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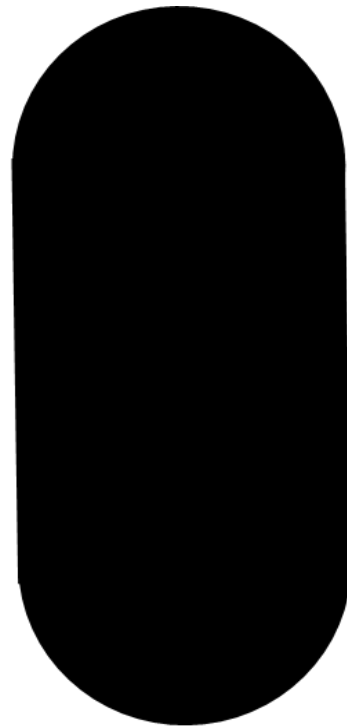
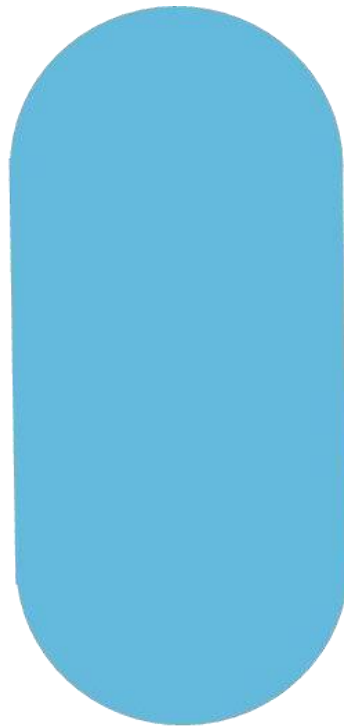
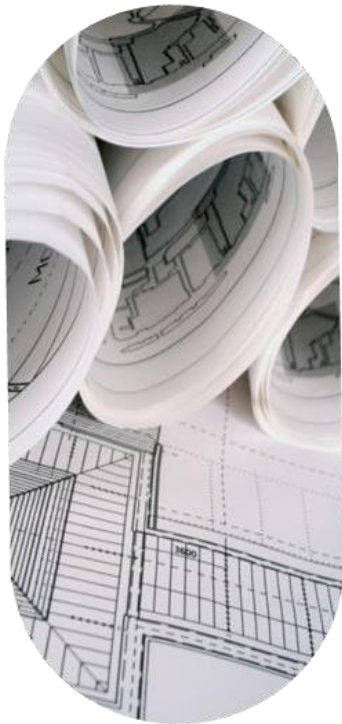
## Shropshire Local Plan Review

Examination in Public

Matter 3 – Housing Land Need, Requirement  
and 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 Plan has been positively prepared and whether it is justified, effective and consistent with national planning policy in relation to the overall need, requirement and supply of housing land.**

### **The Housing Need**

**1. In response to previous questions posed by us and discussions at the stage 1 hearing sessions, the Council have provided reasons why they consider the base date of the Plan should remain as 2016 (GC24). We note that the base date of 2016 has been used for the purpose of calculating the requirement for the plan period. Is this correct or should it be when LHN was calculated (2020)? If a base date of 2020 is used how would this affect the housing need, requirement and supply?**

- 2.1. With plan preparation and particularly the examination stage of the Plan having now become exceedingly protracted, the base date of 2016 is ever more outdated. It is no longer considered appropriate to continue with such a base date, given the length of time which has passed, and in consideration that if adopted, the plan would not be adopted until 2025, which would be 9 years from the base date. Additionally, to calculate housing need for the period up to 2038 on the basis of information and evidence 9 years old at the point of Plan adoption is illogical. Furthermore, Paragraph 22 of the NPPF 2021 is clear that “Strategic policies should look ahead over a minimum 15 year period from adoption”. The Plan under consideration, if adopted in 2025, will only cover 13 years, so would fail this most basic requirement.
- 2.2. The simple fact of the matter is that evidence base gathering commenced so significantly long ago that there have been multiple updates in policy and guidance, in the availability of demographic data, and significantly before the original standard method for calculating local housing need.

### **2. What is the identified affordable housing need?**

- 2.3. For the Council to answer. We have no concerns with regard to the identified affordable housing requirements but note that SHMA (2020) identifies that there was an affordable annual requirement of 799 dpa, this was to account for the continued shortfall in delivery.
- 2.4. The continued failure to meet the delivery targets from the adopted Core Strategy and SHMA (2020), have led to an under delivery of 2,197 since 2015/16, indicating

the need for the plan period remains at 15,351 affordable dwellings. This equates to approximately 1,023 dpa.

