

SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee **DATE:** 3rd July 2019

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WARD(S): ALL

PART I **FOR DECISION**

REPRESENTATIONS TO THE CHILTERN AND SOUTH BUCKS LOCAL PLAN 2036 – PUBLICATION VERSION

1. Purpose of Report

- 1.1 The purpose of this report is to agree the Council's formal response to the Publication version of the Chiltern and South Bucks Local Plan 2036. These include significant objections to the fact that the plan is not proposing to meet local housing needs in full, is proposing to export housing to Aylesbury and has not considered meeting any of Slough's unmet needs.

2. Recommendation(s)

The Committee is requested to resolve:

- a) That the objections to the South Bucks and Chiltern Local Plan on the grounds that it fails the tests of soundness for the reasons set out in this report be agreed.
- b) That delegated powers be given to the Planning Policy Lead Officer to make amendments to the Council's objections prior to their formal submission.
- c) That the Local Plan Inspector be requested to agree that there should be an immediate partial review of the Chiltern and South Bucks Local Plan in order to bring forward the Northern Expansion of Slough
- d) That a Memorandum of Understanding should be sought with South Bucks and Chiltern Councils.

The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan

3a. Slough Joint Wellbeing Strategy Priorities

Ensuring that local needs are met within Local Plans will have an impact upon the following SJWS priorities:

4. Housing

3b. **Five Year Plan Outcomes**

Ensuring that Local Plans meet local housing needs will contribute to the following Outcomes:

- *Slough will be an attractive place where people choose to live, work and visit.*
- *Our residents will have access to good quality homes.*

4. **Other Implications**

(a) Financial

There are no financial implications.

(b) Risk Management

<i>Recommendation</i>	<i>Risk/Threat/Opportunity</i>	<i>Mitigation(s)</i>
That the Committee responds to the proposals in the Local Plans of nearby Local Planning Authorities	Failure to respond could affect the ability to meet housing needs within the wider area and impact on Slough preferred option for the northern expansion into South Bucks.	Agree the recommendations.

(c) Human Rights Act and Other Legal Implications

There are no Human Rights Act Implications as a result of this report.

(d) Equalities Impact Assessment

There are no equality impact issues

5. **Supporting Information**

Introduction

- 5.1 South Bucks and Chiltern District Councils have been preparing a Joint Local Plan for some time. The Chiltern and South Bucks Local Plan 2036 will replace the adopted Chiltern District Core Strategy (2011) and South Bucks Core Strategy (2011).
- 5.2 They have now released the Publication Version of the Plan for public consultation for six weeks ending on 19th July 2019.
- 5.3 The Plan has been prepared on the basis that there is a requirement for 15,260 new homes over the 20 year plan period and that 5,750 of these will be exported to Aylesbury, 5,200 will be built upon new site

allocations within the Green Belt and the remaining will come from a variety of sources within the built up areas.

5.4 The principle proposals within the Plan are:

- Selected release of 13 sites from the Green Belt for housing or employment development;
- 40% target for affordable housing on qualifying sites and a mix of tenures including social rent;
- Strategy for delivering 85 Gypsy and traveller pitches;
- Suite of revised development management policies.

5.5 In general the production of the new Local Plan is to be welcomed because it will enable much needed new housing development to come forward at a time when the new Buckinghamshire Unitary Authority is being created.

5.6 The main concerns for Slough are, however, that the Plan is has not dealt with the fundamental of meeting all of its housing needs in full, it is exporting housing that is needed locally to Aylesbury, and has not considered this Council's proposals for a Northern Expansion of Slough in order to meet our unmet needs.

5.7 All Local Plans have to meet the tests of soundness set out in the NPPF and show that they have met the Duty to Cooperate. It is not considered that the Plan has met all of these requirements. In order to try to remedy this we are requesting the Inspector recommends a policy is included in the plan to require an immediate partial review of the Local Plan to bring forward proposals for the Northern Expansion of Slough, as has been achieved in Milton Keynes.

