

**SHROPSHIRE COUNCIL
EXAMINATION OF THE SITE ALLOCATIONS & MANAGEMENT OF
DEVELOPMENT (SAMDev) PLAN**

Five year Housing Land Supply

Inspector's Note to Council

I refer to the correspondence now received in response to my invitation to interested parties to comment on the Council's updated information relating to the need to demonstrate a five year housing land supply. I now invite the Council to respond, having regard to my comments below.

The Council has clearly set out its position in relation to whether the five year housing land supply should be calculated on the basis of an annualised figure or in accordance with the phasing measures set out in the Core Strategy (CS) (paragraph 5.5). It is not therefore necessary to repeat this unless the Council's position has changed in light of the comments received.

However, could the Council please confirm whether Shropshire's Five Year Land Supply Statement for 2009, which is specifically referred to in the CS text at paragraph 5.9, was based on the phasing measures set out in the CS?

As the Council is aware, the Planning Practice Guidance is clear that local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. Where this cannot be met in the first 5 years, local planning authorities will need to work with neighbouring authorities under the 'Duty to Cooperate'. Again, I am familiar with the Council's views in relation to how the shortfall since 2006 should be addressed and it is not necessary to repeat this unless the Council's position has changed in light of the comments received.

I would particularly invite the Council to comment on the application of the 20% buffer and whether this should apply to the historic shortfall as well as the 5 year housing requirement.

Clearly the deliverability of sites included in the five year supply is key. The inclusion of a number of sites in the Council's calculations was challenged at the hearings and some adjustments were made. I would welcome the Council's comments in relation to the challenges still being raised in the 'Further statement regarding housing supply (6/2/15)' produced by Berrys.

Please respond within 14 days.

Claire Sherratt
Inspector
12 February 2015.

**SHROPSHIRE COUNCIL
EXAMINATION OF THE SITE ALLOCATIONS & MANAGEMENT OF
DEVELOPMENT (SAMDev) PLAN**

FIVE YEAR HOUSING LAND SUPPLY

Shropshire Council Response to Inspector's Invitation to Comment

Calculation of requirement on basis of annualised average or trajectory approach

The Council has nothing to add to its Shropshire Five Year Housing Land Supply Statement Update November 2014 Section 3, except to refer the Inspector to the recent example of East Staffordshire Local Plan where the current examination Inspector's Interim Findings suggested investigation of a trajectory approach to 'back-load' supply without detriment to overall delivery. The Council considers that the trajectory approach is a sensible, realistic and reasonable approach in the context of the economic downturn having suppressed delivery in the early years of the Plan period and the fact that some time was going to be needed to bring forward new greenfield sites through the SAMDev Plan.

Basis of Council's Five Year Housing Land Supply Statement for 2009

Core Strategy paragraph 5.9 refers to the Statement for 2009 indicating that there was in excess of 6.6 years supply of deliverable housing land. In fact, this figure is drawn from a Briefing Note on the Revocation of the West Midlands Regional Spatial Strategy, submitted to the Core Strategy Examination in response to a request from the Inspector, which sets out the supply assessed with regard to the proposed Core Strategy target figure, incorporating discounting of sites to those deliverable in the first five years:

Table 1: Calculation of the Five Year Requirement

		<i>Net Dwellings</i>
<i>A</i>	<i>Housing Requirement 2006-2026 Core Strategy Target</i>	<i>27500</i>
<i>B</i>	<i>Net Dwellings Built 2006-2009</i>	<i>3599</i>
<i>C</i>	<i>Residual Requirement 2009-2026 (A-B)</i>	<i>23901</i>
<i>D</i>	<i>Residual Annual Average (C/17)</i>	<i>1406</i>
<i>E</i>	<i>Five Year Requirement 2009-2014 (Dx5)</i>	<i>7030</i>

Table 3: 5 Year Supply of Deliverable Housing Land – 1st April 2009

<i>A</i>	<i>Total Deliverable Housing Land Supply - see table 2</i>	<i>9311</i>
<i>B</i>	<i>Five Year Housing Requirement (2009-2014) - see table 1</i>	<i>7030</i>
<i>C</i>	<i>Surplus over requirement</i>	<i>+2281 (132%)</i>
<i>E</i>	<i>Number of Years Supply (A/1406¹)</i>	<i>6.6 years</i>

¹ Calculated by total deliverable supply divided by residual annual average in Table 1

As can be seen, a residual approach was used to calculate the 5 years' requirement, i.e. total requirement minus completions divided by number of years remaining to produce a residual annual average x 5.

