban Capacity Sites coming forward from greenfield. DW then stated that he had looked at Urban Capacity Sites for Long Sutton. Although he acknowledged the huge task undertaken by the Council he considered that it was difficult to collate site reference numbers to plan, and difficult to determine which site related to each section of the Plan.

BR agreed with this. There was a schedule which numbered the sites but there were no numbers on the plans.

DW suggested that it would be helpful to guide sites to reference numbers. He also requested clarity in respect of paragraph 2.4 of the Council's Combined Position Statement and Responses. In response to submissions made by Geoffrey Collings and Co the Council had indicated that greenfield sites in the urban areas, including Long Sutton, were included in policy HS5. DW asked for clarification of the pre-inquiry change.

BR suggested that the identification of sites be dealt with first and asked if there was a numbered plan.

DC stated that when the Urban Capacity Study was carried out there was a thorough search of sites, some of which were in existing use, some unsuitable for housing etc. The Council did not want the Study to result in speculation but the Council now felt that there was no need to hide the information.

DC also stated that there were no maps in table form – they were on the numbering system. DC suggested that the Council could create a set of maps. Note requirement to create maps

RG acknowledged that the Study was in-house based, but there had been some consultation and the Council had tried to incorporate comments to make the outcome more deliverable. The

Study provided a fair assessment of a vast range of sites in the main towns and Donington and gave a good assessment of what would come forward. Discounted sites had been assessed etc and the discounting procedure would give accurate figures.

RG continued that in respect of trends, the document was only 3 years old. Some sites were coming forward and those were shown in the Housing Topic Papers. The Council were finding that more easily developed sites were coming forward and the Council would be able to assess trends of land coming forward. As sites came forward the Council would be able to assess the category of site which would help to determine the accuracy of the Study.

BR asked whether there had been any market analysis.

RG replied that there had not, it had been done in-house with officer knowledge, correspondence, views, plans etc. However as part of the inquiry regarding the Wygate Park site the Inspector had considered the Study to be robust.

BR asked whether the Study was up to date in respect of the latest settlement boundaries.

RG replied that it was – the Council had looked at the boundaries on the First Deposit Draft and had looked at redefining limits, and had drawn boundaries tighter. BR then asked whether there had been any double counting, and RG replied that there had not been to the best of his knowledge. A monitoring system had now been set up.

BR asked for any further comments. GW commented on the nature and character of greenfield sites, and RG replied that the nature of the area was agricultural. Some agricultural buildings had been included and new categories had been introduced to take this on board. There would be some greenfield land in the Study which had led to a pre-inquiry change. When the boundaries had been drawn tighter greenfield land had been taken out, although some greenfield had been included in the Urban Capacity Study within urban limits.

DC responded in respect of the flood risk. He considered that it was important to recognise a distinction between zones having potential rapid inundation and breach areas (ie the purple areas). Both were subject to protection by raised defences. The zone of potential rapid inundation was immediately behind the defence, and the area subject to potential flooding was beyond. The consequences of flooding would be less on the purple land.

DC continued that although PPS25 was in draft it built on the previous PPG25 as it related to areas highly dependant on flood defence. South Holland was different from areas on the coast which were dependant upon sea walls etc and which had areas in land which were not at flood risk.

## **Topic 2**

### **Is there an adequate supply of housing sites in terms of distribution, location and size? Does the Plan deal adequately with the issue of rural housing?**

BR noted that the proportion of development in each settlement had been considered at the first round table session, but asked whether there were any comments regarding the apportionment of housing.

MR noted that Spalding had been recognised as a higher tier settlement which should generate the higher percentage of housing. However there was no indication of how the proportions for Spalding and the next tier should be split. In the next tier there was no indication of priority, and there was no indication in the Council's submission why Holbeach had been treated differently to other towns.

DC commented that the position regarding the urban/rural split was clear, and that this had been handed down from the Structure Plan. In the urban areas the emphasis was on Spalding which again reflected the Structure Plan which had identified Spalding as a main town. In respect of other areas the Council had regard to sustainable communities so a good option had been to allocate the Holland Park site and the Holbeach site. The Council had regard to the distribution of the settlements and Area Centres relative to each other, transport network, other smaller settlements etc. The Council had agreed to the desire to bring forward Urban Capacity sites. It was fundamental to PPG3 that they should be in sustainable locations. This accounted for a significant proportion of the Plan allocation.

