

Guildford Greenbelt Group

14 May 2014

Dear Councillor

Scrutiny committee

Susan Parker will be speaking on behalf of GGG at the Scrutiny Committee this evening. Various concerns will be raised.

However, as background, this letter deals with some of the numerical concerns that GGG have with the current draft Local Plan. As a 3 minute presentation is not the best format for delving into figures, it may be helpful to run through some of those numbers in advance of tonight's committee meeting so that you are all informed of the detail.

The Local Plan draft that you will be considering has, in the foreword, the comment that **“The plan has to take into account our persistent under-delivery of housing and the almost complete absence of a 5 year land supply.”**

We feel that both these statements are fundamental to your understanding of the proposals and the decisions that you will be making. We also feel that both are factually incorrect.

We would like to demonstrate both points – for those of you who are more comfortable with Excel, we are attaching an Excel spreadsheet with the source analysis included so that you can review the calculations.

Persistent under-delivery of housing

GGG does not believe that this statement is true or fair.

We consider (as noted below) that the draft SHMA has many faults. However, it is useful for some base data, and we would note that the consultancy employed by GBC to prepare this document, GL Hearn, comment in paragraph 2.44 on page 27 of the draft SHMA

“Over the 2001-11 decade housing delivery totalled 3187 homes in the Borough (net) relative to planned housing delivery of 3180 homes. The planned housing provision was based on the former RSS housing target which was capacity driven. In the period preceding the demographic projections in this report (which start from 2011) there was thus no net shortfall in housing provision”.

Further, GL Hearn comment in paragraph 2.46 on page 28

“Guildford Borough.. did meet its housing target for the 2001-11 decade as a whole”.

There is a reference to undersupply for the 12 year period to 2013. But this doesn't arise, since the plan is for the 20 year period to 2031, backdated to 2011. So it is wrong to take the incremental period 2011-13 into account here.

Just to clarify that statement more fully: the draft Local plan suggests a housing need of 652 (this number is not accepted, and more discussion on this later). This translates in the introduction to the draft Local Plan to a total housing requirement of 13040 (which is derived as $20 \times 652 = 13040$). The plan runs until 2031. So the 20 year period concluding in 2031 must start in 2011. As a result, the supply that needs to be appraised in terms of historic underperformance prior to the plan period must be the supply until 2011.

There is an alternative scenario, where we stop pretending that the plan should run from 1 January 2012. If the inspectors and you as councillors are only looking forward, and not backdating the plan then the supply that we will need to consider will only relate to 16 years, not 20 years. As a result the total would not be 13040 (20×652) but would be $16 \times 652 = 10432$.

We have accepted the backdating as a principle, since this is proposed by the Council, but this principle, if accepted, must be consistently followed. You cannot backdate the requirement, but ignore the historic supply which relates to that requirement, and have a series of mismatched time periods. It must therefore be accepted that there is no historic undersupply, as confirmed by GBC's own consultants.

Furthermore, you could not assert that the historic housing needs should be backdated, and that because it is now higher, you failed to deliver against a hypothetical, unrecognised housing target. This is an exercise in the ridiculous. No authority in the country can supply against hypothetical retrospective targets – are we supposed to build now on a wholly unrestricted basis in case someone at some stage in the future might possibly apply some higher hypothetical target? Why should you even assume that targets will continually rise? What if some targets, in the future, were perhaps to restrict housing supply or fine you for excessive use of agricultural land – might you then be penalised retrospectively for oversupply or excessive land use now? Clearly, this would be wholly unreasonable, and obviously ridiculous. So, how, in 2011, could you decide that the housing target in 2014 would in fact be retrospectively applied to 2011 and so you needed to build double the amount the High Court agreed? You cannot assume the impact of future targets when making decisions. You have to compare against actual targets at the time. Compared to actual targets in place there was no undersupply, as confirmed by your own consultants.

And, with all due respect to the planning department, the fact that they assert a thing does not demonstrate the fact. You as Councillors need to interrogate them and require that they prove assertions; because if you do not, an Inspector will.

