



Proof of Evidence of Ben Pycroft BA (Hons), Dip TP, MRTPI in relation to housing land supply

Residential development of up to 110 no. dwellings at
land at Henthorn Road, Clitheroe, BB7 2PL

for Gladman Developments Limited

Emery Planning project number: 19-069

PINS ref: APP/T2350/W/19/3221189

LPA ref: 3/2018/0688



Project : 19-069
Site address : Land at Henthorn Road,
Clitheroe, BB7 2PL
Client : Gladman Developments
Limited

Date : 08 April 2019
Author : Ben Pycroft

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1. Introduction

- 1.1 This proof of evidence is submitted on behalf of Gladman Developments Limited (i.e. the Appellant) in support of its appeal against the decision of Ribble Valley Borough Council to refuse to grant outline planning permission for the erection of up to 110 no. dwellings at land at Henthorn Road, Clitheroe (LPA ref: 3/2018/0688).
- 1.2 This proof of evidence specifically addresses matters relating to housing land supply. It should be read alongside the proof of evidence prepared by Mr Lewis, which deals with all other planning matters.

Qualifications

- 1.3 I am Benjamin Michael Pycroft. I have a B.A. (Hons) and postgraduate diploma in Town Planning from the University of Newcastle-upon-Tyne. I have been a member of the Royal Town Planning Institute since October 2006. I am an Associate Director of Emery Planning, based in Macclesfield, Cheshire.
- 1.4 I have extensive experience in dealing with housing land supply matters and have prepared and presented evidence relating to five year housing land supply calculations at a number of Local Plan examinations and public inquiries.
- 1.5 The evidence which I have prepared and provide for this appeal (reference APP/T2350/W/19/3221189) is true and has been prepared and given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinion, and are provided irrespective of by whom I am instructed.
- 1.6 I provide a separate summary to this proof of evidence and set of appendices. I also refer to the Statement of Common Ground (SoCG) on housing land supply.

Proposition

- 1.7 To address the case on behalf of the Appellant, this proof of evidence sets out the proposition that the Council cannot demonstrate a robust five year housing land supply against its housing requirement as required by paragraph 73 of the National Planning Policy Framework (NPPF). The implication of this and all other planning matters are dealt with by Mr Lewis.

2. The appeal proposal

- 2.1 Details of the appeal proposal are set out in the general Statement of Common Ground (SoCG). However, in summary, the proposals are for a residential development of up to 110 no. dwellings including 30% affordable housing and 15% as housing specifically for people over 55.

The appeal application

- 2.2 The appeal application was made on 7th August 2018. At that time, the Council considered that it could demonstrate a 5.3 year supply if a 5% buffer applied and a 4.6 year supply if a 20% buffer applied. Whilst the Housing Land Availability Schedule (HLAS, base date 1st April 2018) at that time did not conclude which buffer applied, it is relevant to note that an Inspector had recently concluded in an appeal decision that the 20% buffer should apply because there has been a record of persistent under delivery of housing in the Ribble Valley, which meant the 20% buffer should apply in accordance with the 2012 NPPF.
- 2.3 The decision (dated 22nd May 2018) related to an appeal made by VH Land Partnership against the decision of the Council to refuse to grant outline planning permission for a residential development of up to 123 houses at land at Higher Road, Longridge¹. In allowing the appeal, Inspector Wildgoose concluded that the Council could not demonstrate a deliverable five year supply. Paragraphs 17 and 18 of the appeal decision set out the Inspector's conclusions in relation to the buffer as follows:

"17. The Council have justified the application of a 5% buffer, rather than a 20% buffer, on the basis that it accords with the approach of a 'housing delivery test' set out in a Government White Paper that has been taken forward in the National Planning Policy Framework - draft text for consultation, March 2018, and associated draft updates to Planning Practice Guidance. The approach of the proposed housing delivery test suggests that a 20% buffer would not apply in circumstances where the completions over the last three years of the monitoring period exceed the identified housing requirement as set out in the development plan. In that respect, the housing delivery in Ribble Valley has exceeded the annual requirement set out in Key Statement H1 of the CS for the last three years. However, appeal decisions have been drawn to my attention at Dalton Heights, Seaham and Lower Standen Hey Farm, Clitheroe where Inspectors considered the application of methodologies subject to consultation to be premature.