In terms of the actual statement for 2009, at the time the Council was in transition from the 5 District/Boroughs and in a period when the Regional Spatial Strategy was under review. The 2009 Statement includes tables (using the residual approach) showing '*that there is a 5 year supply, in all of the former Districts/Boroughs of the County, and the county as a whole. Based on the targets in the existing approved RSS, there is 10.2 years' supply, and 7.2 years' supply if the RSS Phase 2 Revision Preferred Option housing targets are used.*

The first time the Core Strategy figure of 27,500 dwellings was used in the published Statements was for the 2011 Statement and Annual Monitoring Report. The residual method was still being used:

Table 1: Calculation of the Five Year Requirement

Core Strategy Target for Shropshire		<i>Net Dwellings</i>
A	<i>Housing Requirement 2006-2026</i>	27500
B	<i>Net Dwellings Built 2006-2011</i>	5695
C	<i>Residual Requirement 2011-2026 (A-B)</i>	21805
D	<i>Residual Annual Average (C/15)</i>	1454
E	<i>Five Year Requirement 2011-2016 (Dx5)</i>	7268

Table 3: 5 Year Supply of Deliverable Housing Land – 1st April 2011

A	<i>Total Deliverable Housing Land Supply - see table 2</i>	7482
B	<i>Five Year Housing Requirement (2011-2016) - see table 1</i>	7268
C	<i>Surplus over requirement</i>	214 (103%)
D	<i>Number of Years Supply (A/1454¹)</i>	5.1

¹ Calculated by total deliverable supply divided by residual annual average for Core Strategy in Table 1

Dealing with any undersupply in the first 5 years where possible

The Council has nothing to add to its Shropshire Five Year Housing Land Supply Statement Update November 2014 Section 3.

The application of the 20% buffer

The Council confirms the views set out in its Shropshire Five Year Housing Land Supply Statement Update November 2014 Section 3 relating to 'Additional buffer for persistent under delivery'. In addition to the considered view of the Inspector for the Crewkerne appeal referred to (APP/R3325/A/13/2210545) which confirms the validity of the Council's approach of applying the 20% only to the five years' housing requirement, the

Council would also now reference the very recent Shropshire appeal decision relating to land adjacent to Rednal Manor, West Felton (APP/L3245/A/14/2223087). In that case the Inspector concluded that to also include 20% of the previous shortfall would be 'effectively double counting previous under-provision'. The Council considers that adding 20% to past under-delivery would be requiring supply in excess of the housing requirement rather than being supply brought forward from later in the Plan period.

Deliverability of sites included in the five year supply

The Council confirms its strong rebuttal of the case put forward by Berrys. Included at Appendix A is a further statement reiterating many of the points previously set out in written evidence and at the hearing sessions, including site specific examples to show that little weight can be attributed to Berrys' assertions and assumptions. This statement (with minor variations as appropriate to the cases) is being provided to the Inspectors conducting current appeals in Shropshire where a lack of a 5 years' housing land supply is being asserted. Further site specific detail can be provided if needed, together with the full evidence being submitted for the appeals.

Other Comments

Land Research & Planning Associates Ltd. – the Council's policies for the provision of affordable housing are set out in the Core strategy (particularly Policy CS11), which is not the subject of this Examination. However, the Council has provided evidence in relation to affordable housing in its statements, at the hearing sessions and in response to questions from the Inspector and has no further comments to make.

McAteer Associates for Morris Homes – The calculation of the 5 years' supply is a snapshot in time, particularly the calculation for development management purposes – but the calculation for a Local Plan is primarily part of an overall housing land supply provision for a Plan period. The Council considers that it has demonstrated both a 5 years' housing land supply, and sufficient supply and appropriate policy provision to meet the overall Plan housing requirements as set out in evidence submitted to the Examination.

