

Our Ref: 2014.015
Your Ref: 090 – The Scott's Miracle Gro

Mr Tony Blackburn
15 Ottawa Close
Blackburn
BB2 7EB

16th November 2015

Dear Tony,

Re: Examination of Carlisle District Local Plan 2015 – 2030

White Peak Planning on behalf of The Scott's Miracle Gro (UK) Limited, further to our initial representations '090 – The Scott's Miracle Gro' made pursuant to Regulation 20, of the Planning and Compulsory Purchase Act 2004, would like to formally submit the following representations on the Inspectors Matters and Issues for Examination of the Carlisle District Local Plan at examination document EL1.007d

Matter 2 – Housing, Issue 1, Q1 – Spatial Distribution

In our initial representations submitted in response to the pre-submission version of the Carlisle District Local Plan 2015-2030 we supported Policy SP 2, specifically in relation to the support for 30% of housing growth to be targeted in the rural area. Whilst we initially supported this position based on the annualised average of 565 net new homes between 2015 and 2030, the Council's housing position has since changed following the Inspector Comments on five year housing land supply at examination document EL1.002a and further at EL1.003a, consequently we no longer consider Policy SP 2 to be sound and **object** to the Policy in its current form.

The Council cannot currently claim to have a five year land supply of housing and consequently the proportional split of distribution needs to be reviewed in this context. The Council currently claim to be able to meet virtually all (28%) of the 30% requirement for new development in the rural area, therefore restricting future supply in the rural area through windfall development. According to the Pre-Submission Carlisle District Local Plan 2015 – 2030 allocated sites in the rural area account for 16% of the delivery target with the remaining 12% made up for in existing permissions. This leaves 2% available for windfall development at an average of 2 dwellings per annum.

Windfall development is targeted to provide 1,500 dwellings across the plan period at an average of 100 per annum. Restricting this windfall development to be almost entirely urban locations would reduce the likelihood that this annual target will be met. The considerable proportion of the overall total supply 10,485 to be provided by windfall development is an important aspect of overall housing delivery. Highlighting the challenge and importance of Windfall Development the requirement for 100 dwellings per annum is more than a third of the actual delivery from five of the previous six years based on the figures presented in EL1.002c.

Where a local planning authority cannot identify a five year housing land supply, policies which restrict the supply of housing are not considered to be up to date as per paragraph 49 of the National



Planning Policy Framework, a recent case confirmed this included location based policies¹ and these policies could only be accorded limited weight in the planning balance at determination. In view of the Council's current housing position Policy SP 2 should be amended to build in flexibility to windfall development to come forward across the Local Plan area including rural areas.

We propose that the percentage split between rural and urban areas should be removed from the Plan as the reason given in the Pre-Submission Carlisle Local Plan 2015 – 2030 at paragraph 3.11 is not robust and justified in light of the fact that the Council does not have a five year housing land supply. The Council have mechanisms through their housing allocations and policy amendments to influence development in rural areas enabling them to meet their target without adopting a restrictive and arbitrary percentage limit.

The Council's approach to the percentage split does not appear to have been prepared on evidence based analysis and instead has been established to simply 'fit' with allocations and un-built permissions.

Development would still be determined against the amended Policy SP 2 and other policies in the Local Plan, together with material considerations, but the removal of a restrictive percentage based policy would increase confidence of SME builders in taking on new development, therefore contributing to the local economy, providing local jobs and contributing to overall housing delivery.

Matter 2 – Housing, Issue 1, Q2 – Reliance on Windfall Development

The majority of Carlisle District is rural and with the Local Plan only making housing allocations for sites of 10 or more houses (Para 5.11, Pre-Submission Carlisle District Local Plan) this leaves a considerable proportion of potential development across the district un-allocated. The rural nature of Carlisle ensures that sites for a more strategic level of development are less available and consequently the district requires a proportion of its housing target being met by windfall housing.

The reliance on a contribution from windfall housing in a district of this nature is in line with the Framework paragraph 48 as the range of potential sites across the district is broad and is likely to continue to provide a reliable source of supply.

The windfall provision provides flexibility for small and medium-sized enterprises (SME) builders to contribute to the overall delivery on sites providing less than or equal to 9 houses. The support for SME builders has been supplemented by national government through a £100 million cash boost through the Housing Growth Partnership² identifying the important contribution they make to the national housing supply.