GGG would prefer not to backdate the requirement, and only to look at the plan going forward. We would prefer to recognise that the date is 15 May 2014 and that we are looking at actual supply for the future, not historic supply. We would prefer a total housing target on the basis of 16 years supply, not 20 years, which is the consequence of that recognition. ($16 \times 652 = 10432$ – ie a reduction from 13040). The Council want to backdate the plan instead, and we have accepted this. But consistency must be applied. If you want to backdate the requirement, then you have to look at historic supply up to the date of that requirement.

Absence of a 5 year land supply

Again, this statement does not seem confirmed by the documents prepared on behalf of Guildford Borough Council.

The SHLAA (current draft) notes (page 9) that existing planning permissions include

Guildford urban area	1480	
Ash, Tongham and villages	830	
Subtotal	<table border="1"><tr><td>2310</td></tr></table>	2310
2310		
Disputed permission re Ash & Tongham	400	
Revised subtotal	<table border="1"><tr><td>1910</td></tr></table>	1910
1910		

As previously noted, this plan is backdated to 2011. We are therefore in a position where we are including (in the forward plan) the housing requirement for the years 2011-13. We are effectively pretending that we are in 2011. As a result, looking forward, we should also deduct the actual completions in that period, since these are also relevant to the calculation.

If we cease to pretend we are in 2011, three years' housing requirement fall away, and the total housing required falls to a total of 10432 by 2031. ($16 \times 652 = 10432$)

Historic completions are:

2011/12	source - SHMA draft p26	261	
2012/13	source - SHMA draft p 26	230	
2013/14	tbc	0	
Total historic completions (plus 2013/14)		<table border="1"><tr><td>491</td></tr></table>	491
491			

These can either be deducted from the requirement or added to the "5 year supply".

Added in there should also be the number in relation to student housing which has been confirmed as applicable to the calculation by Nick Boles in his letter to Paul Beresford (copy letter attached).

This gives the following subtotals:

Historic completions	491	
Existing planning permissions	1910	
Student planning permissions	2121	
Current housing supply	<table border="1"><tr><td>4522</td></tr></table>	4522
4522		

This is before any new sites are taken into account at all. This is just existing planning permission and existing completions.

The SHLAA seems to adjust existing permissions in order to suggest that many will not be completed within a five year period. However, since these are in the control of the local authority this should not be acceptable. The University, for example, has suggested that they may choose not to build until 2017; but all these homes could be built tomorrow if the builders so decided. Why should the local authority, and the community, be held to ransom by builders deciding not to build when they have existing permissions? The permissions exist; they must be taken into account.

If there is no shortfall, it is necessary to provide a 5 year buffer of 5%. If there is a shortfall, then the buffer becomes 20%. However, there seem to be sufficient existing planning permissions. The five year housing supply may be calculated – using the disputed SHMA number – as follows:

$$5 \text{ years} \times 652 \text{ homes per year} \times 105\% = 3413$$

It will be noted that 4522 exceeds 3413. Just to nail the sum

$$4522 - 3413 = 1109.$$

In other words, 1109 of the existing planning permissions would have to be *unavailable* in the five year period, and there have to be would be NO available extra land on which planning permission is being sought, before there is any question of a failure to provide a 5 year housing supply.

It is therefore demonstrable that before **any** additional sites are taken into account, the borough does have a 5 year housing supply.

This matter is particularly fundamental. Where local plans are not finalised, the existence of a sufficient 5 year housing supply provides protection against the prospect of planning by appeal, which we have repeatedly been told is of major concern to councillors. We consider that it can be demonstrated that (even on the basis of the draft SHMA, itself open to question) a 5 year supply is in existence. As a result, there should be a sufficient defence against possible appeal by developers in relation to prospective planning proposals being rejected prior to the implementation of the Local Plan.

SHMA basis

It has been noted by many commentators that the SHMA numbers are incorrect and overstated. They rely on 5 year demographics rather than 10 year demographics, and this results in an exaggeration of the blip from boom years when the university has grown. While this is no doubt to be applauded, the regression trend cannot be extrapolated from one year's blip – it distorts a total. There are a number of other anomalies and errors.

This has been picked up by Edge Analytics in the review commissioned by Guildford Borough Council and included on the evidence base, which notes that it can only give “an amber tick” to the statement that “assumptions, judgments and findings are fully justified and presented in an open and transparent manner”. It further notes that this arises because the choice of scenario assumptions has an important bearing on the housing numbers.