Shropshire Council Note on Berrys' Further Statement regarding Housing Supply (06/02/15) for Planning Appeal Hearing APP/L3245/A/14/2228348 Ford Shropshire

Shropshire Council has produced extensive and detailed information demonstrating a 5 years' supply of housing land, firstly linked to the examination of its Site Allocations and Management of Development (SAMDev) Plan and then, with minor amendments, for a series of appeal hearings. This information, including an explanatory note on aspects of the methodology used, has been submitted for consideration to this appeal hearing. This note (including attached Appendix 1) responds to several specific points raised by Berrys in their Further Statement (submitted 6th February 2015), on behalf of Les Stephan Planning, regarding Shropshire's Five Year Housing Land Supply and should be read alongside the more detailed supply statements. It should be noted that the 5 years' supply position is constantly changing, with considerable progress made since 31st March 2014 (the base date for the current assessment) in terms of both sites and refinement of data (for example, further site visits prior to the end of December 2014 have shown that actual completions in 2013/14 have exceeded the figure of 1,014 dwellings used for calculating the under-delivery). The reality is that there is a huge and growing supply of housing land in Shropshire.

The Housing Requirement

The Berrys statement questions the use of a trajectory approach in the calculation of housing requirement for five year supply purposes. Paragraph 2.1 of the Berrys statement gives the clear impression that the Inspector at the hearing sessions into the SAMDev Plan examination in November indicated that the five year housing requirement should normally be based on the annualised requirement. This is incorrect and the Inspector gave no such indication. Shropshire's Five Year Housing Supply Statement provides a clear rationale for using a trajectory based calculation as the preferred approach in Shropshire. Attention is drawn to the recent example of East Staffordshire Local Plan where the current examination Inspector's Interim Findings suggested investigation of a trajectory approach to 'back-load' supply without detriment to overall delivery. The trajectory approach is a sensible and reasonable approach in the context of the economic downturn having suppressed delivery in the early years of the Plan period and the fact that some time was going to be needed to bring forward new greenfield sites through the SAMDev Plan. However, in order to provide for a robust assessment the Council's five year supply statement provides alternative scenarios including using an annualised average methodology. Irrespective of the approach applied, Shropshire Council is able to demonstrate a five year housing land supply.

Paragraph 2.12 of the Berrys statement indicates the Council should apply the 20% buffer to both the housing requirement and under delivery. The Council strongly disagrees with this statement. It is considered that the NPPG clearly makes a distinction between the use of a 20% buffer to the housing requirement set out in the Council's Local Plan and the method of dealing with

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past under-delivery. Adding 20% to the past under-delivery as well would inflate this element and would be requiring supply in excess of the housing requirement rather than being supply brought forward from later in the Plan period. The Council considers this approach is supported by recent appeal decisions, such as APP/R3325/A/13/2210545 regarding land at Gold Well Farm, Yeovil Road, Crewkerne, Somerset (and not queried in the subsequent South Somerset Local Plan Inspector's Report of 8th January 2015), and APP/L3245/A/14/2223087 regarding land adjacent to Rednal Manor, West Felton in Shropshire (in which case the Inspector concluded that , on the evidence available to him, even with the worst case scenario from the Council's point of view, the Council was able to demonstrate a 5 year supply of deliverable housing land).

Housing Supply

Non-Delivery Rates

Paragraph 3.13 of the Berrys statement suggest that a non-delivery rate of 20% should be applied in north Shropshire and paragraph 3.16 suggests higher non-implementation rates should be applied for permissions over 3 years old. The Council strongly disagrees with both these arguments. It is considered that the use of a consistent 10% non-delivery rate is appropriate and represents a robust approach to the effects of different market areas. The Council's approach has been considered appropriate at appeal, such as: APP/H1840/A/12/2171339 regarding Land between Station Road and Dudley Road, Honeybourne, Worcestershire, and APP/Q4625/A/11/2157515 regarding land known as Moat House Farm, Elmdon Road, Marston Green where the Inspector concluded that "Predicting the number of planning permissions that will be implemented can never be done with any certainty, but I consider the application of a 10% discount, an approach widely practised when undertaking calculations of this kind, to be fair and reasonable". The question was raised in the housing land supply sessions of the SAMDev Plan Examination, with the Inspector putting the question back that, if a higher % non-delivery rate was used for part of the County, would it not be reasonable to apply a lower rate in the other areas where the market was more buoyant (such as Shrewsbury).

As regards permissions more than 3 years old, it should be noted that many of those permissions were caught by the economic downturn and the Council has evidence that many such sites are now progressing as the market improves, as is to be expected. The circumstances of every site are different (including the time periods for reserved matters/commencement) and the Council considers Berrys' assumptions overly pessimistic. Furthermore, overall, the Council has been cautious in the permissions being counted for the 5 years' supply.

