

Shropshire Local Plan Examination

Stage 2 Matters, Issues and Questions

Matter 25 Statement: Five Year Housing Land Supply



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Shropshire Local Plan Examination, Stage 2 Matters, Issues and Options
Matter 25 Statement: Five Year Housing Land Supply

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Acronyms / Abbreviations

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DPA	Dwellings Per Annum
HLS	Housing Land Supply
NPPF	National Planning Policy Framework
SLAA	Strategic Land Availability Assessment



Introduction

1 Introduction

1.1 Context

This Matter 25 Statement has been prepared by Stantec on behalf of Yareal Llandforda Limited (our Client) who are promoting Land to the north of Market Drayton at Longslow Farm (the 'site'), and Land to the north of Trefonen, for residential development.

Representations have previously been submitted on behalf of our Client to the 'Strategic Sites Consultation' (2019), 'Preferred Sites Consultation (2019), the Regulation 18 Pre-Submission Draft Shropshire Local Plan (2020), and Regulation 19 Pre-Submission Draft Local Plan (2021) in relation to the Local Plan Review process. These representations have been prepared by Stantec (formerly Barton Willmore – representor ID **A0387**) and David Parker Planning Associates (representor ID **A0430**). Stantec is now representing Yareal Llanforda in respect of both responses.

It is submitted that our Client's sites are suitable for meeting the housing needs of Market Drayton/ Trefonen and the wider County in the Plan period and should be identified as residential allocations in the Shropshire Local Plan.

Outlined in Section 2 of this Statement are responses to a select number of the Inspectors' questions which set out why we consider changes to the Local Plan are necessary to ensure the soundness of the Plan.

Reference to supporting documents are contained within bold square brackets e.g **[SD001]**.

This Statement has been prepared in line with the Guidance Note **[ID41]** for the Examination.

1.2 Yareal Llanforda

Yareal Llanforda Ltd is a subsidiary of Yareal UK Ltd; a farming and property business with two hubs: Lincolnshire in the East and Shropshire in the West. The business was established in 2015 as a vehicle to invest in the sector and develop a modern and sustainable agricultural, property and food business based on owned and rented land with diversity in location and activity. The Shropshire farms have livestock as their focus in the main. However, at the farm in Longslow, the activities are now mainly arable as the previous dairy was old-fashioned and uneconomical to run. The long-term dairy use at the farm is under consideration and various options are being explored to understand what is feasible, including the possibility of building a new dairy elsewhere within the estate. The development of Land at Longslow Farm would undoubtedly help to facilitate a new dairy as well as bringing a range of associated benefits to the local economy.

In the meantime, the crops grown on the estate provide feed for the cattle and other animals at their other farms in Shropshire.



2 Five Year Housing Land Supply

Question 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.

Yareal Llanforda understands that this evidence is presented within the Five Year Housing Land Supply Statement (data to 31st March 2023, published April 2024) [GC47]. However, as per our Matter 3 Statement, the *Five-Year Supply Statement* uses data up to the end of the monitoring period to March 2023. It follows that data up to March 2024 should be available. If the Council updates this data in response to this question, as per the Inspectors' request, the opportunity should be afforded for interested parties to comment upon it.

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

See response to question 3.

Question 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)?

Annex 2 of the NPPF defines 'deliverable' as follows:

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.

The PPG bolsters the above definition by confirming that:

“As well as sites which are considered to be deliverable in principle; this definition also sets out the sites which would require further evidence to be considered deliverable, namely those which:

- *Have outline planning permission for major development;*



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- *Are allocated in a development plan;*
- *Have a grant of permission in principle; or*
- *Are identified on a brownfield register.*

Such evidence, to demonstrate deliverability, may include:

- *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 similar projects¹.*

There is also a plethora of appeal decisions and case law which deal with the issue of deliverability. These are not appended to this Statement for brevity but, as per the Woolpit appeal decision², the Inspector concluded that:

*"Sites with outline permission, or those sites that have been allocated, should only be considered deliverable where there is clear evidence that housing completions will begin on sites within five years. **The onus is on the LPA to provide that clear evidence for outline planning permissions and allocated sites.**"* (Paragraph 65) [Emphasis added].

