

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

**Appeal: Croudace Homes Limited, The House Trustees Limited
and Lower Thrupp Limited**

Outline Planning Application:

Comprehensive mixed-use urban extension comprising residential development (up to 4,000 dwellings) (including provision of affordable housing), provision of employment land, diversion of the B4036, access, roads, drainage, footpaths and cycleways, open space (including extension to Daventry Country Park), playing fields, landscaping, provision of social and community infrastructure including schools, district centre (including supermarket) and local centres.

Land at Church Fields, Long Buckby Road, Daventry

REBUTTAL EVIDENCE: PLANNING POLICY AND PREMATUREITY

IN RESPECT OF

PROOF OF EVIDENCE BY IWAN RICHARDS
DAVENTRY DISTRICT COUNCIL

On behalf of

**Croudace Homes Limited, The House Trustees Limited
and Lower Thrupp Limited**

PINS Ref: APP/M9570/A/08/2083327/NWF &
APP/Y2810/A/08/2083322/NWF

LPA Ref: WNDC: 07/0001/OUTWND &
DDC: DA/2007/0200



CHARLES PLANNING
ASSOCIATES
Chartered Town Planners

Charles Planning Associates Limited
1644-1645 Parkway Solent Business Park Whiteley Hampshire PO15 7AH
Tel: 01489-580853 Fax: 01489-580913 E-mail: admin@charlesplanning.co.uk

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1.0 INSTRUCTIONS AND INTRODUCTION

- 1.1. This rebuttal evidence has been prepared by William Anthony Charles of Charles Planning Associates Limited on behalf of Croudace Homes, The House Trustees and Lower Thrupp Limited (the Church Fields appellant).
- 1.2. The rebuttal evidence follows the same section and/or paragraph numbers as used in Mr Iwan William Richard's Proof of Evidence (DDC19).
- 1.3. In the interests of brevity, references to Mr Richards appear as IR.

2.0 REBUTTAL

- 2.1. **General:** The approach taken in this proof of evidence is not well balanced. IR takes the approach that because his primary concern relates to seeking to sustain DDC's objection relating to prematurity in the context of the emerging LDF process, he fails to address properly the 5 year housing land supply issues.

IR concentrates mainly on only those parts of national and regional guidance that fit with his objective rather than fully acknowledging, for example, that PPS 3 contains advice both relating to prematurity issues but also to what action should be taken in circumstances where the LPA cannot demonstrate a 5 year housing land supply, and what action LPAs are advised to consider in such circumstances and the ‘balance’ that has to be reached between the competing issues. There is no robust and even-handed examination of the issues and advice on both sides followed by IR’s reasoning as to why he would request that the Inspectors attach greater weight to the prematurity issue over the 5 year housing land supply issue.

I now set out my more detailed comments.

- 2.2. **Paragraph 1.2:** It is noted that IR accepts this point, which is underlined by paragraph 124 of the RSS8/MKSM (CD1.1).
- 2.3. **Paragraph 1.3:** This is noted and agreed. It is also noted that WNDC has accepted in evidence (WNDC16) that the Church Fields site is an appropriate and sustainable location for a major urban extension.
- 2.4. **Paragraph 2.1:** This paragraph is a good example of IR only presenting the prematurity side of the argument, as there is no reference here to the importance that PPS 3 places on LPAs demonstrating a 5 year housing land supply (which is fundamental to delivering housing policies), and that maintaining a steady and reliable 5 year housing land supply is central to delivering the Government’s growth agenda in a sustainable way.
- 2.5. **Paragraph 2.7:** The quote from paragraph 17 of PPS 1: General Principles is notable in that it states ‘it may be justifiable’; this makes it clear that the circumstances in which such an approach may be appropriate are specific to each individual case and that each must be considered on its own merits. The word ‘may’ implies that it may not be an appropriate approach ‘in all cases’. This is supported as it is also necessary to have regard to the advice in PPS 3 in relation to the requirement for LPAs to maintain a 5 year housing land supply and the action they should consider taking in circumstances where they cannot demonstrate a 5 year housing land supply.

