



Hearing Statement on behalf of Mr and Mrs Webb

In relation to: Matter 4 – Housing Land Supply

Mr & Mrs Webb

Project : 17-204
Hearing : Matter 4 – Housing Land
Supply
Client : Mr and Mrs Webb
Date : September 2018

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1. Introduction

- 1.1 Emery Planning is instructed by Mr and Mrs Webb to attend the Staffordshire Moorlands Local Plan Examination.
- 1.2 This statement summarises our client's position in response to the Inspector's schedule of Matters and Issues, specifically the questions under Matter 4: Housing Land Supply. It should be read in conjunction with our detailed representations to the Submission Version of the plan, and our other Hearing Statements submitted to this examination.
- 1.3 Please note that as part of our assessment of the housing trajectory, we have set out our comments on the delivery of the proposed site allocations in this statement. It is hoped that such comments could be addressed during Matter 4. However if required we could attend the Matter 8 hearings to discuss the site specific matters that we have raised.

2. Response to the Matters and Issues

1.4 Is the windfall allowance justified by compelling evidence (large site allowance for Leek and Biddulph and small sites allowance for all areas)?

- 2.1 No.
- 2.2 Paragraph 48 of the Framework states that any allowance should be realistic having regard to the SHLAA, historic windfall delivery rates and expected future trends, and should not include residential gardens. There is insufficient evidence to support the proposed windfall rates, and based upon previous delivery in the district we consider that the proposed rates are unrealistic. In particular for larger sites, there is no evidence that the sites identified through the SHLAA are viable or that they have historically been a reliable source of supply. Past delivery rates would indicate that they have not been.
- 2.3 Without prejudice to our view that there is insufficient evidence to include a windfall allowance, the Council's trajectory is incorrect to assume that windfall completions will occur from 2018/19 onwards. Such sites would already need to have planning permission and most likely be under construction.

1.6 Should there be a slippage/lapse allowance as in the CS? If so what figure would be justified taking into account previous non-implementation rates?

- 2.4 Yes.
- 2.5 There is no justification for not including a flexibility allowance within the overall housing land supply. In fact, the failure to meet the housing requirements since the adoption of the Core Strategy (despite the requirement being stepped lower in the early years) demonstrates that 10% flexibility is not sufficient. A substantially higher flexibility allowance should be provided for within the new Local Plan.
- 2.6 The monitoring of housing land supply will not provide sufficient flexibility to deal with the non-delivery of sites in a timely fashion. It is inevitable that sites within the housing trajectory, both large and small, will not be built out at the rates envisioned within the trajectory for a variety of reasons, even if the evidence currently indicates that they are deliverable / developable.

Monitoring is unlikely to resolve the issue. If additional sites are required, another review of the plan would almost certainly be needed, particularly bearing in mind the extent of the Green Belt and National Park in the district, and the fact that no reserve or backup sites are proposed. In the meantime, the district would once again be faced with an out-of-date plan, and development needs would not be met.

- 2.7 Having regard to past delivery rates in Staffordshire Moorlands and the consistent failure to meet housing requirements, we consider that a flexibility allowance of at least 20% should be built into the Local Plan. This approach would give a reasonable degree of security that should sites not deliver at the rates anticipated, a 5 year housing land supply could still be maintained.

1.7 Is the PDNP allowance of 100 dwellings within the Plan period justified?

- 2.8 No.
- 2.9 No schedule of sites with supporting evidence is present within the evidence base supporting the plan, including the SHLAA. Whilst the Submission Version states at paragraph 7.30 that this allowance reflects long term annual average housing completions in the parts of the District that lie within the National Park, no specific evidence is actually provided.
- 2.10 Furthermore, to actually rely upon such provision to meet the trajectory would conflict with Sections 61 & 62 of the 1995 Environment Act. The Peak District National Park Core Strategy does not allocate sites or set an overall housing target to be achieved over the plan-period, due to the potential harm to the National Park which could be caused by having to meet such a target.

1.9 Should there be an allowance for demolitions?

- 2.11 Yes.
- 2.12 The evidence base provides no assessment in relation to the likely level of demolitions throughout the plan period. An assessment is therefore required as to how many demolitions are likely to take place, and this should be factored into the amount of land that needs to be allocated moving forward. A simple comparison of the past gross and net completion data indicates that there have been 125 demolitions / losses in the past 10 years (12.5 per annum).