¹ PINS ref: 3186969 – core document **CD4.01**

18. I concur with those Inspector findings as although the methodology set out in the March 2018 consultations relating to the draft Framework, Planning Practice Guidance and associated Housing Delivery Test - Draft Measurement Rule Book indicate the Government's intent, it remains subject to consultation with no certainty that it will be formally adopted and implemented in its current form. In existing circumstances, the improved housing delivery rates in Ribble Valley between 1 April 2014 and 30 September 2017 should not prevail over the longer period of persistent under-delivery of housing that was significantly below the annual requirement during each year between April 2008 and March 2014. The adoption of the CS has had an influence upon the recent increase in housing delivery rates, but the longer period of under-delivery has resulted in a considerable shortfall of housing delivery in Ribble Valley during the first half of the plan period that in total is more than two years of the annualised requirement in Key Statement H1.1, therefore, consider that there is a persistent record of under-delivery of housing in Ribble Valley and a 20% buffer should be applied to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land."(my emphasis)

- 2.4 On 10th September 2018, the Council published a new HLAS with a base date of 30th June 2018. This claimed that the Council could demonstrate a 5.35 year supply against its housing requirement plus a 5% buffer. However, just less than a month later on 9th October 2018, the hearing into an appeal by the Trustees of Hammond Ground against the decision of the Council to refuse to grant outline planning permission for 50 dwellings at Hammond Ground, Whalley Road, Read opened and at the opening of the appeal, the Council accepted that the claims of the HLAS (base date 30th June 2018) were unfounded and that it could not demonstrate a five year supply of housing land. The Council claimed that it could demonstrate a five year supply of 4.9 years against its housing requirement plus a 5% buffer.
- 2.5 The appeal application was originally due to be determined at a meeting of the Planning and Development Committee on 1st November 2018 where it was recommended it be approved within the context of the above position. Indeed, paragraph 5.1.12 of the committee report for the meeting on 1st November 2018² stated:

"The Council's most recent published Housing Land Availability Survey (at 30th June 2018) provides the most up to date baseline for establishing five-year supply. In the light of the Governments subsequent guidance the Council has re-assessed its supply position in the course of dealing with a recent Planning Appeal and has determined that the five-year supply of housing for the borough is 4.9 years (using a 5% buffer). As such the Council cannot presently demonstrate a five-year housing supply. In such circumstances (as detailed within Para 11 and footnote 7 on page 6 of the NPPF) the Council's

² Core document **CD2.10**

development plan policies are considered to be out-of-date and therefore the NPPF requires the Council apply the tilted balance contained within paragraph 11 of the NPPF"

- 2.6 The decision by members of the planning committee on 1st November 2018 was to defer determining the application for further information.
- 2.7 On 14th November 2018, the decision in relation to the Hammond Ground appeal was issued³. In dismissing the appeal, Inspector Lewis assumed the position of the appellant of 3.86 years supply in his assessment on a worse case basis.
- 2.8 On 20th November 2018, the Council then published a revised HLAS with a base date of 30th September 2018. Despite confirming that it could only demonstrate a 4.9 year supply at the beginning of October, the current HLAS now claims that the Council can demonstrate a five year supply of 6.1 years against the housing requirement plus a 5% buffer.
- 2.9 The appeal application was again presented to the Planning and Development Committee on 29th November 2018 where it was again recommended it be approved notwithstanding the claims of the latest HLAS that a five year supply of housing land could be demonstrated. As explained in Mr Lewis' proof of evidence, this was because officers considered the appeal proposal accords with policies DS1 and DMG2 of the Core Strategy. At the meeting however, members were "minded to refuse" on grounds of highways and unsustainable location outside of the settlement boundary.
- 2.10 The appeal application was consequently presented for a third time to the Planning and Development Committee on 10th January 2019, where it was again recommended by officers it be approved but this time with a reason for refusal so that members could choose whether to approve or refuse permission. The recommendation to approve the application was made within the context of the current HLAS (base date 30th September 2018), which claims the Council can demonstrate a 6.1 year supply against the housing requirement plus a 5% buffer. Members voted to refuse the application for the one reason as set out on the decision notice dated 11th January 2019:

"The proposed development would result in an unsustainable form of development within the countryside. Due to the site's location, with a lack of cycling or suitable pedestrian access to the town centre, future residents will

³ PINS ref: 3185445 – Core document **CD4.02**

be wholly reliant on the car. As such the development is contrary to Key Statements DS2 and DM12, as well as Policies DMG2 and DMG3, of the Ribble Valley Core Strategy and guidance contained within the National Planning Policy Framework."

- 2.11 My evidence addresses the Council's five year housing land position at 1st October 2018 as set out in the most up to date HLAS.

3. Planning policy context

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration, which is discussed below.

National planning policy and guidance

- 3.2 The NPPF was published in March 2012. It was revised in July 2018 and again in February 2019. In relation to housing land supply, the following sections are relevant to my proof of evidence.

- 3.3 Paragraph 70 of the NPPF states that:

"Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."

- 3.4 Paragraph 73 of the NPPF states:

"Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land; or*
- b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or*
- c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply"*

- 3.5 Paragraph 74 of the NPPF states:

"A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:

- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
- b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process."*

3.6 The definition of "deliverable" on page 66 of the NPPF states:

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:

- 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."*

3.7 I discuss the definition of "deliverable" in section 12 of my proof of evidence.

Planning Practice Guidance (PPG)

3.8 The PPG was first published in March 2014 and has been updated since. It contains guidance on housing and economic land availability assessments at section 3, which was updated on 13th September 2018. I refer to paragraphs within this section of the PPG in my proof of evidence.