History of the proposed Northern Expansion of Slough

5.8 In order to fully understand the context for this Council's objections to the current version the Chiltern and South Bucks Local Plan it is necessary to understand the history of planning in the area and the proposed Northern expansion in particular.

5.9 Chiltern and South Bucks have been producing Plans since 2005 but there have only been two formal public consultations to date. The initial (Regulation 18) consultation Incorporating Issues and Options took place at the start of 2016.

5.10 In February 2016 this Council responded by formally requesting Chiltern and South Bucks consider an urban extension of Slough in the form of a new garden suburb. This was either to meet South Bucks' needs or Slough's unmet needs.

5.11 The Chiltern and South Bucks Green Belt Preferred Options Consultation took place at the end of 2016.

- 5.12 In December 2017 this Council responded and raised concerns about the methodology for selecting sites for development in the Green Belt; and that our previous representations to the Issues and Options consultation (that there should be an urban expansion of Slough in the form of a new garden suburb) had not been considered. Concerns were also raised about the approach to Duty to Cooperate. We also requested that Chiltern and South Bucks Council enter into a Memorandum of Understanding agreeing that the northern expansion needed to be considered properly. There have not been any further formal consultations on the Chiltern and South Bucks Local Plan but the Report on public consultation noted that Slough Borough Council were in support of a potential urban extension of Slough within South Bucks District (Option D) and suggested an additional area to test.
- 5.13 This Council has, however, carried out its own consultation on the Northern Expansion in January 2017 through the publication of the Local Plan Issues and Options Document. This was subject to objections from Chiltern and South Bucks to Option J1, that would involve the northern expansion of Slough into South Bucks in the form of a “garden suburb”.
- 5.14 The outcome of the public consultation on the Slough Issues and Options Document has shown that there are no reasonable spatial options, or combination of options that would allow Slough to meet all of its identified housing and employment needs within its boundaries.
- 5.15 In order to seek to overcome some of the objections to the Northern Expansion we commissioned Atkins to produce a high level spatial plan which illustrated how the proposed garden Suburb could be developed. Chiltern and South Bucks objected to the publication of this plan and threatened us with a legal injunction. As a result we agreed to include a statement from Chiltern and South Bucks in the front of the report setting out their concerns when the study was published in November 2017.
- 5.16 After a successful bid to the MHCLG Joint Working Fund, Royal Borough of Windsor & Maidenhead, South Bucks, Chiltern District Council and ourselves agreed to produce a joint study to address issues arising from growth that is anticipated across the area, and potentially, more widely.
- 5.17 Part one of the Wider Area Growth Study has now been produced by PBA. Part 2 of the Study has not yet been commissioned but should be complete by end of 2019 or early 2020.
- 5.18 The Northern Expansion of Slough remains this Council’s preferred option but this will have to be tested in the Growth Study.
- 5.19 It is still envisaged that the results of this can be fed into the Chiltern and South Bucks Examination in order to support the request for an immediate partial review of the Plan to bring forward the Northern Expansion.

Examination and Tests of Soundness

5.20 The Councils are expecting to submit the Chiltern and South Bucks Local Plan to the Secretary of State in September 2019 and start the Examination in December 2019.

5.21 At the Examination the Inspector will first consider whether or not the Plan is legally compliant and has met the tests of soundness. One of the key elements of legal compliance is whether it has met the Duty to Cooperate. The tests of soundness are whether the plan is:

a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

b) **Justified** – appropriate strategies, taking into account the reasonable alternatives, and based on proportionate evidence;

c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework

5.22 The following sections identify the four parts (a-d) of the Test of Soundness that we think have not been met in the preparation of the Chiltern and South Bucks Local Plan.

Is the Plan “Positively Prepared” in that it provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs?

5.23 It is not considered that the Plan meets this test of soundness because it has a significant shortfall in housing when compared to local housing need. It is difficult to work this out because the Published Plan says very little about this issue. Paragraph 5.1.1 states that:

“This Plan, together with the Vale of Aylesbury Local Plan, provides for a sufficient amount of land to come forward to meet the area’s identified housing needs.”