In the Sonning Common decision³, when considering the matter of deliverable supply and what should constitute 'clear evidence', the Inspector indicated that:

*"This advice indicates to me the expectation that **'clear evidence' must be something cogent, as opposed to simply mere assertions.** There must be strong evidence that a given site will in reality deliver housing in the timescale and in the numbers contended by the party concerned.*

Clear evidence requires more than just being informed by landowners, agents or developers that sites will come forward, rather, that a realistic assessment of the factors concerning the delivery has been considered. This means not only are there planning matters that need to be considered but also the technical, legal and commercial/financial aspects of delivery assessed. Securing an email or completed

¹ Paragraph 007, Reference ID: 68-007-20190722, Revision date: 22 July 2019

² Land on East Side of Green Road, Woolpit, Suffolk (APP/W3520/W/18/3194926)

³ Little Sparrows, Sonning Common, Oxfordshire (APP/Q3115/W/20/3265861)



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pro-forma from a developer or agent does not in itself constitute 'clear evidence'." (Paragraphs 20 and 21) [Emphasis added].

Section 7 of the *Five-Year Supply Statement [GC47]* provides the Council's five-year housing land supply calculation, based upon the proposed housing requirement (1,423dpa / 7,115 dwellings over five years).

Table 9 provides a summary of the sources of deliverable supply, whilst Table 10 sets out the overall five-year supply calculation. These are reproduced below for the avoidance of doubt.

Category	Net Dwellings
(a) Dwellings on sites with Planning Permission*	5,958
(b) Dwellings on sites with Prior Approval*	72
(c) Dwellings on selected sites with a 'resolution to grant' Planning Permission estimated to be completed within five years*	10
(d) Dwellings on 'saved' site allocations estimated to be completed within five years*	1,274
(e) Dwellings on sites proposed for allocation within the draft Shropshire Local Plan estimated to be completed within five years*	1,491
(f) Dwellings on SLAA sites estimated to be deliverable within five years	111
(g) Dwellings on emerging affordable housing sites estimated to be completed within five years*	247
(h) Dwellings on windfall sites**	598
Total	9,761

* 10% lapse rate has been applied to these figures

** Based on historic delivery rates and expected future trends

Reproduction of Table 9: *Summary of deliverable housing land supply (as at 1st April 2023)*, contained at page 45 of *Five-Year Supply Statement [GC47]*

Category	Proposed Requirement – Draft Shropshire Local Plan
Total Requirement	7,115
Total Supply	9,761
Over / Under Provision	2,646
Number of Years Supply	6.86

Reproduction of Table 10: *Comparison Proposed Five Year Housing Land Requirement and Five-Year Housing Land Supply*, contained at page 47 of *Five-Year Supply Statement [GC47]*

The Council appears to have taken a liberal approach to the NPPF definition of deliverable and has considered many sites to be deliverable without robust evidence to support this assertion, as is required by the NPPF and supported through various appeals and case law, including the Sonning Common decision.

The *Five-Year Supply Statement [GC47]* includes schedules of sites at Appendices B – J. These schedules include statements such as "It is understood that the developer associated with the site ... remains committed to the delivery of this site" and "Known interest in progressing the element of the



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site subject to Outline Planning Permission". This is not 'clear evidence' required to demonstrate deliverability.

Similarly, many of the sites in Appendix E (Dwellings on 'saved' site allocations) and Appendix F (Sites proposed for allocation within the draft Shropshire Local Plan) are subject to outline planning applications, but do not have permission, or do not benefit from detailed planning permission and therefore do not fall within either category a) or b) of the NPPF definition of deliverable.

Yareal Llanforda accordingly believes that contrary to the Council's assertion, it will not be able to benefit from a five-year housing land supply upon the adoption of the plan. At the very least, it is certain that the Council has not demonstrated sufficiently that this is not the case.

Question 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?

Yes. It is seemingly apparent that the Council will be unable to demonstrate a five-year housing land supply upon the adoption of the Plan. Regardless of this, or if the five-year supply position turns out to be marginal, the Plan should contain a review mechanism to allow for the allocation of additional sites, if required. This includes for meeting Shropshire's own housing need but also to provide flexibility in meeting the unmet need from the Black Country.

Alternatively, reserve sites should be identified through this Plan, to come forward should such circumstances arise.

The development of Land at Longslow Farm, Market Drayton and Land North of Trefonen, would represent appropriate reserve sites, if required.





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