



PRE-SUBMISSION SOUTH DOWNS LOCAL PLAN

Position statement on behalf of Newton Valence Farm R224

Duty to Co-operate

Introduction

1. My client appears to be in the unique position of being the only representor addressing the Examiner on the general issues of these two elements of the Local Plan Examination. That said there are written submissions before the Examiner on the topic of the Duty to Co-operate and the legal compliance of the Plan that will also be taken into account. My fellow representor, Coldwaltham Meadow Conservation, has a specific concern in relation to HRA matters. That is a separate issue to what this position statement addresses.
2. In this position statement I have taken it as read that everyone associated with the Examination is familiar with the extent and boundaries of the SDNP and the geographical and administration relationships with the local authorities that embrace or adjoin the SDNP.

Duty to Co-operate (DtC)

3. In my view there can be no doubt that for a National Park Authority (NPA), the Duty to Co-operate (DtC) assumes greater importance than in the case of that required between say a City and shire district authorities. This is because there is no requirement for an NPA to meet its objectively assessed need (OAN) for development BUT at the same time an NPA has a duty to

“foster the economic and social well-being of the local communities within the National Park”.

That duty is backed up by paragraph 78 of the 2010 Circular¹ that says:

“through their Local Development Frameworks they should include policies that pro-actively respond to local housing needs”

and,

¹ English National Parks and the Broads UK Government Vision and Circular 2010

“The Government expects the Authorities to maintain a focus on affordable housing and to work with local authorities and other agencies to ensure that the needs of local communities in the Parks are met”

4. In other words it is vital for the economic and social well-being of NP communities that the OAN for development is planned for and if those are not going to be accommodated within the NP that there is certainty about where those needs are to be met by adjoining authorities. The OAN figure should be regarded as an explanation and target to respond to local housing needs within a planning authority. It is after all beholden on planning authorities, through paragraph 182 of the Framework, that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
5. The argument about housing need and provision often boils down to a plan period figure for housing and annual permission/ completion data and reliance on windfalls. What is overlooked is that the reality is that it is real people and households who need real homes and not simply a debate about mathematics.
6. In broad terms the submitted DtC Statement and the separate DtC Statements of Common Ground illustrate that the SDNPA and adjacent planning authorities have discussed cross border development strategy and will continue to do so. It is clear from reading the DtC Statements that discussions have been mainly about housing, population change and the nature of the rural economy. The principal DtC Statement provides details of the issues considered, the bodies involved, the actions identified and a commitment to work together. On the face of it the DtC Statement indicates that there has been co-operation throughout the plan preparation process but what about the outcome.
7. However demonstrating there has been co-operation in the preparation of a Local Plan is one thing but what are the outcomes? In general, all the DtC Statement of Common Ground take the line that the SDNPA and respective local authorities will work together on the cross border planning issue of housing (note: those statements do not cover economic development issues). But those statements lack any agreed approach to what level of development each adjoining authority will take on. This is a major failing since the SDNPA cannot demonstrate through the DtC Common Ground Statements that provision is being made for its OAN for housing to be met. In reality the SDNLP fails in meeting the NP duty to foster the social well-being of its communities.
8. It is important to recognise that the SDNPA housing background documents - the HEDNA in particular - point to OAN figures of 424 - 447 dwellings per annum (demographic led housing need); 458 - 566 dpa (economic led housing need) and 276 - 350 dpa (zero

employment growth housing need). The SDNPA LP has not proceeded on the basis of the latter but instead focused on the former and adopted 447 dpa as the basis of its housing requirement. In other words no account has been taken of the economic led factors for housing development.