5.24 The basic problem with the Plan is that, in 2016 when it was decided to export 5,750 houses to Aylesbury, and the Issues and Options Consultation and Green Belt Development Option Appraisal were all carried, the objectively assessed need for housing in the HEDNA was 15,100. The level of housing need has increased significantly since then but this does not appear to have resulted in any re evaluation of the Plan.

5.25 Paragraph 5.1.4 of the Plan states:

“The main evidence for housing need in Chiltern and South Bucks is provided by the national standard methodology for calculating local housing need (LHN) the Housing Needs Assessment (HNA) for Chiltern and South Bucks.....”

- 5.26 Although it is not explicitly explained in the Housing Needs Assessment produced by ORS in April 2019, it can be seen that using their figures, the combined unconstrained Local Housing Need for the two districts using the standard methodology is 19,520.
- 5.27 There is no recognition of this significant increase in housing need since the Local Plan strategy was developed either in the Plan or Sustainability Appraisal. There does not appear to have been any consideration of the need to increase the housing supply accordingly or of what the consequences will be of not meeting the objectively assessed housing need.
- 5.28 It is not very easy to understand the basis upon which the Local Plan has been prepared. It does not have a policy setting out what the total housing requirement is for 2016 – 2036 in the Plan area. For example Table LPb (Homes – Requirement and Supply) states that both the Local Housing Need and Local Plan requirement are 15,260.
- 5.29 The figure for the Local Housing Need is not correct. As explained above, it can be seen from the Housing Needs Assessment produced by ORS in April 2019, using the standard methodology calculation the combined unconstrained Local Housing Need for the two districts is 19,520. This is not mentioned in the Plan but should have been used as the starting point for calculating the Local Plan requirement.
- 5.30 This would mean when the 5,750 houses being exported to Aylesbury are deducted from the overall need figure of 19,520 the residual requirement for the amount of housing to be built in South Bucks and Chiltern area would become 13,770.
- 5.31 The standard methodology for calculating housing needs allows the Local Plan requirement to be capped to prevent the amount of housing being provided within a Plan area being too much of a step change. The combined cap for Chiltern and South Bucks according to the ORS report is 15,260. Since this is higher than the residual need figure of 13,770, no reduction is allowed.
- 5.32 Comparing the housing requirement of 13,770 for the Chiltern and South Bucks areas (explained above) with the supply in the Local Plan of 11,099 it can be seen there is a shortfall of 2,671 houses within the Plan area.
- 5.33 The Local Plan (Table LPb row ‘N’) acknowledges that there should be a 10% allowance for the potential non delivery of homes identified in the supply. If this is taken into account the shortfall is increased by 1,110 to 3,781.

- 5.34 It should be noted that all of the figures used in the above calculations are derived from the Housing Needs Assessment by ORS. Although this was published in April 2019 it did not use the most up to date statistics in applying the standard methodology to calculate local housing needs.
- 5.35 It used 2018 not 2019 as the “current year” for calculating the household projections and did not use the most recent affordability ratios which were published by the Government in March 2019. If you use these figures the unconstrained housing need for Chiltern and South Bucks increases to 20,880. When the 5,750 houses that are being exported to Aylesbury are deducted from this, the shortfall is 15,130. This is below the revised cap of 15,340 which means this does not apply. As a result the actual shortfall in the Local Plan area is 4,031. If the 10% non-delivery figure is applied the shortfall in Chiltern and South Bucks Districts is 5,141.
- 5.36 It should be noted that Chiltern and South Bucks Councils and their Consultants do not agree with these conclusions and consider that the methodology set out in the Plan which takes the capped figure of 15,260 as the Local Housing Need is correct. Further discussions will be taking place and the results will be reported to the Committee.
- 5.37 It appears, however, that the published plan fails the test of soundness because it has a significant shortfall in housing. This means that it has not been positively prepared in a way which, as a minimum, seeks to meet the area’s objectively assessed needs.

Is the Plan “Justified” in that it contains an appropriate strategy, taking into account the reasonable alternatives?