MR asked why Holbeach was more important than other Area Centres. 300 had been allocated now and 150 for reserved sites for the town with a population of 7,500. Long Sutton had two thirds of the population but had less than half the housing allocation. MR understood the principle of sustainability etc but asked for the justification that 300 houses were needed to be sustainable.

DC replied that the Council believed improvements in community infrastructure and open space provision resulting from the Holbeach development would redress the balance. This was highlighted in the Topic Papers. It was the Council's choice to allocate major allocations, and the Council had chosen to move away from the 1998 approach which had seen allocations across all or most settlements.

MR stated that she had read the Topic Paper and noted that Holbeach was looking for community facilities. Long Sutton had also identified the need for facilities such as dental surgeries, doctors etc, so why was Holbeach considered to be more important.

DC replied that there had been investment in health care in Sutton Bridge and Long Sutton over the past 3 years. It would be part of the infrastructure assessment of the LDF to consider if needs had been met.

SS referred to the implementation allowance and shortfall and the distribution amongst settlements. He would be supportive of a wider number of settlements rather than relying on reserves. He considered that the implementation allowance should be taken up and added to the Plan. The Council should not wait for reserves.

DC did not consider it necessary to make an implementation allowance to identify land beyond that already identified in the Plan. The Council had submitted to the government the first Monitoring Report on allowance which was an in-depth document including a forecast and analysis of the delivery of housing. The Council would be cautious to include additional sites now, although there would be an opportunity to do so as necessary.

SS stated that the Council had acknowledged that not all permissions would come forward so there would be a shortfall. He suggested making an allowance for this in the Plan so additional allocations could be made now rather than later.

PF suggested adopting previous levels in respect of reserve of shortfall and flexibility in respect of land in Crowland. In respect of distribution he had heard nothing about housing need outside the boundary of South Holland, ie Peterborough. He had information from the press that the Council had asked its officers to prepare a paper on affordable housing, a need created from Peterborough. Councillor Gambba-Jones had been reported as saying that workers from Peterborough preferred to live in South Holland so more housing was needed. The Council had not addressed the demand for housing created by Peterborough

DC stated that this was a big issue which had been flagged up in the previous RPG8, ie that authorities should have regard to cross border issues and commuting. The Council needed to be aware of encouraging unsustainable cross border commuting. Work was being undertaken on this at regional level, and the East Midlands work was at an early stage. Work was also going on between authorities regarding cross border issues, and a new forum had been set up to consider Peterborough and the cross border impact. The forum had met 2-3 times and included representatives of local authorities in the planning and housing fields. Work was at an early stage but would influence other matters and consequently the RSS.

DC continued that it was not necessary to identify new housing in Crowland at this stage although this would be subject to an early review in the LDF. The affordable housing Supplementary Planning Guidance had recognised, at paragraph 2.10, that many residents travelled to Peterborough and beyond for work and leisure. This impacted on house prices so the Council had to be mindful of affordability. In the RSS8 review the Council was keen to achieve a higher strategic housing figure for this area, although it was recognised that it would be for the RSS and LDF to determine the figure in a sustainable way.

PF considered that this did not excuse the Council from thinking now to include certain sites – cross border community already happened and there was a need to make those journeys as short as possible. Crowland was important in that respect.

BR asked whether the delay exacerbated the problem. PF replied yes, and the Council ought to encourage short journeys.

DC replied that the Redeposit Plan and pre-inquiry change sought to achieve a sustainable balance at Spalding. Spalding was the focus for housing development and was seen as providing a balance of homes with jobs which would hopefully reduce the percentage of commuters out of the district. Spalding had seen much improved retail in the town centre and at Springfields. South Holland was seen as an attractive place to live and work.

*SS advised of an error on the Position Statement of Smith Stuart Reynolds, at paragraph 3.1 between the two bullet point the word 'or' should read 'and'.*

BR asked whether the strategy was over reliant on one site at Holland Park and whether there were any consequences for the district using the principle of large allocation.