Resolutions to Grant

Paragraphs 3.19 – 3.28 of the Berrys statement questions the Council's inclusion of 'resolution to grant' sites within the housing supply and suggests

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the Council are trying to misrepresent the position by their inclusion. The Council strongly disagrees with this. The NPPG makes it clear that sites do not require planning permission to be included within the 5 year housing land supply. The fact that a site has sufficiently progressed to a resolution to grant is clear evidence of the site's availability, achievability and deliverability. This was confirmed by the Inspector at the SAMDev Plan examination. It is considered that the Council has taken a cautious approach to the inclusion of sites with a resolution to grant within the housing supply, (only including sites meeting the criteria set out in the Appendix 3, being sites which could defensibly be included in the 5 years supply even if they had not reached the 'resolved to grant' stage), and then applying a 10% non-implementation discount for sites which were not subject to more detailed case by case reviews, which further supports this approach as being robust and appropriate. Other authorities also include such sites and, interestingly, recently published guidance for Welsh planning authorities specifically includes counting resolution to grant sites (up to a year old – NB very few of the sites included in the 2014 Statement with its base date of 31st March 2014 had resolutions to grant consent prior to 1st April 2013). Furthermore, over 76% of the dwellings within the Resolution to Grant List have now received Planning Permission, which provides additional justification for the approach (information submitted to Inspector for Planning Appeal Hearing APP/L3245/A/14/2228348 Ford, Shropshire at Inspector's request).

Care Homes

Paragraph 3.29 – 3.31 of the Berrys statement seems to support the Council's consideration that care homes/extra care accommodation can be included within the 5 year housing land supply where they are self-contained units. This approach is consistent with the process of determining whether a unit would generate an award under the New Homes Bonus and is subject to council tax. However the statement suggests that an assumption should be made that where the description is care home the units will not be self-contained. In reality terminology for extra care housing is interchangeable with very similar schemes being described as 'assisted living', 'extra care' 'very sheltered housing', 'close care', 'continuing care retirement communities' 'care homes' and 'retirement villages'. Shropshire Council has been very cautious in its consideration of which extra care/care home facilities can be included within its supply and rejects the assumption that the description of the site, which as explained above is inter-changeable, is a more appropriate approach to the assessment of sites.

The Care Home facilities at Holyhead Road, Bicton is a good example of this, within the Berrys statement it is suggested that these units will not be self-contained and should therefore not be included within the supply. However, the planning application submitted on this site (14/05707/FUL received on the 22/12/2014) describes the scheme as the "erection of 85 extra care apartments with communal facilities; associated landscaping, car parking and external works". The applicant has since submitted an application for relief from CIL as it is considered to be 100% affordable housing, and therefore they clearly consider these units to be dwellings.

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Affordable Housing

Paragraph 3.32 of the Berrys statement suggests that affordable housing exception sites that have been included in funding bids to the HCA should not be included within the 5 year supply. Shropshire Council has a close working relationship with Affordable Housing providers. We understand that there is a long lead-in process to taking forward an Affordable Housing scheme, particularly where it is subject to HCA funding. Sites that have progressed to the point of applying for funding have had significant pre-application and community consultation, consequently the Affordable Housing providers and Shropshire Council have confidence that the sites will come forward within the 5 year period.

Indeed, Appendix 5 of the Shropshire Council housing supply indicates that many of these sites have now received funding. Appendix 5 also indicates the caution that was used by Shropshire Council when determining which sites were suitable for inclusion within the supply, as evident in the additional affordable housing exception sites that have not been included in the supply, which have also received funding.

SAMDev Plan Housing Allocations

Section 4 of the Berrys Statement argues the Council should not include proposed SAMDev Plan housing allocations within its housing supply. The Council strongly disagrees with this. The NPPG makes it clear that sites do not require planning permission or allocation in a development plan to be included within the 5 year housing land supply. It is therefore considered that the Council is fully justified in counting delivery from some (but not all) of the SAMDev Plan sites on the basis that they are available now and the Council would be prepared to grant planning permission now. These sites are 'sustainable development' in terms of the NPPF tests, having been thoroughly assessed through the Plan preparation process and this is the basis on which they are being counted, not because they are proposed allocations. On this point it should be noted that where applications have been submitted on SAMDev Plan sites (and there are many), the Council has granted consent in all cases, indicating a clear distinction between these sites and other 'countryside' sites in policy terms.

