

BASINGSTOKE AND DEANE LOCAL PLAN EXAMINATION

ISSUE 1: LEGAL REQUIREMENTS & DUTY TO CO-OPERATE

6 OCTOBER 2015

FOR TAYLOR WIMPEY
(REPRESENTOR REF: 909792)

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1. Legal Requirements: Does the Plan meet all its legal requirements (e.g. in relation to the Local Development Scheme; Sustainable Community Strategy; Statement of Community involvement; and Local Development Regulations)?

1.1 No.

1.2 The Local Plan with the Council's Proposed Modifications ("the LP") has not been prepared: (i) in accordance with national policy; (ii) in association with an appropriate Sustainability Appraisal ("SA") per the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004; (iii) so as to demonstrate cross-boundary co-operation in relation to planning of sustainable development in accordance with section 33A of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") and is not generally sound (per the criteria set out in paragraph 182 of the National Planning Policy Framework ("NPPF")). This being so, we would invite the Inspector to recommend, pursuant to section 20(7A) of the Planning and Compulsory Purchase Act 2004, that it is not adopted.

2. Duty to Cooperate

2.1 Has the Council worked collaboratively with other authorities and organisations during plan preparation on strategic planning matters that cross administrative boundaries?

2.1.1 No.

2.1.2 As set out in detail within Taylor Wimpey's representations and Statement to Matter 3, the housing requirement within the LP is unsound as it (amongst other things): (i) fails to properly identify the objectively assessed needs ("OAN") for market and affordable housing (contrary to paragraph 47 of the NPPF); and (ii) identifies a housing requirement (850 dwellings per annum ("dpa")) which is far too low to meet its OAN for market and affordable housing in full and support economic growth and regeneration.

2.1.3 In failing to properly identify OAN for market and affordable housing in full and support economic growth and regeneration, the Council cannot discharge its duty to cooperate ("DTC") by-virtue of the fact that it cannot determine whether unmet housing need arises from the strategy contained within the LP (with PM's) and therefore whether, as required by the DTC, it needed to meaningfully engage with neighbouring authorities.

2.1.4 Notwithstanding this fundamental evidence base failing, as set out below and in detail within Taylor Wimpey's representations, a reasonable interpretation of the Council's (albeit deficient) evidence is that significant unmet need will arise from the strategy set out within the LP.

- 2.1.5 The Housing Topic Paper (TP01) makes clear (paragraphs 4.11; 4.15 and 4.23) that the LP housing requirement is not OAN, but a mid-point (which is also a matter of disagreement) of the various projections undertaken by the Council.
- 2.1.6 Although the Council does not assess, or state what is market and affordable OAN in full, by virtue of the fact that the LP figure represents only a 'mid-point' (which it is not), must mean that there is unmet housing need resulting from the strategy set out within the LP.
- 2.1.7 Furthermore as set out in detail within Taylor Wimpey's representations and Statement to Matter 3, a reasonable interpretation of the Council's evidence base is that an appropriate 'policy on' OAN housing figure is 1,100dpa. Based on the LP figure of 850dpa, this results in unmet housing needs totaling 250dpa.
- 2.1.8 Under any option moving forward, the level of unmet need is acute and will have significant negative strategic impacts on neighbouring authorities. This unmet need cannot be ignored, particularly given there is already demonstrable unmet needs within neighbouring authorities, such as Test Valley, where as confirmed within paragraph 4.20 of the Housing Topic paper (TP01) there is unmet need of at least 86 affordable dpa. Ignoring this unmet need would only conflate the housing crisis within the wider Central Hampshire Housing Market Area, and south east England more generally.
- 2.1.9 There is no evidence presented within the Council's Duty to Cooperate Statement – Regulation 22 (October 2014) document (CD08) to confirm that the Council, as required by the NPPF (paragraphs 179, 181 and 182) and by law (section 33A of the 2004 Act) has approached any neighbouring authorities to seek help in meeting the Borough's unmet need.

2.4 What particular outcomes can the Council point to in relation to DTC?

- 2.4.1 As referenced previously, there is no evidence presented within the Council's Duty to Cooperate Statement – Regulation 22 (October 2014) (CD08) to confirm that the Council, as required by the NPPF (namely paragraphs 179, 181 and 182) has approached any neighbouring authorities to seek help in meeting the Borough's acute unmet housing need. As such there are no demonstrable outcomes that the Council can point to in relation to meeting its DTC.
- 2.4.2 It is also noted that paragraph 4.20 of the Housing Topic Paper (TP01) outlines that the Council was approach by Test Valley Borough Council to consider the possibility of taking 86 affordable dpa from Test Valley (assuming a 40% affordable housing policy target this would necessitate delivery of 215dpa to deliver 86 affordable dpa). Clarification must be provided from the Council over: (i) why this contact is not identified within the DTC Statement – Regulation 22 (CD08); (ii) what action the Council has taken to assess the extent to which it can help meet this need; and (iii) why given Test Valley has not proposed to increase its housing number, nor any other neighbouring authority has taken this 86 affordable dpa of unmet needs, the Council considers this unmet need to be 'no longer a live issue' – how and where is this unmet need being met?
- 2.4.3 Furthermore paragraph 4.20 of the Housing Topic Paper goes on to state that 'there is currently no evidence of a shortfall in the wider area, against objectively assessed need, and therefore there is no additional requirement that needs to be added to the identified target at this time'. This is demonstrably not the case, given the same paragraph highlights that there is 86 affordable dpa shortfall within Test Valley.
- 2.4.4 Without prejudice to Taylor Wimpey's principal concern, as previously referred, that the LP housing figure (amongst other things): (a) fails to properly identify the OAN for market and affordable housing; and (b) identifies a housing requirement (850 dpa) which is far too low to meet its OAN for market and affordable housing in full and support economic growth and regeneration, the LP housing requirement must be increased by at least 215 dpa (3,870 dwellings over the LP period) to meet identified unmet needs within the neighbouring authority of Test Valley. As set out within Taylor Wimpey's Statement to Matter 6, the three Taylor Wimpey Sites to the east of Basingstoke could deliver at least approximately 1,762 dwellings within the LP period. These sites can assist in meeting identified unmet needs within neighbouring authorities.