

**Matter 2**

**STATEMENT OF RICHARD COWEN TO THE EXAMINATION IN PUBLIC  
INTO THE  
SUNDERLAND CORE STRATEGY AND DEVELOPMENT PLAN  
RELATING TO MATTER 2**

1. I make this statement on behalf of the CPRE Durham.
2. As outlined in our representations to the Preferred Options and Pre-submission stages of this Plan, CPRE is concerned that all local authorities in the North East of England have overestimated their Objectively Assessed Need (OAN). In general, we have estimated that this over-estimation is in the region of 30%.
3. That particular issue may be more appropriate for discussion under Matter 3. While we will address this issue more fully there, we represent that this is a critical factor in determining whether or not “Exceptional Circumstances” are made out for the proposed deletions from the Green Belt in this Plan. The following representations in relation to Matter 2 are on the basis that we do succeed in showing that there is an overestimation of the OAN.
4. In our representations at Pre-submission stage, we referred to the judgment in *Calverton Parish Council v Nottingham City Council*<sup>1</sup>. That judgment was made considering the 2012 version of the National Planning Policy Framework (NPPF).. We therefore believe it is appropriate to consider this judgment in some detail in this statement.
5. The Calverton judgment involved proposed deletions from the Green Belt around Nottingham City. The proposed Plan involved three authorities, Nottingham City, Broxtowe Borough and Gedling Borough Councils (GBC). The disputed land involved green belt land in the parish of Calverton in GBC. One question was whether the authorities had overestimated the OAN. It therefore appears that the issues in this case are similar to those in this case.

---

<sup>1</sup>[2015] EWHC 1078 (Admin); paragraph 51

6. However, we represent that there is a significant difference between the Calverton situation and that here. In Calverton, the claimant's three grounds were listed at paragraph 40. The first of these was

“Failure to consider whether housing numbers should be reduced to prevent release of Green Belt land”

As we understand it, this approach was held to be inconsistent with that laid down by the Court of Appeal in the Hunston judgement<sup>2</sup>, where the court ruled that the OAN had to be determined without regard to restrictions such as Green Belt or other designation, but should be factored in before a housing requirement was set in the adopted plan.

7. In this case, we represent that the OAN and housing requirement proposed by Sunderland is, in itself, an overestimate and unrealistic for reasons we will address in Matter 3. We represent that our stance is also now supported by the Government's Standard Method for calculating the OAN, which provides a significantly lower figure for Sunderland than that assessed by the Council. We believe that the Council has not demonstrated “fully evidenced and justified” reasons for not following the Standard Method.
8. First, recent net completion rates in Sunderland suggest that the Standard Method itself will generate a housing target that is unachievable in the context of Sunderland. According to the 2017 SHMA update, the rate has been between 356 per annum (between 1999-2017) and 552 per annum (since 2010/11, which does not factor in the late 2000s downturn in the property market and thus may be seen to be unrepresentatively optimistic) We will address this more fully in Matter 3. But in relation to spatial strategy, the consequence of such an unrealistic target is that the Council is more likely to under-deliver in terms of the Housing Delivery Test in the 2018 NPPF, and come under pressure to release greenfield sites for housing outside the Green Belt to the south of the city in order to meet the shortfall against its housing target. This would serve to exacerbate the perceived ‘saturation’ of housing in this area as stated in paragraph 2.49 of the draft Plan.
9. Second, the Green Belt releases are justified in relation to housing need, and the draft Plan (paragraphs 4.6/4.7) argues that there is a particular need for larger and higher value properties. But the actual evidence base shows that most of the need is actually for affordable housing, and that in recent years Sunderland has lost significant numbers of younger people to out-migration. If Sunderland is to grow its population in anything like the levels intended, it will actually need to focus on providing more affordable housing within the central urban area, where young people are more likely to want to live. Conversely,

---

<sup>2</sup> St Albans CC v Hunston Properties Limited and another [2014] JPL 599

two recent large permissions granted in neighbouring County Durham will serve to meet at least some of the stated need for larger properties within Sunderland (see below).

10. As a result of this, we represent that, if the OAN were calculated in accordance with the Standard Method, there would be no need for deletions from the Green Belt and so “Exceptional Circumstances” are not made out. This is a significant difference from the Calverton situation, where it appears the argument was to reduce the OAN so that there would not be a need to delete land from the Green Belt.

11. At paragraph 50 of the Calverton judgement, Jay J said

“I agree with Mr Turney that it would be illogical, and circular, to conclude that the existence of an objectively assessed need could, without more, be sufficient to amount to "exceptional circumstances" within the meaning of paragraph 83 of the NPPF. No recourse to what I called during oral argument the "mantra" of planning judgment could save a decision from a successful section 113 challenge in such circumstances.”

We accept that OAN can be part of a case to support “exceptional circumstances” under paragraph 83, of the 2012 NPPF. It cannot be the sole reason for saying that “exceptional circumstances” exist. The submitted plan at paragraph 4.28 states, however, that ‘without alterations to the Green Belt boundaries, the Plan would not be able to accommodate housing needs, especially in the north of the city’. It is thus clear that the Council’s case is primarily based on an argument of unmet need for larger houses, which is neither supported by key elements of the evidence base nor is it consistent with the Government policy approach which the Calverton case clarified.

12. Critically, the 2012 NPPF (at paragraph 84) requires local planning authorities to ‘take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.’