Development plan context

- 3.9 The development plan comprises the Ribble Valley Core Strategy 2008-28, which was adopted in December 2014. The conformity of the proposals with the development plan is addressed by Mr Lewis.

Emerging Housing and Economic Development Development Plan Document (HED DPD)

- 3.10 The Council is in the process of preparing a Housing and Economic Development Development Plan Document (HED DPD). The main stages of preparation have been:

- Issues and Options (regulation 18) consultation – 26th August to 7th October 2016;
- Publication of Preferred Options (regulation 19) consultation – 28th April to 9th June 2017;
- Submission (regulation 22) – the plan was submitted to the Secretary of State on 28th July 2017 consultation took place between 31st July and 11th September 2017 on the proposed changes to the publication draft.

- 3.11 The examination hearing sessions took place in November 2018 and January 2019. A consultation on main modifications is currently taking place. The Inspector has not finished his report on the examination.

Other material considerations

Housing Land Availability Statement

- 3.12 The latest Housing Land Availability Statement (HLAS) sets out the Council's five year housing land supply position for the five year period from 1st October 2018 to 30th September 2023⁴. I also refer to the previous HLAS reports.

Housing Position Paper

- 3.13 To inform the examination hearing sessions, the Council produced a Housing Position Paper (HPP, published 5th December 2018⁵). This includes a trajectory for all sites in the Council's five year housing land supply and is therefore relevant to my proof of evidence.

⁴ Core document **CD5.02**

⁵ Core document **CD5.04**

4. Housing Delivery Test

- 4.1 The definition of the Housing Delivery Test (HDT) is provided in the Glossary to the NPPF on page 67 as follows:

“Housing Delivery Test: Measures net additional dwellings provided in a local authority area against the homes required, using national statistics and local authority data. The Secretary of State will publish the Housing Delivery Test results for each local authority in England every November”

- 4.2 The HDT is measured as a percentage each year. The following implications apply where the HDT results delivery falls below specific thresholds.
- 4.3 Firstly, as explained in footnote 7 of the NPPF, the tilted balance to the presumption in favour of sustainable development set out in paragraph 11(d) of the NPPF applies where the HDT indicates that the delivery of housing was “substantially below” the housing requirement over the previous years. The transitional arrangements set out in Annex 1 of the NPPF explain that “substantially below” means for the 2018 HDT results below 25%, for the 2019 HDT results below 45% and for the 2020 HDT and beyond below 75%.
- 4.4 Secondly, paragraph 73 and footnote 39 of the NPPF explain that where the HDT result is below 85%, the 20% buffer will apply for purposes of calculating the five year housing land supply.
- 4.5 Thirdly, Paragraph 75 of the NPPF explains that where the HDT result is below 95%, the local planning authority should prepare an action plan to assess the causes of under delivery and identify actions to increase delivery in future years.
- 4.6 The HDT Measurement Rule Book (July 2018) explains that HDT is calculated as a percentage of net homes delivered against the “number of homes required”. However, it then explains that even where the latest adopted housing requirement figure is less than five years old (as is the case in Ribble Valley) “the number of homes required” means the lower of either the latest adopted housing requirement figure (i.e. 280 dwellings per annum) or the minimum annual local housing need figure (i.e. around 140 dwellings per annum – please see table 4.1 below). The transitional arrangements set out in paragraph 21 of the HDT Measurement Rule Book then explain that for the financial years 2015/16, 2016/17 and 2017/18, the minimum annual local housing need figure is replaced by household projections.

- 4.7 The HDT results for 2018 were published on 19th February 2019. The result for Ribble Valley is summarised in the table below:

Table 4.1 – Summary of the 2018 Housing Delivery Test Result for Ribble Valley

	2015-16	2016-17	2017-18	Total
Number of homes required	143	138	139	419
Number of homes delivered	300	390	400	1,090
HDT measurement				260%

- 4.8 As can be seen from the above, Ribble Valley delivered 1,090 new homes over the last three years against a “requirement” based on household projections over the same period of 419 dwellings. This results in a HDT measurement of 260% and means that the HDT has been passed. Consequently, the tilted balance set out in paragraph 11(d) of the NPPF is not triggered because of the HDT result, the buffer is not increased to 20% and an action plan is not required.
- 4.9 It is material to note however that the household projections do not reflect the level of housing that should have actually been delivered over the last three years in the Ribble Valley. The annual housing requirement in Ribble Valley is 280 dwellings per annum between 2008 and 2028 (i.e. 5,600 / 20 years). However, because of the serious under delivery in the first 6 years of the plan period, there is a significant backlog in housing. At 1st April 2015, the backlog equated to 880 dwellings, which the Council's HLAS at that time explained would be addressed in full in the five year period from 1st April 2015 to 31st March 2020. This meant that the actual annualised requirement the Council should have achieved from 1st April 2015 to 31st March 2020 was 456 dwellings per annum (i.e. $880 / 5 = 176 + 280 = 456$). Over three years to 31st March 2018, 1,368 dwellings should have been completed (i.e. 456×3 years). However, in reality only 1,090 dwellings were completed in those three years from 1st April 2015 to 31st March 2018, which equates to 79% of the requirement over the same period. This is set out in the following table:

Table 4.2 – Housing delivery in Ribble Valley against the requirement plus shortfall 2015 to 2018

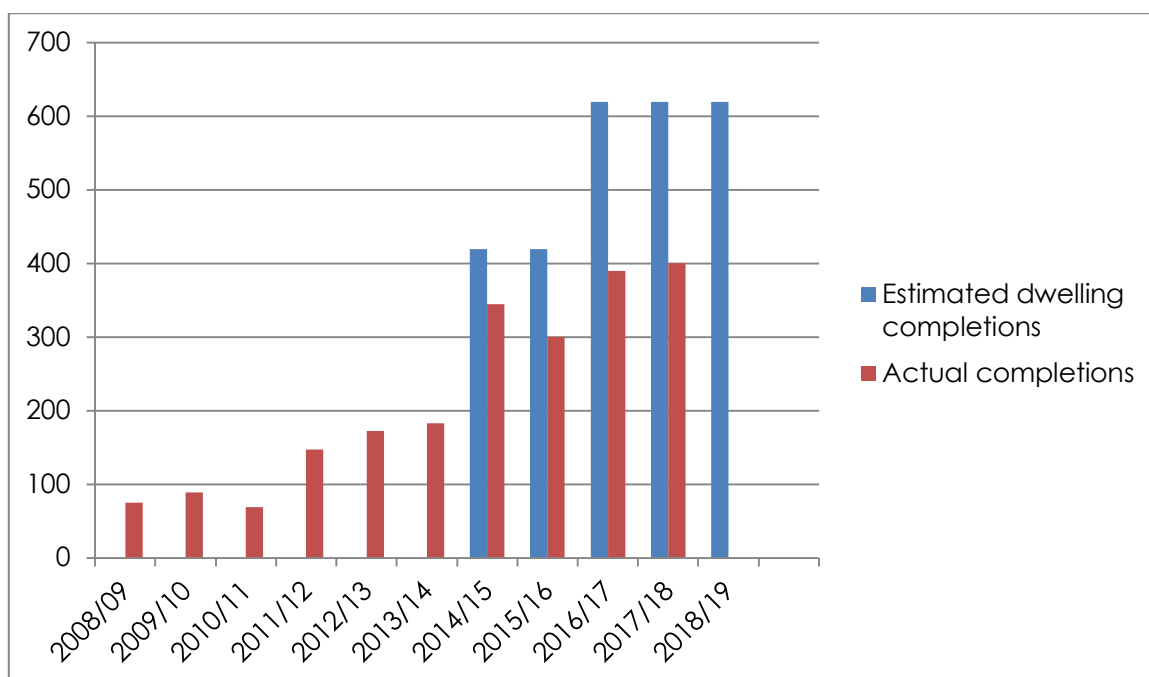
A	Annual requirement	280
B	Backlog at 01/04/15	880
C	Amount of backlog to be addressed in each year from 01/04/15 (i.e. B / 5 years)	176
D	Revised annual requirement including backlog (A + C)	456
E	Three year requirement from 01/04/14 (D X 3 years)	1,368
F	Completions 2015 – 2018 (300 + 390 + 400)	1,090
G	Percentage of completions compared to requirement	79%

5. Ribble Valley's Housing Land Supply

Background

- 5.1 The Council has a history of over-predicting housing delivery. This is evidenced by comparing the housing trajectory set out in the Core Strategy (adopted December 2014, page 178) with the actual completions recorded for the years 2014-18 as shown in the following chart:

Chart 5.1 – RVBC Core Strategy Housing Trajectory of Estimated Dwelling Completions compared to actual delivery

