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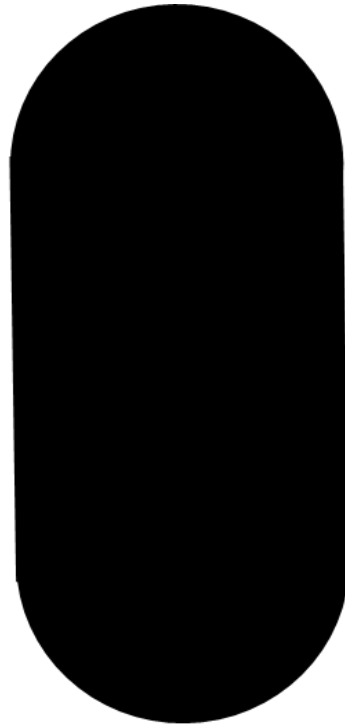
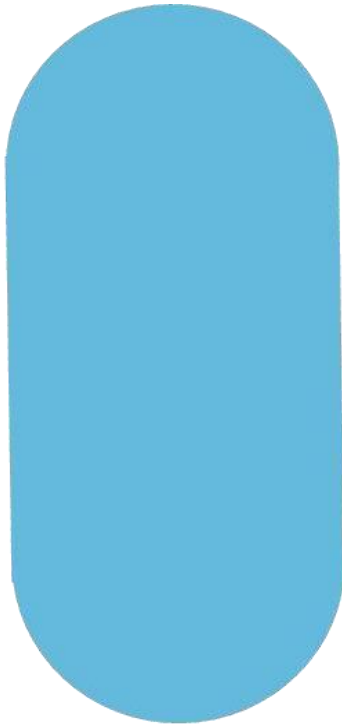
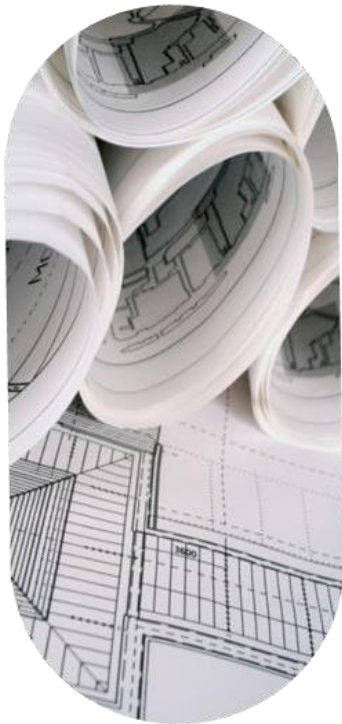
Shropshire Local Plan Review

Examination in Public

Matter 25 – Five Year Housing Land Supply

Gleeson Land

September 2024



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1. Introduction

- 1.1. This response to Matter 2 of the Inspectors' MIQs in respect of the Shropshire Local Plan Review (SLPR) Examination in Public has been prepared by Marrons on behalf of Gleeson Land. Marrons have been instructed to appear at the Examination on behalf of Gleeson Land.
- 1.2. This hearing statement should be read alongside previous representation to the further consultation (within GC52) submitted by Cerda on behalf of Gleeson Land along with detailed submission at Regulation 19 consultation stage and should be considered in the context of support for a plan led system.
- 1.3. Gleeson Land are promoting land at Bayston Hill (BAY040) for residential development and it is considered that the site could accommodate circa 250 dwellings that could contribute both to meeting unmet needs and any changes in the needs associated with Shropshire itself.
- 1.4. In order to assist the Inspectors', the contents of this submission and the submissions made in respect of other Matters, demonstrate that the submission version of the Plan Review is not, in our assessment capable of being found sound, without significant additional evidence and the identification of additional sites to accommodate housing growth over the Plan period.
- 1.5. These submission reflect the recent position outlined by Housing Minister Matthew Pennycook and the Chief Executive of the Planning Inspectorate with regard to the continued use of 'pragmatism' in the Examination of Plans and the recognition that any fundamental issues or areas of additional work that require a pause of more than six-months in the Examination process, should indicate that a Plan is not capable of being found sound. As such aligned with the above consideration, in the current context, we do not believe that the Plan is capable of being found sound.
- 1.6. We consider that the Sustainability Appraisal process is totally flawed, to the extent that it is unlawful, as it does not meet the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 ("the SEA Regulations"). There has been a failure to consistently and robustly consider reasonable alternatives contrary to Regulation 12 and Schedule 2, paragraph 8. As such we do not consider that the Plan is capable of being found sound. If however, the Inspectors' are minded to find the Plan sound, as a minimum, the Council should recognise that my clients land at Bayston Hill should be allocated for development or identified as a reserve site or safeguarded for future development.

