

# Shropshire Local Plan 2016- 2038 Stage 2 Hearing Statement

## Matter 27 – General housing policies

### Land at Clive Barracks

Prepared by Fisher German on behalf of the Defence  
Infrastructure Organisation

## Project Title

Land at Clive Barracks, Tern Hill, Shropshire

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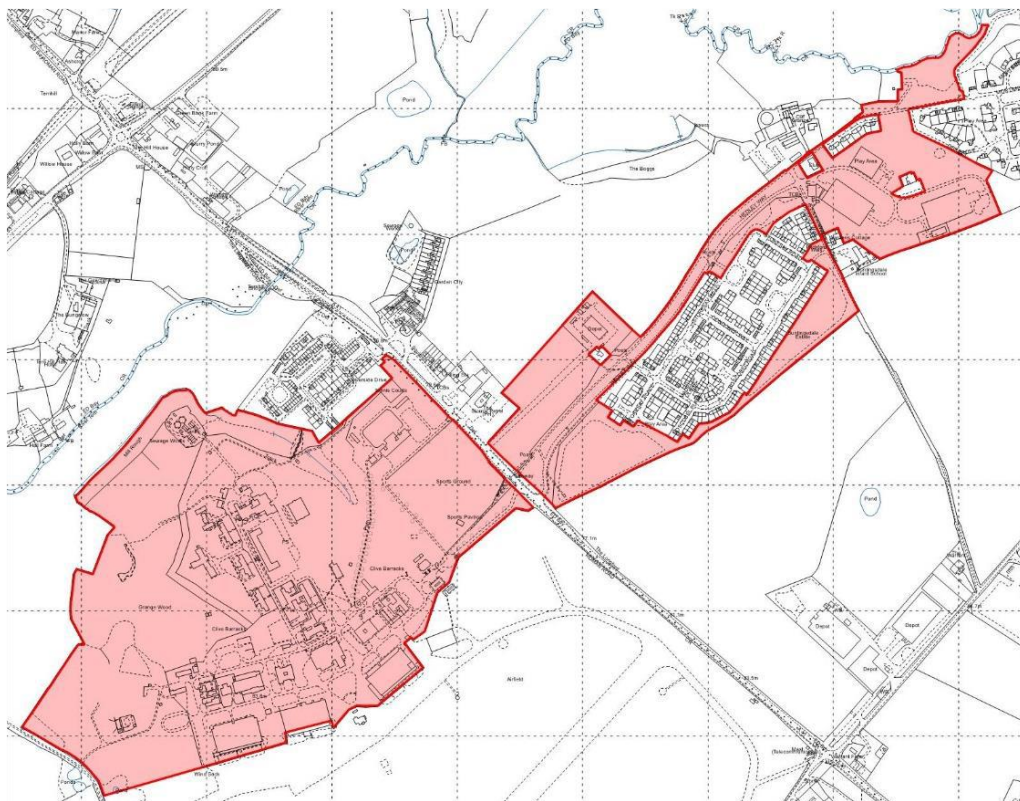
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# 1. Introduction

- 1.1 These representations have been prepared by Fisher German on behalf of the Defence Infrastructure Organisation (DIO) in respect of Ministry of Defence land at Clive Barracks, Tern Hill, as illustrated at Figure 1 below.
- 1.2 Clive Barracks is a proposed Strategic Settlement allocation within the emerging Local Plan under Policy S19.



*Figure 1: Land at Clive Barracks, Tern Hill*

- 1.3 The proposed allocation is supported and the DIO remain fully committed to the delivery of housing, employment and ancillary services and facilities at Clive Barracks and recognise the role of the site in the delivery of this during the Local Plan Review plan period and beyond. The DIO and Shropshire Council have prepared and submitted to this Examination a number of Statements of Common Ground (SoCG) to reflect the most up to date position in respect of the site and to aid the Examination of the Plan. The SoCG comprise the initial SoCG (May 2022) (SoCG04), an Addendum (June 2023) (SoCG04a) and the most recent SoCG (August 2024).