Conclusions

It is considered Shropshire can demonstrate a 5.43 years supply of deliverable housing sites. Whilst it is considered that this calculation uses appropriate methodology, for the sake of robustness the Council has presented a range of scenarios based upon different assumptions, including the use of an annualised housing requirement and the 'Liverpool' approach. In each scenario, Shropshire is able to demonstrate a five year housing land supply. The Council strongly disagrees with the conclusions of the Berrys

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statement, which includes many untested assumptions and assertions, and in particular disputes the methodology used to arrive at this alternative view.

Appendix 1: Further Specific Points

Paragraph 1.2 of the Berrys statement indicates that changes made to the Shropshire 5 year housing land supply were as a result of the challenges made during the SAMDev Plan examination. Shropshire Council is committed to the continued improvement of the information utilised to formulate its housing land supply. Changes to the figures in the revised schedules published in November 2014 were not therefore just in response to challenges made, but reflect this commitment to improving the initial information published on 12th August 2014, including particularly the results of further site visits to identify completions, for the purposes of the SAMDev Plan Examination.

Paragraph 2.1 of the Berrys statement suggests that the SAMDev Plan Inspector indicated that the five year housing requirement should normally be based on the annualised requirement. This is incorrect. The Inspector did not give any indication of her view on this. The Inspector asked the Council Officer how the NPPF specifies the housing requirement should be identified, and the Officer advised that the NPPF refers to providing 'five years' worth of housing against their housing requirements', with no mention of an annualised average. The Officer did acknowledge that the use of an annualised average was the norm, and Shropshire Council had used an annualised average approach to calculate the 5 year figure in the past, but this was not a requirement and there were good reasons in the Shropshire context for using an alternative, trajectory-based, approach. Further information is set out in the 'Council note on 5 years supply information and calculation late November 2014 with Appendix References' document submitted in the appeal documentation.

Paragraph 2.5 of the Berrys statement submits that the use of a phased approach is 'misguided'. Shropshire Council considers that far from being 'misguided', a phased approach is sensible, realistic and appropriate as stated above. Greenfield sites allocated in the SAMDev Plan will be being built out over the second half of the Plan period, with the supply augmented by a continuing supply of windfall sites (both brownfield and greenfield).

Shropshire Council has considered both lead-in times and build rates when developing its Housing Delivery Framework and realistically considered what delivery will occur on these large greenfield sites within the 5 year supply period and later within the Plan period. Rather perversely, Berrys have sought to argue that large greenfield sites will be slow to come forward and delivery rates are therefore over optimistic within 5 year supply, but also consider that the sites will not be available for delivery later in the Plan period.

Paragraph 2.7 of the Berrys statement suggests that the Council is proposing to defer delivery to the latter part of the plan period. The Council is not 'deferring delivery' by having a trajectory approach in the Core Strategy – the approach simply reflects the reality of likely housing delivery in Shropshire. Indeed, the trajectory approach reflects:

- The economic downturn, which suppressed housing delivery in the early part of the Plan period.

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- The acceleration of housing delivery which would result from the adoption of the SAMDev DPD.
- The anticipated household growth projections, which are projected to be more rapid after 2021.

The Council welcomes early delivery as is demonstrated by the facts that it has been granting permissions consistently on the proposed SAMDev Plan allocations and that those allocations do not include arbitrary phasing requirements.

Paragraph 2.9 of the Berrys statement suggests that the trajectory approach is inconsistent with Paragraph 47 of the NPPF as it seeks to boost significantly, the supply of housing. This is incorrect; the Core Strategy housing requirement is an ambitious figure above past rates which already represents a significant boost to housing supply in Shropshire. Delivering this level of housing will be difficult in the Shropshire context in view of the effects of the economic downturn on the early years of the Plan period, but the SAMDev Plan sets out to do this, inevitably requiring delivery rates to rise over the remainder of the Plan period. There is no inconsistency with the NPPF's objective of boosting housing supply.

Paragraph 2.11 of the Berrys statement states that the NPPF requires a buffer to be added to the housing requirement. This is incorrect; the NPPF actually requires an additional buffer, moved forward from later in the plan period into the five year supply, to ensure choice and competition in the market for land. This is therefore not an increase in the number of houses of the housing requirement; rather it is requiring some of the later supply to be moved forward to offer choice.