9. There is a strong case, based on the duty of an NPA, to take a mid-point between the lowest demographic led need and the highest economic led need figure in the SDNPA's HEDNA. This would indicate that the average objectively assessed need (OAN) requirement is 495 dpa or 9,405 dwellings for the 19 year plan period. That represents a pragmatic figure to meet the economic and social well-being of the SDNP communities. The SDNP LP housing provision figure is 4,750 for the plan period leaving 4,655 dwellings unplanned for. Or put another way, 4,655 households to be accommodated by other authorities.
10. An analysis of the DtC Statements of Common Ground (see table and extracts attached as [Appendix 1](#)) - shows that across the 11 district planning authorities there is currently an unmet housing need of 226 dpa for the SDNP. The sum for all 11 districts shows a current shortfall of 1,906 dpa although four districts clearly have a housing supply that meets their OAN including that part of the NP in their administrative area. I accept that the district planning authorities are working on review Local Plans and that the overall shortfall figure will change in time. But the shortfall for the NP will not, as the planned housing provision of 4,750 dwellings is almost half of the mid-point OAN figure of 9,405 dwellings.
11. Turning to the calculation of an OAN figure in the SDNP HEDNA Statement, this is flawed and unsound. In particular the approach taken has not robustly tested Housing Market Areas or come up with a figure for objectively assessed need (OAN) for housing across the NP based on up-to-date data. As far as can be established, the basis of the HEDNA is the following housing market area documents:

Central Hampshire

- Winchester DTZ 2007 based on 2001 census
- EHDC SHMA - Nat Litchfield April 2013

Sussex Coast HMA

- GL Hearn 2014

Eastbourne

- Arc4 2012 and reworking of the DTZ SHMA 2007

Northern West Sussex

- GVA SHMA 2009. Selectively updated in 2012

None of the above constitutes up-to-date assessment of housing need - the latest published document is already four years old and the remainder range from five to eleven years old. The HEDNA simply does not provide a full up-to-date OAN figure for housing across the NP. It has recycled dated previous work for other local authorities and their development plans. Likewise the HEDNA has not considered whether any historic shortfall in provision has occurred and factored that into the OAN assessment.

12. The HEDNA should have been prepared on a 'policy off' basis to arrive at a full objectively assessed housing need for the planning authority area and thereafter a 'policy on' basis should have been used to derive the new housing requirement for the Local Plan. Whilst the HEDNA acknowledges that is what is required, it fails to deliver as nowhere in the HEDNA is there any evidence of a 'policy off' OAN. The housing requirement and approach taken thereto as set out in the SDNPA HEDNA Report September 2017 is flawed and unsound.
13. The SHMA and HEDNA produced on behalf of the NPA has served to unnecessarily complicate the process in that it fails to provide the necessary integration with other authorities which is at the heart of the duty to co-operate. It is unclear for example how the analysis on behalf of the NPA relates to and aligns with other Housing Market Assessments. The DtC Statement fails to demonstrate the joint working to actually achieve and deliver strategic planning across administrative boundaries as set down in Paragraph 178 of the Framework. The NPA is looking to deliver a suppressed housing figure compared to the OAN. That makes it essential that Memoranda of Understanding (MOU) with relevant HMAs are agreed in order to demonstrate full consideration with regard to other need assessments. As part of the MOU, there should also be an assessment of need in the SDNPA in relation to other need assessments and how any unmet needs will be addressed given constrained housing numbers. This ought to have been part of the submission documentation.
14. The DtC Statement does not robustly explain how the vitally important issue of cross border housing provision will be dealt with for the NP as a whole. Only for Arun, East Hampshire, Horsham and Winchester can it be said that cooperation has established appropriate provision. The Statements of Common Ground with other authorities demonstrate that the need for the Local Plan to positively prepared, justified, effective and consistent with national policy has not been met.

