SD08I

Statement of Common Ground Between Winchester City Council and Test Valley Borough Council

August 2024





CONTENTS

- 1. Introduction
- 2. Legislation
- 3. Statement of Common Ground

1. Introduction

A Statement of Common Ground (to be referred to throughout as SoCG), of which concerns strategic cross-boundary matters, is a written record of the progress made by strategic plan-making authorities (and other prescribed bodies¹) during the process of (non-exhaustive) producing or reviewing a local plan. It documents the effective co-operation between the parties and outlines matters that are common ground (agreed) and areas of disagreement. Introduced by the 2018 National Planning Policy Framework, strategic policy making authorities are required to produce, maintain, and keep up to date a SoCG to highlight the agreements on cross-boundary strategic issues.

The SoCG (and associated Duty to Cooperate Statement of Compliance - to be published to support the Winchester City Council Regulation 19 consultation) is used to demonstrate at examination that respective authorities (and relevant bodies) have cooperated on cross-boundary matters; and that the plan has been prepared in a positive and effective manner, therefore meeting the soundness test². The document assists in presenting evidence that plans are deliverable over the plan period and based on effective joint working across local authority boundaries. Furthermore, it is also part of the evidence required for local planning authorities to demonstrate that they have complied with the legal compliance of the Duty to Cooperate.

This SoCG will form part of the Duty to Cooperate Statement of Compliance to inform the Regulation 19 Publication consultation. It documents the outcomes of co-operation to date in preparing the local plan in order to inform and shape a positively prepared and justified strategy. In doing so it addresses, has been produced in accordance with, and takes account of the requirements set out in the National Planning Policy Framework³ (NPPF), Planning Practice Guidance⁴ (PPG), relevant planning acts, and any other applicable information.

This document therefore sets out the current position regarding points of common and/or disagreement on relevant strategic cross-boundary matters and for the purpose of this consultation, can be read as a standalone document.

¹ The Town and Country Planning (Local Planning) (England) Regulations 2012 (legislation.gov.uk)

² National Planning Policy Framework (publishing.service.gov.uk) para 35

³ National Planning Policy Framework (publishing.service.gov.uk)

⁴ Plan-making - GOV.UK (www.gov.uk) Maintaining Effective Cooperation

2. Legislation

The "Duty to Cooperate" was introduced by Section 33A of the Planning and Compulsory Purchase Act (2004)⁵ from Section 110 of the Localism Act (2011)⁶ as a strategic planning mechanism to replace regional spatial strategies. It places a legal duty on Local Planning Authorities, County Councils and prescribed public bodies to engage constructively, actively, and on an ongoing basis to maximise the effectiveness of local plan and marine plan preparation in the context of strategic cross boundary matters.

Strategic matters regarding plan-making refers to: "sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas." (Section 33A, (4)(a))

Additionally, paragraph 20 of the NPPF outlines the strategic policies that a local plan should address, resolve, and where necessary, make provision for, these being:

- a) "Housing (including affordable housing), employment, retail, leisure and other commercial development;
- b) The provision of infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- c) Community facilities (such as health, education and cultural infrastructure); and
- d) Conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation."

Paragraphs 24 – 27 of the National Planning Policy Framework (NPPF) recognises this duty and considers effective, joint working between relevant bodies as integral to a positive and well-prepared strategy. Paragraph 26 also identifies joint working as helping to determine additional infrastructure, and whether development needs that cannot be wholly met within a particular plan area could be met elsewhere. PPG paragraphs 029 – 033, and 075 provide further information on meeting the Duty to Cooperate, explains the differences between the Duty to Cooperate and a SoCG, illustrates how the Duty to Cooperate is considered during examination, and how the Duty to Cooperate should be addressed during plan review.

Further to this, two of the four "tests of soundness" of Local Plans (NPPF Paragraph 35) directly relate to the Duty to Cooperate, specifically:

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

In regard to the production of a SoCG, paragraph 27 of the NPPF specifically states:

⁵ Planning and Compulsory Purchase Act 2004 (legislation.gov.uk)

⁶ Localism Act 2011 (legislation.gov.uk)

"In order to demonstrate effective and on-going joint working, strategic policy making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance and be made publicly available throughout the plan-making process to provide transparency."