- 5.38 It is not considered that the Plan meets this test of soundness because the strategy of exporting housing outside of the Plan’s area is not the most appropriate and has not been tested against all of the reasonable alternatives.
- 5.39 As explained above, the decisions to export 5,750 houses to Aylesbury and release enough Green Belt land to accommodate 5,200 were made at a time when the objectively assessed need for housing was 15,100. No alternative strategy has been considered to increase the supply of housing in the plan area despite the fact that the objectively assessed need is now 19,250.
- 5.40 The overall effect of the strategy of exporting 5,750 houses to Aylesbury and having a shortfall means that only around half of the housing need is proposed to be built within the Plan area. It is considered that such a strategy needs to be properly justified and that the Plan’s evidence base should consider and justify what other reasonable alternatives were considered, such as meeting the local housing needs within the Plan area in full.

- 5.41 Failure to plan to deliver all of the houses that are needed in the area where the demand arises will have significant adverse effects upon the local housing market. The Government's latest figures show that Chiltern and South Bucks are the 5th and 6th least affordable Districts in the Country. The affordability gap is likely to get even worse as a result of the strategy in the Local Plan.
- 5.42 It is not clear, for example, how local first time buyers will be able to buy property in the area, particularly when Policy DM LP1 requires between 70% and 90% of dwellings on major sites to be 3 bedroomed or more. This is despite the fact that, as paragraph 5.1.2 of the Plan recognizes, one and two bed flats/units are logically the most affordable for newly forming households, first time buyers, and those wanting to downsize.
- 5.43 This policy will therefore exacerbate the lack of supply and affordability in this sector. This is confirmed by reference to Chapter 4 of the Housing and Economic Development Needs report, and shown for example in Figures 18 and 19.
- 5.44 The ORS Housing Needs Study estimates that over the lifetime of the plan the need for housing that is affordable (distinct from affordable housing) will be over 5,000 dwellings. The failure to provide sufficient housing of the right type within the Plan area means that unmet needs will have to be met in adjoining areas such as Slough.
- 5.45 Whilst this Council supports Policy DM LP2 which sets out a 40% target for affordable housing on qualifying sites and a mix of tenures including social rent, this is undermined by the failure to provide the quantity of housing that is needed within the Plan area. The proposal to export 5,750 houses to Aylesbury significantly reduces the supply of affordable housing (by 15%), because their requirement is 25%, and makes it very inaccessible for people living up to 30 miles away.
- 5.46 This Council has previously objected to the proposal in the Plan to export housing from Aylesbury Vale on the grounds that this is not in the same Housing Market Area as the southern part of South Bucks and so does not provide a substitute for meeting local needs.
- 5.47 The Inspector for the Vale of Aylesbury Local Plan agreed that 31,000 houses should be built in Aylesbury, with this including 8,000 from Wycombe, Chiltern and South Bucks.
- 5.48 The Plan was prepared using the old methodology for calculating Local Housing Need. If the Government's new standard methodology is used, 29,480 houses are required just to meet Aylesbury's own needs. This means the most up to date evidence suggests there is only spare capacity to accommodate 1,520 houses from elsewhere. The Wycombe Local Plan, which has been through its examination, is proposing to export 2,275 houses to Aylesbury which means that there is no longer the scope to accommodate the 5,750 arising outside of its housing market area from Chiltern and South Bucks.

- 5.49 This means that when all of the figures are combined it can be seen that there is a shortfall of around 10,000 houses in Buckinghamshire when judged against the Government standard methodology, all of which originate from Chiltern and South Bucks.
- 5.50 The Sustainability Appraisal shows that whilst a range of options have been considered, starting with “Do nothing”, every other option assumes that housing will be exported to Aylesbury. The option of meeting all of the housing need within the Plan area has not been considered.
- 5.51 This failure means that the harm caused by not planning to meet housing needs where they arise within Chiltern and South Bucks, which are two of the least affordable areas in the country, has not been assessed.
- 5.52 It is therefore considered that the Local Plan fails the test of soundness in that it has not justified the strategy of exporting housing to Aylesbury and underproviding in the Plan area compared to other reasonable alternatives such as meeting more of the housing needs within the Plan area.