This incorrect interpretation of the intention of the buffer also has a bearing on Paragraph 2.6 of the Berrys statement, within which the suitability of the trajectory approach is questioned given that there is more identified housing supply within the first five years of the housing delivery framework, than the next 5 years and the last 2 years. The first five years' of supply does, of course, include the 20% housing from later in the Plan period, brought forward to provide choice and competition, reflecting the requirements of the NPPF.

Furthermore, the Housing Delivery Framework does not include unidentified windfall sites. Shropshire Council has been very cautious in its consideration of windfall sites, including only 2 years of supply in the 5 year supply forecasts, as there is an assumption that the first three years of this period are already in the system. The significant windfall contribution in the later years of the Plan is not included in the Delivery Framework.

Paragraph 2.12 of the Berrys statement again suggests that the 20% buffer should also relate to the shortfall. As explained elsewhere, with evidence of Inspectors' views, Berrys' interpretation of the application of the 20% buffer is flawed.

Section 3: Housing Supply of the Berrys statement proposes specific reductions to the Shropshire 5 year housing land supply. The reductions

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advocated by Berrys (summarised in paragraph 3.2) are not accepted, being largely based on assumptions and assertions of one planning consultant (not 'the industry') and without evidence.

The circumstances of every site are different (including the time periods for reserved matters / commencement) and constantly changing. Shropshire Council recognises this and has been cautious when formulating its 5 year housing land supply. Ultimately, the 5 year housing land supply statement is a snapshot in time (31st March 2014), with the 12th August version being the Council's understanding at that time. Taking a few examples from Berrys various Tables, there are generally reasons why sites are included even though there may seem to be obvious question marks against them:

Table 3: Outline consents over 3 years old

- The Berrys statement suggests that two linked sites at Ellesmere Wharf (NS2006/01161), totaling 28 dwellings have 'potentially' expired and should therefore be removed from the five year supply. In actuality, this site is part of a major, ongoing redevelopment scheme. The application NS2006/01161 was renewed via application NS06/02588/EIA on 10th October 2011 with a 7 year period for approval of reserved matters. Much of the site has the benefit of reserved matters approval and is currently under construction.
- The Berrys statement also suggests that the two linked sites at Royal Shrewsbury Hospital (SY2007/00573), totaling 65 dwellings have 'potentially' expired and should therefore be removed from the five year supply. It is unclear why Berrys have drawn attention to these sites which are shown in Appendix 2a as completed and are therefore considered as part of the housing delivery from earlier in the Plan period and not as part of the supply over the next five years.
- The Berrys statement suggests that the two linked sites at Arrow County Services, Longden (SY2008/01194), totaling 13 dwelling have 'potentially' expired and should therefore be removed from the five year supply. In actuality, a Reserved Matters Application was approved in April 2014 (14/00088/REM) and subsequent variation approved in November 2014 (14/01705/VAR). This is therefore an extant permission.
- The Berrys statement suggests that the two linked sites at Mill Green Lane, Knighton (10/00900/OUT), totaling 36 dwellings have 'potentially' expired and should therefore be removed from the five year supply. However, this application was renewed as 13/01854/OUT and subsequently a full approval has been granted (27/01/15).
- The Berrys statement suggests that the two linked sites at Newcastle Road, Market Drayton (10/05011/OUT), totaling 13 dwellings have 'potentially' expired and should therefore be removed from the five year supply. In actuality, Reserved Matters Application 13/05141/REM was approved for 9 dwellings on 4th March 2014 on the one part and a Full Planning Application 13/05153/FUL was approved for 3 (instead of outline for 4) dwellings on 10th July 2014 on the other part. These are therefore Extant Permissions.

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Shropshire Council would also like to make it clear that there has been no double counting of these sites.

