

Part A - Personal Details

	1. Personal Details*	2. Agent's Details (if applicable)
	* If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in section 2.	
Title		
First Name		
Last Name		
Job Title (where relevant)		
Organisation (where relevant)	Crest Strategic Projects Limited	D2 Planning Limited
Address Line 1		Suites 3 & 4 Westbury Court
Address Line 2		Church Road
Address Line 3		Westbury on Trym
Address Line 4		Bristol
Postcode		BS9 3EF
Telephone number		0117 3731659
Email address		dsdunlop@d2planning.co.uk

3. Notification of subsequent stages of the Local Plan

Please specify whether you wish to be notified of any of the following:

The submission of the Modifications to the appointed Inspector

Yes No

Publication of the recommendations of any person appointed to carry out an independent examination of the Local Plan

Yes No

The adoption of the Local Plan.

Yes No

For Official Use Only

Person ID:

Rep ID:

Part B - Your Representations

Please note: this section will need to be completed for each representation you make

4. To which proposed Modification to the Submission Plan or the updated Sustainability Appraisal (SA) does this representation relate?

Modification or SA:

Modification

Mod. Number:

4, 5 & 6

Paragraph Number

Mod. Policies Map
Number:

5. Do you consider the Local Plan is :

5.1 Legally Compliant?

Yes

No

5.2 Sound?

Yes

No

6. If you answered no to question 5.2, do you consider the Proposed Modification is unsound because it is not:

(Please tick)

Positively Prepared:

Justified:

Effective:

Consistent with National Policy:

7. Please give details of why you consider the Proposed Modifications to the Submission Warwick District Local Plan are not legally compliant or are unsound. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Proposed Modifications, please also use this box to set out your comments.

See attached

Continue on a separate sheet if necessary

8. Please set out what change(s) you consider necessary to make the Proposed Modifications to the Submission Warwick District Local Plan legally compliant or sound, having regard to the test you have identified at Question 5 above where this relates to soundness. You will need to say why this change will make the Local Plan/Sustainability Appraisal legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

See attached

Continue on a separate sheet if necessary

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested changes, as there will not normally be a subsequent opportunity to make further representations. Further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

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9. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

The issues raised need to be the subject of debate

Continue on a separate sheet if necessary

Please note: This written representation carries the same weight and will be subject to the same scrutiny as oral representations. The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

11. Declaration

I understand that all comments submitted will be considered in line with this consultation, and that my comments will be made publicly available and may be identifiable to my name/organisation.

Signed:



Date:

15/04/2016

Copies of all the comments and supporting representations will be made available for others to see at the Council's offices at Riverside House and online via the Council's e-consultation system. Please note that all comments on the Local Plan are in the public domain and the Council cannot accept confidential objections. The information will be held on a database and used to assist with the preparation of the new Local Plan and with consideration of planning applications in accordance with the Data Protection Act 1998.

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Mods 4, 5 & 6 – Policies DS6 Level of Housing Growth

Objections have been previously lodged to this policy on the basis that the Local Plan is not meeting its objectively assessed housing need in the period up to 2030.

The NPPG states that the primary objective of identifying housing need is to: -

- **“identify the future quantity of housing needed, including a breakdown by type, tenure and size;**
- **identify the future quantity of land or floorspace required for economic development uses including both the quantitative and qualitative needs for new development; and**
- **provide a breakdown of that analysis in terms of quality and location, and to provide an indication of gaps in current land supply.”**

The NPPG goes on to state that:

“The assessment of development needs is an objective assessment of need based on facts and unbiased evidence. Plan makers should not apply constraints to the overall assessment of need, such as limitations imposed by the supply of land for new development, historic under performance, viability, infrastructure or environmental constraints. However, these considerations will need to be addressed when bringing evidence bases together to identify specific policies within the development plans.”

