



Written Statement Responding to Inspector's Questions

Matter 2: Meeting Dartford's Housing Needs

Dartford Local Plan Examination Stage 2

Prepared on behalf of PMG Regeneration Ltd

Respondent I.D: 1293

Our ref: DP/20007

29 September 2022



Dartford Borough Local Plan Examination: Matter 2 – ID:1293 (PMG Regeneration Ltd)

Matter 2 – Meeting Dartford’s Housing Needs (Policies S4, M7, M8, M9, M10, M11, M12)

- 1.1. This Statement provides PMG’s response to the Inspector’s Questions relating to the Council’s approach to meeting Dartford’s Housing Needs. It is reflective of submissions made by other organisations objecting to the Plan at the Pre-Submission (Publication) Stage.
- 1.2. This Statement should be read in conjunction with PMG’s objections to the Pre-Submission (Publication) consultation (September 2021).

Matter 2 Issue 1: Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to meeting housing needs (Policy H4)

Q1. Has the calculation of Local Housing Need been carried out correctly?

- 1.3. It is not the intention here to rehearse the detail of those issues considered under Matter 1- Procedural and legal requirements including the Duty to Co-operate but simply the Council’s calculation of Local Housing Need has not been carried out correctly, fundamentally because it fails:
 - To identify unmet need through its Duty to Co-operate
 - To apply an appropriate contingency and in this case, it should be 20%
 - To apply the appropriate base date for the Plan period which should be projected forward to 2020/21,
- 1.4. These are views shared by others particularly noting, the submissions to the Pre-Submission (Publication) consultation (September 2021) Local Plan made by:
 - The Homebuilders Federation (Consultee ID: 1506) representing its membership of national and multinational corporations, regional developers and small local housebuilders
 - Savills on behalf of Countryside Properties (Consultee ID: 1484)
 - Turley on behalf of Taylor Wimpey (Consultee ID: 1557)
 - Gravesham BC (Consultee ID: 0042)
- 1.5. Accordingly, PMG supports the recommendation of others that that the housing figure within Emerging Policy S4 is amended as follows to reflect the outcome of the DtC + 20% uplift in housing numbers to provide for an adequate contingency.
- 1.6. For ease of reference Countryside’s assessment is detailed below:

	Component	Calculation	Housing Numbers
A	Minimum Housing Target*	2018/19-2038/39 (790 x 20)	15,800
B	Uplift to meet affordable housing needs of 263 p.a**	+210 pa (210 x 20)	4,200
C	DtC		TBC
D	20% Contingency	(A + B / 100 x 20) 20,000 + 20%	4,000
	Total	(A+B+C+D)	24,000 + outcome of DtC
*if the 790 dpa is required in order to ensure its regeneration objectives are met, a position put forward by the Council and one we support, then this is the minimum number of homes the Council should plan for, and as such any flexibility should be provided in its supply against this requirement and not the 776 dpa minimum resulting from standard method. **Based on the Council’s assessment that an affordable housing target of 35% as proposed would result in the delivery of around 26% of all new housing as affordable, to meet Dartford’s Affordable Housing Need of 263 homes per annum requires an uplift in the overall housing numbers to 1,000 homes per annum. An increase of +210 homes pa on the current 790pa.			

Q2. *Is the base date of 2017/18 justified and appropriate having regard to the use of the 2020/21 affordability ratio? Alternatively, should the base date be 2020/21?*

1.7. PMG shares the concerns of others, including the HBF, Countryside Properties and Taylor Wimpey that the decision to commence the plan period from 2017/18 is not consistent with the approach to establishing housing needs as set out in Planning Practice Guidance. The standard method uses the current year as the start of the base period with the most recent work-place-based affordability ratios setting the appropriate uplift for an area above the base period. This is set out in paragraph 2a-004 of PPG. Given that the standard method seeks to wrap up under, or over delivery from previous years through the affordability adjustment it is not considered to be consistent with national policy to include delivery from years prior to the point at which the standard method is calculated. The logical point at which to commence the plan period would be the year from which the affordability ratio is taken when establishing the affordability adjustment – in this case 2020/21

Q3. *Is a proposed housing requirement appropriate and is it justified? How has the proposed additional 40 dwellings per annum above the standard method been calculated?*

1.8. This is a matter for the Council to address noting PMG's response to Q1 and Q2 above.

Q4. *What is the extent of any under/over delivery between the plan start date and the base date of the standard methodology calculation?*

1.9. This is a matter for the Council to lead on.

Q5. *Is Policy S4 clear as to the total quantum of housing being planned for over the full plan period?*

1.10. PMG submits that Policy S4 is **not at all clear** on this point. The Policy S4 and supporting text is flawed for the following reasons.