Is the Plan “positively prepared” so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development?

- 5.53 It is considered that the plan fails this test of soundness because it has failed to accommodate any unmet need from Slough even though it would be practical to do this in a way which would be consistent with achieving sustainable development.
- 5.54 As explained above, this Council has consistently requested that a Northern Expansion should be provided in the form of a new “garden suburb”. This was originally suggested as the most sustainable way of meeting South Bucks’ needs but has also been promoted as a way of meeting Slough’s unmet needs.
- 5.55 The Green Belt Development Options Appraisal - Post Preferred Green Belt Options Consultation - November 2017 recognized this when it stated:
- “...Slough Borough Council through the Duty to Co-operate and local plan processes is promoting a Northern Extension to Slough in South Bucks Green Belt to accommodate part of Slough’s unmet housing needs. The Green Belt review and other relevant evidence base documents for the Chiltern and South Bucks emerging Local Plan will be relevant to on-going discussions and consideration of the Slough Borough Council Northern Extension to Slough option.”*
- 5.56 Despite this, there is no evidence that the need to meet some of Slough’s unmet need has been considered in the Local Plan process.

5.57 Similarly, the Chiltern and South Bucks Housing and Economic Needs Assessment 2019 Report of Findings - April 2019 notes that:

“Of particular importance for Chiltern and South Bucks is the housing needs of Slough where the identified level of need is unlikely to be delivered within their boundary”.

5.58 The report fails to consider this important issue.

5.59 The Sustainability Appraisal shows that the option of meeting all of the housing need within the Plan area or meeting unmet need from other areas, such as Slough, has not been considered. As a result it has not been assessed to see whether or not it would be practical or sustainable.

5.60 In fact we are not aware of any public Committee report in which the proposed Northern Expansion to meet Slough’s unmet needs has been considered by Chiltern or South Bucks Councils.

5.61 When we previously raised this point, the response was that elements of the Northern Expansion had been considered as parcels within the Green Belt Study and rejected on this basis.

5.62 It is not considered that a formal request for a major strategic development should just be considered against Green Belt policy, particularly if, as we have previously pointed out, that methodology was flawed.

5.63 Even if the Northern Expansion is to be considered just on Green Belt terms, the NPPF and the relevant Court judgement make it clear that one of the things that has to be taken into account in deciding whether the necessary exceptional circumstances exist, is the “acuteness” of the objectively assessed need.

5.64 The Green Belt Exceptional Circumstances Report makes it clear that in carrying out the part 1 Green Belt Review the “balance” that was being sought was between protecting the Green Belt meeting Chiltern and South Bucks Local Housing Needs which was 15,100.

5.65 Subsequent to this, once the decision was made in 2016 to export 7,500 houses Aylesbury, the balance that was being considered in Part 2 of the Green Belt review was how two thirds of Local Housing Need could be met.

5.66 As explained above the Local Housing Need for South Bucks and Chiltern is now 19,250. As a result it is considered that this, plus Slough’s unmet need means that the “acuteness” has increased significantly and the Green Belt Assessment should be carried out taking this into account.

5.67 Notwithstanding this, it is considered that the proposed Northern Expansion of Slough should have been considered against all of the relevant planning criteria and not just Green Belt. This would include comparing relative harm of developing sites with less intrinsic value to such as those within the AONB. It

would also involve assessing the accessibility and sustainability of the proposed development and any benefits that it could produce in addition to meeting housing needs. This has not happened.

- 5.68 It is therefore considered that the Plan has failed the test of soundness in that it has not been “positively prepared” so that unmet need from Slough could be accommodated in a way that is practical to do so and is consistent with achieving sustainable development.

Is the Plan “effective” in that it is based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground?

- 5.69 It is considered that the Plan fails this test of soundness because it has failed to consider the important cross boundary strategic matter of meeting Slough’s unmet housing needs through effective joint working and has sought to defer this. Chiltern and South Bucks Councils have also so far failed to produce a Statement of Common Ground that properly addresses this issue.