2.1 Is the data that supports the Housing Trajectory in Appendix 7 (SD19.2b) based on realistic assumptions?

2.13 No.

2.14 The evidence in relation to 5 year housing land supply and the housing trajectory over the plan period does not comply with paragraph 47 of the Framework and the PPG. The trajectory does not appear to be underpinned by a schedule of sites and the evidence in relation to whether sites are deliverable / developable. The evidence base in relation to housing land supply is wholly inadequate, and the delivery assumptions relied upon by the Council are not justified by robust evidence.

2.15 The SHLAA was published in July 2015. It is not up-to-date, and does not properly consider the latest position in relation to the proposed allocations and the other reasonable alternatives. We also note that a whole plan viability assessment had not been undertaken at the time of the Submission Version consultation, meaning that the plan was prepared in its absence.

2.16 The lack of realism in the trajectory is underlined by actual performance in 2017/18. The trajectory at Appendix 7 of the submission version anticipated that 313 dwellings would be completed. However only 142 dwellings were actually achieved (i.e. less than 50%). This demonstrates that the Council's assumptions are far too optimistic and are not supported by robust evidence.

2.2 Does the HIS (when available) demonstrate that a five year supply can be maintained through the plan period?

2.17 At the time of writing this document does not appear to be available for scrutiny.

2.3 Is the approach to making up any shortfall in delivery over the LP period justified (the Liverpool approach)?

2.18 No.

2.19 The Framework requires Local Planning Authorities to “*boost significantly*” the supply of housing (paragraph 47), and importantly the backlog is a shortfall in supply which exists at the start of the 5 year requirement. It should be met as soon as possible. Furthermore clear guidance is set out in paragraph 3-035 of the PPG:

“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’.”

2.20 This is a clear expression by the Government that local planning authorities should aim to deal with the backlog within 5 years (i.e. the Sedgefield approach). The only departure from the Sedgefield approach is for local planning authorities to work with neighbouring authorities under the ‘Duty to Co-operate’.

2.21 We note that in a number of other Local Plan examinations, Inspectors have accepted the Liverpool approach taking into account the specific circumstances of those areas. However in the case of Staffordshire Moorlands this is not appropriate because:

1. The Core Strategy adopted a phased approach to housing provision, which delayed addressing the significant backlog of unmet housing need at that time. The Inspector examining that plan only permitted that approach on the basis that a review of the plan was forthcoming which would allocate sufficient deliverable land to address those previously unmet needs (see Core Strategy Inspector’ report, paragraphs 31 & 32).
2. There are deliverable sites which were draft allocations in the Council’s Preferred Options Site and Boundaries Plan consultation (April 2016), but have subsequently been removed from the plan. These included part of our client’s land between Rudyard Road and Hot Lane, Biddulph Moor (site reference BM013). Therefore if additional deliverable land is required, there are sustainable site options available to meet the requirement.

2.22 These considerations are also relevant when considering the overall housing requirement (including any suggestion of another phased requirement) and the buffer.

3.1 Is the use of a 20% buffer to calculate the housing land supply position appropriate?

2.23 Yes. There is a clear record of persistent under delivery over a prolonged period. Therefore as per the 2012 Framework, against which this plan is being examined, a 20% buffer must apply.

3.2 Generally, are the assumptions about the delivery from commitments and allocations realistic taking into account past completions, for example in relation to Cheadle where development has been slow to take off?

Existing commitments

2.24 The Council appears to assume that 100% of the existing commitments accounted for in Tables 7.2 and 7.3 of the Submission Version will deliver during the plan period. There is insufficient evidence underpinning this assumption. No up-to-date assessment is available which sets out the Council's assumptions in relation to each site. There is no allowance for lapses or discontinued developments, and there is no analysis of previous performance.