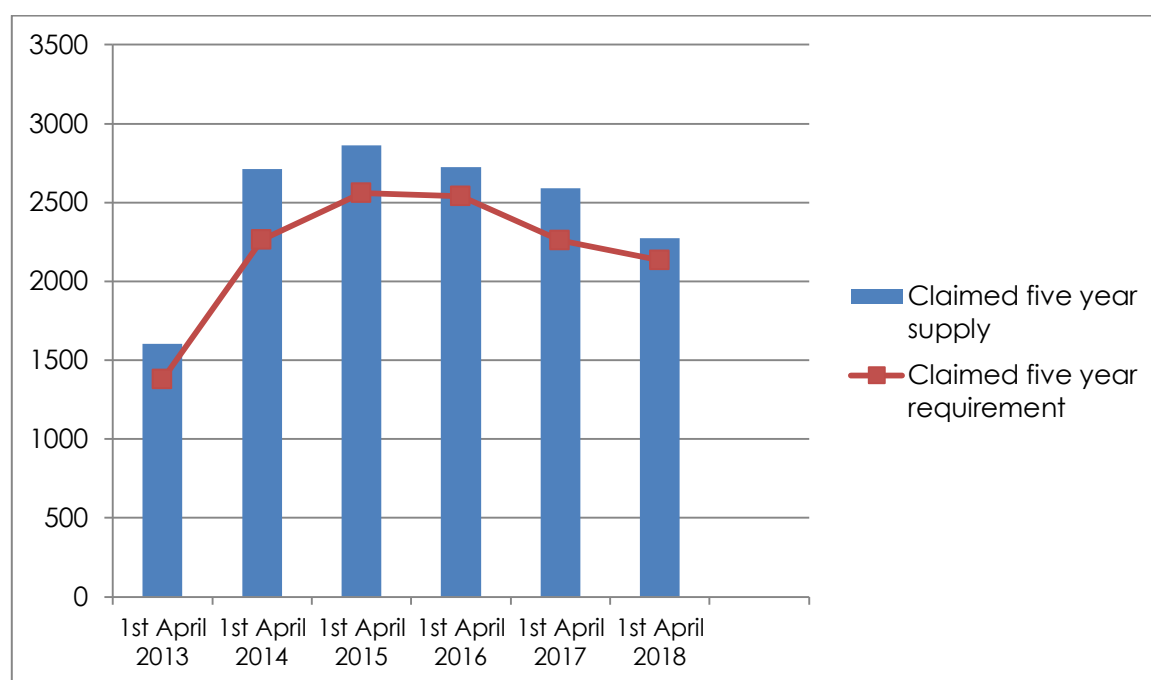


- 5.2 Notwithstanding this, in each of the Housing Land Availability Schedules published since 2013, the Council has claimed that it is able to demonstrate a five year housing land supply as shown in the following table and chart:

Table 5.1: RVBC Claimed Five Year Housing Land Supply Position against the adopted housing requirement 2013 - 2018

	01/04/13	01/04/14	01/04/15	01/05/16	01/04/17	01/04/18
Claimed five year housing requirement against the Core Strategy requirement plus buffer (dwellings)	1,380 (276 p.a.)	2,265 (453 p.a.)	2,560 (512 p.a.)	2,540 (508 p.a.)	2,258 (452 p.a.)	2,132 (426 p.a.) with 5% buffer
Claimed five year supply (dwellings)	1,604	2,711	2,864	2,723	2,588	2,275
Claimed supply (years)	5.81	5.98	5.59	5.36	5.73	5.3

Chart 5.2: RVBC Claimed Five Year Housing Land Supply Position against the adopted housing requirement 2013 - 2018



5.3 As with the trajectory in the Core Strategy, in each of the Housing Land Availability reports, the Council has over predicted housing delivery as is shown in the following charts, which use an annual average of the five year housing land supply figure included in each HLAS:

Chart 5.3 – RVBC Housing Trajectory of Estimated Dwelling Completions at 1st April 2014 compared to actual delivery