- 5.70 As explained above the need to accommodate Slough’s potential unmet housing need is an important cross boundary strategic matter that has been raised with Chiltern and South Bucks Councils for a number of years in response to consultations and through the Duty to Cooperate. It is not clear why this has not been addressed in the Local Plan.

- 5.71 The report that went to the Joint Committee on 1st May 2019 seeking approval for the publication of the Local Plan did not mention the need to meet Slough’s unmet need as an outstanding cross boundary strategic matter that needs to be addressed but paragraph 4.9 of the report states:

“.....As no formal requests have been received to meet any unmet housing needs of neighbouring areas, the housing strategy of the Local Plan has been drafted so as to provide for 15,260 homes over the period 2016-2036 plus a 10% buffer to allow for potential non-delivery (16,786 homes in total).”

- 5.72 One of the reasons why the Plan has not considered Slough’s unmet needs may be that Chiltern and South Bucks Councils consider that we have not formally asked them to do so.

- 5.73 In our response to the Issues and options Regulation 18 consultation in February 2016 this Council resolved to request that:

“Chiltern and South Bucks Councils formally consider the proposal for the northern expansion of Slough combined with selective growth around Taplow, Langley and Iwer stations as Preferred Options.”

5.74 Not only have we asked them to consider our unmet housing needs we have identified how this could be done in the form of the Northern Expansion of Slough.

5.75 This was recognised in the covering note produced by Chiltern and South Bucks for the 2017 Atkins report which stated:

“Slough Borough Council commissioned Atkins to prepare the Draft Slough Northern Expansion Document to support its proposals in South Bucks under the Duty to Cooperate in order to help meet Slough’s anticipated unmet housing needs to 2036”.

5.76 In addition the Green Belt Development Options Appraisal - Post Preferred Green Belt Options Consultation - November 2017 stated.

“Also despite Chiltern and South Bucks Councils’ not being able to meet its own housing need, Slough Borough Council through the Duty to Co-operate and local plan processes is promoting a Northern Extension to Slough in South Bucks’ Green Belt to accommodate part of Slough’s unmet housing needs. The Green Belt review and other relevant evidence base documents for the Chiltern and South Bucks emerging Local Plan will be relevant to on-going discussions and consideration of the Slough Borough Council Northern Extension to Slough option.”

5.77 As a result it is clear that Chiltern and South Bucks Councils were well aware of Slough’s request to meet some of our unmet need and were intending to address the issue through their Local Plan process. This has not, however, happened.

5.78 It is accepted that we have not been able to precisely quantify the extent of this unmet need but we have specified a range of between 5,000 and 8,000 dwellings. Our latest published Housing Trajectory shows that it could be around 5,000. The size of the proposed Northern Expansion should not, however, be determined just upon housing numbers and additional capacity may be needed to meet future needs after the plan period.

5.79 Whatever the precise figure, it will be a substantial number which constitutes a “strategic matter” that needs to be considered in the Chiltern and South Bucks Local Plan.

5.80 The failure to progress the principle of the proposed Northern Expansion in the Local Plan is a reflection of the lack of joint working on the matter.

5.81 As explained above we proposed that Slough’s unmet housing needs should be met through the Northern Expansion of Slough in the form of a Garden Suburb. The area of search for this was consulted on in our Issues and Options Consultation Document published in January 2017.

5.82 A large number of objections were received from local residents and organisations, many of whom were opposed to the principle of development in

land designated as Green Belt. In order to inform discussions about this and begin to test whether this is a realistic sustainable option the Council commissioned Atkins to produce a high level spatial plan to illustrate how a northern expansion could help rebalance Slough's housing market and meet the potential shortfall of homes in the area.

