Is the plan legally compliant and sound? What does that mean?

Legally compliant

* Is it prepared in line with statutory regulations
* Duty to cooperate
* Legal procedural requirements such as the Sustainability Appraisal

Sound

* Positively prepared – meets the need for housing and other developments, including infrastructure and business development
* Justified – based on evidence and be the most appropriate strategy for the district when considered against other reasonable alternatives
* Effective – should be deliverable; the housing and other development should be capable of being carried out.
* Consistent with national policy; the plan should enable sustainable development and be consistent with the National Planning Policy Framework (NPPF)

**Legal compliance**

Issues to challenge are:

* Not complied with duty under the Self-Build and Custom Housebuilding Act 2015
* A Strategic Environmental Assessment (SEA) should have been undertaken that examines the cumulative impact of multiple sites in a single settlement. HBC have only carried out single site sustainability appraisals for Primary Service Villages
* Whilst they have cooperated with Leeds City Region they have ignored the fact that Leeds City Region Strategic Economic Plan 2016-36 doesn’t identify Harrogate for housing growth. In fact Leeds City reduced its housing need by approximately 30%, so why does Harrogate persist with its unrealistically high target?

**Soundness**

* Positively prepared
	+ Based on a HEDNA that is inappropriate (see below)
	+ No reference to infrastructure other than to an infrastructure plan that is not available
* Justified
	+ Not based on factual evidence but upon aspirational thinking that isn’t supportable
	+ HBC Housing Strategy 2015-20 doesn’t address real issue of affordability which can only be addressed by building housing that remains permanently outside the open market.
	+ HBC Economic Growth Strategy 2017-2035 is weak and full of meaningless phrases
	+ The Vision for the District contains mutually exclusive aspirations
	+ The reasonable alternative is to set much lower numbers, following latest government guidelines, and to focus on providing the infrastructure that will enable brownfield development and building of the land already allocated to housing and business use to be delivered and occupied.
* Effective
	+ The requirement for 669 houses per annum does not account for the shortfall already accumulated from the start of the plan period so the actual number has become 765 houses per annum to meet the total target during the plan period (HBC quote 765 in para 10.30 of the plan but in para 10.32 the number is 723 – such discrepancies can make a large difference when planning over such a long period).
	+ The proposed allocation of housing land is not capable of being delivered
		- There are currently over 4,000 plots with planning permission in the District that have not yet been built upon
		- There will not be sufficient resources available to deliver the level of construction proposed during the plan period in terms of funding, materials and labour (especially after Brexit)
		- The lack of infrastructure, and of a cogent, fully costed Infrastructure Delivery Plan, means that the proposed development may not be able to be completed. The NPPF (para 177) required there to be a reasonable prospect that planned infrastructure is deliverable in a timely fashion therefore infrastructure policies should be developed at the same time as the Local Plan
* Consistent
	+ The plan is not consistent with the strategic direction contained in the Department for Communities and Local Government consultation paper ‘Planning for the right homes in the right places: consultation proposals’ published in September 2017 and intended to inform the revised NPPF which will be in place before this plan is adopted and it recommends that where a plan is submitted for examination after 31 March 2018 it should be based on the new standardised method of calculating housing need.
	+ The plan acknowledges the need for minimising greenhouse gas emissions and pollution levels yet designates sites for both housing and, particularly employment, that will have a massively adverse impact on traffic flows and therefore increase pollution.

**HEDNA**

The plan numbers are based upon the July 2017 Housing and Economic Development Needs Assessment (HEDNA) carried out by GL Hearn. It comprises 199 pages of analysis based on multiple data sources and many assumptions. HBC has taken the highest development site requirements in terms of both housing numbers and employment land area. This includes an economic uplift of approximately 60% in house numbers from 395 to 669 houses per annum. It is illogical and irrational given the number of assumptions that have been made in the HEDNA and the lack of knowledge as to how people will want to live and work by 2035. Whilst it is accepted that economic growth can influence housing needs there is less certainty that increasing house numbers created economic growth.

GL Hearn based its forecast on a 1.9% growth rate for the UK economy, but in September 2017 the Treasury downgraded its 2017 growth forecast to 1.6% and 1.4% for 2018 whilst the OECD predicts only 1% growth for the UK economy in 2018.

The impact of Brexit was ignored by GL Hearn as their work was carried out to soon after the referendum for the impact to be known. Whilst it is still too soon to be definitive, at the beginning of February 2018 government papers have been leaked that suggest the north of England could see a 13% reduction in economic activity due to Brexit; a massive reduction that is not even considered in the HEDNA. Read the Economist article <https://www.economist.com/news/britain/21736178-harrogates-downward-migration-trend-few-years-ahead-britains-how-it-faring>

*Housing*

HBC believes that shortage of ‘affordable housing’ is a fundamental problem in the District. ‘Affordable housing’ is defined in the NPPF as social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Homes that do not meet the above definition of affordable housing, such as “low cost market” housing, are not considered as affordable housing for planning purposes.

HBC has not included any robust measures in its plan to ensure that the required level of truly affordable housing is delivered in the plan period and in a way that makes it sustainably affordable.

The plan is predicated on a desire to increase employment opportunities in the District and a belief that requires housing for all the employees. However commuting is part of life for many people who choose to live somewhere distant from their workplace because of house prices, family ties, lifestyle choice etc. This will be increasingly the case as more workers become home-based and probably more join the gig economy rather than being employees. This will impact also on retirement ages with many more people than suggested by the Experian data used by GL Hearn in the HEDNA report working well beyond state pension age. People living in Harrogate already work globally and increasingly Harrogate businesses will have workers across the globe.

The key to a thriving local economy is ease of access and it is the rail and road infrastructure that will constrain the District’s economic growth far more than housing. For those who need or want to commute there should be low cost efficient and ‘clean’ (both physically and environmentally) public transport. In 2018 we have heard already that the rail improvements scheduled for 2020 are unlikely to happen.

*Employment land*

The HEDNA concludes that 54.8 hectares of employment land are required over the District. With 16ha of vacant land on existing employment sites the requirement should become 38.8 ha. The gross requirement is based firstly on labour demand projections of 17.6ha which was increased to 28.2ha to provide flexibility. A separate forecast was made by extrapolating development rates from 2006 to 2016 and that concluded with a need for 49.8 ha based on looking at different use classification requirements. The importance of this is that future employment is likely to require more land per employee (in manufacturing, distribution and retail). However the HEDNA then uplifts the allocation for flexibility again, thus double counting. Furthermore there is no recognition of the fact that the high earning jobs that HBC is keen to create actually require less space per employee than traditional manufacturing, distribution and retail (which are all low paid).

**Infrastructure Delivery Plan**

*Water*

(para 4.11) Locating a large number of houses on the western side of Harrogate will require major reinforcements to the water supply networks (both pumping and storage) involving extensive work through the town centre. No investigative work has been carried out regarding the detail of such work and the likely costs.

*Sewerage*

(para 4.12) No investigations or costings carried out but it is acknowledged that the Crimple Valley sites PN18 and PN19 have sewerage issues

*Rail*

(para 6.1) Does not acknowledge the likely postponement or cancellation of proposed rail upgrades that has become apparent early in 2018.

*Road*

(para 6.12) A bold statement that growth is not dependent upon the building of a relief road and no funding has been allocated to such a road.

**Denis S Kaye**

**February 2018**