- ***Policy S4 should refer to the overall housing requirement as a minimum and a net figure***

1.11. With reference to paras. 11 b.) and 35 a) and b) of the NPPF the Policy must refer to the overall housing requirement as a minimum and a net figure. This would create a positive approach to housing delivery and to ensure that decision makers are aware that permissions can be granted that will mean the Council delivering beyond their stated requirement.

- ***The Plan does not identify sufficient land to enable the appropriate level of housing to be delivered over the Plan period***

1.12. Whilst the flexibility of identifying 'deliverable and developable' sites through the SHLAA is welcomed, the Policy must be clear that this should not be applied to a single point in time i.e. as of September 2021 in the event that sites do become 'deliverable and developable'. Without this flexibility the Council's approach to identifying its housing land supply lacks both clarity and certainty and as such is neither justified nor robust.

- ***The Council's identified housing commitments is not transparent.***

1.13. To inform Table 1, the Council should clearly set out its sources of housing land supply. The evidence on this matter is not transparent and there can be no confidence in the figures to demonstrate for example that there has been no double counting between dwellings delivered on sites within the last 3 years i.e. 2018/19 to 2020/21 and remaining commitments i.e. houses with planning permission but not yet implemented. The LPA will undoubtedly have a detailed breakdown of this information on a site-by-site basis and there is no justifiable reason for not releasing it.

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- 1.14. The Council's evidence base must therefore include a detailed housing trajectory for each housing site showing:
- The baseline net total number of homes to be delivered at the start of the relevant plan period (i.e. the residual of housing units carried over from the previous plan period)
 - The net total of homes delivered on that site for the period 2018/19 to 2020//21
 - The residual net number of dwellings to be delivered over the plan period
 - ***Extant planning permissions have not been disaggregated from further identified sites and this has simply been added to further identified 'deliverable and developable' SHLAA sites***
- 1.15. On a related point to the above, Dartford's Five-Year Deliverable Housing Land Supply, (November 2021) document identifies 4,750 houses with planning permission or in delivery and to be completed between 2021/22 to 2025/26 which would leave 7,100 (assuming a minimum of 11,850 homes over the next 15 years) or 19,250+ (assuming 24,000+ homes over the next 20 years) to be delivered through 'deliverable and developable' SHLAA sites.
- 1.16. Firstly, in the interests of full disclosure and transparency the Council must articulate in its evidence base its sources of future housing land supply by providing a clear schedule of all sites without planning permission that it has identified as 'deliverable and 'developable'. This should include total unit numbers for each site with projected delivery to be clearly set out in its housing trajectory.
- 1.17. The 'windfall' estimate in any event requires an extremely high level of reliance on sites coming forward that are not identified in the Local Plan and significantly above what one would expect – a figure of between 5% to 10% is a much more usual expectation, and with reference to para. 70 of the NPPF cannot be justified without compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.
- ***The Council's conclusions in the selection of "developable and deliverable" sites within the SHLAA is flawed and calls into question the identification of sites to be included in the housing land supply***
- 1.18. The status of a SHLAA is that of evidence and not policy recognising that it is an assessment of facts assembled about sites and conclusions reached about the suitability, availability and achievability of housing in future years based on those facts at a very broad level. It is an assessment of potential at the time of preparation. Conversely where planning policy exists which controls the provision and release of housing land, a SHLAA cannot change that policy. Neither can a SHLAA second guess what future housing policy might be. The proper use of a SHLAA is to help inform future planning policy on housing supply. This may be an iterative process because as new planning policy emerges through preparation of subsequent changes to policy, this will inform future updates of the SHLAA.
- 1.19. The Council has consequently elected not to allocate sufficient sites to meet the entirety of its housing land supply that it wants to build in flexibility to the identification of sites which is supported on the proviso that "the presumption in favour of sustainable development" will be applied to all sites shown to be developable and deliverable within the SHLAA either at the current point in time in the future (demonstrated either through a planning application or review of the SHLAA).
- 1.20. However, in seeking to effectively "bye pass" the site allocation process there needs to be certainty that the approach adopted will deliver the number of homes that as a minimum meet its objectively assessed needs.
- 1.21. For the policy to be effective it will require either:

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- A greater level of scrutiny of the 'deliverable and developable' sites identified within the SHLAA than would normally be required given that the Council are intending that the SHLAA is written into policy rather than merely informing it
- Sites that have been shown to be deliverable or developable in the current SHLAA or through a planning application housing land supply will be supported at any time

1.22. As currently drafted my client has two principal concerns.

1.23. Firstly, the SHLAA does not correctly identify all deliverable and developable sources of supply. My client's land interest is a case in point. As with the 2010 SHLAA the September 2021 SHLAA recognises that the site falls within a sustainable location. However, the Council continue to maintain that the site is physically unsuitable for development and the site is discounted based on its previous use as a landfill site despite no evidence that development, subject to appropriate mitigation, would pose an unacceptable risk to public health. The Council has produced no evidence to discredit the very detailed evidence submitted by PMG on why ground conditions do not provide an overriding constraint to development. Indeed, the Inspector will recall the concerns raised by PMG in the Stage 1 Hearing Sessions that the Environment Agency have still failed to produce the note it said it would on the suitability of historic landfills for redevelopment (ref. WS1-6 Environment Agency Written Statement).

1.24. It is the application of the methodology that is fundamentally flawed, rather than the methodology itself, and a case in point is the failure of the Council to correctly identify my clients land interest, Pit 11 West of Knockhall Chase, Greenhithe (I.D 34) as suitable for development. In the interests of brevity I do not rehearse here (please refer to PMG Pre-Submission Objection to Policy S4 and Omission Site document for detail).

1.25. Secondly, Policy S4 should not act as a policy of restraint. In line with the presumption in favour of sustainable development it should be open for any site not currently identified in the SHLAA as currently not developable to come forward either through any subsequent review of the SHLAA or, in determining an application for planning permission the Council decide that a site is appropriate for housing development and can forward at any time within the capacity of existing infrastructure or providing necessary additional infrastructure where necessary to serve the needs of that development.

- ***There has not been an application of a 20% lapse rate to outstanding planning and a greater lapse rate applied to sites without planning permission which is neither justified and supported by evidence.***

1.26. MCHLG analysis suggests to expect a lapse rate of between 10% to 20% to committed and SHLAA identified sites. This lapse rate would allow for changing circumstances which may lead to some sites not being brought forward.

1.27. Given the Council's reliance on "windfall supply" a bespoke approach to lapse rate should be applied based on consideration to be given to sites that have a history of repeat applications and non-delivery and to sites where constraints have been identified.

Q6. Do the strategic policies look ahead a minimum 15-year period from the anticipated adoption of the plan, as required by paragraph 22 of the Framework?

1.28. Clearly not and consequently the strategic policies do not respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. The anticipated adoption date is 2023. Accordingly, the Plan period and land supply assessments need to cover the full extent of the Plan period i.e. for the period to 2038.

Q7. How would the plan be able to respond if unmet need from Gravesham is clearly quantified in future?

1.29. This is a matter for the Council.

Other Matters

- 1.30. Finally, to assist the Examination please refer to PMG's proposed amendments to Policy S4 as set out in its objections to the Pre-Submission Plan and supporting text which would overcome its objections to Policy S4. Suggested changes to Table 1 to set out the need to accommodate additional growth are set out as follows:

Table 1 sets out the Borough's indicative housing land supply up to 2038/39 This is subject to review on an annual basis in order to update the housing trajectory and supply of specific deliverable sites, reported within the Council's Strategic Housing Land Availability Assessment (SHLAA), Brownfield Register and Annual Monitoring Report (AMR).

