Council’s response to ED74: suggested new policy

1. The Council notes the suggested wording for a new policy and supporting text. Whilst acknowledging the approach being suggested, it cannot support the proposed changes in their current form.

2. In terms of the new explanatory paragraph, the wording as suggested includes many hypothetical circumstances and assertions not evidenced. The Council contends that it has submitted evidence which meets the SHMA requirements set out in the NPPF; any future work on an updated SHMA may indicate further changes are required. It is therefore inappropriate to indicate that “...circumstances will change...” It is also inappropriate to reference completions in Barnsley when the specifics of their circumstances are not known and may not be comparable or applicable within Rotherham. Given our concerns we do not feel that the wording of the paragraph as a whole is appropriate.

3. In terms of the policy, the Council has reservations around the triggers and mitigations proposed which do not take account of the current financial climate or provide a sufficient analytical basis for mitigating actions. The Council has shown in its submitted evidence and during the hearing sessions that whilst it has historically under-delivered in terms of completions, over the past 5 years or so planning permissions have been above 5,000 dwellings; the wider housing market has primarily impacted on completions. Criterion a) is not considered flexible, and Criterion b) is neither justified nor sufficiently flexible as it assumes that the reason for a lack of five year supply is lack of land, when it could be due to market or other issues.

4. The second part of the policy again sets out actions which the Council does not consider appropriate; no element of consideration of the housing market is built in. Specific concerns are:
   - Part a) is not considered necessary or appropriate: the Core Strategy already includes Policy CS33 on the presumption in favour of sustainable development.
   - Part b) is not compliant with the NPPF which indicates that safeguarded land should only be released following a review of the Local Plan. The wording as suggested would conflict with paragraph 85 of the NPPF and also Core Strategy Policy CS5 on safeguarded land.
   - Part c) is not considered necessary or appropriate. The affordable housing policy is already worded to ensure that viability is taken into account; the approach suggested may lead to loss of affordable housing provision when there is no evidence that any under-delivery is due to viability issues.

5. The Council is more supportive of the intentions in part d), in which monitoring is reported to the appropriate Council meeting; however this appears to replicate to some extent the monitoring procedures that would be followed through in respect of the Annual Monitoring Report and the infrastructure group which the Inspector suggested wording on.

6. The Council considers that any triggers should trigger the need for a more critical appraisal of the market and any issues with delivery of sites, rather than inappropriately trigger action which may not be required.

7. An overall approach is already included in the Inspector’s suggested wording to Policy CS32 which indicates with regard to the Infrastructure Delivery Group: “... Its functions will include assessing the progress of the strategy, identifying risks and priorities and the resolution of any problems. This approach will focus on actual and potential departures from the strategy and recommending to the Council any actions needed to keep the strategy on track, and/or bringing it back on track...”
8. If the Inspector is minded to include a new policy with additional detail then the Council suggests it should be consistent with Policy CS32 and be more flexible and considered in its approach. A more appropriate form of policy and supporting text wording is suggested below:

New policy:
The Council, through its Annual Monitoring Report and the Infrastructure Delivery Group, will continue to monitor actual supply against the requirement. Where a five year supply of deliverable sites cannot be demonstrated and analysis of the information provided by the SHLAA suggests that this is not likely to improve in the next year then consideration will be given to the causes of the situation and the actions required to rectify it. Should monitoring demonstrate that development of residential sites is slower than anticipated or that site development is not commencing when expected, then further analysis of the causes will be undertaken and appropriate positive action, depending on the findings, could include:

(i) comparing performance with comparative authorities to see if the problems are specific or generic;
(ii) surveying and meeting house builders/landowners to identify causes of supply problems and acting on feedback received;
(iii) investigating potential funding streams and considering the need to use compulsory purchase or other powers available to the council to remove barriers to the delivery of specific identified sites;
(iv) Reviewing the five year land supply;
(v) reviewing the Strategic Housing Market Assessment and producing a new Strategic Housing Market Assessment for the whole of the Housing Market Area;
(vi) reviewing the Core Strategy (in whole or in part);
(vii) reviewing the Sites and Policies document, to see whether there is the need to bring forward alternative sites for development.

Explanatory text:
The Core Strategy must be deliverable over the plan period. As far as possible the policies provide flexibility, recognising that circumstances may alter over the next 15 years and situations may arise that the Council cannot foresee which influence the Core Strategy policies. Policy x sets out how the Council will monitor and address under performance in housing delivery.

The Council will monitor the Plan and its policies, including the supply and delivery of housing development, through its AMR and the Infrastructure Delivery Group. Where housing delivery is slower than anticipated then the Council will undertake a critical appraisal of the market and any issues with delivery of sites to determine the causes and identify the appropriate positive action to be taken.

This could include comparing housing performance with other comparable authorities and undertaking research with house builders and land owners to determine the cause of any supply / delivery problems. Identifying the cause will allow the appropriate action to be taken, which could include considering the support the Council could give to removing barriers to delivery and reviewing the 5 year land supply, reviewing and, if necessary, updating the SHMA across the Housing Market area. Depending upon the outcomes of these actions, or the severity of the issue identified, the Council may review the Core Strategy (either comprehensively or in part) or the Sites and Policies document.

Insert remainder of Focused Change 147

Delivery
Delivery of this policy will be through annual monitoring of the Core Strategy, the operation of the Infrastructure Delivery Group, and, where necessary, undertaking analysis and implementing appropriate mitigation measures.