In view of the Council's current housing position and in accordance with initial representations made against Policy HO 2, our overall position has now changed and we **object** to the policy in its current form. The policy should be modified to provide greater flexibility on the location of windfall development.

The level of contribution required from Windfall Development to meet the annualised average of 565 net new homes of 100 dwellings per annum is more than a third of the actual delivery from five of the previous six years based on the figures presented in EL1.002c. Policy HO 2 in its current form has

¹ CO/12394/2013, 10/03/2014, South Northamptonshire Council v SSCLG and Barwood Land and Estates Ltd

² <https://www.gov.uk/government/news/100-million-boost-for-small-housebuilders>



the potential to restrict housing development and should be modified to increase development coming forward, the amendment should be as follows:

'New housing development on sites other than those allocated will be acceptable within, on the edge or with good access to Carlisle, Brampton, Longtown, or within or on the edge of villages within the rural area provided that the development will not prejudice the delivery of the spatial strategy of the Local Plan...'

Development would still be determined against the amended Policy HO 2 and the other policies in the Local Plan and any other material considerations but the greater flexibility would increase confidence of SME builders in taking on new development, therefore contributing to the local economy and overall housing delivery.

Matter 2 – Housing, Issue 3, Q1 – 5% Buffer

Further to our representations that were made on Policy SP 2, the initial support for this policy was based on the delivery of an annualised average of at least 565 new homes between 2015 and 2030. The Council's housing position has since changed following the Inspector's Comments on five year housing land supply at examination document EL1.002a. The Council's subsequent response at EL1.002c advocates the use of a 5% buffer in place of a 20% buffer.

The Council's reason for applying a 5% buffer is on the basis of local circumstances pertaining specifically to Carlisle in light of regional housing numbers increasing on the previous delivery target of the 2011 – 2016 Carlisle Local Plan, the inability of the construction industry to deliver and a moratorium on rural housing development in 2004.

However, it is the requirement of the Framework for Local Plans to ensure that they have planned for the objectively assessed need and to ensure that there is choice and competition in the market for land. The Framework requires at paragraph 47 that where there has been a persistent lack of delivery a 20% buffer should be applied to both the shortfall and Local Plan base requirement as set out by the Inspector at EL1.002a.

We fundamentally **object** to the Council's proposed approach to only apply a 5% buffer, the Council has consistently been unable to deliver on the relevant target over a period of nine years. The persistent under delivery has left a significant shortfall which reducing the target will only sustain. The recession officially ended in 2012³, however since this time the Council has failed to deliver against the appropriate target year on year amassing a total under-supply of 755 houses between 2012/2013 to 2014/2015 with a total cumulative under-supply of 1,118 to date⁴.

The assertion made in the Council's response to the Inspector at EL1.002c that it is the capacity of the development industry which will restrict the delivery of the housing target should not be relied upon. As outlined in the Framework at para 47 and set out in the Inspector's preliminary questions at EL1.002a an aspect of the requirement to include a buffer to account for persistent under delivery is to ensure choice and competition in the market for land. Providing the required amount of housing for the district will enable new entrants to come into the market including both national and SME builders to improve the local economy and help meet the housing supply. Restricting this provision through reducing the buffer applied will prevent new entrants from being able to access the market reducing choice and competition and increasing persistent under delivery in the future.

³ <http://uk.reuters.com/article/2012/10/25/uk-britain-growth-idUKBRE89O0DT20121025>

⁴ EL1.002c PINS PS003



We propose that the Council should re-instate the 20% buffer to ensure that the full objectively assessed need is met throughout the plan period making amendments to restrictive policies in order to meet the target.

Matter 2 – Housing, Issue 3, Q2 – Stepped Approach

The Council's proposal at EL1.003e to introduce a stepped approach to delivery in light of a lack of five year land supply is not justified in this context, consequently we **object** to this approach. The movement of delivery to the back end of the plan period against a background of persistent under delivery over a period of nine years will increase the cumulative lack of supply for the district and is contrary to the Framework's approach for delivery at para 47.