### **The Housing Requirement**

- 1. Is the approach to calculating the housing growth and the housing requirement set out in the Council's Updated Housing and Employment Topic Paper – April 2024 (GC45) of a minimum of 31,300 dwellings over the plan period of 2016 to 2038, justified, positively prepared and consistent with national policy?**
- 2.5. Having considered GC45 (the Council's Updated Housing and Employment Topic Paper – April 2024), we are of the view that the requirement for a minimum of 31,300 dwellings over the plan period was acceptable when first drafted, however, Plan making has stalled and new evidence is available such that this number is no longer appropriate.
- 2.6. It is understood that the Plan is to be examined under the provisions of NPPF 2021, per the transitional arrangements. However, should the Plan be adopted, it is anticipated to be adopted in 2025. This is after the presumed publication date of a revised NPPF. Currently under consultation, the draft NPPF 2024 reflects the new Labour government's drive to promote and encourage house building at a scale and speed not seen in this country for many years. In her Written Ministerial Statement of 30th July 2024, entitled "Building the Homes we Need", Deputy Prime Minister and Secretary of State Angela Rayner MP set out the approach and intentions of the Labour government with respect to housing .
- 2.7. In addition to reversing the modifications made to the current NPPF by the previous Government, which includes making the use of the standard method for determining minimum housing requirements, mandatory again, the NPPF consultation suggests a new standard method calculation.
- 2.8. Along with ensuring the delivery of 1.5 million new homes over the next five years, the primary objective of the new proposed standard method is to ensure that all areas contribute to meeting the nation's housing needs rather than drastically undershooting local ambition in some areas. This will result in a more balanced distribution of homes across the nation by placing homes where they are most needed and least affordable.
- 2.9. Aligned with the below in respect of Green Belt, and through removing some of the provisions under Paragraph 61 of the NPPF23, only where very significant 'hard constraints' can be evidenced to the Planning Inspectorate, will a housing requirement below that generated through the standard method be considered appropriate. Given the constraints and opportunities for growth present across

- Shropshire, we do not consider that there is any prospect of ‘hard constraints’ being evidenced to justify deviation from the new method output.
- 2.10. Turning to the new local housing need figure derived from the proposed standard method, alongside the consultation on the reforms to the NPPF, the Government have published details of the outcome of the new calculation, and for Shropshire, one can see a very significant increase in the minimum number of houses to be planned for on an annual basis.
  - 2.11. The revised standard method indicates a minimum, baseline requirement of some 2,059 dwellings per year for Shropshire, against the current standard method figure of 1,070 dwellings per year. This is a minimum increase in need of some 989 dwellings per year.
  - 2.12. This represents a significant step change in need when considered against the annual delivery of housing over the preceding 3-years, which stands at just 1,455 dwellings per annum, thus demonstrating that a significant boost in housing delivery will be required.
  - 2.13. Furthermore, the emerging Local Plan Review, proposes a minimum of just 31,300 dwellings between 2016 and 2038, which equates to an annual average of around 1,423 dwellings. Notably, this includes an uplift to account for high growth ambitions (15%) and a contribution of 1,500 dwellings to assist with the unmet needs arising from the Black Country.
  - 2.14. If the same uplift and unmet need contribution were to be applied to the new minimum standard method calculation, the Council would be required to plan for a minimum of 53,593 dwellings over a comparative 22 year plan period, equating to 2,437 dwellings per annum, before an appropriate buffer is applied.
  - 2.15. It should also be noted that under a proposed strengthening of the Duty to Cooperate, all authorities, including Shropshire, will be required to work harder to accommodate additional unmet need arising from neighbouring authorities, and as such, the contribution of 1,500 dwellings worth of unmet need should increase significantly, particularly given that the revised standard method, also increases minimum housing need in Wolverhampton considerably.
  - 2.16. As such, it is clear that Shropshire are going to have to find a considerable amount of additional land to accommodate their own minimum housing needs in addition to supporting more constrained neighbouring authorities.
  - 2.17. While this Plan is being examined under NPPF 2021, if the draft text of the consultation version NPPF 2024 is adopted, under draft paragraph 226, once the Plan is adopted, if the housing requirement is less than that which the new Standard

Method derived housing need figure by 200 dwellings per annum or more the Authority will be expected to commence and immediate Plan Review once more.