Table 1: Sources of Housing Supply and Numbers of Homes Source of housing supply:	Total contribution 2018/19 to 2038/39 (inclusive) homes:
Delivered so far (last 3 years) <u>(2018/19 to 2020/21 (3 years))</u>	2,600 <u>2,167*</u>
Allocated sites delivery policies D4, D5, D6 & E4 & E5)	5,800 <u>3,220 (DBC to confirm no double counting with delivered sites or unimplemented permission/commenced</u>
<u>Sites with planning permission/commenced</u>	<u>4,750** (DBC to confirm no double counting with delivered sites or allocated</u>
SHLAA identified (including permissions), excluding permissions and allocated sites.	<u>DBC to provide this information but must include up to 500 dwellings for the subject site]***</u>
Other permissions and non-identified sites delivery allowance	400
<u>Further sites to find and be brought forward to take account of lapse rates – assume 20% buffer to be added to commitments</u>	<u>1,667</u>
<u>TOTAL housing supply</u>	<u>DBC to confirm 11,800</u>
<u>TOTAL Minimum housing target:</u> 2018-2038 years at 790 homes per annum (x 20)	15,800
TOTAL Uplift to meet affordable housing needs of 210 p.a	4,200
TOTAL DtC	TBC
TOTAL 20% Contingency	4,000
GRAND TOTAL	24,000 + outcome of DtC

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Notes:

[* Housing Delivery Test 2021 Results

**Dartford Five Year Deliverable Housing Land Supply, Planning Policy Team, November 2021 (DBC)

*** to also include all sites that have been incorrectly identified as not deliverable or developable in the SHLAA

Detailed housing land supply figures and trajectory detailing individual site performance to be provided]

Matter 2 Issue 2: Whether the plan will be effective in delivering sufficient affordable housing to meet the needs of the Borough

- 1.31. PMG has no specific representations to make in response to the matters, issues and questions raised by the Inspector (i.e. questions 8 to 12) in respect of Matter 2 Issue 2 (policies M7, M8, M9, M10) but notes and supports the objections of others that an additional annual requirement for affordable housing is added to the Council's housing need.

Matter 2 Issue 3: Whether the plan will deliver an appropriate mix of housing to meet the various housing needs over the plan period and whether the policies for the design, mix and standards of housing justified, effective and consistent with national policy.

- 1.32. PMG has no specific representations to make in response to the matters, issues and questions raised by the Inspector regarding questions
- Housing for different groups (question 13)
 - Policy M8 – Housing Mix (questions 14 to 17)
 - Policy M10 – Residential Amenity Space (questions 20 and 21)
 - Policy M11 – Extensions, New Dwellings and Garden Land (questions 22 to 24)
- 1.33. Turning to **Policy M9 – Sustainable Housing Locations** PMG makes the following submissions in respect of the Inspector's questions 18 and 19.

Q18. Is the policy justified, effective and consistent with National Policy?

- 1.34. Policy M9 when read in conjunction with PMG's objections to Policy S1: Borough Spatial Strategy and considered under Matter 3, Policy S2: Infrastructure Planning Strategy, Policy S4: Borough Development Levels considered under Matter 2 and Policy M2 Environmental and Amenity Protection considered under Matter 10 serve to artificially constrain growth and accordingly the Plan's strategic objectives do not provide a clear and cohesive framework for the future growth and development of Dartford.

Other Matters

- 1.35. Finally, to assist the Examination please refer to PMG's proposed amendments to Policy M9 as set out in its objections to the Pre-Submission Plan and supporting text which would overcome its objections to Policy M9.
- 1.36. The above will ensure that Policy M9 is "effective" and accordingly "sound". It will also ensure that flexibility is built into the Plan to consider a higher level of housing need taking into account that the Government's Standard Method only seeks to set a minimum/"capped" level of development need (see response to Matter 2). This would ensure that the Local Plan is positively prepared and based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Q19. Policy M9 indicates that sites in the SHLAA identified as deliverable/developable will be permitted for residential development. Is this approach justified having regard to such sites accounting for around 10% of the housing requirement? Should these sites be allocated in the plan?

- 1.37. PMG have commented in detail on the Council's approach to permitting residential development on deliverable/developable SHLAA sites in its submissions on Policy S4 (see above) and Policy S1 (Matter 3). To conclude PMG is broadly supportive of the approach, whilst unusual but only on the basis that Policy S1 and the supporting text is amended to reflect the changes advocated in PMG's submissions to Matter 3

Matter 2 Issue 4: Whether the plan will meet the needs of Gypsies, Travellers and Travelling Showpeople.

- 1.38. PMG has no specific representations to make in response to the matters, issues and questions raised by the Inspector (i.e. questions 25 to 32) in respect of Matter 2 Issue 4 (Policy M12).