GW stated that Holland Park had been the subject of the previous Local Plan. In Spalding as currently defined Holland Park was the only area where development could take place without major reform of the town area. The form of the town and its boundary and the availability of Holland Park was the first consideration. The second was that sustainable development could take place there. The third was that there would be a greater opportunity to secure infrastructure, which was a feature at Holland Park. Broadgate Homes Limited wished to see Holland Park as an example of sustainability which went beyond a bus service. There was a greater ability to use allocated sites to show what the government was trying to achieve. The same applied to transport and affordable housing.

GW continued by saying that Holland Park was not too large, but was the only area which would not breach boundaries and would not require a discussion on the urban form of the town. There was no alternative to development at Holland Park. Delivery was not a problem, and infrastructure was in the business plan of Broadgate Homes Limited.

BR asked whether the current level of planning permissions had been built out.

GW replied that 142 dwellings had not been built but had permission. The build rate was 30-40 dwellings per year although there was no brake on this figure which could be increased.

BR asked whether anything could halt the output. GW replied no. Broadgate Homes Limited had worked with the Council for some time on this site.

DC reminded those present that there were also two existing permissions at Wygate Park which were subject to call in inquiry, so there were other sites in addition to the Urban Capacity sites. Wygate was also a large site and there were still about 970 to be built out on the two component parts. Sites had yet to come forward so nothing had been started. In the preparation of the call in inquiry the Council had worked closely with developers to gain an understanding as to the likely rate of development on the sites. That had built confidence that allocations could be delivered.

SS As Spalding's allocation was predominantly Holland Park there was a danger of reliance on one site which did not bring benefits to other towns such as Long Sutton and the other four towns. There was a danger that all eggs had been put in one basket which could result in some development not coming forward within the Plan period. 30-40 dwelling per year was a small number.

*GW later revisited the issue of the number being built each year and advised that 40 dwellings arose from a recent permission with a condition which restricted development to no more than 40 a year. They were capable of providing more, which was the advantage of a large site.*

BR asked whether brownfield windfall should be allowed in Other Rural Settlements to offset greenfield.

SB stated that there was a high percentage of greenfield in the Urban Capacity Study. It might be more applicable to reallocate to small settlements on brownfield sites. These were sustainable and would perpetuate growth.

DC did not agree. In the Urban Capacity Study greenfield sites were within urban boundaries in sustainable locations. This was the overriding point. Brownfield sites were in unsustainable locations with few services, isolated from road networks and service centres. The proximity of services and jobs was important.

MR asked what would be the case if small rural settlements had identified housing/local need – not necessarily affordable housing. Brownfield sites might be a good idea.

DC advised that the Plan provided at policies HS7 and HS12 – and the pre-inquiry change had made the matter more specific – the exceptional circumstances for housing which were generally for agricultural and forestry where provision was needed in the particular location for work reasons. DC continued that although MR had suggested that there might be circumstances beyond that, there had been significant development in the villages in recent years which had increased the housing stock. It was not necessary to permit additional dwellings. Any permission would be exceptional and was likely to be for work purposes.

SB suggested that one topic not covered in respect of rural housing was the issue of migrant agricultural workers. The economy of South Holland was underpinned by this. The Council had problems with provision for migrant/seasonal workers and should put greater weight on policies for the provision of hostels, caravan sites, houses in multiple occupation etc. The Council's policies dealt with the issue under normal housing restraints and did not take into account the economic advantages.

DC replied that it was an important issue for South Holland and adjacent districts as there was a reliance on migrant workers. In its position statement at paragraph 4.9 the Council had noted that 'seasonal workers' could be employed all year within the district, although that was not

always the case. Their needs were best met in sustainable locations as they were part of the community of South Holland. A policy had been included at page 69 of the pre inquiry changes and this provided the appropriate context. The Redeposit Plan was the first plan to contain such a policy. There was ongoing work on migrant workers, their needs, demands on services etc and this was a developing area.

BR asked whether, if there were year round workers, they formed part of the affordable housing need?

DC advised that whilst migrant workers might need affordable housing they had not been picked up on the affordable housing survey – they would be additional.

BR asked whether policy HS14 coped.

DC stated that HS14 and affordable housing policies met those needs. It remained to be seen if the Council could take a pro-active approach with employers in the district.

SB agreed that it was beneficial that the Council had addressed the issue with that policy but it needed to go further as a special case needed to be made. The economic benefits needed to be considered as these underpinned the economy.

