

Planning Inspectorate reports on Local Plans – Updated 20th June 2013

Officers have studied the findings of all the Local Plans found sound since late 2012, in order to understand the requirements of soundness as they are likely to apply to the East Herts District Plan. The summary below presents an overview of the main messages from all the sound Local Plans listed on the Planning Inspectorate's website since October 2012, and also includes relevant correspondence where a plan has not been found sound.

Each Local Plan responds to its own unique local geography and circumstances. However, the review reveals that there are recurring themes and issues consistently raised by the Planning Inspectorate which will need to be taken into account by East Herts Council as it prepares its own plan. Key points are shown below, with examples in brackets.

Key points

- A significant number of plans have been withdrawn and later resubmitted following consultation, or have required extensive further technical evidence before they have been found sound;
- Must **boost housing supply** in accordance with Paragraph 47 of the NPPF (Blaby, Denbighshire, Kirklees, Rushcliffe, Coventry, Melton, Waverley). Objectively assessed housing need is commonly defined by the Sub-National Population Projections (SNPP) of the Office for National Statistics (ONS), using the latest available data (2008 or 2011 in the cases below) (Hertsmere, Milton Keynes). In many cases these figures are higher than the regional plan figures. The level of housing should be assessed through the sustainability appraisal process. Up to date housing evidence is essential (North Warwickshire);
- Need to plan for more land than is actually needed to allow for **flexibility** i.e. if delivery runs into trouble at certain sites (Blaby, Croydon).
- **Failure to meet objectively assessed needs must be justified in NPPF terms as a whole** (Waverley). Adverse impacts of loss of agricultural land and non-designated countryside are usually outweighed by the benefits of housing development (Blaby, Denbighshire), even in the case of Green Belt (Halton, Hertsmere, Rushcliffe, Waverley, Coventry) unless there are clear physical and environmental constraints (Eastbourne, Shepway) or National Park and European habitat designations (Wealden);
- Strategy must be based on **sustainable patterns of development**, flexible and not reliant on a single site (Winchester), and alternatives robustly tested, not based on political or other factors (Coventry, Melton, Rushcliffe) ;
- In limited cases an **early review** is required in order to address difficult strategic issues and enable further housing sites to be provided

(Hertsmere). However in most cases plans are required for **long term housing needs** (15 years)

- **Duty to Co-Operate** includes unmet housing needs where relevant (East Hampshire, Coventry). Where regional strategies are still in place, Inspectors have required conformity – even where revoked, they may be held as a suitable basis for co-operation (Coventry, Kirklees); and agreement is necessary in relation to essential infrastructure issues (Waverley);
- **Infrastructure plans** do not require demonstration of full deliverability – lack of evidence that plans are not deliverable may be sufficient in some cases (Milton Keynes). Contingent policies may address uncertainty around infrastructure delivery (Halton). However, where specific infrastructure requirements are raised by key partners these should be addressed (Melton).
- Requirement to consider **Gypsy and Traveller site allocations** and criteria-based approach to provision of new sites (South Staffs, Hertsmere);
- **Affordable housing** levels vary across the country in accordance with viability assessment.

Authority, Inspectors Name, Date of Report	Main issues raised by the Inspector	Recommendation
<p>Halton Borough Council (Widnes-Runcorn) Robert Yuille Report dated 12th October 2012</p>	<ul style="list-style-type: none"> • Increase housing target from 9,000 to 9,900 to take account of shortfall from previous plan period • Compliance with the Code for Sustainable Homes and BREAM will be encouraged rather than required • Include requirement for partial Green Belt review as part of the Site Allocations Development Plan Document – little evidence that this would undermine regeneration • Include commitment to explore as a priority funding sources for upgrades to Junction 11 of the M56 motorway, to facilitate development of East Runcorn urban extension <p>Halton Borough Council is currently re-consulting on the proposed changes</p>	<p>Sound with modifications</p>
<p>South Staffordshire Simon Berkeley Report dated 17th October 2012</p>	<ul style="list-style-type: none"> • Core Strategy should set a 'robust framework' for review of the Green Belt through the Site Allocations document • Increase provision of gypsy and traveller sites to meet assessed needs of 79 pitches <p>South Staffordshire Council adopted the Core Strategy on 11th December 2012. The Council is currently defending a High Court challenge in respect of the distribution of development between the villages.</p>	<p>Sound with modifications</p>
<p>South Oxfordshire Roy Foster Report dated 23rd October 2012</p>	<ul style="list-style-type: none"> • To fulfil duty-to-co-operate should briefly review the demise of the South Oxford Development Area (proposal for 4,000 dwellings successfully challenged on grounds of inadequate sustainability appraisal) and commit to future joint working with Oxford City Council to assess wider needs of Oxford. • 775 dwelling requirement for Thame to be devolved to Thame Town Council for allocation through the Thame Neighbourhood Plan, reflecting 	<p>Sound with modifications</p>