- 5.83 At a Special Meeting on 11th September, the Chiltern and South Bucks Joint Committee considered a report on the Proposed Publication of the Draft Report on Northern Extension of Slough by Slough Borough Council. This stated that this Council's intention to publish the draft Atkins report meant that it was acting outside of its relevant statutory powers, due process and the Duty to Cooperate.
- 5.84 As a result the Head of legal and Democratic Services was authorised to take legal proceedings under section 222 of the Local Government Act. An agreement was reached that no legal action would be taken if Slough Borough Council included a covering note in the document from Chiltern and South Bucks District Councils.
- 5.85 The report explains Slough Borough Council intended to use the Atkins report both to respond to objections and in its Duty to Cooperate discussions with Chiltern and South Bucks Councils, and that it may in future submit it as evidence to the Chiltern and South Bucks Local Plan examination.
- 5.86 It has not, however, been possible to carry out any joint working on the proposed Northern Expansion of Slough which means that the proposal has not been able to be progressed as far as we would like. It is, however, still proposed to submit the Atkins Plan to the Chiltern and South Bucks examination in support of this Council's request that there should be an immediate partial review of the Plan to bring forward the Northern Expansion.
- 5.87 As a result it can be seen that there has been a lack of progress with joint working on this strategic cross boundary matter until it was agreed that we should undertake a joint Growth Study along with the Royal Borough of Windsor and Maidenhead.
- 5.88 The "Wider Area Growth Study" is a government funded study which is intended to address issues arising from growth that is anticipated across the area.
- 5.89 It recognises that Slough currently considers it will not be able to meet all of its existing and future housing needs within its boundary and so there is a need to identify "functional geographies" or areas where this 'need' can be accommodated regardless of administrative boundaries. The purpose of the study is to identify the potential locations that could accommodate the future housing need growth of the Slough, Windsor and Maidenhead core, in line with national policy.
- 5.90 Part 1 of the study, which defines a broad 'study area', in which new housing development could provide reasonable substitutes for homes in the core places

has now been completed by Consultants PBA. Part 2, which has not yet started, will look at supply, capacity and constraints in the study area to identify specific locations within its boundary where housing development could be deliverable and sustainable.

- 5.91 One of the outcomes of the Study was that it could be used as part of the evidence base to support future plan making and Duty to Cooperate work. It was hoped that it would have been completed in time to inform the preparation of the Chiltern and South Bucks Local Plan. It is now envisaged that the results can be presented to the Inspector at the examination in support of our request for an immediate partial review of the Plan.
- 5.92 One indication of the challenges we have had with joint working is the lack of a Statement of Common Ground which is expected as evidence of the “Effective” test of soundness.
- 5.93 South Bucks and Chiltern Councils drafted a Statement of Common Ground in September 2017. This set out the main differences between the Councils at the time. They re-issued the same Statement of Common Ground in April 2019 without updating it to include any of the new issues that have arisen.
- 5.94 Having seen the contents of the Published Plan, this Council considers that it is all the more important to try to agree a Statement of Common Ground. This would have to cover:
- Agreement about the technical basis upon which the Plan has been produced including the fact that it has a shortfall compared to the housing requirement.
 - Agreement to progress Part 2 of the Wider Growth Study as quickly as possible so that it can feed into the Examination.
 - Agreement to the basis upon which an immediate partial review of the Local Plan could be carried out in order to bring forward the Northern Expansion of Slough to meet Slough’s unmet needs.
- 5.95 Taking all of this into account, it is considered that the Plan has failed the test of soundness in that it has not been based on effective joint working to consider the cross boundary strategic matter of meeting Slough’s unmet housing needs. This issue has been unnecessarily deferred rather than being dealt with in the Plan. There isn’t currently a Statement of Common Ground but it is hoped that this can be remedied before the Local Plan is submitted to the Secretary of State.

Is the Plan Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.

- 5.96 It is not considered that the plan meets this test of soundness with regards to consistency with national policy for a number of reasons that are explained in the objections to the other tests of soundness.

5.97 The fundamental problem is that the Plan is not seeking to meet its housing needs in full, it does not explain this and does not justify why this is an appropriate strategy.

5.98 Paragraph 65 of the NPPF states:

Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period.

5.99 The Local Plan does not have a housing requirement figure for the Plan area and so fails this basic requirement. It is not clear how the plan can be understood without this or how meaningful public consultation can be carried out on this basis.