SS advocated some allowance in rural areas and referred to paragraph 2.8 of his statement.

### **Topic 3**

**Does the Plan provide sufficient guidance to allow the proper monitoring and management of housing provision? Is the phasing of large sites appropriate and is this matter appropriately dealt with in the Plan? How far should this be dealt with in the Plan itself, rather than in Supplementary Planning Document and/or the Annual Monitoring Report?**

BR asked how the management of site provision would work – looking at HS2 and HS3, eg if a major oversupply of housing were identified how would Urban Capacity Sites be resisted when they would add to the oversupply.

DC replied that the key was the AMR. Although the Council had a history of producing AMRs these had not been in the form now required by the government. The first submitted AMR had now been produced which was a core document. Through this the Council would be able to monitor housing provision and alarm bells would sound if something needed to be done in respect of quantum or location. In the Plan the Council had not attempted to put a tight framework round its housing provisions, ie it had not sought to overly restrain provision. The Council was mindful of the importance of allocations, of HS3 and the Urban Capacity sites to the delivery of the necessary housing to meet the strategic housing requirement. The use of conditions on planning applications were applicable to set suitable levels of development on major sites.

BR noted that the table after HS2 showed commitments on phases 1 and 2. Where did the Plan distinguish commitments between the two phases.

DC replied that the phase 2 commitments represented part of the Wygate Park development which, through conditions, were phased beyond 2011 to achieve 455 homes.

RS queried whether the figures for post 2011 (455) should be 280. DC advised that there were two sites but he would clarify.

BR stated that he could not determine where sites/part sites had been allocated post 2011.

DC replied that this had not been done through allocations – the figure reflected the fact that permissions already had conditions. The table was a guide to show what phasing conditions were appropriate.

BR asked whether, if a similar planning condition were challenged, the Council would look to the Plan to justify it. Where was the backing for the phasing conditions?

DC All the background information which resulted in the AMR. BR then continued that after the AMR the Council would have to manage, and where was the backing in the Plan to manage?

DC replied that essentially HS2 provided the context for that approach, although not site by site. As each site came forward the Council would have to decide on merits.

BR if the monitoring showed a high level of provision and the Council wanted to place an embargo, there was nothing to resist over-provision.

DC considered that the second sentence of HS2, as amended, provided a basis to refuse if necessary.

BR noted that this referred to provisions 'for' new development rather than provision 'of'.

DC considered that paragraph 4.21 at the top of page 52 might help where it referred to review of planning permissions. Whilst not relating to other sites which might come forward the same principles applied regarding the opportunity to consider whether it was appropriate to consider if sites were appropriate.

BR asked whether the wording should be stronger.

DC confirmed that he could consider strengthening the words. Note requirement to consider wording

BR stated that there was monitoring in place but it was necessary to manage effectively. It was difficult to see how the Council could actively intervene.

GW referred back to the issue of the table on page 48 of the Redeposit Draft, these figures were specific and suggested that the phasing of allocated sites and Holland Park was in the Council's mind. In respect of the commitment GW asked how the Council saw new permissions panning out over allocations. If phasing was in the Plan GW would expect the housing allocations table on page 51 of the Redeposit Draft to include phasing.

GW continued that there were two periods, and it would be necessary to know allocations for Holland Park for each period. The table expressed in that way would help the Council to defend any over provision.

BR asked the Council to consider this and circulate the response. Note requirement to consider and circulate

BR then stated that in respect of policy HS3 the table was not clear as to which part was post 2011. HS3 referred to 'larger sites' and BR asked for clarification of the second paragraph of that policy.

DC advised that there was no definition. It could be debated whether Sutton Bridge was a larger site. BR suggested that it would be helpful to clarify.

DC continued that there was often a definition of small sites. There needed to be a rational approach. In respect of Sutton Bridge it might not be necessary to apply the policy.

BR then referred to policy HS3 providing that brownfield land would be brought forward before greenfield. There were no brownfield sites.

DC stated that there were not under this policy, but there were in the Urban Capacity Study.

BR asked DC to explain why there was reference to brownfield. How could the Council put a brake on Urban Capacity Sites if there were a drastic over provision.