Table 4: Sites with specific delivery problems

- The Berrys statement suggests that Planning Application OS2001/11755 at Land off Middleton Road, Oswestry for 37 dwellings has specific delivery problems and should therefore be removed from the 5 year housing land supply. Shropshire Council's records indicate the site has been subject to a material commencement, it is therefore an extant permission. Whilst works have halted due to the economic downturn, the developer has recently indicated a possible re-commencement in Spring 2015.
- The Berrys statement suggests that Planning Application OS2004/13076 at 13 Oak Street, Oswestry for 24 dwellings has specific delivery problems and should therefore be removed from the 5 year housing land supply. Shropshire Council records indicate that the site has been subject to a material commencement and it is therefore an extant permission. Whilst the site may or may not have specific delivery problems at this point in time, as the Council has previously advised, the deliverability of specific sites can change significantly in five years and it is realistic to consider that sites such as this which have secured and implemented a planning permission will come forward within the five year period.
- The Berrys statement suggests that Planning Application 10/03237/OUT at the Flax Mill, St Michaels Street, Shrewsbury for 120 dwellings has specific delivery problems and should therefore be removed from the 5 year housing land supply. This Outline Permission allows 10 years for submission of the Reserved Matters Application and is consequently an extant permission. Clearance works (silos) have recently been completed with benefit of HLF funding. Additionally, Shropshire Council has only made allowance for the new build element of the scheme within the five year housing land supply when the scheme may well include residential conversions augmenting the supply (later in the Plan period).
- The Berrys statement suggests that Planning Application 10/04143/OUT at the Former Dairy Site School Road, Ruyton XI Towns for 80 dwellings has specific delivery problems and should therefore be removed from the 5 year housing land supply. This permission, dated 23/12/2011, allowed 5 years for submission of reserved matters. Furthermore, we understand from recent correspondence with the Agent, that marketing of the site is anticipated in Spring 2015 leading to a Reserved Matters Application later in year/early 2016.

Shropshire Council would also like to highlight the results of a recent House of Commons Communities and Local Government Committee review of the Operation of the NPPF (2014). Paragraph 68 advises that as a result of the review of the NPPF it was recommended that "the Government amend the NPPF to make clear that all sites with planning permission should be counted towards the five year supply of housing land".

This supports the inclusion of all sites within Planning Permission in the Councils 5 year supply. The recommendation would also allow all houses

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(irrespective of lead-in timescales and anticipated delivery rates) on these sites to be included within the five year supply.

Within paragraphs 3.20 - 3.21 of the Berrys statement it is suggested that sites with a Resolution to Grant should not be included within the five year supply and if they are, that a corresponding increase to the five year supply should occur. Shropshire Council considers it is appropriate to count sites that are already well advanced in the system and coming forward in the 5 years' period as there is increased certainty that these sites are available, achievable and deliverable (including viable). The Council is not bringing forward additional sites from the new year, rather it is using the best information available to it at the point in time that it develops the five year supply to identify the housing that will come forward in the next five years.

Furthermore, it is obviously wrong to suggest that the 5 year requirement would become 5 years plus part of the new year to reflect the fact that sites without an existing Planning Permission have been included within the supply. The 5 year requirement is a rolling 5 years. The NPPF and NPPG are clear that sites do not require Planning Permission or allocation to be included within a five year supply.

Within paragraph 3.24 of the Berrys statement it is suggested that the delivery rates attributed to some of the larger sites with a 'resolution to grant' are unrealistic due to long lead in times. The Council's standard approach to build rates is set out in the SHLAA Update July 2014 in the SAMDev Plan evidence base (EV2b) following discussion with the Developer Panel. However, this is superseded in some cases, particularly the large sites, where there is site specific information available from the promoters/developers. The Council has been cautious in the rates applied; moderating delivery in some circumstances, even though higher rates may be achieved and are suggested by the promoters/developers.

Berrys also take an unduly pessimistic view of lead in times, particularly for the large sites (which are a priority for the Council). For example Planning Application 13/03534/OUT land at Bowbrook, Shrewsbury which is questioned in **Table 8** of the Berrys statement, went from Committee resolution on 7th November 2013 for the approval of the Outline Application, to approval of the Reserved Matters Application in December 2014, and to a start on site in January 2015, with two national housebuilders involved. The first completions are anticipated on site from 2015/16, with the developers anticipating delivery of 75-80 dwellings per year.

Paragraph 3.26 of the Berrys statement suggests that a 20% discount should be applied to sites with a resolution to grant, to reflect potential non-delivery. Shropshire Council undertook a careful review of sites with a resolution to grant in order to determine which sites were suitable for inclusion within the five year supply. This included positive filtering, by which sites were only considered as part of the five year supply where they were:

- Existing Local Plan sites or proposed SAMDev Plan sites;
- Brownfield sites within existing development boundaries;

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- Affordable housing / rural worker / agricultural dwellings;
- Barn conversions; or
- Subject to a S106 Agreement which has subsequently been signed off (post 31st March 2014).

