

Tendring *District Council*



Independent Examination of Section 2 of the Tendring District Local Plan '2013-2033 and Beyond'

HEARING STATEMENT FROM THE LOCAL PLANNING AUTHORITY

Matter 4: Supply of Housing Land

January 2021

Matter 4 – Supply of Housing Land

(This Matter focusses on the overall supply of land for housing. The merits of individual site allocations are considered under Matter 3)

4.1 Is there evidence to convincingly demonstrate that the plan will provide:

- **A supply of developable housing land of 11,000 homes for the plan period?**
- **A 5-year supply of deliverable housing land?**

4.1.1 Yes. The evidence for this is set out both in the Council's Topic Paper on Housing ([TP2](#)) and the more detailed evidence contained within the Council's 2020 Strategic Housing Land Availability Assessment (SHLAA) ([EB5.3.1](#)) and its appendices.

4.1.2 The Council has put forward suggested amendments to the figures in Policy LP1 to reflect an updated April 2020 base-line position. These are set out in document [SM1](#), Topic Paper [TP2](#), the 2020 SHLAA [EB5.3.1](#) and the Council's Schedule of Representations and Responses on Policy LP1 [RR6](#). The updated figures are presented in acceptance that the original LP1 figures in the plan as submitted in 2017 have, in the years that have passed since submission, become out of date and do not reflect current expectations of housing delivery. With that in mind, the Council invites the Inspector and examination participants to consider and focus on the soundness of the Council's amended figures and for these to be considered as potential main modifications to the plan.

4.1.3 Using the updated 2020 figures, the evidence demonstrates that the housing requirement of 11,000 homes in the period 2013 to 2033 is likely to be met, and comfortably exceeded, from the following sources of supply:

Supply Source to March 2033	Totals
Net Dwelling Completions 2013-2020	3,638
Large Sites with Planning Consents (with/without signed S106 agreements)	5,800
Small Sites with Planning Consents (with Trend Based Completions)	1,260
Strategic Allocations – Mixed Use (SAMU Policies)	645
Medium Sized Allocations (MSA Policies)	249
Tending Colchester Borders Garden Community	1,000
Totals	12,592

- 4.1.4 In updating the figures, the Council has generally taken cautious or conservative assumptions about delivery informed where appropriate by discussions with relevant developers and landowners. For example, on page 8 of [TP2](#) the Council has assumed a contribution of 1,000 homes from Tendring's 50% share of development at the Tendring Colchester Borders Garden Community. This is despite the fact that the Planning Inspector for the Section 1 Local Plan concluded that the development could reasonably be expected to deliver between 2,200 and 2,500 dwellings up to 2033 of which a 50% share would be between 1,100 and 1,250 units.
- 4.1.5 The assumption for delivery on 'large site commitments' is also conservative as explained on page 9 of [TP2](#), with just 90% of the total committed supply relied on to deliver within the period up to 2033. Furthermore, large site allocations in Section 2 of the plan are only relied on to deliver 894 dwellings up to 2033 despite their potential to deliver a total 2,867 – as explained on page 13 of [TP2](#). The Council also notes that Scott Properties, the promoters of the Oakwood Park (SAMU3) allocation, suggest that the Council's trajectory for the delivery of that site is, if anything, overly-pessimistic.
- 4.1.6 With a forecast over-supply of almost 1,600 homes based on conservative assumptions, there would still be a strong expectation that the housing requirement would be achieved even if, for example, none of the remaining allocated (but yet to be consented) sites came forward for development within the revised timescales envisaged - including Hartley Gardens (SAMU2) and Oakwood Park (SAMU3).
- 4.1.7 On the matter of the five-year supply, the evidence within Part 3 of the Council's Housing Topic Paper [TP2](#) also demonstrates a comfortable five-year supply of deliverable housing land against the annualised requirement of 550 dwellings per annum both taking into account historic shortfall and applying either a 5 or 20% buffer as required by the National Planning Policy Framework (NPPF). Furthermore, the evidence demonstrates that the plan (with the Council's suggested amendments) whether adopted now or any time before April 2022 will be able to demonstrate a deliverable supply at the point of adoption, well in excess of six years.