2.6. **Paragraph 2.9:** IR is careful to have regard to the wording of paragraph 72 of PPS 3, which states that LPAs should not refuse planning permission ‘solely’ on the grounds of prematurity, and argues that DDC has other substantive concerns relating to the appeal site/s, the arguments in relation to which are made by other DDC witnesses. However, IR fails to identify what those concerns are and to which site they relate and which witness has dealt with each of them. It is my contention that in relation to the Church Fields site the only remaining issue relates to the quantum of on-site employment to be provided as part of the first Phase of the development. This is addressed in Mr Boyt’s evidence (DDC16) and will be addressed and resolved either before or during the Inquiry.

It is further argued that the advice in paragraph 72 of PPS 3 cannot be ignored, particularly in the circumstances of DDC’s serious housing land supply shortage and the advice in PPS 3 as to what action LPAs should consider in such circumstances. It is my contention that refusal on the grounds of prematurity cannot be supported in such circumstances for the reasons I set out in my evidence (CD: CHL4).

2.7. **Paragraph 2.10:** It is noted that IR accepts that it would be inappropriate to apply the saved local plan policies to the current circumstances (ie the delivery of the RSS8/MKSM planned growth for Daventry).

2.8. **Paragraphs 2.12 to 2.18:** IR argues that the release of the appeal site in advance of the LDF process would result in a lack of the appraisal of the sustainability and soundness of the sites. This is refuted as the suitability, sustainability, acceptability and location of appropriate sites to accommodate the future growth of Daventry has been appraised on several occasions since 1992, including in the 1992 local plan preparation work (ie the ‘Blue book’) and more recently in DDC’s SDOS and Ancer Spa reports (CD3.15), in the DDC’s Town Centre Vision (CD3.5), the DDC’s Daventry Interim Master Plan (CD3.6), DDC’s Pre-Submission Core Strategy report (November 2005) (CD3.16) and in WNDC’s DIS (CD4.2). Furthermore, the Church Fields site has been appraised by both DDC and WNDC as part of this appeal process and has been found to be an appropriate location for growth. It cannot, therefore, be argued that the objectives of the sustainability assessment and soundness tests have not been addressed, albeit through a different process. Further, there has been extensive public consultation undertaken.

2.9. **Paragraph 2.19:** The detailed assessment of the sites, described in paragraph 2.8 above, included extensive public consultation on a number of occasions over a long period of time.

This included public consultation on all stages of the local plan, including the Local Plan Inquiry, the public consultation associated with the DDC's SDOS work, the DDC's LDF Core Strategy Issues and Options stage, the public availability of the DDC's Pre-Submission Core Strategy report (November 2005), the public consultations by DDC relating to its Town Centre Vision, the work undertaken by WNDC in relation to DIS and the statutory and non-statutory public notices placed by DDC/WNDC in relation to the planning applications, the Regulation 19 Responses, the Revisions Packs and the appeal cases. Furthermore, in relation specifically to Church Fields, an extensive Community Involvement Exercise was undertaken prior to the submission of the planning application and a report thereon submitted as part of the planning application documentation.

It may be that the majority of this public consultation was undertaken before IR was Instructed and he may therefore be unaware of the background, but it is somewhat disingenuous to seek to argue that the public has been 'denied' the opportunity to take part in the evolution of the Church Fields proposals which have been subject to extensive public consultation at various times.

