

## **Shropshire Local Plan Examination: Stage 2**

Representor Unique Number: A0682

Representor: Miller Homes

Matter: Matter 25 – Five Year Housing Land Supply

Relevant Question Numbers: Question 5

# Matter 25 – Five Year Housing Land Supply

## Miller Homes (A0682)

1. This Hearing Statement is submitted on behalf of Miller Homes (“Miller”).
2. Miller’s responses to specific Matter 25 Question 5 is set out below. To avoid unnecessary duplication, this Hearing Statement should read alongside Miller’s response to Matter 3 and 32.

### Five Year Housing Land Supply

#### **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?**

3. The December 2023 National Planning Policy Framework (“NPPF”) sets out that local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing for decision-making purposes if the adopted plan is less than 5 years old and the adopted plan identified at least a 5-year supply of specific, deliverable sites at the time.
4. Although the Plan will be examined under the July 2021 Framework, given the decision-making process by the Council will utilise the December 2023 NPPF (as clarified by the MIQs outlined by the Inspectors for Stage 2 of the Examination – Examination Document Ref: ID40), it is considered prudent that all sites are thoroughly reviewed to ensure that this position can realistically be concluded at adoption.
5. Miller supports a firm commitment and clear approach to the monitoring of housing supply and delivery during the plan period (refer to Matter 3 Hearing Statement), including consideration to remedial actions within the Plan should problems/issues with delivery be identified. Miller, therefore, welcomes the Inspectors’ inference to providing an up-to-date database for every site that the Council intend to rely on to demonstrate their five-year housing land supply position at the time that the Examination is concluded (Question 1).
6. Miller agree it is necessary to have a review mechanism within the Plan which identifies any appropriate steps to increase supply if required. Examples of sound monitoring and review policies are S8 and DS19 from the Aylesbury Vale (2021) and Warwick District (2017) Local Plans(respectively) which are attached at **Appendix 1**.
7. As outlined throughout Stage 1 of the Examination, and most recently within Miller’s response to the Further Consultation in June 2024 (Examination Document Ref: A211 - Miller Homes) and Hearing Statements 3 and 32, the policy mechanism (either within SP11 (or SP10 as noted within the proposed Main/Minor Modifications) or a new policy) should permit the delivery of safeguarded land during the plan period in the event that issues arise with housing delivery or where it becomes clear that the housing requirement cannot be met.

8. This approach was adopted for the West Lancashire Local Plan (2013) which identifies safeguarded sites within settlement boundaries which can be delivered should “Plan B” circumstances be engaged at five yearly monitoring intervals or should the housing target increase (to allow flexibility). Copies of the relevant policies (GN2 and RS6) are attached as **Appendix 2**. The advantage of this approach is that it provides an effective fall-back policy mechanism which can allow safeguarded sites to be delivered swiftly where a proven need arises through monitoring, and without the need to update/review the Local Plan which in itself can take several years resulting in further delays to housing delivery.
  
9. Notwithstanding the above, as noted in Examination Document Ref: ID44 “Inspectors’ Note – 19 August 2024,” following the recent publication of the consultation document on proposed changes to the Planning Policy Framework, as well as the ‘Outcome of the Proposed Revised Method’ (July 2024), it is likely that, upon adoption, Shropshire Council will need to proceed with preparing a new Local Plan immediately where there is a significant gap between the plan and the new local housing need figure. In this scenario, it is assumed that safeguarded land would be the ‘first point of call’ for allocating further sites to meet the identified housing needs. The direction of travel reinforces the need for a review mechanism.

**Appendix 1: Policies S8 and DS19 from Aylesbury Vale (2021) and Warwick District (2017) Local Plans**

## **S8 Monitoring and review**

The policies in the Plan will be monitored at least annually to ascertain whether or not they are fulfilling their aims.

The Plan will be reviewed, or proposals for alternative sustainable sites considered favourably (subject to compliance with other policies in the Plan), in any of the following circumstances:

- a. Site allocations, committed sites and windfall sites are not coming forward at the rate anticipated in the housing trajectory, leading to development not being delivered at the rate expected in the Plan
- b. Evidence established through another local planning authority's Local Plan process show that it's unmet need can only be accommodated in Aylesbury Vale
- c. Changes in national planning policy and guidance that mean one or more of the policies in the Plan are not up to date, or
- d. Evidence in the monitoring report shows that one or more of the policies in the plan are not achieving the Plan's objectives or is working contrary to effective planning in Aylesbury Vale.

