

Matter 3 - Housing Land Need, Requirement and 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, a site 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 conflicts with the planned urban focus of the development strategy.

The Housing Requirement

Question 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?

- 1.1.3. Section 8 of GC44 and Section 7 of GC45 assess the identified reasonable options for Shropshire’s housing requirement, looking at 3 growth options (‘Moderate’, ‘Significant’ and ‘High’) with and without the BC contribution of 1,500 dwellings. Paragraph 8.73 of GC44 concludes that none of the reasonable housing requirements options are likely to result in a strongly negative effect on Shropshire and, as such, no mitigation measures would be required for any options. As such, Shropshire selected Option 3b (High Growth plus 1,500 dwellings), as it was the most sustainable of the reasonable options for the level of housing growth required and would achieve the most appropriate balance across three pillars of sustainability – social, economic and environmental.
- 1.1.4. This option represents an increase of 500 dwellings on top of the previous ‘High Growth’ strategy (GC29), which is positive, and recognises that a more sustainable option (above what was previously a proposed approach and considered the most sustainable option) can deliver more housing. This is the most ambitious option, and most closely reflects a need to positively prepare the Local Plan, however, it is unclear why no higher option than this was assessed, to determine that this is the most suitable. Similarly, the assessment within Section 6 of GC44 of two options for the contribution to the unmet needs of the Black Country (No Contribution, and 1,500 dwellings) lacks an assessment of reasonable alternatives in the context of a potential higher contribution.
- 1.1.5. As detailed in our Matter 1 Hearing Statement, the reasonable alternatives assessed in the updated SA (GC44) are not substantially different, per Paragraph 018 of the Planning Practice Guidance on Strategic Environmental Assessment and Sustainability Appraisal, lacking an assessment to test that this scale of housing requirement is the most suitable.
- 1.1.6. Owing to this, there is a need to test a greater range of options in order to draw meaningful conclusions, per Paragraph 018 of the PPG. While the conclusions made in Sections 6 and 8 of the SA are positive in that they choose the highest option, this is only within the context of the options assessed here; the SA is not necessarily positively-prepared. To rectify this, a higher option should be tested.
- 1.1.7. The proposals to amend the wording of proposed Policy SP2 regarding the housing and employment land requirement within GC4m SD003.02, from “around” to “a minimum of” are positive

in that they encourage development further than 31,300 dwellings and 320 hectares of employment land currently proposed. However, this growth scenario has not been tested within GC44 and therefore while this use of “a minimum of” should be promoted and retained, this should be supported by an assessment of this against reasonable alternatives through an updated Section 8 of GC44. In doing this, it may be demonstrated that a further higher growth scenario could generate more positive benefits and be a sustainable option, which the current assessment lacks. Without this, the plan cannot truly be positively-prepared. Instead, the proposed wording recognises that there would be benefits to delivering more than 31,300 new dwellings and 320 hectares of employment land, but defers how this will be delivered (per paragraph 35 of the NPPF).

- 1.1.8. Therefore the plan cannot be found sound until the scenario now promoted in draft Policy SP2, to provide a minimum of 31,300 dwellings is explored and tested in the SA to demonstrate that Shropshire providing further dwellings is sustainable. We expect that this will demonstrate that this option is sustainable, and that additional sites will need to be allocated to provide the additional dwellings.

Question 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?

- 1.1.9. Section 6 of GC44 looks at reasonable options to contribute towards the unmet housing needs, looking at options of 1,500 dwellings or no contribution. As discussed previously, a full assessment of reasonable options has not happened. Given ABCA’s reiteration that the 1,500 dwelling contribution should be a starting point (EV041), and Walsall Council’s recommendation for a mechanism within the Local Plan to trigger an early review to allow further housing to come forward in Shropshire (ref. A0673 within Shropshire Local Plan Regulation 19 consultation), a greater contribution should be explored, to determine that 1,500 dwellings is the appropriate scale.
- 1.1.10. To fulfil this identified contribution, Section 12 of GC44 reassessed all available sites within a reasonable assessment geography to identify the most appropriate. Despite this, the same conclusions were drawn as in GC29, and there is no clear benefit of these proposed site allocations compared to alternatives, particularly as the contribution is proposed to be spread across three sites. As detailed in our Matter 1 and 2 Hearing Statements, this does not suitably identify the sites as relevant for the needs of the Black Country. Rather, there is a need for Shropshire to re-assess all sites against a more nuanced reasonable assessment geography, and ensure the reassessment (within the Appendices of GC44) accounts for all updates in site constraints as revealed since the plan was submitted to examination.

The Overall Supply of Housing

Question 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.