DC replied by the phasing of larger sites, ie the identification of rate of provision, allowed Urban Capacity Sites to be given some priority. BR suggested that this might be the intention but this was not the result of HS2 and HS3. BR suggested that the Council should consider the matters raised.

RS suggested that, in relating policy to the table, larger sites would be phased, however it appeared to say that they would not be phased. The implication was that planning conditions would be used although it did not say so. It did not state allocation of sites between the two periods to 2011 and 2021.

BR stated that the Council should consider the point, perhaps by way of pre-inquiry change or the circulation of the Council's views to defend its position. This would be a core document open to all.

Note requirement to clarify the points raised

- **Under-provision**

BR asked how sites would be advanced if an under-provision were found. Perhaps there would be a trigger mechanism. Representations had suggested a trigger requiring a 5 year supply rather than two phases.

DC stated that it been acknowledged in the Council's position statement that further work would be required on the Plan or AMR leading to a Supplementary Planning Document setting out the mechanisms which would be used. It had taken the time since the production of PPG3 for the policy to find its way into the Plan so the matter had been dealt with by refusing permissions and permitting sites in urban areas. Some larger urban areas were subject to conditions. Further work was needed.

SS stated that Smith Stuart Reynolds had put forward the suggestion of a 5 year supply due to the draft PPS3. He suggested there should be discreet periods of 1-2 years with further 5 year periods – there would then be a breakdown so the Council would have a continuous supply of housing. Housing supply would then be continuous rather than there being a potential shortfall. This could be dealt with by way of Supplementary Planning Document.

BR suggested that this was an over-sophisticated method.

SS suggested that it was the same as Holland Park and Wygate Park where development had been controlled. By having continuous reviews (not more frequently than annual) there would be no need to wait.

BR noted that the Council would produce the AMR and asked how releases would be triggered.

DC advised that there would be concerns if they waited until 2011 before granting permission for the second part of the plan period. It was necessary to retain an adequate supply of land for housing and land with permissions. The Council needed to be positive about granting permissions but there was a need to include conditions to allow phasing.

BR asked whether the Plan showed a need for lead-in times.

DC replied not specifically – this had been considered in the statement. Smith Stuart Reynolds had stated a need to get permissions in early but this could impact on the performance of the development control section. Subject to pre-application discussions they would be in a positive position.

BR asked SS whether it was the actual delivery of houses which was important, and SS replied yes. They did not want the Council to get to the stage where there was no land for permissions.

BR asked whether this should be the subject of Supplementary Planning Guidance.

GW suggested that the base information needed to be more readily available and up to date - the AMR would be a year or 18 months out of date, then it would be necessary to go through the decision process. The information could be available on a continual basis together with the Supplementary Planning Guidance so that knowledge would be available more quickly. It would mean working with the industry.

BR asked about the mechanism of implementing management.

GW stated that the Plan needed a policy to manager/monitor but the supporting paragraphs could be as suggested above, ie information on a continual basis rather than blocks of AMR, decision etc.

BR suggested the mechanism needed to be looked at in detail. BR asked if the representatives were happy with the two phase approach.

GW stated that the whole process of the mechanism in the Plan must be on management outside the Plan, Supplementary Planning Guidance, working parties with the industry etc.

DC The table at policy HS2 illustrated the slowdown in response to the reduction in the strategic housing requirement. DC agreed with GW that the Plan could only go so far, and that the monitoring system needed to be responsive therefore it would be difficult to put it all in the Plan. It could be that a Supplementary Planning Document could have a role to play, together with the AMR, to set out mechanisms, publish and then use.

BR reiterated that the concern was to ensure that the Plan achieved what it had set out to achieve. BR stated that the AMR provided the basis for management. Should there be detail in the Plan and Supplementary Planning Document regarding the detailed mechanism.

GW said yes. SS agreed as long as there was reference to the Document in the Plan.

- **Other matters**

BR asked whether the Council could indicate an end time in respect of the management issue.

DC suggested before the hearing sessions at the end of next week (ie before 20 January 2006).

BR asked whether the Council was of a mind to accept the views of the representatives and whether they would wish to invite participation. DC replied that the Council would circulate its views and views had been taken on board.