Irrespective of the above criteria, the Plan will have undergone a review within five years of the adoption of this plan.

- Hatton Park (H28);
- Hampton Magna (H27 and H51);
- Leek Wootton (DS22)
- Kingswood (Lapworth) (H29 / H30, H31, H32).

### DS19 Review of the Local Plan

The Plan will be reviewed (either wholly or partially) prior to the end of the plan period in the event of one or more of the following circumstances arising: -

- Through the Duty to Co-operate, it is necessary to accommodate the development needs of another local authority area within the district and these development needs cannot be accommodated within the Local Plan's existing strategy;
- Updated evidence or changes to national policy suggest that the overall development strategy should be significantly changed;
- The monitoring of the Local Plan (in line with the Delivery and Monitoring Activities section and particularly the monitoring of housing delivery) demonstrates that the overall development strategy or the policies are not delivering the Local Plan's objectives and requirements;
- Development and growth pressures arising from the specific circumstances in the area to the south of Coventry (as identified in Policy DS20). The Council has committed to a partial review of this area within five years of adoption to consider whether additional housing is needed and the availability of infrastructure to deliver it;
- Any other reasons that render the Plan, or part of it, significantly out of date.

In any event the Council will undertake a comprehensive review of national policy, the regional context, updates to the evidence base and monitoring data before 31st March 2021 to assess whether a full or partial review of the Plan is required.

In the event that a review is required, work on it will commence immediately.

### Explanatory Text

- 2.74 In the event that the Plan as a whole or a key part of it becomes out of date, it will be necessary to undertake a full or partial review of the Plan. There are a number of factors that could render the Plan out of date:
  - The Coventry and Warwickshire Memorandum of Understanding (MOU) may need to be updated to reflect changing circumstances and evidence. In the event that a new or revised Memorandum of Understanding would require substantive revisions to the Local Plan proposals, then a partial or full review is likely to be necessary. However a new or revised MOU will not necessarily require a review of the Plan where the changes can be accommodated within the Plan's current strategy.
  - National planning guidance is clear that updated evidence (such as new national household projections) will not necessarily render the Plan out of date. However where evidence signals a substantial and sustained change to the context of the Local Plan, this will trigger a review of it (either in part or as a whole).
  - The delivery of the Local Plan's objectives, including the overall annual housing requirement, will be closely monitored. Where the Plan's proposals and policies are clearly failing to deliver its overall strategy and objectives (for instance where there is clear evidence over a sustained period that housing delivery is failing to deliver the overall housing requirement), the Plan will require a review.
- 2.75 To ensure the Plan remains up to date and relevant, the Council is committed to undertaking a comprehensive review of national policy, the regional context, updated evidence and monitoring data.

The outcomes of this review will be reported to the Council before the end of March 2021 with a clearly justified recommendation on whether a partial or comprehensive review of the Plan is required.

- 2.76 During this period to 2021, the Council will also continue to work with other councils in Coventry and Warwickshire to consider whether a statutory Single Spatial Strategy should be prepared to cover a wider area than the district. In the event that the Council takes part in preparing a statutory Single Spatial Strategy, this will constitute a review of the Local Plan in accordance with this policy.
- 2.77 Policy DS20 indicates that a partial review of the Local Plan will be undertaken within five years of the adoption of the plan, to address specific circumstances in the area to the south of Coventry. This proposed partial review will be undertaken in any event.

### **DS20 Directions for Growth South of Coventry**

The Council has identified an area of growth focussed on strategic housing allocations to the immediate south of the City of Coventry (DS11). The area to which this policy relates effectively covers land to the immediate south of the boundary between Coventry City Council and Warwick District Council. It is defined broadly: -

- a) to the north by the boundary of the city of Coventry, including the University of Warwick Campus where it lies within / adjacent to the boundary of Warwick District;
- b) to the south by the emergent line of HS2;
- c) to the east by the current built-up area and by the A46;
- d) to the west by the outskirts of the settlement of Burton Green.