2. Issue 1 – Whether the Council will have a 5 year supply of deliverable housing land on adoption of the Plan.

1. In terms of whether the Council will have a 5 year housing land supply (HLS) on adoption of the Plan, in our letter ID1 we requested that the Council completed the appended forms (Annex 1 to ID1) for every site that the Council intended to rely on to demonstrate their 5 year HLS. The Council responded (GC4) by referring us to various documents. Is this information up to date and if so, where can it be found? If it is not up to date, then can the Council please update it in response to this question.

2.1. For the Council to answer.

2.2. There is a fundamental lack of published and available evidence that demonstrates which sites are expected to comprise supply within the first 5-year period post adoption. The prolonged Examination process, and disjointed approach taken by the Council to housing supply and land allocations, renders the ability of stakeholders and objectors to robustly follow the Council's evidence, very limited.

2.3. The Council should provide a robust response to Matter 25 as part of their written statement and Marrons reserve the right to make additional oral submissions in response to any new information provided by the Council in response to MIQs.

2.4. A reliance on large-strategic sites beyond 2030 does not offer the reasonable prospect of development in line with PPG ID: 68-019-20190722. This is on the basis that there is a poor track record of performance in the County in terms of timescales and rates of delivery on strategic scale sites, where a dedicated housebuilder is not actively promoting the site, supported by appointed consultants. This is particularly acute when considering the infrastructure requirements and notable uncertainties relating to the proposed development at Ironbridge.

2.5. The rate of delivery set out within the Council's evidence, or at least what can be understood from the raft of differing forms of evidence, delivery rates on sites such as Ironbridge would be considerably higher than that witnessed in the County previously. This is not justified or supported by evidence. The assumptions for sales or delivery rates corresponding to these totals are absent from the Infrastructure Delivery Plan and the Whole Plan Viability Assessment.

2. Would the Plan realistically provide for a five year supply on adoption? Will a five year supply be maintained?

2.6. We do not consider that the Plan is capable of demonstrating a supply upon adoption and further, we do not consider that on the basis of reliance on undeliverable sites,

windfall development and allocations carried forward from the adopted Plan, that have clearly failed to come forward for a reason, that the Council will be able to demonstrate a supply at any point of the plan period.

- 2.7. The Local Plan Review trajectory and supply within the first 5-years is overly dependent on strategic scale development that is not actively being promoted by a housebuilder, where there are concerns in regard to land ownership and where matters as fundamental as access are unresolved.
- 2.8. The only way to address the immediate supply issue that has resulted and will continue to exist, is by distributing small, medium and ‘ready to go’ sustainable strategic sites throughout the County, including within the Green Belt, within rural areas and within community hubs and clusters. Such an approach is in line with the provisions of NPPF 78-79 and PPG (67-009-20190722) as this will aid in preventing market saturation and boosting vitality of a range of settlements.
- 2.9. Marrons have undertaken a detailed assessment of the Council’s Housing Land Supply position on the best available evidence and have identified a deliverable supply of just 5,400 over the next five-year period.
- 2.10. It should be noted that there is very much a vacuum in available evidence, but in removing SLAA sites, SAMDev allocations and adjusting building out in line with the below principles, it is clear that the Council will struggle to demonstrate a supply upon adoption;
- Single developer – 35dpa
 - 2x developers – 60dpa
 - 3x developers – 85 dpa.

Table 1: Assessment of Supply against emerging requirement

	Requirement	Plus Buffer	Deliverable Supply	Housing Land Supply
Assessment of Supply	1,423*5 – 7,115	7,115 +5% = 7,471	5,400	3.61 years.

- 2.11. We have for completeness, considered this supply against the revised LHN figure of 2,059 dwellings per annum which is currently undergoing public consultation.

Table 2: Assessment of Supply against proposed revised LHN

	Requirement	Plus Buffer	Deliverable Supply	Housing Land Supply
Assessment of Supply	2,059*5 – 10,295	10,295 +5% = 10,810	5,400	2.49 years.

3. Is the five year supply made up of deliverable sites (the definition of deliverable is set out in Annex 2: Glossary to the NPPF)?

- 2.12. Paragraph 69 of the Framework requires that planning policies identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:
- a. specific, deliverable sites for five years following the intended date of adoption (with an appropriate buffer, as set out in paragraph 77 of the Framework); and
 - b. specific, developable sites or broad locations for growth, for the subsequent years 6- 10 and, where possible, for years 11-15 of the remaining plan period.
- 2.13. It is important to note, that in the context of assessing what constitutes a “deliverable” site, the 2023 Framework defines “deliverable” in the Glossary as follows (page 69) (emphasis added):
- “To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:
- a. *sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable **until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).***
 - b. *where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable **where there is clear evidence that housing completions will begin on site within five years.**”*
- 2.14. Planning Practice Guidance Paragraph 007 (Ref ID: 68-007-20190722) states that: The onus is therefore placed on the Council to provide clear evidence for those sites which fall within part b), rather than for interested parties to establish whether clear evidence exists.
- 2.15. Paragraph 007 (Ref ID: 68-007-20190722) states that clear evidence needed to demonstrate that housing completions will begin on site within five years includes:

“In order to demonstrate 5 years’ worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions.” (emphasis added).