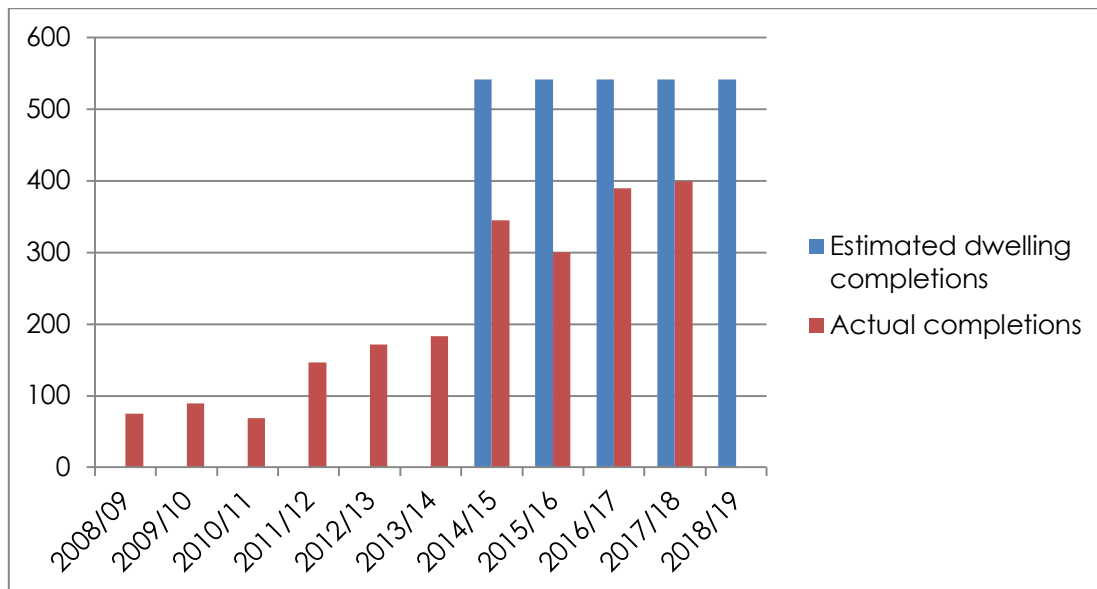


Chart 5.4 – RVBC Housing Trajectory of Estimated Dwelling Completions at 1st April 2015 compared to actual delivery

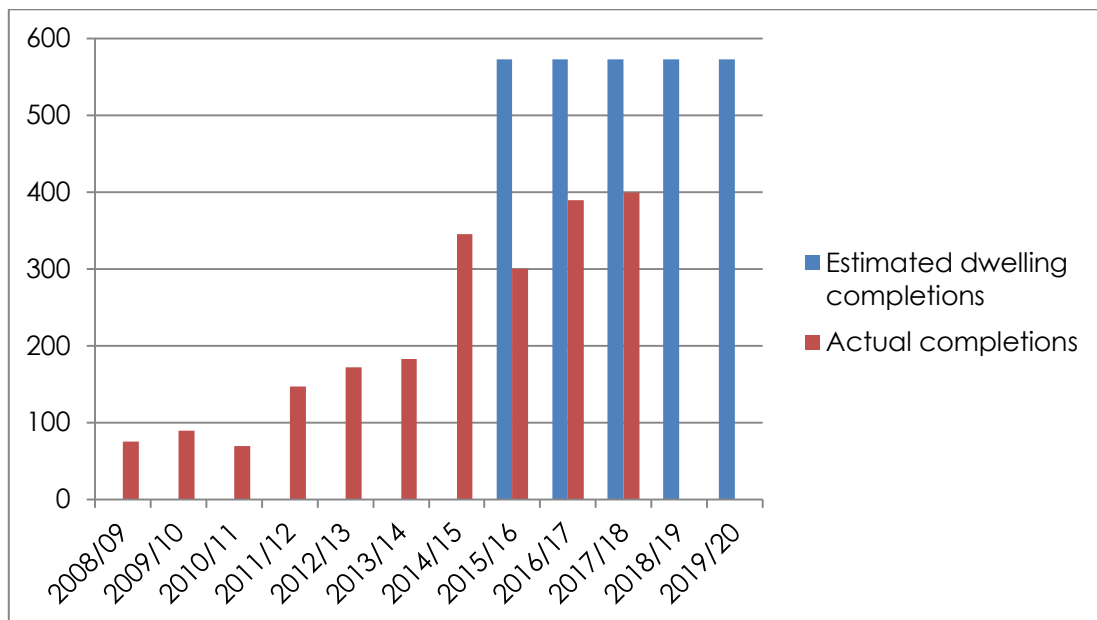


Chart 5.5 – RVBC Housing Trajectory of Estimated Dwelling Completions at 1st April 2016 compared to actual delivery