The Plan Making chapter of the PPG and in particular the *Maintaining Effective Cooperation* section (paragraphs 009 – 028) provides additional information and guidance on how authorities should (non-exhaustive): produce a SoCG, what cross-boundary matters should be included, carrying out effective cooperation, activities documented, functional geographical area, and preparation and publication.

The Government consulted upon reforms to national planning policy during December 2022 as part of the Levelling Up and Regeneration Bill (LURB), stating that the Levelling Up and Regeneration Act (LURA) will remove the Duty to Co-operate, but that the duty will remain in place until those provisions come into effect. To secure appropriate engagement between authorities where strategic planning considerations concern cross-boundary matters, the Government intends to introduce an alignment policy as part of a future revised Framework. Further consultation on what should constitute the alignment policy is anticipated to be undertaken.

The LURA was enacted during November 2023, and now includes provisions to remove the legislative that imposes the Duty to Co-operate. However, these provisions have not yet been enacted and will 'come into force on such day as the Secretary of State may by regulations appoint'. Transitional arrangements mean that the Duty to Cooperate will remain for plans submitted for examination before June 2025 and adopted by December 2026.

3. Statement of Common Ground

This section comprises the interim Statement of Common Ground that Winchester City Council and Test Valley Borough Council have entered into in support of the authorities' respective Local Plan review. This statement demonstrates the current understanding at the present time of points of common ground and where necessary, areas of disagreement, for relevant strategic cross-boundary matters. Following the recent announcement of the Government's planning reforms and consultation on draft changes to the NPPF, this could have impact on progressing with local plans and this Statement of Common Ground may need to be reviewed.

Test Valley Borough Council

1. List of Parties involved:

Winchester City Council and Test Valley Borough Council

2. Signatories:

Both parties agree that this statement is an accurate representation of matters discussed and issues agreed upon, or where there are areas of disagreement, this statement documents the issue, and that both parties confirm their respective position.

It is agreed that these discussions will inform the Winchester City Council Local Plan 2020 - 2040 and the emerging Test Valley Borough Council Local Plan; both parties will continue to work collaboratively to meet the Duty to Cooperate obligations and will both continue to work proactively on the key strategic cross boundary issues identified in this document.

For Winchester City Council the Statement of Common Ground is signed by Julie Pinnock.

For Test Valley Borough Council this Statement of Common Ground is signed by Graham Smith .

Signed:

Name: Julie Pinnock

Position: Corporate Head of Planning and Regulatory Services

Winchester City Council

d.

Signed:

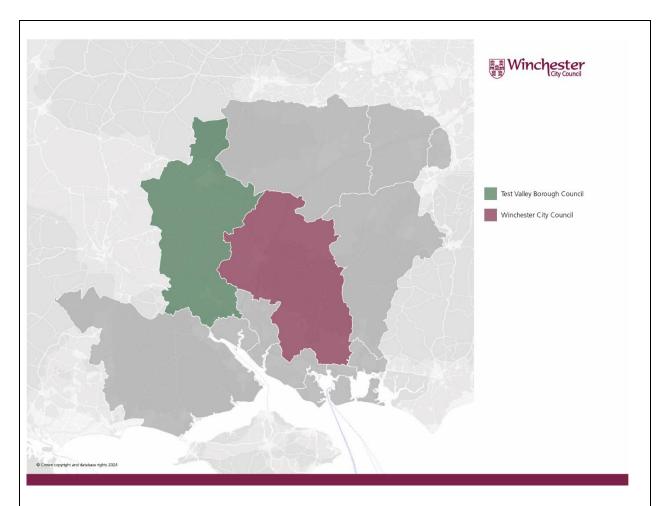
Name: Graham Smith

Position: Head of Planning Policy & Economic Development

Test Valley Borough Council

3. Strategic Geography & Plan-Making history

This section will outline the strategic geographical relationship between the authorities highlighting key connecting routes between the administrative areas and the key issue facing the authorities. The section will also provide a brief update of the plan-making process to date and anticipated timeline for adoption.