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	<p>change of strategy from a large allocation of 600 dwellings to a strategy based on a larger number of smaller sites.</p> <ul style="list-style-type: none"> • Green Belt Review required only at Berinsfield, exceptional circumstances justified because it is rare for such a large village to not be inset. Delete reference to Green Belt Review at Wheatley, in order to preserve key gaps between villages which form a key part of their character. • 20% on-site renewable energy requirements at certain kinds of development is justified given the evidence, but will need to be reviewed when the Building Regulations change to avoid a plethora of standards which are confusing and expensive to operate. 	
<p>Wealden (East Sussex) Mike Moore Report dated 30th October 2012</p>	<ul style="list-style-type: none"> • Undershoots regional housing target and objectively assessed housing need • This is acceptable because of impacts of nitrogen deposition on air quality at Ashdown Forest Special Area of Conservation (SAC). • Requirement for an early review to resolve the issue of capacity at a sewage treatment works and conduct further work on air quality • Additional pitches for gypsies are in accordance with evidence supplied in recent technical assessment <p>Wealden District Council adopted the Core Strategy on 19th February 2013</p>	<p>Sound with modifications</p>
<p>Eastbourne Sue Turner Report dated 21st November 2012</p>	<ul style="list-style-type: none"> • Meets regional strategy housing targets but does not meet objectively assessed need • Failure to meet objectively assessed needs is justified by constraints arising from coastal and fluvial flood risk and the South Downs National Park • Several potential sites have been dropped due to abnormal costs such as flood risk mitigation 	<p>Sound with modifications</p>

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	Eastbourne Borough Council adopted the Core Strategy on 20 th February 2013	
<p>East Hampshire Anthony Thickett Preliminary Note dated 23rd November 2012</p>	<ul style="list-style-type: none"> • 2008 Strategic Housing Market Assessment (SHMA) is out of date • Levels of housing proposed would not meet objectively assessed needs, and would not meet urgent need for affordable housing, limit the supply of local workers and lead to increased levels of in-commuting. • 40% affordable housing target based on a 2010 study and may not be viable in the current market • Failure to consider possibility for the district to address unmet housing need in Waverley District and the South Downs adjacent (Duty to Co-Operate) • Sustainability Appraisal does assess alternative levels of growth and therefore there is no evidence to suggest that a higher level of growth would cause unacceptable harm to the environment • Failure to consider phasing implications of extraction of mineral resource on housing provision at key housing site (Whitehill and Bordon) <p>East Hampshire Council has suspended work on the Core Strategy for nine months to enable further technical work to be undertaken.</p>	<p>Not sound - Suspend examination or withdraw plan</p>
<p>Hertsmere Mary Travers Report dated 5th December 2012</p>	<ul style="list-style-type: none"> • This is the revised Core Strategy, following the withdrawal of Hertsmere's Core Strategy in January 2010 (originally submitted late 2008), therefore the consequences of further delay are given significant weight • Housing figures under-estimate level of housing need when judged against the latest sub-national population projections • Strategy of brownfield redevelopment is adequate for the short term, and no Green Belt releases are required for the present plan • The plan must be reviewed within three years to review Green Belt and allocate more housing land as well as releasing safeguarded sites 	<p>Sound with modifications</p>

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	<ul style="list-style-type: none"> • Policy amendments to ensure that the need for Gypsy and Traveller sites is addressed • Should increase affordable housing requirement to 40% in certain postcodes and 35% elsewhere <p>Hertsmere Borough Council adopted the Core Strategy on 16th January 2013</p>	
<p>Croydon (London) Robert Yuille Report dated 17th December 2013</p>	<ul style="list-style-type: none"> • Insufficient housing identified 2021-2031 to meet need, but robust evidence base suggests that there is no more capacity at present, 270 sites are being assessed for potential allocation in Part 2 (Site Allocations) and may yield further supply, and that housing need and demand should be considered London-wide as part of the London Plan • Impetus for a Green Belt Review should come from the London Plan, not from the Borough plans • Council does not have a current 5-year land supply, but has a credible record of having done so, therefore a 5% buffer (rather than 20%) will be sufficient • Compliance with Code for Sustainable Homes and BREEM Standards is justified by policies in the London Plan and by local evidence <p>Croydon adopted the Local Plan: Strategic Policies on 22nd April 2013</p>	<p>Sound with modifications</p>
<p>Haringey (London) Andrew Seaman Report dated 17th December 2013</p>	<ul style="list-style-type: none"> • Minor amendments to ensure compatibility with the London Plan • Ensuring that the plan reflects the evidence base in relation to health infrastructure and employment land • To ensure the objectives of the plan are linked adequately to the provision of necessary infrastructure and to ensure that adequate monitoring of the plan will be secured in the interests of effectiveness. 	<p>Sound with modifications</p>