15. The DtC Statements of Common Ground can be summed up as follows:

Adur	The district has a current shortfall of 3,100 dwellings and no expectation that it can accommodate any of the SDNP shortfall
Worthing	The district has a current very significant shortfall of 3,100 and no expectation that it can accommodate any of the SDNP shortfall
Arun	The Arun Local Plan would accommodate current SDNP housing need but has no capacity for taking on any significant increase in unmet SDNP housing requirement.
Brighton & Hove	The City has a huge housing provision deficit and has no capacity for taking on unmet SDNP housing requirement.
Chichester	The district council is unable to meet its own OAN and is being told by the SDNP that there will be an unmet need of 55 dpa in the NP. Although a Local Plan review is under way there is no certainty that the district will take on unmet SDNP housing need.
East Hampshire	The housing need provision is settled until 2028 but it remains to be seen what unmet SDNP housing numbers EHDC will be asked to consider and adopt thereafter in its current review Local Plan
Horsham	The district has made provision for SDNP housing need within its administrative area and is likely to continue to do so.
Lewes	The district has a current shortfall of 175 dpa (45 dpa in the SDNP) There are no details of how the district can accommodate any of the SDNP shortfall
Mid Sussex	The district has made provision for SDNP housing need within its administrative area and is likely to continue to do so.
Wealden	The district has made provision for SDNP housing need within its administrative area and is likely to continue to do so.
Winchester	The district has made provision for SDNP housing need within its administrative area. There is no information as to whether it has been asked by the SDNPA to take up any shortfall.
Eastbourne	No housing provision is necessary

16. I accept that the DtC does not require agreement between the parties but there must be some form of understanding bearing in mind that the unmet OAN figure of some 4,655 households is not being actively planned for. Put another way some 245 households per annum would not have the opportunity of a home and that figure grows each year added to by the shortfalls in West Sussex at Brighton & Hove, Adur, Worthing and Lewes. For a subject that is nationally important, housing provision should be positively planned for and the SDNP LP and fails to do so under the DtC Statement.
17. No stone should be left unturned in the pursuit of providing people and families with homes. The uncertainty created by the DtC Statements of Common Ground and the HEDNA fail in the requirement to plan positively and effectively in accordance with national policy.

18. As a result the DtC is not acceptable to deal with the issue of cross border housing provision and the plan and its strategy is unsound. Without the proper analysis it cannot be said that the SDNPA has met its duty to seek to foster the social and economic well-being of the local communities within the National Park.
19. The main reason for the failure to meet or come close to the OAN figure lies fairly and squarely with how landscape qualities are assessed but that is another issue entirely. Nevertheless it is landscape qualities must be properly balanced. The overall provision of new homes does not meet the full objectively assessed needs for market and affordable housing in the housing market area. The Plan is therefore in conflict with Paragraph 47 of the NPPF and there is inadequate justification for this undershoot because additional suitable housing sites are available if only the SDNPA took a realistic approach to its planning responsibilities.
20. Throughout the SDNPLP, it is stated that given the national park designation, there is no requirement to meet its Objectively Assessed Needs (OAN) as paragraph 14, footnote 9 of the Framework is engaged. This then allows the SDNPA to fall behind the 2010 Circular² so as to not meet their objectively assessed needs (OAN). In such circumstances where the SDNPA is unable to meet its objectively assessed needs, then the DtC must be firmly engaged with neighbouring/overlapping authorities to ensure that that the deliberate policy of not meeting OAN is countered by a sound, balance provision elsewhere.
21. The SDNPA argues that it will not be meeting its statutory purpose - to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park - if it were to seek to fully meet the OAN within the National Park but it fails to consider that it would also not meet the statutory duty under section 62 of the Environment Act to seek to foster the economic and social well-being of local communities Within the National Park. It also falls back on the Government Vision and Circular for the English National Parks and the Broads (2010) which recognises that NPs are not suitable locations for unrestricted housing and does not therefore provide general housing targets for them. My point is that the OAN for housing is not 'unrestricted housing' and the OAN figure is not a general housing target. The OAN figure is a specific target for the SDNP and hiding behind the 2010 Circular is an abrogation of responsibility to plan positively for the social well-being of the NP communities, residents and those needing a home
22. The failure to have a sound agreed approach to resolving unmet OAN is a grave abrogation of planning responsibility to communities and people. The Plan should be withdrawn or the

² English National Parks and the Broads UK Government Vision and Circular 2010

Examination halted until the necessary and requisite OAN has been properly carried out, taken into consideration and reflected in new DtC Statements of Common Ground that provides certainty as to how the SDNPA OAN figure will be accommodated. This should not be regarded as some exercise in number crunching but needs to be done in a robust manner in the light of the fact that there are real people in the outside world that are looking to the planning authority to provide and facilitate real homes in the plan period. The failure of the DtC denies those people the homes the Government expects the planning system to deliver.

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