A 10% reduction was then applied for sites which were not subject to a more detailed case by case review. Shropshire Council considers that this is a robust approach. Furthermore, at the request of the Inspector conducting the appeal into the Planning Appeal Hearing at Ford, Shropshire (APP/L3245/A/14/2228348), updated information on the progress of 'resolution to grant' sites was produced. This assessment, undertaken in January 2015, shows that of the 1,263 dwellings included in the 5 years supply, some 966 (76.48%) had received Planning Permission. Small sites form the majority of those outstanding 'resolution to grant sites', no doubt partially caused by uncertainty arising from the Ministerial Statement and subsequent Council position regarding affordable housing contributions, but such sites can still clearly come forward within a 5 year timescale.

Table 9: Dwellings to be removed from the Delivery Framework

The Berrys statement identified those sites which Berrys consider should be removed from the Delivery Framework for methodological and/or site specific reasons. Shropshire Council disagrees and considers that there is justification for the methodological approach undertaken. The Council recognises that the circumstances of every site are different and constantly changing. Clearly, the deliverability of specific sites can change significantly in five years and, in the Council's view, is realistic to consider that these sites will come forward within the five year period. For instance:

- The Berrys statement suggests that the development site at Holyhead Road, Bicton Care Home (Reference: SHREW035), for 85 dwellings should be removed as it is a care home. However, as previously explained these are all self-contained units.
- The Berrys statement suggests that the development site at Land at Rhos-y-Llan Farm, St Martins (STM029) for 50 dwellings should be removed as they assert there are sewage network issues. However, the agents representing the site owners indicate that technical studies have been completed and an Outline Planning Application is to be submitted in 2015.
- Paragraph 3.35 of the Berrys statement suggests that the Oswestry SUE has potential land ownership issues; however they have presented no evidence of this claim. It is not true that one landowner has commenced a masterplan for a single phase - a joint approach is being pursued.

Table 10: Delivery rates on proposed SUEs

The Berrys statement suggests that the delivery rates should be reduced on the SUE sites to allow sufficient time for the complex masterplans, negotiations and delivery of on-site infrastructure. Shropshire Council disagrees with these assumptions, which again suggest unduly pessimistic lead-in times. The five year housing land supply statement has been informed by discussions with the site promoters/developers and Shropshire Council has

Appendix A: Shropshire Council Note on Berrys' Further Statement regarding Housing Supply

been cautious in determining how many dwellings will be delivered within the 5 year supply period.

For example, Shropshire Council is now minded to approve an Outline Application on the Shrewsbury South SUE for a further 550 dwellings (February 2015), with a Draft S106 with agreed heads of terms already in place, in addition to the 291 dwellings with Full Planning Permission and currently under construction. Equally, Shropshire Council has resolved to grant Outline Planning Permission on the first phase of the Shrewsbury West SUE for 296 dwellings, with discussions continuing on the Section 106 Agreement but agreement in principle on the heads of terms.

Paragraph 4.1 of the Berrys statement highlights the difference between a five year supply for Development Plan and Development Management purposes. Shropshire Council is well aware of these differences, indeed it was the Council that drew Berrys' attention to this distinction and had regard to this this matter when producing its 5 year supply statements – albeit it was decided to use the same basis for both i.e. the 5 year supply statement produced is robust for Development Management purposes (counting some yield from some SAMDev Plan sites (not all) but because they were sustainable development sites not because they are proposed allocations).

Paragraph 4.3 of the Berrys statement states that there are significant outstanding objections to many of the proposed allocations. This is incorrect, in actuality there are very few significant outstanding objections to proposed allocations and only in a limited number of cases have the objections warranted exclusion of the sites from the five years' supply.

Paragraph 4.4 and Table 11 of the Berrys statement again suggest that the delivery rates on proposed allocations are unrealistic. As stressed above, the Council has been cautious when considering delivery rates on these sites, indeed in many cases more cautious than the rates suggested by the site developers. The delivery rates suggested by Berrys are unduly pessimistic and ultimately the Council prefers to use actual developers' indications rather than Berrys' assertions.

Planning Policy

Shropshire Council

16th February 2015