## 2. Matter 27 – General Housing Policies

### Proposed new Policy DP1A - Housing Provision for Older People and those with Disabilities and Special Needs.

#### 1) Is the policy justified, effective and consistent with national planning policy?

2.1 As detailed in our response to the April 2024 consultation and despite modifications made to the policy since this there remain issues with the justification and rationale for this policy. Whilst not wishing to repeat previous representations, we would make the following brief points (note numbering follows as it appears on the Main Modification document which as discussed below appears to be incorrect).

2.2 The numbering in the Main Mods document do not appear to be correct. For example, Criterion 17 refers to criterion 15-17, excluding criterion 14, which appears to be an error. For clarity however we have referred to the numbering as it appears within the document:

- **Criterion 2** - We do not believe the requirement for 75% M4 (2) and M4 (3) delivery has been adequately justified for the reasons set out previously; particularly in respect of conflict with what is set out in the SHMA, whether the requirement has been adequately justified and whether the requirement is consistent with the CIL regulations.
- **Criterion 6** – As raised in previous representations the pooling of requirements within this Policy are not sufficiently clear. For example, Criterion 2 states that there is a requirement for schemes to deliver 5% M4 (3) dwellings. However, Criterion 6 states that all “*all specialist housing for older people or those with disabilities and special needs will be built to the M4(3) (wheelchair user dwellings)*”. Criterion 14 states that “*on site allocations for 250 or more dwellings and all development sites for 250 or more dwellings (irrespective of whether such sites are brought forward through a series of phases or planning permissions), at least 20% of houses must constitute a form of specialist housing for older people and/or those with disabilities and special needs*”. Therefore, if delivered, the requirement for 5% M4(3) dwellings has already been satisfied by 400%.
- **Criterion 14** –As per previous representations we do not believe the requirement has been adequately justified. Such provision requires specialist management and agreements, as is clear at Criterion 7, thus provision of modified market housing stock would appear not be compliant. In practice it would mean that distinct sections of sites will need to be marketed separately and specifically to specialist providers. The Policy does not contain any mechanisms, other than viability, to absolve sites from this requirement, for instance in the

event that there simply isn't market interest or interest that would be substantiated by a fair market value offer. The policy, if it is to be retained in its current guise requires amendment, enabling a marketing exercise, or other suitable evidence to be provided.

- **Criterion 17** – Whilst the inclusion of a mechanism relating to the impact of this proposal on viability is supported, as detailed above this does not go far enough and should be supported by further mechanisms which enable the dwellings to be transferred to other uses in the event there is not market interest from a specialist provider.
- **Criterion 18** – The numbering again appears to be incorrect and should be explicit to include schemes of 250+ dwellings. The policy is also inconsistent as it states “*Specialist housing provided in accordance with Paragraphs 15-17 of this Policy that is consistent with the definition of affordable housing can also represent all or part of the contribution to affordable housing required in accordance with Policy DP4 of the Local Plan” [our emphasis]. DP4 of the submitted Local Plan refers to exception sites, it is assumed given the reference to affordable housing this reference should actually be DP3. Regardless, the criterion confirms that such a contribution can count as all of the affordable housing contribution, as highlighted above. However, part B of the criterion states “*affordable housing provision should not be concentrated only in affordable specialist housing, as it is important that the other forms of affordable housing are delivered, including for key workers such as the care staff for specialist housing*”. That would appear to directly conflict with the earlier part of the policy. The policy is in need of further refinement prior to being in a position to be supported.*

## 2) Are the policy requirements clear?

- 2.3 No, as set out in previous representations and above the policy is difficult to understand, suffers from excessive prolixity and is not sufficiently clear on its expectations of development, for example the pooling of M4 (2) and M4 (3) requirements and affordable housing. The policy should be broken up into separate policies and/or simplified significantly. NPPF paragraph 16d confirms that Plan's should “*contain policies that are clearly written and unambiguous*”. The policy as drafted does not reflect this.