- current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;
- firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers’ delivery intentions and anticipated start and build-out rates;
- firm progress with site assessment work; or
- clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.”

2.16. Within the Council’s latest claimed supply position, which includes proposed allocations, it is noted that planning permissions have or are imminently set to lapse with no evidence of a material start being made on site. This is predominantly as a result of the decision to carry forward, clearly unviable allocations from the adopted Development Plan.

2.17. The Councils build out rates, particularly on sites involving multiple developers appears far too optimistic and is not evidenced.

2.18. It is entirely inappropriate and goes against national policy and guidance to seek to include SLAA sites in trajectories or supply calculations, particularly where the Council report to have undertaken a robust assessment of all available sites through the SA process. The inclusion of SLAA sites fails the tests of deliverability set out in national policy and guidance.

4. What allowance has been made for windfall sites as part of the anticipated five-year housing land supply? Is there compelling evidence to suggest that windfall sites will come forward over the plan period, as required by paragraph 70 of the Framework?

2.19. We have significant concerns with regard to the Council’s stated reliance on windfall development, not least because with specific regard to meeting unmet housing needs, it is essential to ensure that growth is met as close to the area from which the

- need is arising and a reliance on windfall development does not allow for this to be controlled.
- 2.20. Unmet needs, in the case of assisting the Black Country, should be met as close to the Black Country as possible and should be located within an area that has strong structural, infrastructure and social connections. We return to suitable options for addressing unmet needs below.
- 2.21. Further, Gleeson Land have significant concerns about this approach and in particular the manner in which evidence published by the Council since Plan preparation commenced is inconsistent in regard to windfall development in particular.
- 2.22. For example, the Councils Strategic Land availability assessment 2018 recommended a robust approach to windfall and stated that “only a very modest small-scale windfall allowance of 299 dwellings per annum has been applied, significantly less than the average and any individual year’s rate of delivery during the current Local Plan period. To add further robustness, this has also not been included for the first three years of the trajectory (2017/18 to 2019/2020)”.
- 2.23. However, Shropshire’s latest 5-year housing land supply statement (31st March 2023) appears to take a rather different position and states that “windfall development does and will continue to represent an important part of the housing land supply”.
- 2.24. The simple fact is that the Council are relying on 3,522 dwellings of windfall development to contribute to the 31,300 dwellings supply. This amounts to 11.3% of supply being made up of windfall development and as such, the Plan, notwithstanding considerable concerns relating to the delivery or suitability of a number of the sites identified to meet the identified needs, has failed to identify sufficient development to meet needs over the plan period.
- 2.25. Given the length of the time over which the Shropshire Local Plan has been prepared, national planning policy has been subject to significant changes that specifically relate to windfall development. Flexibility within Plan making is very much advocated by national policies, specifically policies pertaining to change of use, the reuse of redundant buildings and most specifically changes in Permitted Development Rights. Significant changes permitted development rights in 2021, which facilitate Class E units being converted into dwellings with prior approval has disproportionately inflated windfall completions on which the Council evidence their approach. However, as with any new policy swings, the impact of the July 2021 changes is very much inflationary, with there being a finite number of sites that can continue to contribute to windfall allowances and the fundamental point on smaller

windfall sites, is that capacity will be far more constrained than the Council are anticipating, with recent past trends simply being unsustainable.

- 2.26. The updated additional SA (and the Housing and Employment Topic Paper) fails to consider the cause for the uptick in windfall completions and fails to justify that windfall rates will continue at the current rate. The robust and restrained approach taken by the Council back in 2018 be the default position.
- 2.27. It is further surprising and concerning to note that sites in excess of 10 dwellings are considered to constitute windfall development. Sites of such scale, that in particular, would require the provision of affordable housing and in some instances infrastructure, should, as a basic planning principle, be allocated within a Plan and should not be contained within windfall calculations. In so doing, the Council are failing to strictly control the location and delivery of development, we further consider that the Council simply have not justified or provided sufficient evidence to suggest that sufficient windfall development will come forward in sustainable locations within the Plan period to account for the level of windfall development that is required within Option 1 to support the growth scenario set out in option 3b for wider development.
- 2.28. It is not positively prepared or justified to rely on existing commitments and windfall development to meet the indicative level of housing required.

5. Is it necessary to have a review mechanism in the Plan to consider progress against these, and other sites, and to identify any appropriate steps to increase supply if required?

- 2.29. As is detailed within this statement and particularly the Matter 1 Statement, we do not consider that the Plan is legally compliant. As such it is not possible, through modification to make the Plan sound, however, were the Inspectors' minded to find the Plan sound, it would be appropriate, especially given the forthcoming changes to national policy that are expected to incorporate an 'immediate review mechanism', to include a policy, such as that contained within the County Durham Local Plan, that in instances where supply falls below 5-years,



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