- 2.18. Therefore, Gleeson Land cannot support the Housing Delivery as proposed in the emerging Local Plan, as the figures upon which it is based are woefully inadequate, and will be out of date at the point of adoption.

**2. What provision is made within the Plan to fulfil the identified unmet housing needs of the Black Country, and will the Plan’s approach be effective in addressing this sustainably within the plan period, in accordance with national policy?**

- 2.19. Gleeson Land commend the Council for engaging with the Black Country authorities in regard to unmet need.
- 2.20. The cumulative data from adjacent authorities indicates that the unmet housing need for GBBCHMA is now estimated to be more than 100,000. Through the updated Additional SA, Shropshire should have comprehensively tested and implemented a strategy to release significantly more sustainable, suitable, and deliverable sites to assist with unmet need, in areas best aligned with where such unmet need is arising.
- 2.21. The approach taken to the identification of sites to meet unmet need is legally non-compliant, as is set out in our Matter 1 Statement, but notwithstanding this, the allocation of land at Ironbridge and Bridgenorth, on the basis of both sites having considerably deliverability issues, including land assembly and access concerns, will not realistically contribute to the agreed apportionment of unmet need over the identified plan period.

**3. Has there been significant under delivery of housing? In terms of a buffer for a five year supply of housing sites, should this be 5% or 20% in relation to para 74 of the NPPF?**

- 2.22. No response.

**4. Regarding paragraph 69 of the Framework, would at least 10% of the housing requirement be from sites no larger than a hectare?**

- 2.23. For the Council to answer, noting the complexities and concerns relating to the reliance on windfall sites, with 11.3% of all identified need be windfall and as such uncontrollable by the Council.

**5. Is the updated housing requirement in the Plan appropriately aligned with forecasts for jobs growth?**

2.24. No response.

**6. What is the requirement for affordable housing and is this likely to meet the identified need?**

2.25. We refer to our answer to question 2 above, which identifies a significant affordable housing requirement across the County,

**The Overall Supply of Housing**

**1. Paragraph 74 of the Framework says strategic policies should include a trajectory illustrating the expected rate of housing delivery over the Plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Does the Council have an up to date trajectory and if so where can this be found? Is the housing trajectory realistic?**

2.26. For the Council to respond but fundamental to demonstrating the Plan as proposed is achievable

**2. Is the housing trajectory and information required by the tables appended to our initial questions (ID1) showing the expected rate of delivery of housing land up to date?**

2.27. For the Council to answer.

**3. Should a trajectory illustrating the expected rate of housing delivery over the Plan period be included in the Plan?**

2.28. It would be expected that a trajectory outlining the expected rate of housing delivery is included in the Plan. This ensure that were the Plan found sound, performance against the expected position can be easily and consistently considered by the Council.

2.29. In circumstances where the Plan is shown to be failing by virtue of sites delivering below the expected rate of delivery, land identified as reserve could potentially benefit, through an additional policy mechanism, from support for immediate development.

**4. How will the supply and delivery of housing to meet the identified unmet needs of the Black Country be undertaken? Does this need identifying separately in a trajectory i.e. the expected delivery on the sites (BRD030, SHR060 and IRN001), identified to meet the unmet needs on a yearly basis.**



2.30. As has been considered through multiple Planning Appeals recently relating to development proposals in Cherwell, we would expect that the Council monitor unmet need contributions separately. This will ensure that supply calculations can reflect this, ensuring again a consistent approach is taken by the Council.

**5. Does the Plan identify a developable supply and/or broad locations in years 6-10 and, where possible, years 11-15 necessary to maintain continuity of deliverable supply, including an appropriate buffer for changing circumstances?**

2.31. We are concerned that number of sites across the identified supply are undeliverable, will be subject to significant delays and will not ensure a continued supply.

2.32. Indeed, on the basis of the available evidence, we do not consider that the Plan will result in a demonstrable supply upon adoption.

**6. The Council relies on sites allocated in the SAMDev Plan to meet the overall need as well as to provide a 5 year supply of housing land on adoption of the Plan. What evidence is there to show that these sites will come forward now when they have failed to do so since the SAMDev Plan was adopted in 2015 to cover the period 2006 to 2026.**

2.33. There is insufficient evidence to demonstrate that the SAMDev Plan allocations will come forward within the plan period if at all.