Map demonstrating the geographical relationship between Winchester and Test Valley

Test Valley is situated to the west of the Winchester administrative area with the majority of the Test Valley eastern boundary adjoining the districts. The main road network that links the districts is the A303 in the north of Winchester that passes the town of Micheldever and continues into the Test Valley district through to the town of Andover and exits the district to the west. The A34 also travels north from Winchester town, through the village of Sutton Scotney (which borders the district) and into Test Valley where it merges on to the A303. The authorities are affected by the Solent water catchment area and SSSI nutrient neutrality catchment and will need to work cooperatively to address issues that may be presented by this. The Solent SPA/SAC/Ramsar designations are impacted by nitrates, and the Itchen SAC by phosphates. Both authorities are within the county of Hampshire and are both involved in the Partnership for South Hampshire with a number of other authorities.

Winchester City Council:

The existing WCC Local Plan Part 1 (JCS with the SDNPA) was adopted during March 2013 with the Local Plan Part 2 Housing and Employment allocations adopted during April 2017) and Gypsy, Traveller & Travelling Showpersons Development Plan Document (Traveller DPD) (adopted 2019) forming the Development Plan as a whole. Work on the emerging plan began during 2018 with an Issues and Options consultation taking place Feb – April 2021 followed by a draft plan Regulation 18 consultation occurring during Nov – Dec 2022.

Subsequent to the two Regulation 18 consultations, a six week public consultation on the Winchester City Council Proposed Submission Local Plan started on the 28th August 2024. Following this, it is

anticipated that the Local Plan will be submitted to the Inspectorate by November 2024 with the Examination taking place early in the New Year. Once adopted it will replace the existing Local Plan parts 1 and 2 and the Traveller DPD.

Test Valley Borough Council:

The Test Valley Borough Revised Local Plan DPD - 2011 - 2029 was adopted by the Council on 27 January 2016 and contains proposed policies for determining planning applications and identifying strategic allocations for housing, employment and other uses. As the Local Plan became five years old in January 2021, a review was undertaken to ensure that the plan and its policies remain effective and to identify any areas which need to be reviewed. The self-assessment concluded that the spatial strategy is considered to remain sound and plan policies remain up to date. However, NPPF 2019 requirements necessitate some new or additional policy, or revision of the current policy approach being considered to address these, or which will be taken into account and considered in preparing the next Local Plan.

The Council have updated the LDS for Local Plan 2040 following an initial regulation 18 consultation in early 2022 A stage 2 regulation 18 consultation was undertaken from 5 February – 2 April 2024; . The current LDS indicates a regulation 19 consultation anticipated during Q1 2025 with submission by June 2025.

The Council can not trigger both elements of the draft transitional arrangements contained in the NPPF (2024). At this stage it is too premature to know the next steps or timetable for proceeding with the draft Local Plan.

4. Strategic Matters

This section sets out where agreement has been reached on cross-border strategic matters, or where further work to reach common ground is required. Duty to Cooperate meetings have taken place over the course of the Local Plan review, details of which and minutes documenting the outcome of the meeting(s) can be found in the Duty to Cooperate Statement of Compliance.

At the time of writing this Statement of Common Ground, the strategic cross-boundary matters identified that concern both authorities are:

- Meeting identified housing needs within the district and any wider future potential unmet housing needs
- Meeting the identified need for Gypsy, Traveller and Travelling Showpeople accommodation within the district and any wider future potential unmet needs
- Employment land needs
- Achieving nutrient neutrality for residential and overnight accommodation development
- Bird Aware strategy (Solent SPA)

The following demonstrates areas of common ground and/or details of disagreement or where further work is required, and will be updated throughout the plan-making process:

Housing

Winchester City Council:

The emerging Local Plan aims to deliver sufficient land to meet the housing need for the Local Plan area and, in assessing the housing requirement for the plan-period, the amount of existing pipeline development is taken into consideration. The Standard Method output has established an overall need for Winchester District over the plan-period of 13,565 dwellings; the Standard Method is updated on an annual basis with the first 4 years from 2020 resulting in yearly needs for 685, 666, 707 and 691 dwellings (2,749 total). The remaining 16 years of the plan-period (2024-2040) equates to 676 dwellings per annum i.e., 10,816, totalling 13,565 dwellings.

It remains WCCs intention to meet the Standard Method housing need of the Local Plan area. In addition to this the plan makes provision for an 'unmet needs allowance' to help with meeting the (currently undefined) unmet needs of neighbouring authorities in accordance with the Partnership for South Hampshire's 2023 'Spatial Position Statement'.