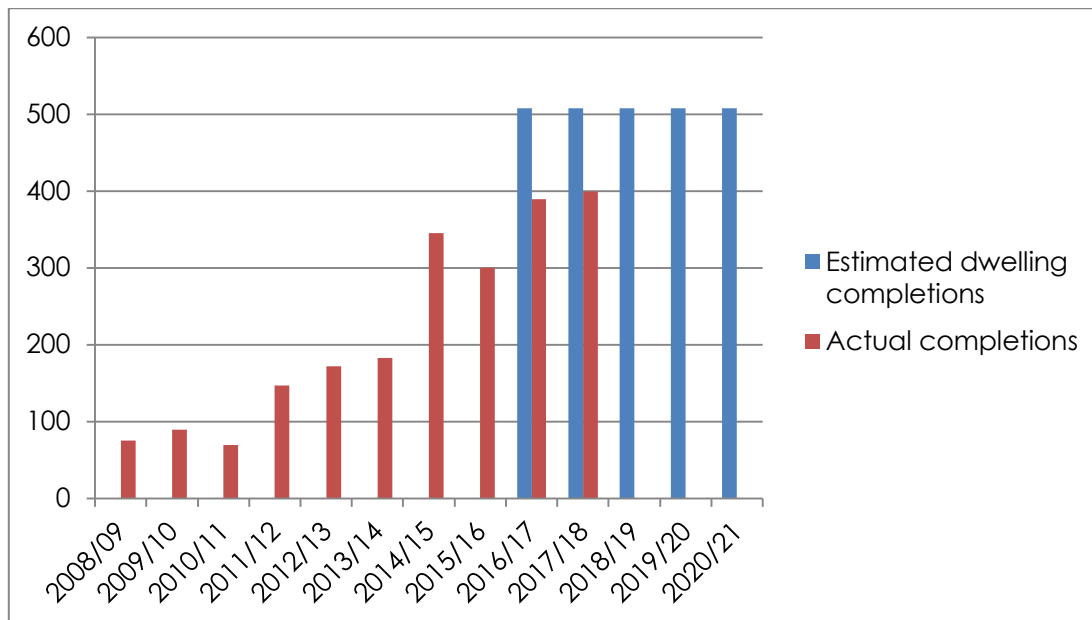
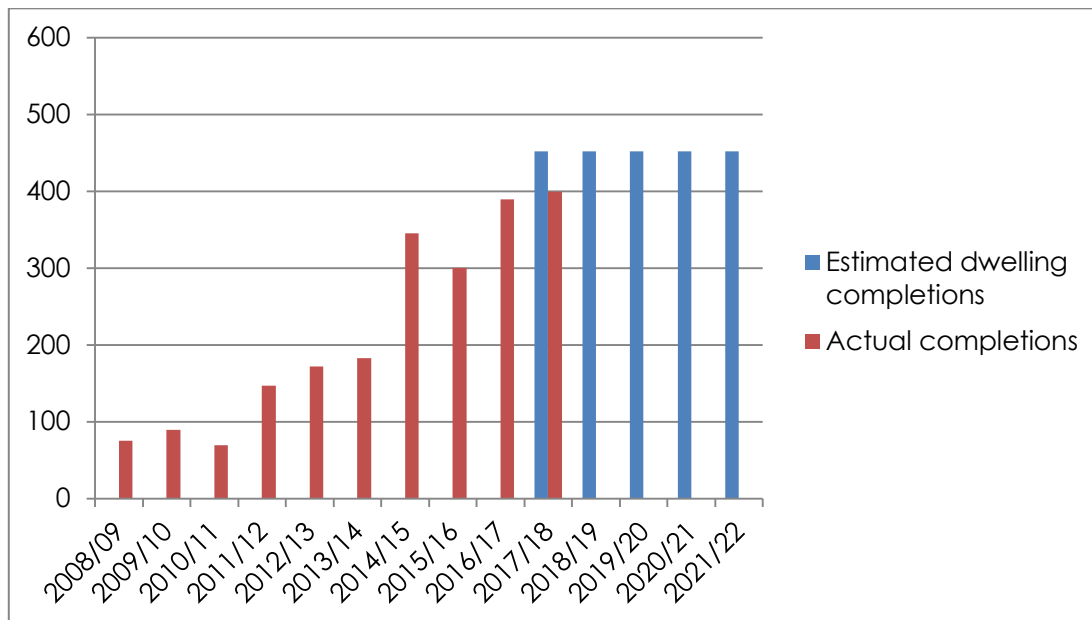
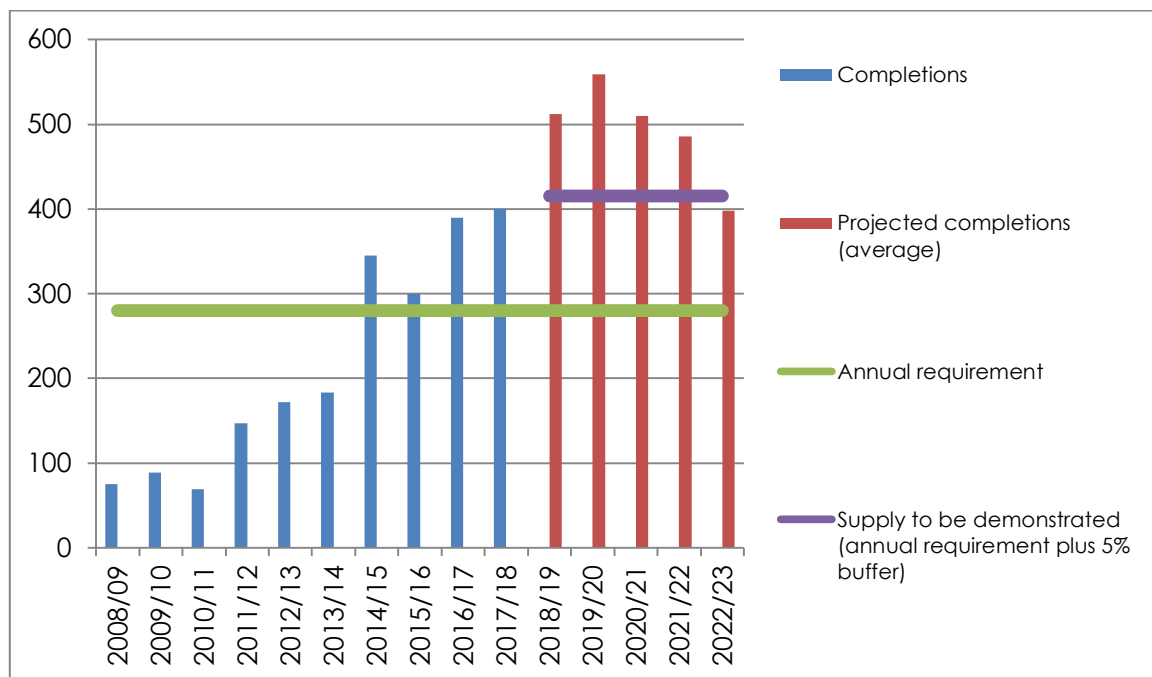