- 1.1.11. While specific sites have been identified within GC44 and GC45 to deliver Shropshire’s contribution to the Black Country’s unmet housing needs, these sites are also proposed to contribute towards the housing needs of Shropshire. While a separate trajectory for the expected delivery of the dwellings contributing towards the Black Country should be identified for the benefit of monitoring delivery against the assessed need, and for the ABCA authorities to factor into their plan-making.

- 1.1.12. Paragraph 75 of the NPPF requires authorities to monitor their deliverable land supply against their housing requirement. Therefore, in aiding the Black Country authorities through the proposed contribution to their unmet housing need, there is also a need through the Duty to Cooperate to estimate the delivery of this housing. This will ensure the plan to be fully effective and thus sound, per NPPF paragraph 35.
- 1.1.13. Furthermore, there is a need to be accountable for this delivery through the incorporation of a trigger mechanism (as proposed by us in ADTC.04 A0149 and Walsall Council in A06732) in the plan in the case that the required and estimated delivery is not achieved. This is considered further in our response to question 12 within this hearing statement, and within the statement for Matter 32.

Question 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?

- 1.1.14. While the plan has identified specific locations for the delivery of housing within years 6-10 and 11-14 of the plan period, there remains an overreliance on windfall sites with no convincing evidence of their future delivery, as discussed elsewhere in our hearing statements.
- 1.1.15. The settlement guidelines given in GC44 and GC4m SD003.02 provide an indicative scale of windfall development in broad locations, contributing towards a small amount of flexibility in the plan beyond site allocations, however, no buffer or reserve sites are proposed in the eventuality of housing not being delivered as anticipated. These sites, and a mechanism for bringing them forward This is discussed further in our answer to question 8 within this hearing statement.

Question 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.

- 1.1.16. GC51 gives an update on the status of the sites proposed to be saved from SAMDev, of which 22 sites (1,701 dwellings) do not benefit from planning permission or a current application, in which the Council continue to assume that these will be deliverable over the next plan period.
- 1.1.17. Although a number of these are located on later phases of larger developments, 762 dwellings are not (GC51), and do not provide substantial evidence that they will be delivered. These sites have shown no progress of delivery over the period of SAMDev, yet the Council still expects these to come forward within the next plan period, and has relied on this in their estimation of housing supply. As discussed in our Matter 1 Hearing Statements, there are not yet mitigation measures or a strategy in place to enable sites within the Clun Catchment to come forward, therefore not proving their deliverability.
- 1.1.18. Therefore, there is a need for the saved SAMDev sites to undergo a further review, with additional site allocations or a review mechanism for the plan identified as an alternative in the instance that these sites do not yield the number of dwellings expected within the plan period.

² <https://www.shropshire.gov.uk/media/20051/a0673-walsall-council.pdf>

Question 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?

- 1.1.19. GC45 and GC47 identify sites from the SLAA as potential sources to contribute towards the delivery of the identified housing need. However, as these are not allocated or saved sites, these would contribute towards future windfall development if they came forward, which has been counted separately using an interpolation of historic delivery. As such there has been potential double-counting of sites which should be reviewed, and is likely to require additional site allocations to indicate that Shropshire will be able to provide a sufficient housing supply.
- 1.1.20. Furthermore, these sites should be allocated if they are known and planned to contribute towards future housing supply. Paragraph 15 of the NPPF indicates that the planning systems should be plan-led, increasing certainty for future development, meaning there is little benefit or rationale for these sites to not be allocated in the plan. This would increase the likelihood of their delivery, contributing towards a plan that is positively-prepared and effective, per paragraph 35 of the NPPF.

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

- 1.1.21. Windfalls should not be counted as part of the housing supply for years 1-5, as they cannot be considered specific or deliverable, per the requirements of paragraph 69 of the NPPF. While Shropshire Council have provided a summary of historic windfall delivery (ref GC47), this does not guarantee nor prove that windfall development will come forward in the future, particularly within specific timescales within the plan period.
- 1.1.22. While paragraph 69 of the NPPF states that specific, developable sites should be identified for years 6-10 and 11-15 of the plan period, there is a proposed overreliance on windfall sites that cannot be guaranteed for the plan period, and will be challenging to bring forward due to the proposed policy restrictions, such as settlement boundaries (which have generally been drawn tightly around the built form of the settlements).
- 1.1.23. Therefore, while windfall development may be anticipated to contribute towards some housing supply after year 5 of the plan (per paragraph 69) but the proposed scale of this is unrealistic and should be reviewed to ensure that a realistic number of dwellings are allowed for within the plan period.

Question 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?