#### **Topic 4**

#### **Is the Council justified in requiring one third affordable housing on-site, including on small sites?**

BR advised that this session related to policy HS8 – the Housing Topic Papers had set out the rate of provision of affordable housing in recent years. Who would be providing affordable housing and what proportion should be delivered by way of 106 agreement?

JF advised that the figures in the report related to permissions granted before the Redeposit Draft, and before the First Deposit Draft in some cases. The lower figures related to housing provided by housing associations. The number of properties delivered during the previous 3 months was 17 – 11 had been delivered last year. Affordable housing was beginning to feed its way through the system.

BR asked whether other Registered Social Landlords were building. JF replied yes, 60 on a site due to start in February, and other small provisions. BR asked whether they provided small schemes in villages, and JF replied yes:-

- 6 in West Pinchbeck to be completed within the next few weeks
- 5 in Sutton St James out of a total of 8
- 2 under construction in Gosberton
- 1 in Donington

BR asked whether the schedule of settlements would differentiate between affordable housing and market housing.

DC replied that he could try – the Council had tried to identify affordable in the monitoring.

BR asked whether anybody had any concerns that policy HS8 and its text was not compliant with PPG3 and circular 6/98.

GW suggested that the term ‘seek to negotiate’ should be included as it had been included in the circular.

BR noted that HS8 had a slightly different approach hence the words ‘require’ and ‘normally seek’, and asked why this phraseology had been used.

JF replied that the Council had set out in its Topic Paper the requirement for affordable housing which had increased. He referred to the middle paragraph of the policy (in respect of 3 or more dwellings etc) and considered that it was more than reasonable to require affordable housing on small settlements. JF noted that West Lindsey District Council had had a similar phraseology upheld. For smaller settlements 3 was considered reasonable and compliant.

JF continued that in respect of developments of between 3 and 14 dwellings in settlements over 3000 there was a strong need for affordable housing and the Council would seek to negotiate with developers on these sites where this would not affect the overall housing for community needs. These were now being delivered. There were many options for delivery. In respect of the threshold of 15 (where population over 3000) West Lindsey District Council had had this threshold upheld by the Inspector. The draft PPS3 thresholds were noted.

BR stated that the phraseology had not been addressed, and asked GW why 'seek to negotiate' would be preferable.

GW stated that it was not simply semantics – if affordable housing were to be part of the package then negotiations would be spawned. It would not be easy to work out the percentage when negotiating but negotiations would be needed to ensure that any 106 package was acceptable. The wording would ensure the correct spirit of the policy.

JF noted that the Supplementary Planning Guidance provided that affordable housing, other than on exception sites, should be viable. GW reiterated that the process would be one of negotiation.

BR suggested that it was a question of whether marginal sites could be exceptions. GW suggested that if, in negotiating with the Council, the economies of the site only allowed for a certain number of affordable units then that argument would need to be exposed. At any appeal if the arguments and reasons could not be set out then the appeal would be dismissed. That was why they sought to have 'negotiate' embedded into the policy.

DC considered that in the context of the requirement, it was appropriate to include tough wording to achieve substantial affordable housing.

BR asked whether the need in Lincolnshire was exceptional. JF replied that south Lincolnshire had a high need – homelessness had had the biggest increase (500%) in the East Midlands region, that increase being from a typical level. The Inspector had also found exceptional need in West Lindsey in certain cases based on a shortfall of 60 per year as opposed to 269 in South Holland. JF therefore considered South Holland to have exceptional need and said that he would be happy to offer the information provided by West Lindsey as a core document (now core document CD/OP/08).

GW stated that Broadgate Homes Limited had no issue regarding affordable housing – however he still considered that for the sake of consistency the wording in the second paragraph of the policy 'will normally seek' was not in the spirit of what was intended. He would be happy with 'normally'.

BR asked whether the requirement for affordable housing would result in land being held back for development.

JF replied no, not significantly. Negotiations could take several weeks but there was no significant holding back.

BR suggested that it would be difficult for the Council to judge if land had been held back because if the application were being determined the land would have been brought forward. Were there any statistics, or was it only a gut feeling?

DC stated that permissions were still being granted for small sites.

NO noted that the deliverability on small sites was a factor in the type of tenure. Negotiation revolved around tenure and this had a bearing on the ability of Registered Social Landlords to fund the acquisitions of plots.