4.2 In particular, are the Council’s assumptions in LP1 in terms of the following soundly based:

- **Provision from small sites/windfalls**
- **Provision from large sites**
- **The size of the buffer to provide for flexibility and to account for past under-delivery**

(Our consideration of this question will also be informed by detailed discussion of the deliverability of specific site allocations in Matter 3)

Provision from small sites/windfalls

4.2.1 A full explanation of the Council’s approach to forecasting the expected contribution from small sites and windfall sites towards housing supply is set out on page 10 of Council’s Housing Topic Paper [TP2](#) and detailed further in Appendix 2 to the Council’s 2020 Strategic Housing Land Availability Assessment (SHLAA) [EB5.3.1](#).

4.2.2 In its updated calculations, the Council expects around 1,260 dwellings to be delivered on small sites and windfall sites in the remainder of the plan period 2020 to 2033 – a figure derived from a projection based on past trends in both the supply of small housing sites (of 9 or fewer net dwellings) and their delivery.

4.2.3 At April 2020, small sites with the benefit of planning permission alone have the capacity to deliver 724 dwellings from which only 680 are relied upon within the Council’s five-year supply calculation – despite all 724 technically qualifying as ‘deliverable’ under the definition in the 2019 NPPF. Furthermore, actual delivery of housing on small sites in the three years 2017-2020 was 218 units higher than had been predicted in the equivalent 2017 calculation contained within Appendix 2 to the 2017 SHLAA [EB5.3.2](#).

4.2.4 The updated 2020 calculation strongly indicates that small sites with the potential for 9 or fewer dwellings have, and will continue to, make a significant contribution towards housing delivery – particularly given the dispersed geography of the district with a number of urban and rural settlements offering development opportunities at a variety of scales.

Provision from large sites

4.2.5 The updated assumptions about the delivery of housing from large sites of 10 or more (net) dwellings, both committed and allocated, is based on the trajectory assumptions contained within Appendix 4 to the 2020 SHLAA [EB5.3.1](#). Pages 9 and 11-13 of [TP2](#) provide a detailed overview of the expected supply of housing from committed and allocated large sites.

4.2.6 In the submitted plan, Policy LP1 had expected that ‘large site commitments’ would deliver 4,779 dwellings and ‘large site allocations’ would deliver 3,199 dwellings – a total of 7,978 in the 16-year period 2017 to 2033. In the Council’s update to the figures for the remaining 13-year period 2020 to 2033, the contribution of commitments increases to 5,800 (reflecting a significant increase in grants of planning consents or resolutions to grant consent) and the figure for allocations reduces to 894 (reflecting both the grant of planning permission on some allocated sites and revised trajectory assumptions for others).

4.2.7 Together, the committed and allocated sites are now expected to deliver a net dwelling stock increase of 6,694 in the period 2020 to 2033 with a potential 2,635 further dwellings in the longer-term post 2033 supply (excluding the longer-term potential of the Garden Community).

Flexibility buffer

4.2.8 The Council’s evidence contained within its Topic Paper [TP2](#) and the 2020 SHLAA [EB5.3.1](#) demonstrates both 1) the Council’s ability to demonstrate a five-year supply of deliverable housing sites (at the anticipated point of adoption) with a built-in 5-20% buffer (as specifically required by the NPPF); and 2) the Council’s ability to demonstrate a significant level of ‘headroom’ or flexibility in the overall developable land supply for the plan period to 2033.

4.2.9 Taking the ‘five-year buffer’ first, Section 3 of [TP2](#) clearly demonstrates, at an April 2020 base date, a 6.5 year supply of deliverable housing land which addresses both the 212-dwelling shortfall accrued between 2013 and 2020 and a requirement for a 5% buffer. If a 20% buffer were necessary, the Council would still be able to demonstrate a comfortable 5.7 year supply at the April 2020 base date. Rolling the figures forward to April 2021 or April 2022 and applying the worst-scenario of a 20% buffer in both scenarios, the evidence still shows the Council’s ability to demonstrate a comfortable five-year supply, with an anticipated 6.3 or 6.9 year supply respectively.

4.2.10 In terms of headroom and flexibility within the overall developable land supply for the remainder of the plan period to 2033, the evidence in both [TP2](#) and [EB5.3.1](#) demonstrates an over-supply of 1,592 (almost 1,600) above the 2013-2033 requirement of 11,000 homes. This marks an increase from the 1,001 units of headroom originally anticipated in Policy LP1 of the submitted plan.