Individual development proposals within this area should support the comprehensive longer-term planning of the area, given that the quantum of growth means that strategic development activity here is very likely to run into the next plan period.

When development is being proposed, masterplans, development briefs and planning applications should clearly demonstrate how they have positively addressed any infrastructure pressures (including infrastructure that may be required in Coventry) that may impact on their sites.

The area to which this policy relates will be subject to an early partial local plan review within five years of the date of adoption of the plan (DS19). This will allow the Council to address any additional evidence regarding the need and potential for development in this area and in particular to ascertain whether necessary infrastructure has become available to allow safeguarded land to be brought forward to meet local housing need, should additional housing be required.

Proposals for development in the area should demonstrate how they have addressed the following broad principles: -

- i. proposals should take account of the potential for a new link road, which has been identified as an important means of mitigating increased traffic flows on the local and strategic road network; increasing existing strategic highway capacity; and providing an improved future strategic highway link to UK Central;
- ii. identified and emerging strategic infrastructure improvements must be taken into account, including provision for improvements to highways junctions, road capacity improvements and public transport links.
- iii. development proposals must take into account the potential for future growth at the University of Warwick (MS1);
- iv. improvements to rail infrastructure, such as a new rail stop on the Coventry to Leamington line should be provided where practical and viable; this may involve include contributions to suitable schemes.

#### **Explanatory text:**

- 2.78 A significant amount of new development is located to the immediate south of Coventry, in accordance with the requirement to provide additional capacity to help meet Coventry's housing need. This represents a sustainable and accessible location for the delivery of approximately 4500 new dwellings and associated facilities and services.

**Appendix 2: Policies GN2 and RS6 from West Lancashire Local Plan (2013)**



## Chapter 5 General Development Policies

**5.11** It would be inappropriate to safeguard Protected Land outside settlement boundaries, as this could imply that the land is considered suitable for development at some point in the future, and would effectively give it the same status as other former 'Open Land on the Urban Fringe' now deemed worthy of inclusion within settlements, which would thereby undermine the setting of settlement boundaries.

**5.12** Therefore, Policy GN1 is less restrictive than national Green Belt policy in relation to 'Protected Land', but generally seeks to restrict development on former non-Green Belt land outside settlements to small scale and low intensity uses, or to uses which are appropriate in rural areas, for example horticulture. The uses permitted by Policy GN1 for Protected Land are consistent with Policy DS4 of the previous Local Plan (WLRLP 2006), and represent a continuity in approach.

**5.13** Outside settlement boundaries, Policy SP1 allows for countryside uses that retain or enhance the rural character of the area and Policy RS1 allows for affordable housing outside settlements only if there are no suitable sites within the settlement. These policies are consistent with what is allowed by Policy GN1 for non-Green Belt land outside settlements.



### 5.2 Policy GN2: Safeguarded Land

#### Context

**5.14** The Local Plan is required to demonstrate flexibility to respond to changing circumstances. In addition, when amending Green Belt boundaries, the National Planning Policy Framework directs Local Plans to have "regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period" (paragraph 83, p20). Therefore, there is a need to remove some land from the Green Belt and safeguard it for a "Plan B" (to allow flexibility within the Local Plan) and for development needs beyond the plan period (beyond 2027).

### Policy GN2

#### Safeguarded Land

The land identified on the Policies Map as safeguarded land is within the settlement boundaries but will be protected from development and planning permission will be refused for development proposals which would prejudice the development of this land in the future. This safeguarding is necessary for one of the following two reasons:

- It is allocated for the “Plan B” – such land will be safeguarded from development for the needs of the “Plan B” should it be required. If the “Plan B” is not required then this land will be safeguarded from development until 2027 for development needs beyond 2027.
- It is safeguarded from development for needs beyond 2027 – these sites will only be considered for development after 2027 if there is not a sufficient supply of other suitable sites within the settlement boundaries to meet any identified development needs at that time.