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<p>Winchester Nigel Payne Report dated 11th February 2013</p>	<p>Haringey Council adopted the Local Plan: Strategic Policies on 18th March 2013</p> <ul style="list-style-type: none"> • Increase the housing supply from 550 to 625 dwellings per annum, based on Office for National Statistics figures, and utilising identified spare capacity within the District • Define housing figures as 'about' rather than 'maximum' or 'minimum' is appropriate to enable flexibility • Strategy provides for a sustainable pattern of growth in accordance with the NPPF, with three urban extensions to Winchester and a spread in the villages guarding against over-reliance on one site • Relatively small increase in employment land is realistic, given the retention of the existing employment land • Education provision is often flexible – given the agreements with the County Council, do not specify the number of primary schools needed <p>Winchester City Council adopted the Core Strategy on 20th March 2013.</p> <p>The Council is currently defending a legal challenge from a developer in relation to 12,000 dwellings proposed at Micheldever station, on the grounds that neither Council nor the inspector had not provided sufficient housing and had failed to comply with the Strategic Environmental Assessment Directive.</p>	<p>Sound with modifications</p>
<p>Rushcliffe (Northamptonshire) Jill Kingaby Letter dated 13th February 2013</p>	<ul style="list-style-type: none"> • Not consistent with NPPF requirement to significantly boost supply of housing and meet objectively assessed development needs • Inadequate assessment of Green Belt function – earlier studies had indicated that Green Belt to the south and east of Nottingham was least sensitive to new development. • Failure to co-operate with other local planning authorities to decide where greater Nottingham's need can best be met 	<p>Not sound - Suspend examination or withdraw plan</p>

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	<ul style="list-style-type: none"> • Simplistic understanding of localism – housing numbers must be justified i.e. “the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence” (NPPF Paragraph 182). <p>In a statement issued on 17th June 2013, Rushcliffe Council announced that to <i>"have any chance of having the plan passed by the inspector, the borough council has to allow a further 3,550 homes to be built"</i>. It therefore proposes to consult in June and July on the following additional housing sites, following by a decision on a new strategy in October.</p>	
<p>Blaby (Leicestershire) Kevin Ward Report dated 12th February 2013</p>	<ul style="list-style-type: none"> • Increase provision from 365 to 380 dwellings per annum • Clarify that housing provision figures are a minimum • Inevitably some adverse impacts (such as increased congestion) as a result of proposed development, but these are outweighed by the benefits • No evidence to justify seeking 30% affordable housing at the urban extension but 25% elsewhere • 20% housing buffer brought forward from later in the plan period • Infrastructure Plan includes indicative costs, roles of partners and the Councils, and is flexible, and forms part of an effective approach to developer contributions. <p>Blaby Council adopted the Core Strategy on 21st February 2013</p>	<p>Sound with modifications</p>
<p>Coventry Robert Yuille Letter/annex dated 27 February 2013</p>	<ul style="list-style-type: none"> • Failure to engage constructively with neighbouring Councils on the strategic matter of the number of houses proposed • Reduction in housing numbers from adopted plan under Regional Plan of 33,500 dwellings to proposed just 11,373. • Lack of a co-ordinated basis for agreeing housing need 	<p>Not sound</p>

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	<ul style="list-style-type: none"> • Change of political control and new political mandate not to release Green Belt sites for housing <p>Coventry Council withdrew the Core Strategy on 16th April 2013</p>	
<p>Melton (Leicestershire) Harold Stephens Letter dated 11 April 2013</p>	<ul style="list-style-type: none"> • Plan fails to meet objectively assessed needs – should increase target from 170 dwellings per annum to 200 per annum • Plan not justified against alternative options – no clear rationale for apportionment between villages and main town, assessment of alternative directions of growth at main town is “subjective and unreliable” • 12 year timeframe insufficient – must be at least 15 years • Over-reliant on a single urban extension for the majority of development, with no consideration of the viability of delivery • Infrastructure Delivery Plan does not meet Police needs <p>The Council withdrew the Core Strategy on 16th April 2013, to commence work on a new Local Plan.</p>	<p>Not sound</p>
<p>North Warwickshire Anthony Thickett Letter dated 22nd April 2013</p>	<ul style="list-style-type: none"> • 2008 Strategic Housing Market Assessment (SHMA) is out of date • Must seek to meet objectively assessed housing needs • Cannot defer housing matters to an early review of the plan 	<p>Not sound</p>
<p>Denbighshire, Wales Anthony Thickett Gwynedd Thomas Report dated 26th April 2013</p>	<ul style="list-style-type: none"> • Requirement for additional 21 proposed sites to address the shortfall in the original plan (June 2012), providing another 1,000 dwellings • Density target of 35 dwellings per hectare to enable housing targets to be met on the available land • Contingency of around 5.5% is less than the 10% usually considered to enable flexibility, therefore the Council should be prepared to react quickly 	<p>Sound with modifications</p>