BR Is there a difference between the developers regarding the type of tenure?

NO stated that the funding of affordable housing schemes depended on 50% share equity – that subsidised the provision of social rented segments.

JF stated that there were other types of sales tenure and said that on smaller sites properties were being sold at 80% market value as long as they remained affordable. There had been no problem with mortgages. There was no impact on viability. Properties had been sold at a discount to local people in housing need. The properties were being marketed in the usual way but the Council looked at the information the developer received to ensure eligibility. The occupiers signed an agreement to state that they would only sell to eligible persons. This mechanism could be included within a 106 agreement.

BR noted that the Council considered that land was not being held back. Was there also provision in Area Centres and Other Rural Settlements.

JF replied yes, in quite a range of settlements.

BR asked whether the Council had considered allocating specific sites for affordable housing.

DC replied not in this Plan. The Council had identified in its submissions that this might play a part in the LDF, particularly if the RSS resulted in a higher strategic housing provision. This was the emerging approach in government policy.

BR noted that residual rural housing could be in any of the smaller centres, but principally affordable housing was in small schemes. There was a notional additional figure which had not been allocated. BR asked whether the general allowances in table 6 in appendix 1 were principally for affordable housing.

DC confirmed that to be the case – in the Other Rural Settlements the type of provision was through HS9.

NO noted that the Council had an acute problem with affordable housing and noted that the Plan, at paragraph 4.44, suggested an innovative approach. The Interim Affordable Housing Planning Statement 2004 at policy H9B envisaged exception sites on the edge of town, however this had disappeared from the September 2005 housing statement and the Local Plan. Although the Council had mentioned 'innovative' it was tinkering with percentages on small planning consents which needed to be granted. NO considered that this was not innovative and urged the Council to allocate sites for affordable housing in Spalding and other towns.

DC In respect of development on exception sites although this was not within the policy of the Plan there was provision in the supporting text - DC read out the supporting text at paragraph 4.58. The Council had tried to make policies consistent with government policy. Rural exceptions were about dealing with the needs of rural areas, although the sustainability argument made it preferable to use sites on the edge of settlements. The Council would be alarmed to provide large sites for affordable housing.

BR asked whether the Council should be more pro-active rather than reactive, as was the case in paragraph 4.58.

NO stated that his emphasis was in Spalding. From the land supply there was a 398 commitment with 51 affordable houses, so only 13% of the commitment related to affordable housing. There was a disparity between market and affordable housing, more so in Spalding than other areas. A pro-active approach was needed to redress the balance.

GW considered that the threshold of 15 would not cause any developer to walk away because of the affordable housing requirement. The level of operation in this area was reasonable.

BR asked if NO would like to see 100% allocations for affordable housing.

NO replied that affordable housing provision lagged behind the modest targets. NO considered that a one third approach would be appropriate on conventional market sites.

GW asked for clarification of the figures used by NO. NO replied that the Housing Land Availability figures (document CD/SH/33) showed that the affordable housing commitment was 51.

GW stated that he did not wish it to be considered that there was a shortage of affordable housing in Spalding because of the commitment at Wygate Park. In respect of urban exception sites, the level of provision might cause developers to go against providing one third on sites in close proximity. It could make negotiations difficult if there was enough affordable housing in the area.

BR noted that this fed into the argument as to whether affordable housing should be required or negotiated.

DC clarified the figures. In respect of housing land availability at the end of March 2005 there were two spreadsheets:-

- Allocated sites
- Windfall sites

The total for the district had been calculated by adding the two together.

Allocated sites this indicated the number of affordable homes subject to permissions. For Spalding there were 290 plots for affordable housing out of a total of 1421 (1781 minus 361 which represented sites allocated without planning permission.)

Windfall sites there were 398 windfalls, 51 were affordable, which meant 347 for Spalding.

DC continued that the level of affordable housing across the district was relatively low as the policy was gathering weight, although there were outstanding permissions at the emerging stage. This was the first time there had been an affordable housing policy in the Local Plan.

BR asked whether there were any additional providers of affordable housing, and JF replied that there were matters in the pipeline.

### **Miscellaneous**

BR advised that those matters on which the Council had been requested to provide advice etc would be core documents and would be circulated for comment.