- 1.1.24. The evidence Shropshire have relied on (GC47) for the delivery of windfall sites across the proposed plan period is historic delivery, drawing an expected future trend from this. While historic delivery identifies that windfall development has occurred in Shropshire in the past, it does not guarantee this for the future.
- 1.1.25. The historic delivery of windfall housing in Shropshire should not be used as an indicator for further supply. The previous plan position had a rural focus, and provided a favourable planning policy position. This enabled more sites to come forward and therefore has created a historically strong delivery rate.

- 1.1.26. The draft plan is contradictory in its strategy in that it directs a large proportion (21,700 dwellings) of development to urban sites through the draft plan's 'urban focus'.
- 1.1.27. The proposed policy position has resulted in a strategy unable to deliver the levels of windfall planned for, due to restrictive settlement boundaries and the focus on urban areas. Therefore, as we have commented on previously, historic delivery rates do not fulfil the requirement for compelling evidence, and should therefore not be used to project forward to enable the assessment of housing land supply, as such a conservative view should be taken regarding the true rate of windfall delivery/supply.

Question 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?

- 1.1.28. Windfall sites are defined as sites that have not been specifically identified as available through the Local Plan process (Annex 2 of the NPPF), and are therefore not known at the point of examination. Shropshire recognise within GC45 that "it is difficult or even impossible to identify potential windfall development opportunities before they arise".
- 1.1.29. Table 8.5, which identifies a list of sites to prove that windfall development can come forward during the plan period, is therefore contrary to the nature of windfall sites and as such, the sites identified should be proposed for allocation and assessed in the SA if they are known to the Council and planned to contribute towards future housing supply.
- 1.1.30. This approach to factoring identified windfall sites into the housing supply is entirely inconsistent with paragraph 15 of the NPPF, which states that the planning system should be plan-led, to increase certainty for future development. It appears these sites are being used to boost the Council's housing numbers artificially by indicating that sites might exist, without guaranteeing or assessing whether they can come forward for development. The only thing uncertain about these sites is the sustainability and technical deliverability of them; not whether they exist, which is the key requirement of windfall site.
- 1.1.31. By properly assessing these sites, their deliverability and sustainability through the SA assessment process, and then allocating the sites for development, it would increase the likelihood of their delivery, contributing towards a plan that is positively-prepared and effective. The Council need to fundamentally change their approach to these sites and ensure that if they are known to the Council, and factored into the housing calculation (should the SA find them suitable for allocation).

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

- 1.1.32. As highlighted across our previous representations and other Hearing Statements, the Plan is proposed to rely on windfall sites to deliver a large proportion (4.8%) of Shropshire's housing need, despite there being no compelling evidence to prove that this will come forward. As such, there is already uncertainty in the ability to deliver the Plan, which will be unable to support an eventuality of larger sites not coming forward.

- 1.1.33. In particular, the reliance on windfall sites cannot be established for specific timescales within the plan period. Therefore, it is possible that Shropshire will be unable to prove a 5-year housing land supply position following the plan's adoption.
- 1.1.34. The NPPF is clear (paragraphs 8b, 69, 70) that a range of different types of sites should come forward, and it recognises the merit of bringing forward a wide range. To this end, the draft plan needs to ensure that it is allocating sites of a range of sizes, not just relying large strategic sites, but also ensuring that smaller sites, relative to the settlement size can make an important contribution to meeting local need.
- 1.1.35. Therefore there is a need allocate sites with a range of sizes and to incorporate a trigger mechanism for reserve sites to come forward or for an early review of the plan, if the spatial strategy, and intended purposes of the plan, cannot be delivered. This is detailed further in our Hearing Statement for Matter 32.

Question 15 – Is there sufficient variety in terms of the location and type of site allocated?

- 1.1.36. As expressed throughout the Raby Estate's previous representations and this Hearing Statement, Shropshire Council's proposed strategy of focusing on windfall sites is not sound, due to its inherent reliance on sites that are not specifically identified at the point of the plan and are not known.
- 1.1.37. Within the plan there is therefore not a large enough provision of sufficient variety of proposed site allocations, in that there are not enough proposed site allocations to enable future housing delivery to be plan-led (per NPPF paragraph 15). In doing this, there is not enough policy provision built into the plan to enable the settlements to growth in a controlled and sustainable manner.
- 1.1.38. This is of particular concern for the smaller settlements, such as Community Hubs, which have had the settlement boundaries drawn very tightly to the edge of the built environment, stifling any form of growth, despite their stated desired role within draft Policy SP2 to ensure the long-term sustainability of rural communities, complementing growth in urban areas.

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