5.100 Paragraph 16 of the NPPF states that Local Plans should contain policies that are clearly written and unambiguous. There is, however, no policy setting out what the housing requirement should be. As a result it is not clear how the five year land supply should be calculated or how the Plan can be monitored.

5.101 As explained above we consider that there is a shortage of housing in the Plan based upon the figures within the Housing Needs Assessment. It is considered that this shortage would be increased if the most up to date figures for calculating housing need had been used.

5.102 Paragraph 60 of the NPPF states:

To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.

5.103 The National Planning Guidance explains which figures should be used in the standard methodology formula.

5.104 Firstly it states that you should use the 2014 based household projections to calculate annual average household growth over a ten year period. This should be 10 consecutive years with the current year being used as the starting point.

5.105 Although the Housing Needs Assessment was published in April 2019, it has used 2018 as the starting point for calculating projected housing growth. It is not clear how this can be justified when the authors knew that Plan was intended to be published and submitted in 2019 and the figures were all available to be able to use 2019 as the starting point. This is important because if you use the correct 2019 figures as the starting point for the calculation you get a higher average housing growth figure.

- 5.106 The second part of the calculation involves adjusting the average household growth figure to take account of affordability. The Guidance states that the most recent median workplace-based affordability ratios published by the Office for National Statistics at a local authority level, should be used.
- 5.107 The most recent figures came out in March 2019 and so it is understandable why the Housing Needs Assessment which was published in April did not take account of them. An addendum to the report could, however, have been produced to accompany the publication of the Local Plan in June this year.
- 5.108 The Office for National Statistics figures show that affordability has got worse in Chiltern and South Bucks and so as a result the minimum local housing needs figure is increased.
- 5.109 Using 2019 as the current year for calculating annual average household growth and the 2019 affordability ratios, the local housing needs figure for Chiltern and South Bucks becomes 19,520 for the Plan period.
- 5.110 As a result it is considered that the Plan has failed the test of soundness in that it has not consistent with the National Planning Policy Framework in a number of ways. Of specific concern is the fact that it is not seeking to meet its housing needs in full, it has not included a policy setting out what the housing requirement is for the plan area and has not used the most up to date figures for calculating housing need.

6 Conclusion

- 6.1 The production of the new Chiltern and South Bucks Local Plan is to be welcomed because it will enable much needed new housing development to come forward, including 5,200 from land in the Green Belt.
- 6.2 The main concern for Slough is however that the Plan is not seeking to meet all of its housing needs in full; it is exporting housing that is needed locally to Aylesbury; and has not considered this Council's proposals for a Northern Expansion of Slough in order to meet our unmet needs.
- 6.3 The overall result is that only around half of the houses needed are actually going to be provided in the Chiltern and South Bucks area which are already two of the most unaffordable Districts in the Country.
- 6.4 All Local Plans have to meet the "tests of soundness" set out in the NPPF. It is not considered that the Plan has met all of these requirements:
- 6.5 It is not "positively prepared" because it has not sought to meet the area's objectively assessed housing needs or the unmet need from Slough.
- 6.6 It is not "justified" because it has not considered reasonable alternatives such as meeting more of the unmet housing needs.

- 6.7 It is not “effective” because it is not based on effective joint working on cross-boundary strategic matters such as the need to meet Slough’s unmet needs.
- 6.8 As a result it is proposed Slough Borough Council should object to the Plan on these grounds for the reasons set out in this report.
- 6.9 In order to try to remedy this, we are requesting that there should be an immediate partial review of the Local Plan to bring forward proposals for the Northern Expansion of Slough.
- 6.10 It is not considered that Chiltern and South Bucks have failed the Duty to Cooperate, because they are participating in the joint Wider Growth Study which is seeking to resolve some of the outstanding issues.
- 6.11 There does, however, need to be Statement of Common Ground which seeks to address these issues.

7. Supporting Documents

- ‘1’ Draft Chiltern and South Bucks Local Plan 2036 – Publication version June 2019