The following sites will be safeguarded from development (potential capacity for housing and / or employment land in brackets):

#### a) “Plan B” sites

- i. Land at Parr’s Lane, Aughton (400 dwellings)
- ii. Land a Ruff Lane, Ormskirk (10 dwellings)
- iii. Land at Red Cat Lane, Burscough (60 dwellings)
- iv. Land a Mill Lane, Up Holland (120 dwellings)
- v. Land at Moss Road (west), Halsall (240 dwellings)

#### b) Safeguarded until 2027

- i. Land at Yew Tree Farm, Burscough (500 dwellings and 10 ha of employment land)
- ii. Land at Moss Road (east), Halsall (210 dwellings)

The safeguarded land at Yew Tree Farm is not marked on the Policies Map as it is part of the wider Policy SP3 allocation for a strategic development site and a subsequent masterplan for this allocation will define the precise boundary of the land to be safeguarded until 2027 within this site.

## Chapter 5 General Development Policies

### Justification

**5.15** Ultimately, given the requirement to amend Green Belt boundaries in the Borough to ensure the delivery of the residential and employment development needs and the requirement to demonstrate flexibility in that delivery of development needs if circumstances change, it is necessary to identify safeguarded land within the Local Plan. This land will be protected from development until it is absolutely required to meet development needs beyond this plan period or, if it is assigned as a “Plan B” site, to meet development needs in this plan period if allocated sites fail to deliver the required amount of development.

**5.16** In considering how much land is to be safeguarded, regard has been had as to how much land is required for the “Plan B” and what would be a reasonable amount to safeguard from development for potential development needs beyond 2027. In considering which sites should be safeguarded, a full site appraisal of a number of potential sites was undertaken. A summary of the site appraisal process that has led to the above list of sites is provided in the separate technical paper on Strategic Options and Green Belt Release. This is especially relevant for those sites safeguarded from development for the “Plan B”.

**5.17** The land safeguarded until 2027 has been identified as such because it is part of a wider parcel of land removed from the Green Belt or removed from the policy designation under Policy DS4 in the Replacement Local Plan (2006) but which is not required for development in the Plan period or under the Plan B. An example of this would be Yew Tree Farm in Burscough, where only a portion of the wider Yew Tree Farm allocation is required for the Strategic Development Site (see Policy SP3) but the Green Belt amendments must encompass the entire site to ensure that the new boundary of the Green Belt is robust.

### Other Local Planning Policy and supporting documents

- West Lancashire Local Plan 2012-2027 – Technical Paper 1: Strategic Options and Green Belt Release (2012)
- The Green Belt Study (2011)

## 5.3 Policy GN3: Criteria for Sustainable Development

### Context

**5.18** The aim of achieving sustainable development is a key objective of the planning process and the Council is committed to ensuring that all development in the Borough is of a high quality which contributes positively to its distinctive character. All development within the Borough, including changes of use, is therefore expected to be sustainable, having full regard to the local context within which it sits.

**5.19** Design features can also address wider sustainability issues such as crime, carbon reduction, reducing flood risk and other environmental concerns such as air quality and lighting, creation of wildlife-friendly habitats, and making buildings accessible to all user groups. Therefore, a policy is required to guide development proposals to ensure that they are sustainable.

**7.59** Although some temporary accommodation will not require planning permission, in most cases permission will be required. Operators should always check with the Council's Planning Department, but normally planning permission is required in the following cases:

- If the workers will be housed for longer than a normal planting, growing, or picking season;
- If caravans and other related buildings (e.g. canteens and toilets) are to be kept on site permanently;
- If a change of use to an existing building is involved; or
- If hardstandings and permanent services (e.g. water supply or septic tank) need to be constructed.

**7.60** The Council wishes to assist in supporting a healthy rural economy within the context of national and local planning policies. Permanent buildings or caravans which are kept on site for a number of months can reduce the open character of the Green Belt and have an adverse impact on the landscape and the amenity of local residents. Therefore, the above policy has been introduced to limit the impact of this type of development on the local area.

**7.61** The Council has also produced Supplementary Planning Guidance on Accommodation for Temporary Agricultural Workers, which is relevant to the implementation of this policy.