We contend that the local planning authority has not properly considered the scope to meet housing needs within the main urban area of Sunderland. In particular:

The Plan omits any mention of the 2017 Housing White Paper, despite clear references to it in the evidence base (for example paragraphs 2.4 and 13.32

of the 2017 SHMA update, and in paragraph 2.17 of the Green Belt Exceptional Circumstances paper prepared by Peter Brett Associates). This is a critical omission as the White Paper clearly spelt out the shift in Government policy, since enshrined in the 2018 NPPF, towards expecting more effective use of brownfield land and maximising residential densities within urban areas well served by public transport, and that such options should be fully explored before Green Belt releases are considered (paragraphs 1.25, 1.30, 1.39 and 1.53 of the White Paper).

Significant aspects of the Plan run contrary to the policy direction set in the White Paper and are also not supported by the evidence base for the Plan itself. For example, a net demolition rate of 20 dwellings per annum is assumed. Yet the 2017 SHMA update shows a major tailing off in demolitions in the last 3 years for which figures are presented, with only 28 demolitions in all 3 years – an annual rate of just over 7 dwellings per annum.

Moreover, we also believe that the Council is significantly underestimating brownfield potential. CPRE analysis of the two brownfield land registers published by the Council to date (set out in the table below) has found that:

- There is the opportunity to provide many more homes than the minimum figures suggest. The average density on sites in the register appears to be just 27 homes per hectare – this is a third below the national average density of new development on brownfield sites, which is 40dph. The summary note alongside the register states that the SHLAA found an indicative capacity of 4,587 homes on these sites, but assumes a 10% reduction for a minimum figure. No reason for this reduction is given.
- This represents a significant drop in the amount of land identified by the Council and submitted to the former National Land Use Database of Previously Developed Land (NLUD-PDL) in 2010, where 423 hectares of brownfield land was identified almost 300 hectares of which was described as being suitable for housing with a capacity for 8,219 homes. Have all of the NLUD sites been redeveloped, or are they not recorded on the registers for other reasons? We feel that a number of contaminated sites identified in the NLUD have been left off the brownfield land registers, and more should be done to prioritise their redevelopment in order to both promote more sustainable patterns of development as well as remove public health hazards to city residents.

<b>Sunderland brownfield land registers</b>	<b>2018</b>	<b>2019</b>	
<b>Number of sites</b>	61	62	
<b>Area of land (ha)</b>	170.29	157.19	

<b>Minimum housing capacity</b>	4633	4126	8 sites under construction, figures do not include homes already completed. This is 213 homes.
<b>Deliverable housing capacity</b>	3054	3159	
<b>Number of sites with planning permission</b>	32	34	
<b>Number of sites recorded as publicly owned</b>	12	13	
<b>Newly identified number of sites</b>	n/a	13	
<b>Newly identified housing capacity</b>	n/a	217	
<b>Maximum housing capacity</b>	Not given	Not given	
<b>Average density (minimum figures –dph)</b>	27	26	
<b>Average density (maximum figures–dph)</b>	n/a	n/a	

13. We also believe the following issues are relevant

- a) In terms of locations beyond the outer Green Belt boundary, we draw attention to our representations to the Pre-submission draft relating to the Pallion site. CPRE supported this application for 700 houses on a brownfield site that is included in the City's register of brownfield sites. In addition, bearing in mind the recent exchange of letters between the Inspector and the local planning authority on the scope to meet part of Sunderland's identified housing need in nearby areas of County Durham, there has been permission granted for 400 executive houses at Lambton and for a garden village of 1500 houses at Seaham, both of which are very close to the boundary with Sunderland and therefore are likely to make some degree of contribution towards meeting the housing needs of Sunderland, particularly for larger properties as mentioned earlier. We question whether there has been any "informed discussion" with the neighbouring authority about this.
- b) In Calverton, J Jay considered "the consequences of development" in paragraph 84 of the 2012 NPPF. There he said, at paragraph 19
 

"The second sentence of paragraph 84 is not altogether clear. On the face of things, it might well be argued that it appears to reinforce the need to protect the Green Belt, but in my view it is capable of being interpreted slightly more broadly. The *consequences* for sustainable

development may require revision of the Green Belt. Nonetheless, I do not readily agree with Miss Ellis that paragraph 84 throws any light on the meaning of "exceptional circumstances" within paragraph 83, or should be taken as somehow diluting this aspect. Sustainable development embraces environmental factors, and such factors are likely to be negatively in play where release of Green Belt is being considered. The second sentence of paragraph 83 supplies a fetter or brake on development which would, were it not for the Green Belt, otherwise be sustainable; but in deciding whether exceptional circumstances pertain regard must be had to the whole picture, including as I have said the *consequences*."

14. As stated in paragraph 11 above, we acknowledge that the OAN, in conjunction with other factors, may still provide a reason to find "exceptional circumstances" for deletions from the Green Belt but maintain our view that this must be on a justified basis. If the OAN for housing cannot be justified when taking into account the Standard Method, we represent that, on a "realistic" OAN, housing can be provided within the urban area as outlined in paragraph 84 of the 2012 NPPF. Indeed, the Plan allocates suitable sites for this number of houses within such areas.
15. We also contend that the plan does not show how the Council is planning positively for the beneficial use of the Green Belt once the boundary has been set, as required in paragraph 81 of the 2012 NPPF. Although a Green Infrastructure Delivery and Action Plan has been belatedly submitted with the examination documents (in April 2019), it is not clear whether or in what respects any of the proposed actions will help safeguard and improve the Green Belt.
16. We therefore represent that the Council has not demonstrated that there are "exceptional circumstances" to justify the proposed deletions from the Green Belt, and that the plan is therefore inconsistent with national policy and unsound in this regard.

Richard Cowen

██████████  
██████████████████  
██████████  
██████████

5 May 2019