

Hearing Statement for the Shropshire Council Local Plan Examination

Matter 25 – 5 Year Housing Land Supply

Statement on Behalf of the Stanmore Consortium Ref: A0497

SHROPSHIRE LOCAL PLAN EXAMINATION

Representor Unique Part A Ref:	A0497
Matter	25
Relevant Question No.s	1, 2, 3, 4, 5

Stage II - Hearing Statement

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Introduction

- 1.1. This Hearing Statement is on behalf of The Stanmore Consortium (“TSC”) (Apley Estate and Stanmore Properties) and should be read in conjunction with previous representations made on behalf of TSC at the Regulation 18 and 19 Stages, the representations at the Stage 1 Examination Hearings and the updated Topic Papers in April 2024.
- 1.2. As background, Shropshire Council approached TSC in 2017 with a view to delivering proposals for a Garden Community for the future housing and employment needs of Bridgnorth on land owned by TSC.
- 1.3. In November 2018 the Shropshire Local Plan Review: Consultation on Preferred Sites was published with a masterplan mixed use garden settlement at Stanmore, initiated by the Council, as a Preferred Site. This followed extensive discussion between the Council and TSC, public consultation and provision of detailed information requested by the Council.
- 1.4. In April 2020 the Council abruptly changed its position on the Stanmore Garden Community proposal to an alternative on land west of Bridgnorth, not previously promoted nor consulted upon. This alternative was included in the Regulation 18 and 19 Stages of the Local Plan.
- 1.5. TSC continue to promote Stanmore Garden Community as the best option for Bridgnorth and Shropshire.
- 1.6. This Hearing Statement focusses on those specific questions which are directly relevant to TSC’s position.

Matter 5 – 5 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?

- 1.1. The Council's response (GC4) to the Inspectors Letter dated 3rd November 2021 (ID1) states that they have included in appendices of document EV048.7, a schedule of all the sites that are considered that will either contribute to the Shropshire Five Year Housing Land Supply (as at 31st March 2021) and/or will contribute towards achieving the proposed housing requirement over the entirety of the proposed plan period (to 2038). Document EV048.7 is not included in the evidence base documents, therefore is not available to review.

Question 2

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

- 1.2. The National Planning Policy Framework 2021 (NPPF) requires policy-making authorities to have a clear understanding of the land available in their area for housing and identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Paragraph 68a) of the NPPF requires planning policies to identify a supply of specific, deliverable sites for years one to five of the plan period.
- 1.3. The current five year supply is heavily reliant upon windfall sites. The Council's proposed approach identified through GC45 (HETP) to meet the unmet Black Country housing need, relies heavily on windfall sites, together with the densification of allocations in key settlements which the Council contend serve the Black Country, including Bridgnorth. Given this reliance on windfall sites to meet the five year supply and to make an important contribution towards the Black Country unmet needs, we have concerns as to whether windfall sites will be a realistic and reliable source of housing over the Plan period.
- 1.4. The five year supply also relies on the inclusion of SLAA sites, however, such an approach does not accord with the NPPF or NPPG. The HETP (GC45) states that the dwellings on SLAA sites total 622 over the 15 year period. It is not clear from the evidence presented how this figure is derived, and there is no evidence that these SLAA sites have been robustly considered and need to be robustly justified in order to demonstrate that the plan meets the tests of soundness. All SLAA

sites included within the five year housing land supply should be tested with the same rigour as all other sites including in the supply and corresponding evidence made public. Without doing so, the plan cannot be said to be positively prepared or justified.

- 1.5. Notwithstanding the announcement in the recently issued draft NPPF (July 2024) for the need for an immediate review of the Local Plan, there is still a requirement to robustly justify the windfall allowance over the Plan period in order for the current draft Plan to be found sound. This needs to take into consideration that in order to demonstrate that the Council, through the GC45 (HETP), identify there is reliance on windfall sites to meet the unmet need of the Black Country and also from the densification of allocations in key settlements which the Council contend serve the Black Country.

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)?

- 1.6. The NPPF states that for sites to be deliverable for major development, which have been allocated in a development plan, should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years. It is clear that there are a number of SAMDev sites carried forward into the current draft Plan which have not progressed to the planning application stage during the SAMDev plan period. Given the length of time since adoption, it is considered that where either outline or full permission has not been progressed, sites should be excluded from the five year supply as there are clearly issues relating to deliverability, preventing these sites coming forward within a reasonable period.
- 1.7. We are concerned that the approach to the inclusion of SLAA sites in Table 10.1 does not accord with the NPPF or PPG. Paragraph: 007 Reference ID: 68-007-20190722 of PPG states that in order to demonstrate five 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. [Annex 2 of the National Planning Policy Framework](#) defines a deliverable site. 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;
 - are allocated in a development plan;
 - have a grant of permission in principle; or
 - are identified on a brownfield register.
- 1.8. It is considered that the approach to include SLAA sites is not in accordance with the NPPF 2021 and NPPG in respect of the five year supply.
- 1.9. Table 10.1 of the GC45 (HETP) states that dwellings on SLAA sites total 622 over the 15 year period. It is not clear how this figure is derived and needs to be robustly justified in order to demonstrate that the plan meets the tests of soundness. While it may be appropriate to include

some of these sites in the housing supply for the plan period, there is no evidence that these sites meet the criteria set out above for contributing to the five year supply at adoption.