The below table illustrates the overall position in terms of housing need and supply for the Winchester District:

Winchester District Housing Need		Winchester District Housing Provision		
Standard Method need for Plan period 2020-2040 (see Table H1)	13,565	Completions since start of Local Plan period (2020-2023)	3,170	
Unmet Needs Allowance (for unmet need in neighbouring authorities)	1,900	Outstanding planning permissions	6,780	
		Other Commitments (previous Local Plans incl. SDNP)	745	
		Windfall development	1,895	
		Additional allocations made in this Local Plan	2,875	
Total District_Housing Requirement	15,465*	Total District_Housing Provision*	15,465	

^{*} Includes approximately 350 dwellings within the South Downs National Park part of Winchester District

The table relates to housing need and supply for the whole of Winchester District, reflecting the area covered by the Standard Method figure. The Local Plan area excludes that part of the District within the South Downs National Park, where it is assumed that about 350 dwellings will be completed. The remaining housing requirement for the Local Plan area is 15,115 dwellings (15,465-350=15,115).

Test Valley Borough Council:

TVBC Regulation 18 Stage 2 consultation draft housing requirement was based upon the relevant standard method figure of 550 homes per year at that time. The draft local plan made provision for meeting this in full.

TVBC has had a long-standing split regarding housing needs recognising the distinct geography of the Borough and that it contains two distinct housing market areas. This is set out in the Adopted Local Plan. There is a strong distinction between Andover and the northern part of the Borough, and Romsey

and the southern part of the Borough which has a close relationship with South Hampshire. In meeting housing need it has therefore been appropriate to consider the two areas separately.

HOUSING MARKET AREA (HMA) HOUSING REQUIREMENTS (ROUNDED FIGURES)

	Percentage Split	Homes per Annum	Homes for 2020 to 2040
Borough wide	100%	550	11,000
Southern TV	43%	237	4,730
Northern TV	57%	313	6,270

TVBC has assessed how much existing supply committed as at 1 April 2023 against the housing requirement. This sets out the residual amount of housing to be allocated. In order to maintain a resilient housing land supply, provision is made for a minimum 10% supply of housing above the housing requirement.

Local Plan 2040 Regulation 18 Stage 2 draft makes provision for a sufficient number of homes to meet the residual housing supply figure. TVBC will continue to monitor housing supply as the preparation of the draft plan progresses and how this affects the residual requirement.

Agreed Position:

WCC is planning to meet its own housing need figure under the existing NPPF and Standard method. TVBC Regulation 18 Stage 2 draft consultation housing requirement was based upon the relevant standard method figure for local housing need of 550 homes per year at that time, and sufficient housing was planned to deliver this is full. Following the recent announcement of the Government's proposed planning reforms and consultation on draft changes to the NPPF, TVBC is currently considering the implications for moving forward with the draft Local Plan 2040, including potential consequences from the changes to the standard method for calculating local housing need. WCC welcomes the TVBC intention to meet their own need within the district; whilst there is no unmet need arising from either authority to be planned for, the approach towards providing a general contribution towards unmet need elsewhere, if possible, is supported.

Both councils agree to support the ongoing partnership working on housing need through the PfSH Statement of Common Ground and Spatial Position Statement 2023 This identifies a supply shortfall in meeting housing needs across South Hampshire. This reflects that a number of local plans are at the early stages of preparation. As individual local plans progress, each local planning authority will need to consider whether they can meet their own needs, before both Councils consider meeting such unmet need Both authorities will continue to work in collaboration with all other PfSH authorities to support the PfSH Statement of Common Ground and Spatial Position Statement, which have been agreed by the PfSH Joint Committee and are available on the PfSH website.

Gypsy and Traveller Accommodation Needs

Winchester City Council:

In support of the Local Plan review, a Gypsy and Traveller Accommodation Assessment⁷ has been produced to inform the likely need for Gypsy and Traveller accommodation over the plan period. The GTAA breaks down the overall Gypsy, Traveller, and Travelling Showpeople need into 4-year bands. The need identified takes into account unauthorised pitches, pitches with temporary planning permission, concealed and doubled-up households and movement from bricks and mortar in the first 4

⁷ 2022 10 31 Winchester GTAA Final Report (5).pdf

years. The total net new household formation is then applied proportionately across the remaining 4-year bands.