2.34. 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):

*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.***”

*“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:*

- 2.35. 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.
- 2.36. If the sites allocated within the SAMDev were viable and deliverable, the simple fact is that they would have already come forward. There is no evidence provided that articulates why development of allocated sites has been delayed or indeed how the position has fundamentally changed.

**7. The Council’s Housing and Employment Topic Paper (GC45) at Table 10.1 includes SLAA sites as part of the housing land supply. What are these sites and why were they not allocated in the Plan? Are they different to windfall sites?**

- 2.37. This is for the Council to answer, but simply put 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.
- 2.38. This is further considered in our Matter 25 statement.

**8. Should windfalls be counted as part of the housing supply for years 1-5 and years 11-15?**

- 2.39. We do not consider that windfall should be counted as part of the housing supply for years 1-5 and 11-15.
- 2.40. It is recognised that windfall can make a contribution to supply in years 6-10, albeit there is insufficient evidence that windfall rates that are proposed are justified.

**9. With regard to paragraph 71 of the Framework, is there compelling evidence that the windfall allowances for large and small sites would represent a reliable source of housing supply? Does the approach to windfall sites avoid double counting?**

- 2.41. 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.

- 2.42. 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.
- 2.43. 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.
- 2.44. 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 years 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)”.
- 2.45. 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”.
- 2.46. 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.
- 2.47. 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.

- 2.48. 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.
- 2.49. 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.
- 2.50. It is not positively prepared or justified to rely on existing commitments and windfall development to meet the indicative level of housing required.
- 10. Table 8.5 (page 59) of the Council’s Housing and Employment Topic Paper (GC45) contains information described as ‘Known Significant Potential Windfall Development Opportunities’. Can they be classed as ‘windfalls’ if they are already known? Should these sites be allocated in the Plan? How likely are they to come forward during the Plan period as some have had planning permission in the past which has now lapsed?**
- 2.51. As is detailed above and within our Matter 1 Statements, we have very significant concerns about this approach and including known significant windfall opportunities was supply.
- 2.52. Were such opportunities known, they should have been thoroughly tested through the Plan preparation and where suitable included as allocation.
- 2.53. This approach is again evidence that the Council's approach is fundamentally flawed, unjustified, not positively prepared and unsound.
- 11. How is specialist housing factored into supply?**
- 2.54. For the Council to answer, albeit the site(BAY040) can support the Council in fulfilling the requirement as demonstrated in the Local Housing Needs Assessment previously submitted as part of the previous Cerda submission.

**12. What flexibility does the Plan provide if some of the larger sites do not come forward to the Council's estimated timescales?**

- 2.55. The Council should seek to include a robust and suitable buffer to ensure protection against delivery issues on certain sites, particularly given the over reliance on carrying forward allocations from the SAMDev and windfall sites.
- 2.56. We note Main Modification 25A to the North Northamptonshire Joint Core Strategy<sup>3</sup> which stated that *'In order to provide an early-warning if supply of housing land is running short relative to NPPF requirements, monitoring will be undertaken against the Policy 28 requirement plus an additional 25% buffer. If not available, this would trigger corrective action by the local planning authority in order to boost supply.'*
- 2.57. We consider that the inclusion of additional policy wording that provides flexibility in responding to a failure in the five-year housing land supply would therefore be appropriate.

**13. What are the targets for the provision of affordable housing? What has been achieved in recent years?**

- 2.58. Our response to this is set out in response to question 2 above.

**14. Is the type and size of housing provided/planned meeting/likely to meet the needs of the area?**

- 2.59. No response.

**15. Is there sufficient variety in terms of the location and type of site allocated?**

- 2.60. In distributing the growth, the Council should also be mindful that to maximize housing supply the widest possible range of sites, by size and market location, are required so that house builders of all types and sizes have access to suitable land in order to offer the widest possible range of products.
- 2.61. The key to increased housing supply is the number of sales outlets. A wider variety of sites in the widest possible range of locations ensures all types of house builder have access to suitable land which in turn increases housing delivery.
- 2.62. One of the main aims of the Government is to encourage small and medium sized housebuilders to step up delivery and fill the gap in housing provision to help solve the housing crisis. These types of housebuilders thrive on small sites in desirable areas where people want to live and where the infrastructure and other costs do not jeopardise the delivery of the site. In order to achieve this aim the Local Plan should be allocating a wide range of sites in a variety of locations both within and on the

edge of urban and rural settlements across their area to ensure that as many housebuilders as possible have access to suitable sites in order to boost delivery.



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