## 3) Is the policy flexible enough?

- 2.4 No, as set out above the policy places significant and onerous requirements on larger and strategic sites offering limited mechanisms if such requirements are not deliverable through no fault of site owners/developers. For example, if the 20% specialist housing requirement for schemes of over 250 dwellings is retained, mechanisms for release to other uses are required. Specialist housing

can only be delivered by registered providers. If these providers have no interest in a site, or are not prepared to pay fair market value, then there must be a mechanism to allow the 20% to be put towards other productive uses, including the delivery of market housing. This may not be a strictly viability issue, thus the policy needs to allow for sensible scenarios wherein the Council will positively consider other appropriate uses, particularly more conventional residential delivery.

- 2.5 In practice, planning applications will need to be carefully worded to ensure no Hillside issues if they are to include a policy compliant element of care as part of any outline description, which is ultimately not delivered.

## Policy DP2 Self-Build and Custom-Build Housing

### 2.6 1) Is the policy justified, effective and consistent with national planning policy?

- 2.7 Yes, as written, we consider the policy approach advocated is justified, effective and consistent with national policy. Critical to the policy's soundness is however the recognition within the Policy that the provision of self-build is **encouraged, but not required**.
- 2.8 If this wording was removed, the soundness of the policy would be challenged for reasons we have previously set out in representations to the emerging Plan.

### 2) Is the timescale for marketing of plots justified?

- 2.9 No, given the requirement for plots is only encouraged, it is clearly onerous to then require a specific timescale for the marketing of plots which have been provided in good faith. The policy proposes that where plots are provided, they must be serviced prior to marketing. Again, this is unnecessarily onerous and can have significant cash flow and build out implications, as essentially means the plots need to be provided early in a sites build out, further adding to the early costs of delivery ahead of any receipts being achieved. There is no reason why marketing could not occur in advance of the site being serviced. It is noted that the policy requires self-build plots to be expedited in the delivery phases. There is no reason why the policy needs to expedite the delivery of self-build plots versus market housing, as they are no more important and there is no planning justification for this requirement.

### 3) Does the policy or explanation need to be clearer about what a developer needs to do if they have marketed the plots without success before they can sell them as market homes?

2.10 Having regard for our response to the question above, we again reiterate that given the provision of self-build housing is encouraged only, not required, it is unacceptably onerous to impose strict requirements on when self-build plots that are provided can be used for other purposes. There is no justification or need for the imposition of self-build plots according to the Council's recent data when compared to the assumptions in the SHMA.

### 4) The policy 'encourages' the provision of serviced plots for self-build and custom build developers. Is the policy worded strongly enough? Should it 'require' rather than 'encourage'?

2.11 Shropshire's published statistics (as available on the Council's website) indicate that the Council has routinely delivered more self-build plots than there have been new entries to the register. In the last 3 years there has been an over provision of plots delivered against the number of individuals registered in each year. Over the previous 5-years, overprovision amounts to 138 dwellings. This has been achieved without any self-build policy in place. There is therefore no planning justification to enforce this as a requirement rather than the encouragement proposed in this policy, particularly given delivery is already being met without policy intervention. If the policy was amended from encouragement to a requirement, it would almost certainly lead to significant over provision of plots, slowing and impeding market housing delivery. Moreover, it clearly couldn't meet the definition of justified on the above basis, therefore would not be sound.

2.12 The Council should continue to ensure a positive policy and development management environment exists where suitable self-build schemes, either of individual units, larger schemes or specific schemes providing serviced plots will be treated favourably, as proposed. This encourages delivery in line with the Council's statutory duties, without compromising sites which make up a vital facet of the Council's overall proposed housing supply. It will also more likely better serve the self-build market by enabling development in line with the wishes of prospective self-builders. Under the Self Build & Custom Housebuilding Act 2015 and 2021 NPPF (para 62), it is the responsibility of the Council, not landowners or developers, to ensure that sufficient permissions are given to meet demand. The Council is fulfilling this need without a policy requiring a percentage of strategic sites,



thus no need or justification for a policy requirement.