The GTAA identifies an overall need over the period to 2039 for:

- 115 pitches for Gypsy and Travellers that met the PPTS planning definition of a traveller
- 85 pitches for Gypsy and Travellers that at the time of preparing the GTAA did not meet the planning definition of a traveller
- 27 plots for Travelling Showpersons that met the PPTS planning definition of a traveller
- 6 plots for Travelling Showpersons that at the time of preparing the GTAA did not meet the planning definition of a traveller.

The consultants were also appointed to prepare a Pitch Deliverability Assessment (PDA) with the objective to provide advice on the suitability, availability, and achievability of any existing private Gypsy and Traveller sites (with permanent planning permission) to assist in meeting the identified accommodation needs for Gypsies and Travellers.

The Council has undertaken further work following the GTAA to take account of changes to the definition of travellers in the Planning Policy for Traveller Sites and changes in traveller needs and on key sites. This has reduced the overall need for pitches, particularly for gypsy travellers and has examined various potential sources of supply. A Gypsy and Traveller Topic Paper has been produced to evidence this work, which reaches the following conclusions on traveller pitch / plot needs and supply:

	Gypsy	Gypsy	Travelling	Travelling
	traveller	traveller	showpersons	showpersons
	(Years 0-5)	(Years 6-19)	(Years 0-5)	(Years 6-19)
Pitch / plot need	51	40	22	13
Pitch / plot supply	38	90	11	6
Surplus /	-13	+50	-11	-7
Shortfall				

There is scope to meet the need for about 68 additional gypsy traveller pitches through the intensification or expansion of existing sites. In addition, the Council is seeking to bring the former public site at Tynefield (Whiteley) back into use and to expand the number of pitches provided to about 30 and there is scope to achieve about 30 additional pitches, if needed, through windfall provision. The need for plots for travelling showpeople is much more modest and there is scope to provide about 17 additional plots through site intensification or expansion and maintaining travelling showpersons' use of plots at The Nurseries, Shedfield.

As a result, the Council expects to be able to meet gypsy traveller needs over the Local Plan period as a whole, but is unable to identify sufficient available and deliverable sites to meet current needs (years 0-5, 2022-2026). For travelling showpersons, the Council is unable to meet either short-term or longer-term needs.

Test Valley Borough Council:

TVBC have undertaken a *Gypsy, Traveller and Travelling Showpeople Accommodation Assessment,* (ORS), 2021 (GTAA)⁸ to assess needs This has informed the pitch target for gypsies and travellers and

⁸ https://www.testvalley.gov.uk/assets/attach/19364/Gypsy-Traveller-and-Travelling-Showpeople-Accommodation-Assessment-2021.pdf

plot targets for travelling showpeople. The identified need is significantly higher than the previous GTAA 2017. In both cases most of the need is generated in the first five years.

Pitches for Gypsy and Traveller

<u>Years</u>	<u>0-5</u>	<u>6-10</u>	<u>11-15</u>	<u>16</u>	<u>Total</u>
	2020-24	2025-29	2030-34	2035-36	
	34	4	<u>5</u>	1	44*

^{*}in addition to the 44 pitches there are 3 pitches that are needed to be met undetermined need. The GTAA recommends the application of the criteria based policy (HOU9) to determine applications to meet undetermined need

Plots for Travelling Showpeople

<u>Years</u>	<u>0-5</u>	<u>6-10</u>	<u>11-15</u>	<u>16</u>	<u>Total</u>
	<u>2020-24</u>	2025-29	2030-34	<u>2035-36</u>	
	<u>20</u>	<u>2</u>	<u>2</u>	<u>1</u>	<u>25</u>

To meet these targets a *Pitch Delivery Assessment, (ORS) 2024 (PDA)*⁹ was undertaken to assesses whether existing sites can be expanded, intensified or regularisation of unauthorised sites. This concluded a total of 20 pitches and 0 plots could be met by these means.

Draft Policy HOU8 sets out that to meet the need for 44 gypsy and traveller pitches and 25 plots for travelling showpeople, this will be met by a combination of sources: intensification of existing permanent sites, expansion of existing permanent sites, regularisation of unauthorised sites, and site allocation at Bunny Lane, Timsbury for 4 gypsy and traveller pitches.

There is lack of available and suitable sites to make sure we can meet needs in full. We have therefore undertaken a further call for sites alongside the Regulation 18 Stage 2 consultation and an additional call for land in summer 2024.