The national housing market is currently strong with buoyant figures providing housing starts at a 7-year high and climbing, according to Housing Minister Brandon Lewis in July, 2015⁵. This has served to increase confidence for developers across the country, with identified support from national government to SME builders and further support to come through the Housing and Planning Bill due to be enacted in 2016. The UK economy has also recovered since officially leaving recession in 2012 and is currently one of Western Europe's fastest growing economies⁶; in light of this the opportunity to deliver housing is currently in a strong position. Reducing the requirement at this time and backdating to later in the plan period will restrict choice in the market and prevent new entrants from being able to enter the local economy contributing to the overall delivery during a buoyant period and risk of greater numbers being required during a future recession making delivery harder to achieve.

New entrants able to enter the market will include those of SME builders, self-builders and a greater provision of starter homes from national developers. The self-build principal is being given greater support through the Housing and Planning bill to be enacted in 2016⁷. Support shown for this area of the housing market identifies national agenda to improve the variety and choice in the marketplace in accordance with paragraph 47 of the Framework.

Backdating delivery of housing to a substantial increase in the years 2020 – 2030 will also increase future potential under delivery going unrecorded until the opportunity to act has passed, creating a greater cumulative under supply over the plan period. As the global market remains volatile and with the UK economy heavily influenced by external factors the likelihood of a future downturn within the plan period increases the risk that delivery will suffer just at the point in the plan period where backdated numbers are required.

We **object** to the Council's proposed stepped approach where they are choosing not to meet the requirement in the earlier years of the plan. The proposed approach is not supported in the Framework, where at paragraph 47 it requires the buffer to be moved forward from later in the plan, identifying the government's preferred trajectory for a Council to meet its' target. We take this view as the proposed stepped approach will serve to increase under delivery, restrict the choice and competition in the housing market, prevent new entrants from coming into the market, dampen opportunities for SME builders, self-builders and starter homes and contract the local economy as a result.

⁵ <https://www.gov.uk/government/news/100-million-boost-for-small-housebuilders>

⁶ <http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=tec00115&plugin=1>

⁷ http://www.publications.parliament.uk/pa/bills/cbill/2015-2016/0075/cbill_2015-20160075_en_2.htm#pt1-ch2-l1g9



Matter 2 – Housing, Issue 3, Q3 – Other Alternatives

There is a clear alternative for the Council to address the five year housing land supply without adopting a stepped approach. The Council should continue to meet the full objectively assessed need as set out in their Pre-Submission Local Plan by adopting a selection of policy amendments which currently serve to restrict housing development and strengthening those which will support more housing development to come forward.

Reflecting our previous representations, but in light of the Council's new housing supply position Policy SP 2 should remove the percentage split between rural and urban area development. The majority of Carlisle is a rural area and consequently housing will be required on rural sites. Removing the percentage split of rural and urban development from this policy will reduce the risk this policy becomes overly restrictive to new sustainable development. Providing greater flexibility for sustainable development to come forward in line with para 14 of the Framework will improve the capabilities of the district to meet its full objectively assessed need and enable more choice and competition in the market.

Policy SP 6 should be strengthened to increase the amount of high quality design being achieved by those new developments coming forward and provide a mechanism where proposals which accord closely with this policy can be given additional support through the determination process alongside other material considerations. Policy SP 6 should be amended to include the following after “construction techniques....”

“...Those proposals which accord with all of the elements of this Policy will be strongly supported in the decision process.”

Further to our earlier representations supporting Policy EC 11, we now **object** to this policy in its current form and it should be strengthened and modified in light of a lack of five year land supply to recognise the value of SME builders and their contribution to the local economy. The Framework values supporting a prosperous rural economy and at paragraph 28 sets out that planning policies should support economic growth in rural areas to create jobs and prosperity by taking a positive approach to sustainable new development. The national government is increasing support for SME builders with the Housing Growth Partnership⁸ and has identified the importance of their contribution and the need for concerted support from local government to reduce risks of taking on smaller sites.

Policy EC 11 should give greater support in its justification to acknowledge the improvements to the local economy from SME and self-builders with a supply chain which reflects this local approach. Providing opportunities for builders of this nature to bring forward previously developed sites in the countryside should be supported as mechanism for rural diversification.