### Other Local Planning Policy and supporting documents

- Accommodation for Temporary Agricultural Workers SPG (2007)

## 7.6 Policy RS6: A "Plan B" for Housing Delivery in the Local Plan

### Context

**7.62** Policy GN2 sets out several sites across the Borough that are safeguarded from development for the needs of a "Plan B", should it be required. Appendix E sets out the key issues in relation to delivery and risk for each individual policy. For Policies SP1 and RS1, these delivery issues often revolve around a similar concern – what if a key site or location for residential development cannot be delivered? Ultimately, this leaves the outcome of the locally-determined target for residential development not being met, unless a viable alternative can be found.

**7.63** Therefore, while it is hoped that all aspects of the Local Plan will be deliverable, and they have been selected because the Council believes that they are, it is prudent to have a "Plan B" prepared in case a key site(s) for residential development does not come forward for development during the plan period. Policy RS6 provides the Council with the ability to enact such a "Plan B" should it become apparent through monitoring that the Local Plan's residential targets are not being met.

**7.64** An additional consideration is the fact that the Local Plan covers a long period (15 years) and, in relation to the locally-determined targets, it is not unreasonable to expect some change in the evidence for those targets over the 15 years, potentially resulting in new targets. Therefore, the Local Plan should be flexible enough to address these changes, as well as any other reasonable change in circumstance, without a wholesale review of the Plan.

### Policy RS6

#### A "Plan B" for Housing Delivery in the Local Plan

The "Plan B" sites safeguarded in Policy GN2 will only be considered for release for housing development if one of the following triggers is met:

- Year 5 review of housing delivery

If less than 80% of the pro rata housing target has been delivered after 5 years of the Plan period, then the Council will release land from that safeguarded from development for "Plan B" to enable development to an equivalent amount to the shortfall in housing delivery.

- Year 10 review of housing delivery

If less than 80% of the pro rata housing target has been delivered after 10 years of the Plan period, then the Council will release land from that safeguarded from development for "Plan B" to enable development to an equivalent amount to the shortfall in housing delivery.

- The housing target increasing as a result of new evidence

If, at any point during the 15 year period of the Plan, the Council chooses to increase its housing target to reflect the emergence of new evidence that updates the existing evidence behind the housing target and which would undermine the existing target, then an appropriate amount of land will be released from that safeguarded from development for "Plan B" to make up the extra land supply required to meet the new housing target for the remainder of the Plan period.

### Justification

**7.65** The Council believe that the locally-determined targets that have been set in this Local Plan are fair and reasonable in light of all the available evidence at this time. However, it is possible that targets for residential development will rise, meaning that new locations for development would need to be identified, and so in this situation the "Plan B" would also provide the flexibility required to accommodate this rise.

**7.66** In essence, the Council's "Plan B" for the Local Plan involves the release of land from the Green Belt and its allocation as safeguarded land under Policy GN2. This land would be safeguarded from development until the above triggers in Policy RS6 are reached. Until these triggers are reached the land will be protected from development in a similar way to Green Belt (see Policy GN2) and in such a way as to not prejudice the possible future development of this land if the "Plan B" is triggered.

**7.67** The supply of land safeguarded from development for the “Plan B” in Policy GN2 (which has a total capacity of 830 dwellings) is more than sufficient to allow for at least 15% extra on top of the 15-year housing target being proposed in the Local Plan (15% of 4,860 dwellings = 729 dwellings). This percentage is based on the need to ensure that even the largest of the housing allocations in the Local Plan is covered by the flexibility of the “Plan B”, should it fail to be delivered.

**7.68** Ongoing monitoring of housing delivery in the Plan period will enable the Council to be prepared for any trigger points in Policy RS6 being reached. If it is anticipated a year before any trigger point is reached (i.e. at the end of Years 4 and 9 of the Plan) that housing delivery is at risk of triggering the “Plan B”, the Council will commence a review of the level and nature of any undersupply compared to housing requirements. This review will also review the “Plan B” sites themselves in order to identify which site(s) are most suitable to release for development at that time (if any, depending on the nature of, and reasons for, the undersupply), should the level of undersupply ultimately trigger the “Plan B” in April of the following year. The quantum of release will be sufficient to meet the identified shortfall in housing delivery compared to the housing requirements.