- 2.10. **Paragraphs 2.21 to 2.26:** These paragraphs review that advice in PPS 3 but fail to include the advice in paragraphs 69, 70, 71 and 72 relating to the approach LPAs should take in circumstances where they cannot demonstrate a 5 year housing land supply. This is a further example of where IR seeks only to draw to the attention of the Inspector those parts of national advice which suit his objectives and fails to provide a balanced view of the guidance available. In particular, that paragraph 71 of PPS 3 states that where LPAs cannot demonstrate a 5 year housing land supply they should '*consider favourably planning applications for housing*'.
- 2.11. **Paragraphs 2.28 to 2.32:** It should be noted that the Church Fields development will make provision for all necessary physical and social infrastructure to meet the needs generated by the development through an S106 Unilateral Undertaking or Agreement and that the development will also bring positive benefits to the community (see Section 11.0, Proof of Evidence of William A Charles (CD: CHL4).
- 2.12. **Paragraphs 2.33 to 2.35:** It has been explained above that the assessment of the various urban extension sites has been subject to public consultation. Further, as part of the appraisal process of the Daventry sites, extending back as far as 1992, there has been a continual thread in the work of assessing and comparing all of the potential alternative sites.

- 2.13. **Paragraphs 2.39 to 2.49:** In reviewing RSS 8, IR fails to address the issue of the actual ‘delivery’ of the planned growth and what progress is being made towards meeting the RSS 8 housing requirement and, therefore, the related 5 year housing land supply issue. IR’s analysis therefore fails to provide a balanced assessment. The policies of RRS 8 have to be assessed against the advice in PPS 3, in particular, paragraphs 69, 70, 71 and 72. IR fails to consider this.
- 2.14. **Paragraph 2.54:** Whilst it is correct to state that the appeal sites would contribute little to housing land supply in the short term, ie 1 to 3 years, completions would commence in 2011, and the contribution made to resolving DDC’s serious housing land supply shortage would start to alleviate the situation from that date, and would steadily improve and thereby ensure the delivery of the planned growth at Daventry within the plan period. Without such action there would be little, if any, prospect of DDC being able to meet its RSS 8 requirement within the plan period.
- 2.15. **Paragraph 2.55:** This is a further example of IR choosing to ignore DDC’s serious housing land supply shortage and the advice in PPS 3 at paragraphs 69, 70, 71 and 72 as to what approach LPAs should take in such circumstances to increase land supply.
- 2.16. **Paragraph 3.17 & Appendix 2:** It is relevant to note that the WNJPU Position Statement states that the appeal proposals should not be determined outside the Joint Core Strategy, *‘unless the Secretary of State is satisfied that approval of these proposals, either individually or collectively, would not prejudice the underlying principles behind the Government’s requirements for the production of a Joint Core Strategy in order to achieve the purposes set out above’*. It is therefore clear that the WNJPU acknowledges the housing land supply shortage and the advice in PPS 3 at paragraphs 69 and 71, and whilst it comments on the issue of whether the appeal sites should be determined outside the core strategy process, it does not proceed to formally object on prematurity grounds, but rather leaves the matter for the Secretary of State to decide. This is particularly important because the WNJPU now constitutes the plan-making authority covering Daventry District and therefore somewhat lessens DDC’s prematurity objection.
- 2.17. **Paragraphs 4.5 to 4.9:** Whilst IR acknowledges that DDC can only demonstrate a 2.33 year supply of housing land, he does not then proceed to properly consider the advice in paragraph 71 of PPS 3. To seek to argue that because the appeal sites would only provide a total of around 1,100 completions in the 5 year period, 2008 to 2013, against a requirement of 3,100 is a reason for not granting permission, rather misses the point. DDC’s serious housing land supply shortage is of

such a magnitude and urgency that it cannot be left for the LDF process to catch up. Even if there is a temporary falling off of demand for new housing because of the current economic downturn, to 'do nothing' and wait for the LDF process to 'catch-up', as IR proposes, ignores the consequences for DDC to be able to meet its housing requirement in future years up to 2021 and 2026.

Urgent action needs to be taken. The appeal site would clearly make a major contribution towards alleviating the housing land supply problem from 2011 onwards, and that contribution would increase steadily year on year alleviating the situation and allowing a breathing space for the remaining housing land supply issues to be dealt with through the LDF. It is relevant to note that this is the position that WNDC is taking and this is supported.

Further, including windfalls in Table 2 is inappropriate, having regard to the advice in PPS 3, and the figure of 555 should be deleted.