The Council has a limited availability of previously developed land (pdl) suitable for housing across the district with only 16% of capacity being ‘brownfield’, this situation is heightened in rural areas where only 6% of potential new houses could be located on pdl⁹ as Policies are currently drafted.

Incorporating greater flexibility into this policy to identify the contribution of construction of small sites to the local economy through the use of SME builders within the district and a supply chain which reflects this will support housing delivery and increase the proportion of housing on pdl sites. In addition to contribution to the housing delivery support for SME builders will provide new jobs for local areas within the district improving the local economy.

⁸ <http://www.housinggrowth.com/>

⁹ Strategic Housing Land Availability Assessment, Update – December 2014, pp 4



Where a local planning authority cannot identify a five year housing land supply, policies which restrict the location of housing are not considered to be up to date and therefore are only accorded limited weight in the planning balance at determination of housing development. In view of the Council's current housing position and in accordance with initial representations made against Policy HO 2, the policy should be modified to provide greater flexibility on the location of windfall development.

The level of contribution required from Windfall Development to meet the annualised average of 565 net new homes of 100 dwellings per annum is more than a third of the actual delivery from five of the previous six years based on the figures presented in EL1.002c. We **object** to policy HO 2 in its current form has the potential to restrict housing development and should be modified to increase development coming forward, the amendment should be as follows:

'New housing development on sites other than those allocated will be acceptable within, on the edge or with good access to Carlisle, Brampton, Longtown, or within or on the edge of villages within the rural area provided that the development will not prejudice the delivery of the spatial strategy of the Local Plan...'

Development would still be determined against the amended Policy HO 2 and the other policies in the Local Plan and any other material considerations, but the greater flexibility would increase confidence of SME builders in taking on new development, therefore contributing to the local economy and overall housing delivery.

Policy HO 6 in response to the national planning position in relation to pdl through the Housing and Planning Bill (to be enacted in 2016)¹⁰, which is seeking to provide deemed planning consent on pdl and in light of the fact the Council cannot demonstrate a five year housing land supply should introduce greater flexibility for replacement dwellings.

Sites in the rural area where dwellings are to be replaced should be supported for development of an appropriate scale to the plot with an increase in the number of dwellings provided subject to conformity with other relevant Local Plan policies and any other material considerations. Consequently we **object** to Policy HO 6 which should be amended as follows:

".....2. Replacement dwellings:

- a) The dwelling/s has/have an existing lawful residential use;
- b) the development is of a scale appropriate to the size of the plot; and
- c) the development would reflect the identity of local surroundings and materials in terms of both the new dwelling/s and any curtilage development such as garages, outbuildings and boundaries....."

Opportunities to re-develop pdl to increase the total supply would improve the local economy through construction, support local SME builders and contribute to the windfall allocation of housing supply.

Matter 2 – Housing, Issue 3, Q4 – Most Reasonable

We **object** to the Council's proposed stepped approach as it is not considered to be the most reasonable. The Council has established the full objectively assessed need and has a record of persistent under delivery over a period of nine years. The Council has a requirement at paragraph 47 of the Framework to boost significantly the supply of housing.

¹⁰ http://www.publications.parliament.uk/pa/bills/cbill/2015-2016/0075/cbill_2015-20160075_en_2.htm#pt1-ch2-l1g9



To meet their full objectively assessed need to include a 20% buffer moved forward from later in the plan period¹¹ the Council should adopt a selection of policy amendments to support the delivery of their housing target.

With regard to the responses given to the questions outlined in this letter the Council needs to apply a 20% buffer without backdating their delivery. To ensure the Council is able to meet its full objectively assessed need resulting from those changes in approach the policies which are considered to require amendments are as follows:

- Policy SP 2 – requires removal of percentage split between urban and rural areas;
- Policy SP 6 – requires greater support for those proposals which are able to fully accord with all the elements of the policy;
- Policy EC 11 – requires greater consideration of the contribution small-scale housing can make to the local rural economy;
- Policy HO 2 – requires consideration of sites with good access Carlisle, Brampton and Longtown; and
- Policy HO 6 – requires inclusion of more than one dwelling to maximise potential of previously developed sites.

Yours sincerely,

Robert White
Director

For and on behalf of White Peak Planning Ltd.

¹¹ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>