- 1.10. Also, we are concerned regarding the heavy reliance on windfall sites. A cautious approach should be taken to the inherent unpredictability of supply from this source. Given the Council's proposed approach to meeting the Black Country housing need, relies heavily on windfall sites, there is limited flexibility in this approach in order to meet housing requirements over the Plan period. Therefore, it is important that further work is undertaken on these sites to enable them to be allocated which is required to demonstrate the soundness of the Plan.

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?

- 1.11. The NPPF requires policy-making authorities to have a clear understanding of the land available in their area for housing and identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Paragraph 68a) of the NPPF requires planning policies to identify a supply of specific, deliverable sites for years one to five of the plan period.
- 1.12. It is considered that the proposed reliance on windfall allowances and proposed increased capacity of strategic allocations (Option 1) to accommodate the proposed uplift to the housing requirement to meet unmet Black Country needs, is not the most appropriate or sustainable way of planning for additional growth, as over reliance on windfall allowances does not reflect positive and proactive planning. Windfall sites, i.e. sites without an allocation in the Local Plan are by definition 'unplanned'. An over reliance on unplanned development results in a plan which cannot be said to be positively prepared. Some expectation of windfall provision is accepted and is commonplace, however this approach should be clearly evidenced and justified.
- 1.13. A more appropriate approach would be allocating additional sites (Option 3 in GC45). This constitutes proactive planning, allows identification of the most sustainable locations for development, and ensures the draft Shropshire Local Plan is prepared positively. Such allocations should be distributed across appropriate sites on the edge of a number of sustainable settlements.
- 1.14. The Council's proposed approach identified through GC45 (HETP) to meeting the unmet Black Country housing need, relies very heavily on windfall sites, together with the densification of allocations in key settlements which the Council contends serve the Black Country, including Bridgnorth. Given this reliance on windfall to meet the five year supply and to make an important contribution towards the Black Country unmet needs, we have concerns as to whether windfall sites will be a realistic and reliable source of housing over the Plan period.
- 1.15. Notwithstanding the announcement in the recently issued draft NPPF (July 2024) for the need for an immediate review of the Local Plan, where there is a significant shortfall in meeting the revised housing numbers, there is still a requirement to robustly justify the windfall allowance

over the Plan period. The proposed approach of allocating significant proportions of housing within existing proposed allocations in settlements serving the Black Country to accommodate the unmet need from the Black Country, rather than allocating new sites, undermines the wider aims of the Plan and the area-specific strategies within the Plan.

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?

- 1.16. The NPPF states clearly that where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic and have regard to the strategic housing land availability assessment, historic windfall delivery rates, and expected future trends. On this basis it is important to include a review mechanism to monitor windfall sites, particularly as they have such an important role in Shropshire and an important part of the five year housing land supply.
- 1.17. Given the reliance on windfall and SAMDev allocations in the five year supply there is a need to ensure that supply is maintained. In situations where a shortfall in the five year occurs, the use of reserved or safeguarded land can play an important role in meeting longer term development needs throughout the plan period.

Question 6

Is the Local Plan's approach to nutrient neutrality justified, effective and consistent with the National Planning Policy Framework (the Framework) and the requirements of HRA?

- 1.18. We have no comment to make regarding technical matters relating to nutrient neutrality, however, consideration of nutrient neutrality as a consideration in the County further raises concerns regarding the availability of deliverable sites.
- 1.19. In areas of the country where nutrient neutrality is a requirement, due to sensitive catchment areas, LPAs are experiencing significant reductions in housing delivery. To avoid this, the Council should consider adding additional sites to the housing supply within the Plan and within the immediate five year period to avoid a risk of under-delivery.

Plan Period

Question 7

Is the Local Plan period of 2016 to 2038 consistent with national policy? If not, is there justification for this?

- 1.20. TSC are concerned that the Housing and Employment Topic Paper (HETP) (GC24) refers to the proposed housing requirement between 2016 and 2038 which is contrary to Paragraph 22 of the NPPF 2023, which requires that ‘strategic policies should look ahead over a minimum 15 year period from adoption.’ The plan period is therefore now outdated with less than the minimum requirement of 15 years from the date of adoption and would fail to plan for the long-term need for new homes in Shropshire. The Local Plan period should therefore be extended to at least 2040 assuming plan adoption 2025.
- 1.21. Given the proposed Plan period is less than the required 15 years set out in the NPPF, the identified housing requirement is considered to be out-of-date. A revised calculation is required to address changing housing delivery context across the County and take into account of the Black Country unmet need, together with the identified housing shortfall since the submission of the Local Plan for examination.
- 1.22. The submitted Local Plan also exceeds the two year period since submission to the Secretary of State. The Planning Practice Guidance states that local housing need calculated using the standard method may be relied upon for a period of two years from the time that a plan is submitted to the Planning Inspectorate for examination, and kept under review and revised where appropriate (Paragraph 008 Reference ID 2a-008-20190220).



JLL

Landmark
1 Oxford St, Manchester M1 4PB

Mike Hopkins
Director

M: 07792014578

D: 01612387411

mike.hopkins@eu.jll.com