- 2.18. **Paragraphs 4.10 to 4.12:** Whilst the extracts from the Twelfth Report of the Select Committee on the Environmental Audit may be of background interest, they do not act so as to override either the Government's growth agenda set out in the Sustainable Communities Plan (2003) or the policy requirements of RRS8/MKSM, which have to be met within the plan period. Whether the current economic downturn will give rise to any changes in national or regional planning policies is a matter for the future. For the present, the Government's aspirational target to provide 3 million additional homes over the next 30 years remains extant. The Church Fields appeals fall to be determined against the extant planning policy framework.
- 2.19. **Paragraphs 5.1 to 5.3:** I deal with the public consultation issue at paragraph 2.9 above, which applies equally to IR's paragraph 5.1. It is plain that there has been no 'ad hoc' consideration of the proposed urban extensions, which have been the subject of logical and rigorous assessment over an extended period of time dating back to 1992.
- 2.20. **Paragraph 5.3:** Having regard to the extensive and detailed appraisal of the potential urban extension sites around Daventry since 1992, there can be no cogent argument that the sites have not been thoroughly assessed and that DDC has not been fully aware of them in its preparation of the draft Core Strategy, and there is no reason why this information and knowledge cannot be passed onto the WNJPU who is now the relevant plan-making LPA.

- 2.21. **Paragraphs 5.4 to 5.6:** I have explained above that the process of the assessment and appraisal of the urban extension sites around Daventry has been an ongoing and robust process dating back many years, and there can be no doubt that the plan-making authority has been fully aware of, and involved with, this process at all stages, and that the work that has been undertaken in the past will be used to inform the very slowly emerging LDF. Furthermore, there is no certainty that the timetable set out in the LDS will be adhered to in practice; initial indications suggest it will not.
- 2.22. In relation to IR's reference to the Fareham case, it should be noted that the Inspector dismissed the appeal for a number of reasons and not solely on the basis of prematurity. In particular, it is not clear from the letter reproduced at IR's Appendix 4 whether there was a serious 5 year housing land supply shortage. Other relevant differences to the Church Fields case are that it is not clear to what extent, if at all, other potential sites had been appraised and tested in relation to their suitability, sustainability, etc, in the way that the Church Fields site has been appraised on a number of occasions over an extended period of time. Furthermore, the proposed development appears to be located in a 'Local Gap', a policy designation that is common in Hampshire and which will have to be reassessed as part of the Council's LDF process as to its suitability to be retained as a policy tool. There are therefore clear differences to the Church Fields case and the decision on the Fareham appeal has little relevance or applicability to the current appeal.
- 2.23. **Paragraphs 5.7 and 5.8:** The appeal site is not being considered in isolation. The Church Fields site, alongside the other potential urban extension sites at Daventry, has been the subject of robust appraisal and assessment on a number of occasions dating back to 1992. The location, scale and phasing of the Church Fields site has been carefully assessed many times and the release of the appeal site now, in the context of the history of the assessment of the site (which has been identified by WNDC and DDC as being a suitable site for an urban extension), having regard to DDC's serious housing land supply shortage and the advice in paragraphs 69, 70, 71 and 72 of PPS 3 is, in my judgement, both necessary and justified.

2.24. **Paragraph 6.3:** IR's contention in the final sentence of the paragraph cannot be supported, taking into account the extensive and robust assessment and appraisal of the appeal site undertaken by both DDC and WNDC dating back to 1992, including more recently, DDC's SDOS (CD3.15), DDC's LDF background work, DDC's Pre-Submission Core Strategy (November 2005), WNDC's DIS (CD4.2), WNDC's and DDC's Committee Report relating to the planning application and appeal, and their evidence which supports the suitability and acceptability of the appeal site to accommodate an urban extension; there has been no absence of a holistic, logical and planned approach to urban planning as alleged by IR. Indeed, IR's approach is fundamentally flawed as it would result in an ever increasing and more serious housing land supply shortage, and the inability of WNDC, DDC and (now) the WNJPU to have any realistic chance of delivering the planned RRS 8 growth, and would result in a development planning failure.

END