4.2.11 As explained in paragraph 1.41 of [TP2](#), for the full 20-year period 2013-2033 this 1,600 units of headroom represents a buffer of 14.5% and for the remaining ‘residual’ requirement for the plan period 2020-2033 it represents 21.6%. This

is a considerable over-provision that is broadly in line with the 'upper' 20% buffer used in five-year supply calculations. Furthermore, as explained above in response to question 4.1, this over-supply has been calculated on the basis of what the Council considers to be cautious or conservative assumptions including on delivery at the Garden Community and Oakwood Park.

4.2.12 In conclusion, it is the Council's position that more than adequate flexibility has been built into to both the deliverable five-year supply and into the 'developable supply' for the remainder of the plan period to 2033 and that there is no requirement to consider the inclusion of any additional land within the Local Plan until it is next reviewed.

4.3 In relation to Policy LP2, Is the policy justified and consistent with national policy? Are the requirements of the policy clear, reasonable and effective? Is the mix of housing allocation sites justified and effective?

Justification and consistency with national policy

4.3.1 Policy LP2 essentially serves three purposes:

- 1) In principle, to encourage a mix of dwelling types, sizes and tenure that reflects the overall vision for growth and the latest housing market evidence;
- 2) To require larger residential developments to provide a mix of dwelling size, type and tenure that broadly reflects and responds to the identified need; and
- 3) To give particular support and encouragement for the development of bungalows, retirement complexes, extra care housing, independent living, starter homes, self-build and other forms of residential accommodation aimed at meeting, in particular, the needs of older people and families – reflecting the demographics of the area and projected needs.

4.3.2 The policy is consistent with requirements of national policy, namely paragraph 50 of the 2012 NPPF which states: *“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:*

- *Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people*

with disabilities, service families and people wishing to build their own homes);

- *Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and*
- *Where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.”*

4.3.3 Similar provisions have been carried forward into the 2019 NPPF (see paragraph 61).

Clarity, reasonableness and effectiveness

4.3.4 The Council is satisfied that the policy is clear, reasonable and effective. Policy LP2 attracted only two comments among the representations received at publication stage – one comment of support from Gladman Homes (LPPuD322) and a comment from Ray Chapman Associates (LPPuD286) aimed more at Policy SP6 in Section 1 of the Local Plan, wishing to ensure its compatibility with Policy LP2 and other policies in Section 2. The Council is satisfied that the wording of Policy LP2 is compatible with the final (now adopted) version of Policy SP6 and contains sufficient flexibility in its wording to support developments of an appropriate mix of size, type and tenure.

4.3.5 Parts 4 and 6 of the Council’s Housing Topic Paper [TP2](#) explain how the plan makes appropriate provision for housing, accommodation for gypsies and travellers, accessible and adaptable housing, and housing to meet the needs of particular groups, such as disabled people, older people and students.

Mix of housing allocation sites

4.3.6 The mix of housing allocation sites is considered to be justified, effective and, indeed, considerably broad but this has to be understood in the context of not only the sites specifically allocated for housing or mixed-use development, but also the sites that form part of the ‘committed supply’ that are either already under construction or have otherwise obtained planning consent or a resolution to grant consent.

- 4.3.7 As explained in Part 1 of [TP2](#), a number of the housing allocation sites identified as SAMU, SAH or MSA sites in the Local Plan as submitted have, since 2017, either obtained planning permission or are under construction or built. Paragraph 1.39 in [TP2](#) lists just seven allocated sites that the Council recommends retaining in the Section 2 Plan which range from major greenfield urban extensions to Clacton at Hartley Gardens (SAMU2) and Oakwood Park (SAMU3) to much smaller previously developed sites like land adjoining Harwich & Parkeston Football Club (MSA8) and Station Yard in Walton (MSA11) – none of which are essential to deliver the housing requirement to 2033 given the significant headroom within the housing supply explained in response to question 4.2 above.
- 4.3.8 However, when considered alongside the committed supply, the plan and the district offer a considerable range of housing sites in different locations and for different scales of development. For large sites of 10 or more dwellings, the trajectory table in Appendix 2 to the 2020 SHLAA [EB5.3.1](#) demonstrates the full range of sites in different parts of the district that are expected to contribute towards housing growth and deliver the housing requirement to 2033 and, for some sites, beyond 2033. As explained in the Council’s response to questions under Matter 2, new homes are expected in both urban and rural locations across the district following a proportionate and sustainable pattern of growth.
- 4.3.9 The district also offers a wide range of opportunities for smaller developments of 9 or fewer dwellings with around 1,260 dwellings on smaller schemes (see response to question 4.2 above) forecast to be built in the period 2020 to 2033 including 724 that can be specifically identifies as having already obtained planning permission. Furthermore, through other policies in the plan including LP6 ‘Rural Exception Sites’, LP7 ‘Self-Build and Custom-Built Homes’ and LP10 ‘Care, Independent Assisted Living’ offer opportunities to consider and bring forward additional schemes on their merits through the Development Management process.