The objector has serious concerns over the Planning Authority’s concept of the requirements of the paragraph 47 of the NPPF and the NPPG. There are three significant recent changes to the legal context concerning the meeting of objectively assessed housing need. These are as follows: -

- iv. Hunston Properties Limited (1) Secretary of State for Communities & Local Government and (2) St Albans City & District Council [2013] EWCH 2678 (admin);
- v. Gallagher Homes Limited (2) Lioncourt Homes Limited v Solihull Metropolitan Borough Council [2014] EWHC 1783 (admin); and
- vi. Satnam Millennium Limited v Warrington Borough Council [2015] EWHC 370 (admin).

Paragraph 47 of the NPPF states that: -

“...local planning authorities should... use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework.”

The Hunston judgement found that in paragraph 26 the qualification contained in the last clause of paragraph 47 quoted is not qualifying housing needs. It is qualifying the extent to which the Local Plan should go to meet the need. To meet assessment objectively arrived at is not affected in advance of the production of the Local Plan which will then set the requirement figure. Colloquially, the ‘objectively assessed need’ is a ‘policy off’ figure where the Local Plan strategic housing requirement is a ‘policy on’ figure that qualifies the full objectively assessed need by reference to the policies of the NPPF. In *South Northamptonshire v Secretary of State for CLG and Barwood Homes Limited* [2014] EWHC 570. Ouseley J confirmed, in paragraph 32, that: -

“... until the full, objectively assessed needs are qualified by the policies of an up to date Local Plan, they are the needs which go into the balance against any NPPF policies. It is at this stage that constraints or otherwise may apply. It may be problematic in its application, but that is how paragraph 47 works.”

In the Gallagher judgement, at paragraph 31, Hickinbottom J differentiates NPPF guidance on meeting housing need from that previously the case within PPS3 where he states that: -

“Thus, paragraph 47 makes full objectively assessed housing needs, not just a material consideration, but a consideration of particular standing.”

In paragraph 53 of the judgement, the approach of the NPPF is stated as:-

“... starting with housing need and requiring justification for any requirement falling short of full and objectively assessed need.” confirming Hunston above.

Paragraph 88 of the judgement confirms that: -

“... where there is no Local Plan, then the housing requirement for a local authority for the purposes of paragraph 47 is the full, objectively assessed need.” Confirming Ouseley J above, paragraph 94 states that the balancing

exercise required by paragraph 47 cannot be performed without being informed by the actual full housing need. Paragraph 98 highlights the new NPPF world with its greater policy emphasis on housing provision and paragraph 100 refers to the need for the objectively assessed housing need to be ‘a driver’ of the housing requirement target as opposed to, it was conclude, it being a back seat driver in the case in question.

Finally, the Satnam judgement confirmed that a Planning Authority identifying its objectively assessed housing need must take account of its full need for affordable housing.

How Should the Housing Requirement be Addressed for Warwick

Crest are supportive of the Local Plan’s position now that it provides in full for the OAN of the District as well as for unmet housing needs arising from outside the District particularly Coventry. Crest note that the OAN for Warwick District have been calculated at 600 dwellings per annum and that the District intend to accommodate a proportion i.e. 332 dwellings per annum of the unmet housing need for Coventry.

Crest have however (along with others) submitted representations in respect of the emerging Coventry City Local Plan with regards their Objectively Assessed Housing Need. They consider that the housing provision could be substantially greater than the 36,770 dwellings previously proposed. That being the case the level of unmet housing need may increase and it would be necessary for additional housing to be provided in Warwick District.

We are also aware that not all of the Warwickshire Districts have agreed to the Memorandum of Understanding. In particular Nuneaton and Bedworth have not agreed to their proportion of housing to meet Coventry’s unmet housing need. Furthermore, Rugby Borough intend to meet the unmet need at the end of their Plan period. Clearly, all of these circumstances have potential to increase the overall housing provision for Warwick District. Accordingly, Crest consider that whilst the Local Plan should proceed that the housing provision should be very much viewed as a minimum figure and that the Local Plan should make provision for a greater number of houses in the Plan period.

Recommendation

That the proposed housing provision be viewed as a minimum and that the Local Plan should plan for additional housing over and above 16,776 new dwellings.