Draft allocations

2.25 We have significant concerns in relation to the delivery of a number of the proposed site allocations, as set out in the table below:

Reference / Policy	Site	Proposed use	Comments
Policy DSL1	Land at Horsecroft Farm, Leek	15 dwellings and D1 education	<p>The Council's viability evidence does not include the D1 uses or education contributions within the assessment (SD 24.1, Appendix D). It would not be viable to deliver the education requirements on the basis of the draft allocation (SD 24.1, table 7.22).</p> <p>Furthermore paragraph 9.6 of the plan acknowledges that there may be constraints due to possible ground gas from nearby landfill. This could further impact upon viability. However no such allowance is included for within the Council's viability evidence (SD 24.1, Appendix D).</p>

Reference / Policy	Site	Proposed use	Comments
Policy DSL2	Land at the Mount, Leek	345 dwellings and D1 education	<p>This is a large site in multiple ownerships. There are also complex Section 106 contributions which will need to be agreed between the Council and all of the landowners. The Council's lead-in times are completely unrealistic.</p> <p>There is also no comparable evidence to demonstrate that a build rate of 50 dwellings per annum can be achieved.</p> <p>We consider that the proposed quantum of development is unrealistic having regard to the application of a realistic lead-in time and build rate.</p>
Policy DSL3	Land at Newton House, Leek	179 dwellings and 1.5ha of B-class employment	The Council's own viability evidence demonstrates that the site is not viable with the necessary affordable housing and infrastructure contributions (SD 24.1, table 7.22).
Policy DSL4	Cornhill East, Leek	50 dwellings and B-class employment	<p>The site has been proposed for development for some time, including through Policy SS3 of the adopted Core Strategy and Churnet Valley Masterplan (2014). We are not aware of any planning application in that time. Planning permission has been granted on land to the west of the railway, which includes the reservation of land for a link road across the railway, which could serve this site. However the costs associated with such infrastructure would be substantial. The Council has confirmed that access must not be taken via Sandon Street, which means effectively means that third party land is required for access, plus the significant costs associated with such works.</p> <p>The Council's own viability evidence demonstrates that the site is not viable with the necessary affordable housing and infrastructure contributions (SD 24.1, table 7.22).</p>

Reference / Policy	Site	Proposed use	Comments
Policy DSB1	Wharf Road Strategic Development Area	588 dwellings, 1ha employment, 0.5ha retail and retention of school playing field (1.5ha)	<p>The majority of this site is already allocated in the existing Core Strategy for development, but to date has not come forward. It is a large site in multiple ownerships. There are complex mining legacy issues to deal with, which have not yet been fully assessed. There are also complex Section 106 contributions which will need to be agreed between the Council and all of the landowners.</p> <p>The Council's trajectory assumes that the site will start delivering in 2020/21, at an average rate of over 50 dwellings per annum throughout the plan period. There are a range of significant issues surrounding the site, and there is no track record of delivery to demonstrate that the proposed delivery rates can be achieved.</p> <p>The Council's own viability evidence demonstrates that the site is not viable with the necessary affordable housing and infrastructure contributions (SD 24.1, table 7.23).</p>
Policy DSB2	Biddulph Mills	57 dwellings	The Council's own viability evidence demonstrates that the site is not viable with the necessary affordable housing and infrastructure contributions (SD 24.1, table 7.23).
Policy DSB3	Tunstall Road Strategic Development Area (opposite Victoria Business Park)	85 dwellings and 4.99ha for general employment	<p>The site is in multiple ownerships. The Council suggests at paragraph 9.65 that the owners will be encouraged to enter into an equalisation agreement; however it is not clear what the implications are if agreements cannot be reached.</p> <p>The Council's own viability evidence demonstrates that the site is not viable with the necessary affordable housing and infrastructure contributions (SD 24.1, table 7.23).</p>
LE102	Land north of Macclesfield Road, Leek	25 dwellings	The Council's own viability evidence demonstrates that the site is not viable with the necessary affordable housing and infrastructure contributions (SD 24.1, table 7.23).