So the housing numbers only have an “amber” tick, and the 10 year comparables that Edge suggest (see page 17 of their report) would show a range of alternatives. We would propose

that the “migration led” scenario of 470 is most appropriate. This is of course comparable to the 652 number that is generated by GL Hearn.

However, note also that the GL Hearn number is that generated by the SHMA. As noted in the press by GGG, that number should then be subject to constraints (as noted also in the letter from Nick Boles to the planning inspectorate). No constraints have been applied; it is unclear why this decision has been made.

It has been asserted by the planning department that constraints have indeed been applied. If so, no reduction has been made, so the constraints do not appear to have constrained anything. The number generated by the SHMA is the unadjusted housing need number from the SHMA. If constraints have indeed been applied, why is the number unchanged?

The NPPG envisages that a SHMA number will be generated to demonstrate housing need; that the SHMA will then be subject to review and constraint due to local circumstances; and that this will result in a housing target. This process is neatly discussed, with useful definitions of the various categories, in the recent legal case *Gallagher Homes v Solihull*. The SHMA result, and the actual housing target, should be different in almost all cases. Why, for Guildford, which has an exceptionally high anomalous number in the draft SHMA (disproportionate to that of adjoining authorities), is there no constraint applied? Is it that the planning department *want* to find the highest possible housing number? Why?

We would suggest that taking constraints arising from capacity into account would generate a number in the region 300-345.

NB if the 345 housing requirement number were to be used, this would generate a consequential 5 year supply number of 1811 homes (including the 5 per cent uplift).

5 years x 345 homes per year x 105% = 1811

Duty to cooperate

GGG have noted that GBC has a duty to cooperate and has made this point repeatedly since formation last year, in its letters to Councillors (including our first letter, in December 2013) and in its formal submissions and press announcements, together with a concern that this duty is not being properly fulfilled.

We do have much sympathy with the administrative difficulties of managing a duty to cooperate in the context of a timing mismatch in plan preparation with neighbouring authorities. GGG has noted in the context of our submission to the parliamentary committee reviewing the NPPF that this is effectively almost unworkable.

Notwithstanding this, inspectors are likely to pay particular attention to this requirement, and we would note that Runnymede has now joined Waverley as an authority that has failed in its duty to cooperate. As we have repeatedly stated, not in a spirit of delaying this process but in the spirit of seeking to facilitate the best possible local plan, it is important to get it right, and a rushed plan is a plan that might fail.

We would note that if councillors had listened to GGG in relation to this in December 2013, rather than dismissing our point, the Local Plan would have been somewhat more advanced at this stage. We would urge you to listen to our concerns, and those of other residents' groups, rather than to press on regardless with a plan that has so many flaws.

Summary

We consider that the Local Plan has a number of failing elements, which must be tested and challenged by councillors, not merely accepted.

We consider that councillors have not been well advised, and that they have placed too much reliance on the unsupported statements made by the planning department, some of which have proved unreliable.

We also consider that it is the responsibility of the Scrutiny Committee to make those challenges (and consequent corrections) at this time, with the utmost speed, rather than to proceed with a failing plan now.

These include:

1. The assumption that the SHMA number is correct (we consider it is not)
2. The failure to apply constraints to the SHMA number (this must be constrained)
3. The failure to meet the duty to cooperate (this must be done or the plan will fail)
4. The belief that we do not have a 5 year land supply (we do and this is demonstrable)
5. The belief that we have had persistent under-delivery of housing (no underdelivery)

Please make these corrections before the draft Local Plan is put forward as part of the consultation exercise.

Yours faithfully,

Guildford Greenbelt Group

Appendix 1

Letter from Nick Boles MP to Sir Paul Beresford MP 7 February 2014

Letter attached in full but note in particular:

“Can student housing be included in a local authority’s Local Plan housing numbers?”

Yes. Student housing makes a significant contribution towards housing supply by taking pressure off housing stock. The Government has clarified guidelines to make it clear that local authorities can include student housing in the calculation of, and the monitoring toward, housing needs regardless of whether they are communal or sited on a university campus.”