

## Matter 25 - Five Year Housing Land Supply

### Introduction

- 1.1.1. This representation should be read in conjunction with the previous Regulation 19 representations, Stage 1 Hearing Statements and representations to the additional Local Plan Examination consultation made by the Raby Estate (ref: A0149).
- 1.1.2. The Raby Estate is promoting one site for development, the Land at Shore Lane in the village of Cressage. The Estate believes that Shropshire have not identified sufficient sites to meet their housing need, instead relying on windfall sites, which will result in the Council not being able to maintain a five year supply, five years following the adoption of the plan. Furthermore, the sites identified by the Council for five years following the intended year of adoption are not deliverable, or are windfall sites and therefore not specific (per paragraph 69 of the NPPF). As such, it is recommended that additional sites are found to address this issue.

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

- 1.1.3. The Plan is not compliant with the requirements of paragraph 69 regarding the identification of supply of specific, deliverable sites for five years following the intended date of adoption, nor the identification of specific, developable sites or broad locations of growth for the remaining years of the plan period.
- 1.1.4. The Plan is unlikely to be able to provide a five year supply that is maintained in the medium and long term. This is due to the inclusion of the following (within Table 11 of GC47):
- Dwellings on ‘saved’ site allocations from SAMDev;
  - Proposed allocations with no proven evidence of deliverability; and
  - Dwellings on windfall sites, based on historic delivery.
- 1.1.5. These are considered in turn below.

#### Saved site allocations from SAMDev

- 1.1.6. Across the proposed plan period, 3,262 dwellings are expected to come forward from ‘saved’ site allocations (Row E of Table 11, within GC47). However, these saved sites comprise allocations from the SAMDev which are yet to come forward in the previous plan period (despite having favourable planning policy positions), which does not suggest that they will come forward within the next plan period. The carrying over of these sites into the next plan period reflects barriers to their delivery, with 1,701 dwellings not benefiting from Planning Permission, with GC51 not considering this to comprise evidence indicating a lack of deliverability. Per the definition of ‘deliverable’ within Annex 2 of the NPPF, these sites have not indicated a realistic prospect of housing delivery within five years (as they weren’t deliverable for the previous plan).
- 1.1.7. Of these 1,701 proposed dwellings without planning permission, the sites for 174 are located within the Clun Catchment. While Natural England have accepted (OD007) that the Council’s latest position within GC4m SD003.02 on the provision of a restoration plan provides high confidence for the delivery of sites allocated within the Clun Catchment, this plan is not yet in place, and therefore does not provide evidence of these sites coming forward.

- 1.1.8. It is clear that in the last iteration of the Local Plan, there were issues with some of the site allocations, as many dwellings have not come forward within the Plan period. With the failure to update the SA to take account for technical barriers to delivery and the refusal of planning applications of draft allocations, this iteration of the Local Plan runs the risk of making these same mistakes. This is considered further in our response to Matter 19 in relation to draft allocation CES005.

#### Proposed Allocations

- 1.1.9. As discussed within our Hearing Statements for Matter 19, and previous representations, there is no evidence to support the expected delivery of a number of proposed allocations within the plan period. For example, CES005 has been refused planning permission, with insurmountable highways concerns meaning delivery of housing on the site is not technically possible. However, GC47 outlines that CES005 (Land adjoining The Vicarage, Cressage) is expected to deliver 60 dwellings within years 6-10 of the plan, which does not account for the barriers to its delivery. Similarly, some larger proposed allocations are identified to contribute towards the short-term supply, despite having no permission; for example BRD030 is identified to contribute towards the five year supply from 2025 onwards, but does not benefit from planning permission.
- 1.1.10. Although a full assessment of the sites included within GC47 and the assessment of housing land supply has not been completed, it is clear that there is a need for Shropshire to review and update GC47 based on the updated status of proposed allocations given in GC51, ensuring that this is based on up-to-date evidence.

#### Windfall Sites

- 1.1.11. Row J in Table 11 of GC47 includes an allowance for 3,588 dwellings on windfall sites across the proposed plan period, 598 of which are estimated over years 1-5. However, this is “based on historic delivery rates and expected future trends” (p. 51, GC47), rather than expected sites, as these have been anticipated separately through Row G of Table 11. As we have commented on previously, historic delivery rates do not fulfil the requirement for compelling or sound evidence, and should therefore not be included within the assessment of housing land supply. They run contrary to NPPF paragraph 69’s requirement for sites in the first 5 years to be specific and deliverable.

#### **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)?**

- 1.1.12. As detailed in our response to question 2 within this Hearing Statement, the inclusion of the following within the estimate of five-year supply within GC47 do not represent deliverable sites:
- Dwellings on ‘saved’ site allocations from SAMDev;
  - Proposed allocations with no proven evidence of deliverability; and
  - Dwellings on windfall sites, based on historic delivery.
- 1.1.13. Some constraints to delivery are reflected within GC51; GC47 should be updated to incorporate these and reprofile the expected delivery of proposed site allocations. To ensure that dwellings continue to be brought forward

**Question 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?**

- 1.1.14. Row J in Table 11 of GC47 includes an allowance for 3,588 dwellings on windfall sites across the proposed plan period, 598 of which are estimated over years 1-5. However, this is “based on historic delivery rates and expected future trends” (p. 51, GC47), rather than expected sites, as these have been anticipated separately through Row G of Table 11.
- 1.1.15. As we have commented on previously, historic delivery rates do not fulfil the requirement for compelling evidence. Whilst the historic evidence of windfall delivery in Shropshire is acknowledged, the ability of windfalls to sustain these levels of delivery will diminish over time and such a reliance should not be used as a reason to allocate sufficient sites, nor should they be used within the estimated housing land supply. Paragraph 72 of the NPPF states that any allowance of windfall sites as part of anticipated supply should be realistic in regard of historic windfall delivery rates and expected future trends, which Shropshire have not demonstrated. Therefore, per the requirements of paragraph 69 of the NPPF, there should not be an allowance for windfall sites within the anticipated supply as there is no compelling evidence that provides certainty for its delivery, outside of the SLAA sites identified separately, as covered in our Hearing Statement for Matter 3.

**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?**

- 1.1.16. Due to the barriers to delivery of proposed site allocations and saved sites, as detailed in previous questions within this Hearing Statement, a review mechanism would be essential to ensure that the assessed housing need can be delivered, thus enabling the plan to deliver its desired purpose.
- 1.1.17. The Raby Estate proposed an early review mechanism in the Duty to Cooperate Hearing Sessions (ADTC.04 A0149) to account for future evidence of the Plan not delivering on the local housing need, which should be considered further due to the concerns raised above and by the Inspectors (ref ID37). This would introduce necessary flexibility in responding to a potential lack of delivery of windfall sites at the scale anticipated due to historic delivery, or to proposed and saved allocations that are unable to be delivered, reducing the probability of the plan becoming out-of-date through an inability to deliver against its purpose.
- 1.1.18. This is considered further in our Hearing Statements for Matter 32.

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