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	<p>if monitoring shows that the housing target may not be met.</p> <ul style="list-style-type: none"> • Key Strategic Site – spending power of 1,715 additional households within 3 miles of Rhyl would be likely to have a positive influence on investment decisions for a hotel, restaurants and leisure facilities in the town • Benefits of development outweigh loss of grade 3 agricultural land and open fields • Affordable housing at 30% is not supported by viability evidence – 10% is a more appropriate starting point <p>Denbighshire Council adopted the Local Development Plan on 4th June 2013</p>	
<p>Kirklees (west Yorkshire) Roland Punshon Letter dated 26th April 2013</p>	<ul style="list-style-type: none"> • so far as housing is concerned, the Council appears to be abandoning the foundation of co-ordination which could be provided by the RS [Regional Strategy]. This impression is reinforced by the fact that submission of the Core Strategy for Examination appears to have been delayed until the RS has been revoked. The object of the Council's timing appears to be to ensure that the Core Strategy cannot now fail the test which required that the document should be generally in conformity with the RS. This does not fulfil Duty to Co-Operate requirement in NPPF Paragraph 182 for a "continuous process of engagement from initial thinking through to implementation." • Does not address paragraph 47 of the NPPF, and does not seek to meet objectively assessment housing need. Meeting housing needs is one of the most important functions of the Plan. The proposed approach would drive higher house prices and result in migration from the district. • No recognition of the cross-boundary housing market areas –Kirklees district's geographical position as one of a group of closely-related built-up areas, I am concerned that the Council's identification and treatment of 	<p>Not sound – recommend withdrawal</p>

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	<p>Kirklees as an isolated and independent market area may be difficult to substantiate.</p>	
<p>Milton Keynes Mary Travers Report dated 29th May 2013</p>	<ul style="list-style-type: none"> • Housing target (1,750 per year) in line with sub-national population projections • the plan's housing target is an interim, minimum figure; • Clarification about how non-strategic sites will be brought forward and a rolling five-year supply of housing land will be maintained; • Confirmation that the council will undertake an early review of the plan that will address needs in co-operation with adjoining authorities to 2031 and beyond; • No evidence that the infrastructure will be undeliverable, although there is no doubt that direct financial support from government will be required. <p>Additions to the strategic land allocation to the south east of the city for further development. The Core Strategy is scheduled for adoption by Milton Keynes Council on 20th July 2013</p>	<p>Sound with modifications</p>
<p>Waverley (Surrey) Michael Hetherington Letter dated 13th June 2013</p>	<ul style="list-style-type: none"> • Plan's reliance on urban extensions in adjoining districts: should have discussed willingness of neighbouring authorities to accept Waverley's unmet housing need at an earlier stage • Housing data does not meet requirements of NPPF Paragraph 159: is out of date (2009), does not consider wider housing market areas beyond the district boundary, does not take account of migration and demographic change • Failure to meet objectively assessed housing needs has not been justified in NPPF terms as a whole • Core Strategy does not clearly differentiate between a) national designations such as Green Belt and Areas of Outstanding Natural Beauty; 	<p>Not sound – recommend withdrawal of the plan unless additional work can be accomplished a) without fundamentally altering the spatial strategy, and b) does not require re-</p>

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	<p>b) local designations, and c) other areas</p> <ul style="list-style-type: none"> • Failure to undertake a Green Belt Review is not justified in NPPF terms; • Level of housing need has not been assessed through the sustainability appraisal process • Failure to provide 'compelling evidence' to support windfall figure • Despite statement of common ground with Hampshire County Council, it is not clear whether there are any outstanding objections 	<p>consultation.</p>
<p>Shepway (South Kent) Michael Hetherington Report dated 10th June 2013</p>	<ul style="list-style-type: none"> • Housing target exceeds the Regional Strategy figures and meet objectively assessed needs • Three strategic housing allocations are suitably justified and effective in NPPF terms • Extensive areas of flood risk and internationally designated wildlife habitat around Romney Marsh AONB • 5% housing buffer is adequate – no evidence of persistent under-delivery • Acceptable rate of return to the developers must be taken into account by Council in setting suitable housing level at Folkestone Racecourse site 	<p>Sound with modifications</p>