## 5) Will the implementation of this policy adversely affect delivery of sites?

2.13 Not as currently written however should the 10% allowance be enforced, then this clearly will adversely impact the delivery of sites. Regardless, such a change could not be considered sound as the data demonstrates it is not required and would likely yield a significant overprovision of plots whilst impeding market delivery.

### Policy DP3 Affordable Housing

#### 1) Is the policy justified, effective and consistent with national planning policy?

2.14 This Policy is split into two parts. They are covered in turn.

##### Part 1

2.15 The DIO have no objection to the proposed affordable housing targets which are considered in isolation to accord with the tests of soundness. However, as per previous representations the DIO do have concerns as to the pooling of requirements with other policies, not least the requirements for specialist housing. At this stage the assumption is Clive Barracks will be policy compliant in respect of affordable housing provision. We do however have issues with some of the specific criteria, which we will cover in turn.

##### Criterion C

2.16 Whilst ordinarily it is in the interest of a developer to transfer affordable units to a Registered Provider, ultimately the transfer of affordable units will depend on a range of factors, including site design, layout and market conditions. Given other proposed policy requirements proposed through the Plan, including the need to provide 20% specialist housing, delivery of this is even more onerous. Concern is also raised as to the enforceability of the proposed Policy, which would appear to only be actually enforceable through a Section 106 agreement. This would however seem overly onerous, particularly if it results in the arbitrary delay of the delivery of market housing. The CIL tests (NPPF para 57) affirm that planning obligations must only be sought where they meet the following tests:



- A) necessary to make the development acceptable in planning terms;
- B) directly related to the development; and
- C) fairly and reasonably related in scale and kind to the development

2.17 The proposed requirement is not necessary to make the development acceptable in planning terms, as functionally there is no reason why the legitimate need of those who require a market home should be subservient to someone who was in housing need of an affordable home. This proposed criterion is overly onerous, not sufficiently justified. Provided the affordable housing is provided within the build out of the site, its transfer should be determined on a site by site, case by case basis. On this basis we consider Criterion C has not been justified and should be deleted.

#### Criterion D

2.18 Criterion D provides a proposed favour tenure mix of 30% intermediate and 70% social or affordable rent. Criterion D is considered more favourable due to the criterion conceding that there may be instances when evidence indicates another mix is preferable in respect of local need. This is logical, however it should be the starting point, as need may fluctuate throughout the Plan period. The evidence which informs the 70/30 split is already 4 years old and logically could and should be updated throughout the Plan period. If the Criterion is to be retained, the starting point should be that tenure mix will be informed by matters including the latest published evidence (SHMA updates for example), local need, viability and conversations with Council Officers, with the 70/30 split used where evidence or conversations do not establish a more robust need.

#### Criterion E

Criterion E requires affordable rents to be set at 80% of open market rent and not to exceed Local Housing Allowance Benefit. This policy is considered unclear and unenforceable as it essentially places two, potentially conflicting requirements on rent limits. For example, what if 80% exceeds Local Housing Allowance Benefit, or vice versa. The position is clarified in the Reasoned Justification, but it should be explicit within the Policy. Again, this policy is considered overtly prescriptive, and this is an issue which is normally satisfactorily resolved during usual Section 106 discussions.

#### Criterion F

2.19 This requirement does not appear to have been justified. It is not clear who the cap applies to or why it is beneficial to be included. Again, the criterion is overly prescriptive and would only be deliverable through a Section 106 agreement. Given there is no evidence or justification for this cap,

it should be removed as it is not justified.

## Part 2

2.20 The second part of the Policy states that reduced rates of affordable housing due to viability concerns on otherwise sustainable schemes will be considered in exceptional circumstances. We support this approach, which is broadly accepted in most parts of the country as a suitable approach in respect of affordable housing delivery.