Following these calls options will be considered, including assessing all known available sites. If there are still insufficient available suitable sites, there may be a need to consider other mechanisms, or if other neighbouring authorities can help.

Agreed Position:

Both WCC and TVBC have updated their evidence base to support the delivery of Gypsy and Traveller accommodation resulting in an increased need over the plan-period. Subsequently, both Councils have made contact with one another following WCC sending a formal 'unmet need' letter (copy of letter will be included in the Duty to Cooperate Statement of Compliance) requesting assistance in meeting the demonstrable need for Gypsy and Traveller accommodation. Both positions have been presented as is and both authorities are unable to meet their own need with the land made available to them at the present time. For TVBC, how to address the issue is under further consideration. This has been evidenced in the respective GTAA and Pitch Delivery Assessment, Call for Sites, SHELAA exercises, and Gypsy and Traveller Topic Paper.

It is agreed that WCC has exhausted and evidenced all potential avenues of delivering an adequate level of development to meet the assessed need within their own district and therefore are not in a position to assist in meeting the needs of neighbouring authorities. TVBC are still considering options to seeking to meet their own identified need.

⁹ https://www.testvalley.gov.uk/assets/attach/19889/2024-01-05-Test-Valley-Pitch-Deliverability-Assessment-Final-Report.pdf

Employment Land

Agreed Position:

Both authorities have outlined their Employment Land provision within their respective emerging and adopted plans. It is agreed that WCC anticipates being able to meet its identified needs over the plan period and TVBC may have a potential undersupply within Southern Test Valley for Class B8 floorspace, although with a surplus overall Borough-wide, based upon the position at the Regulation 18 Stage 2 consultation and are unlikely to approach neighbouring authorities to assists in meeting their need. Both councils agree that there is currently no identified cross-boundary need to be planned for. TVBC has used updated employment evidence *Test Valley Employment Needs Further Analysis Study (DLP) 2022* to inform the future need for employment land. It is noted that the findings of the previous *Employment, Economic and Commercial Needs Study (Stantec) 2021*, prepared jointly through PfSH, and reflected in the SPS 2023 does not identify any additional need, as the overall position in South Hampshire was in balanced in light of the demand and available supply position.

Both councils will continue to engage together and through the Partnership for South Hampshire which will consider the wider economic needs of South Hampshire and distribution of development between districts and boroughs.

Nutrient Neutrality

Agreed Position:

It is agreed that there are a potential nitrate mitigation schemes, but no phosphate mitigation schemes at present within the Test Valley administrative area. WCC are currently looking into potential schemes within the WCC administrative area, however, are not in a position to provide more detail at this time, but if in a position to do so in the future, will make any scheme available for purchase.

Both authorities will continue to monitor the situation and update where necessary and continue to monitor potential schemes being introduced in the SDNP authoritative area.

Developments within Test Valley for nitrate mitigation, are able to utilise in principle mitigation within the Test and Itchen and Barley Water catchments taken together. For phosphate mitigation, this must be closely related to the point of impact on the Itchen SAC.

Bird Aware Strategy

Agreed Position:

Both WCC and TVBC agree to work in collaboration in monitoring and where necessary, updating an appropriate Bird Aware strategy.

Partnership for South Hampshire

Agreed Position:

Both WCC and TVBC agree to work in collaboration with all other PfSH authorities to establish a position in regard to Housing of which will be covered in a separate SoCG involving all PfSH authorities.

5. Governance Arrangements

For the purpose of this document, and to evidence the cooperative process undertaken between Winchester City Council and Test Valley Borough Council, it has been decided that the final signing of the Statement of Common Ground can be at Officer Level.

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6. Timetable for review and ongoing cooperation

Winchester City Council will continue to work collaboratively with Test Valley Borough Council to address strategic matters that, in addition to the above, arise through the plan-making process or require a resolution where there is yet to be an agreed matter. This will occur on an ongoing basis and relate to the timings of the relevant regulatory stages that the respective authorities are at during the plan-making process. The aim is to resolve any outstanding matters through regular meetings where cross-boundary strategic matters will be addressed.

Following the recent announcement of the Government's planning reforms and consultation on draft changes to the NPPF, TVBC is currently considering the implications for moving forward with the draft Local Plan 2040, including potential consequences from the changes to the standard method for calculating local housing need