Reference / Policy	Site	Proposed use	Comments
Policy DSC1	Cheadle North Strategic Development Area	320 dwellings and a new County Primary School including playing pitches and open space	<p>Part of the site is already located within the development boundary for Leek and identified in the Core Strategy as a broad location for housing. However to date the site is yet to come forward.</p> <p>There is no evidence to support the assumption that the site will start delivering units in 2019/20 (i.e. next year), or furthermore that there would be 2 developers.</p> <p>The Council's viability assessment indicates that the development would be viable including the necessary education contributions, but the figures listed appear to assume a standard contribution to education. The education contribution assumed would not fund a new school. As far as we are aware no external funding is allocated for a new school.</p> <p>We also consider that the proposed quantum of development is unrealistic having regard to the application of a realistic lead-in time and build rate.</p>
Policy DSC3	Mobberley Farm, Cheadle	430 dwellings	<p>This is a large site with complex masterplanning and Section 106 requirements. The site is in multiple ownerships, and Policy DSC3 states that the Council will resist development which would undermine a comprehensive approach to the site.</p> <p>We consider that the proposed quantum of development is unrealistic having regard to the application of a realistic lead-in time and build rate.</p>

Reference / Policy	Site	Proposed use	Comments
Policy DSR1	Blythe Bridge	48.5ha for mixed use development including employment and 300 dwellings	<p>We note that the Council resolved to grant planning permission for the first phase of the residential development in November 2017, although the Section 106 agreement is yet to be completed (LPA ref: SMD/2017/0512). However there are significant infrastructure requirements associated with the development of the site, and it falls under multiple ownerships. It is also not clear whether future phases of residential development will need to cross-subsidise the proposed employment development.</p> <p>There remains insufficient evidence that the proposed quantum of development is realistic, having regard to the application of a realistic lead-in time and build rate. The Council's current assumptions are not realistic.</p> <p>The Council's own viability evidence demonstrates that the site is not viable with the necessary affordable housing and infrastructure contributions (SD 24.1, table 7.25). Whilst we note the planning application for the first phase includes 33% affordable housing, this relates to part of the site only.</p>
UT019	Haulage Depot, St Thomas's Road, Upper Tean	15	The Council's own viability evidence demonstrates that the site is not viable with the necessary affordable housing and infrastructure contributions (SD 24.1, table 7.25).

Table 1 – Draft allocations in the housing trajectory / 5 year supply

2.26 As noted above, a large number of the strategic allocations are not viable with the full policy requirements for affordable housing and necessary infrastructure. Notwithstanding our in-principle objection to the selection of such sites given the availability of other viable site options which could deliver the full policy requirement of affordable housing and infrastructure, even if they are allocated they cannot be considered to be deliverable. Footnote 11 of the Framework clearly states:

“To be considered deliverable, sites 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 and in particular that development of the site is viable.” (our emphasis)

2.27 Therefore even if such sites are included within the plan, they cannot contribute to the deliverable supply (or the housing trajectory before 2023/24 at the earliest).

3.3 Are lead in times and build out rates realistic?

2.28 No.

2.29 The lead-in time and build rates are not supported by any robust evidence. The evidence set out in the Viability Assessment and the Strategy Topic Paper is purely anecdotal and no specific examples are provided. There is no assessment of the local delivery record within the authority area i.e. an assessment of average lead-in times and build rates of previous planning permissions in the district. This should be produced and the housing trajectory adjusted accordingly.

3.4 Will there be a five year supply of deliverable housing sites on adoption of the LP?

2.30 No.

2.31 Footnote 11 of the Framework provides:

“To be considered deliverable, sites 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 and in particular that development of the site is viable.” (our emphasis)

2.32 The PPG specifically provides at paragraph 3-033:

“Local planning authorities should ensure that they carry out their annual assessment in a robust and timely fashion, based on up-to-date and sound evidence, taking into account the anticipated trajectory of housing delivery, and consideration of associated risks, and an assessment of the local delivery record. Such assessment, including the evidence used, should be realistic and made publicly available in an accessible format.” (our emphasis)

2.33 Consequently a realistic approach to delivery must be taken, having regard to the local delivery record. The Council has not presented robust evidence to demonstrate that each site within the identified 5 year supply is deliverable.

2.34 Having regard to the application of realistic lead-in times and build rates, we would not expect any of the allocations to start delivering until the latter parts of the 5 year period at the earliest.

Furthermore as we have detailed above, any sites that are not viable must be automatically excluded from the deliverable supply as they do not meet the test set out in Footnote 11 of the Framework. The Council's own evidence identifies that this applies to a number of the draft allocations.

2.35 Therefore to conclude, having regard to our comments on the various elements of the supply, including the draft allocations, windfalls and existing commitments, it is clear that a very significant and substantial shortfall exists in relation to 5 year housing land supply.