4.4 Does the factual information in the supporting text in Chapter 4 reflect the most up to date information?

- 4.4.1 No. The Council suggests that paragraph 5.1.10 is updated to reflect the actual dwelling completions achieved in the period 2013 to 2020 which now stands at 3,638 – leaving a residual requirement of 7,362 to deliver by 2033. It also suggests updates to Table LP1 to reflect the completion data for the years 2017/18, 2018/19 and 2019/20 and updates to Table LP2 to reflect the updated evidence in the 2020 SHLAA – including the deletion from the list of allocated sites, those that have now moved into the ‘committed supply’. The suggested amendments are detailed in document [SM1](#), Topic Paper [TP2](#), the 2020

SHLAA [EB5.3.1](#) and the Council's Schedule of Representations and Responses on Policy LP1 [RR6](#).

- 4.4.2 Whilst not the subject of any of the suggested changes in the above documents, the Council has, on reflection and in response to this question, reviewed the factual information in earlier paragraphs of Chapter 5. Given the conclusion of the Section 1 Local Plan examination and the adoption of the modified Section 1 Plan, there may be benefit in adding some wording onto the end of paragraph 5.1.3 along the following lines:

.....the annual housing completion target. The housing requirement of 550 homes a year is set out in Policy SP3 in Section 1 of the Local Plan which was formally adopted by the Council in 2021 following the independent examination and confirmation from the Planning Inspector that the figure is based on sound evidence.

- 4.4.3 Paragraph 5.1.4 could also be updated to reflect the Section Planning Inspector's conclusions on the 'affordable' housing need in Tendring which, depending on assumptions made about the proportion of household income that could reasonably be spent on housing, were that it could range between 151 dwellings per annum as set out in the 2015 Strategic Housing Market Assessment (SHMA) [EB5.2.3](#) and 278 dwellings per annum. As explained in Part 4 of the Council's Housing Topic Paper [TP2](#) there is no need to increase overall housing supply in an attempt to meet the higher end of this range, but as a factual change, the first part of paragraph 5.1.4 could be amended as follows:

The affordable housing study, published in 2015 found that up to 151 homes each year would meet Tendring's affordable housing need; against an OAN this equates to approximately 27% of the 550 homes. The Planning Inspector also considered the need for affordable housing including projections contained within the Council's 2015 Strategic Housing Market Assessment (SHMA) and other evidence on affordability. He determined that the need for affordable housing in Tendring was likely to fall within the range of 151 to 278 homes a year depending on the assumptions made about the proportion of household income it would be reasonable to spend on housing. Tendring's local Plan viability study finds that affordable housing.....

- 4.4.4 The reference to the Local Plan Part 2 Viability Study (2017) at the end of paragraph 5.1.4 could be updated to also refer to the 2019 addendum [EB9.1.1](#).

4.5 Are the Council's proposed modifications to these policies and supporting text necessary for soundness?

4.5.1 Yes. Because the housing supply position in Tendring has changed so significantly in the years that have passed since the submission of the plan in 2017, the current figures within Policy LP1 and its associated tables are already very much out of date and do not provide a reliable account of anticipated housing supply and delivery for the remainder of the plan period 2020 to 2033. The Council's suggested amendments, if accepted as main modifications, would ensure the plan does reflect the latest evidence including the revised trajectory assumptions set out in the 2020 SHLAA [EB5.3.1](#).