Chart 5.6 – RVBC Housing Trajectory of Estimated Dwelling Completions at 1st April 2017 compared to actual delivery



- 5.4 As can be seen from the above tables and charts, the actual dwellings completed have been substantially below those the Council has estimated would be completed in each of its HLAS documents. This is relevant when considering the Council's current trajectory as set out in the Housing Position Paper as follows:

Chart 5.7 – Ribble Valley's projected 5 year delivery compared to previous completions



- 5.5 The reasons why the Council's predictions are over-optimistic compared to actual delivery rates are because the Council applies over-optimistic lead-in times and build rates to the sites in its supply without considering these against the experience on other, comparable sites. The Council's approach is contrary to paragraph 3-047 of the PPG: "How can authorities review their 5 year land supply annually?", which states (amongst other things):

"Local planning authorities may need to develop a range of assumptions and benchmarks to help to inform and test assessments. Assumptions can include lapse/non-implementation rates in permissions, lead-in times and build rates, and these assumptions and yardsticks can be used to test delivery information or can be used where there is no information available from site owners/developers to inform the assessment. Assumptions should be based on clear evidence, consulted upon with stakeholders, including developers, and regularly reviewed and tested against actual performance on comparable

sites. Tables of assumptions should be clear and transparent and available as part of assessments." (my emphasis)

- 5.6 As a result, recent appeal decisions have found that the Council cannot demonstrate a deliverable five year supply as I discuss below.
- 5.7 The Council's position in relation to its five year housing land supply has changed a number of times over the last 2 years. I set out the following timetable of events below.
- **28th July 2017** – The Council submitted the HED DPD to the Secretary of State for examination. At that time, the most up to date Housing Land Availability Schedule (HLAS) had a base date of 31st March 2017 and claimed that the Council could demonstrate a five year supply of housing land against its housing requirement and a 5% buffer of 5.73 years.
 - **25th October 2017** – A decision relating to an appeal made by Mr and Mrs Drummer against the decision of the Council to refuse to grant planning permission for 5 no. dwellings at Lower Standen Hey Farm, Whalley Road, Clitheroe was issued. The appeal was determined within the context of the HLAS which had a base date of 31st March 2017 as described above. In dismissing the appeal, Inspector Catchpole concluded that the Council could demonstrate a five year housing land supply but that a 20% buffer applied.
 - **15th December 2017** – The Council submitted its response to the Inspector's Main Issues and Questions and refers to the HLAS which has a base date of 30th September 2017 and claimed that the Council could demonstrate a five year supply of housing land against its housing requirement and a 5% buffer of 5.9 years. This was despite the findings of Inspector Catchpole in the Lower Standen Hey Farm appeal decision described above.
 - **22nd May 2018** – A decision relating to an appeal made by VH Land Partnership against the decision of the Council to refuse to grant outline planning permission at land at Higher Road, Longridge appeal decision was issued. The appeal was determined within the context of the HLAS which had a base date of 30th September 2017 as described above. In allowing the appeal, Inspector Wildgoose concluded that the claims of the HLAS (base date 30th September 2017) were unfounded and that the Council could only demonstrate a five year housing land supply of approximately 4.5 years and that a 20% buffer applied.
 - **17th July 2018** – A special meeting of the Planning and Development Committee was held. At the meeting, members endorsed a HLAS which had a base date of 31st March 2018 and claimed that the Council could demonstrate a 4.6 year supply against its housing requirement with a 20% buffer or a 5.3 year supply against its housing requirement plus a 5% buffer.
 - **10th September 2018** – The Council published a new HLAS with a base date of 30th June 2018. This claimed that the Council could demonstrate a 5.35 year supply against its housing requirement plus a 5% buffer.

- **9th October 2018** – The hearing into an appeal by the Trustees of Hammond Ground against the decision of the Council to refuse to grant outline planning permission for 50 dwellings at Hammond Ground, Whalley Road, Read opened. At the opening of the appeal, the Council accepted that the claims of the HLAS (base date 30th June 2018) were unfounded and that it could not demonstrate a five year supply of housing land. The Council claimed that it could demonstrate a five year supply of 4.9 years against its housing requirement plus a 5% buffer.
- **14th November 2018** – The decision in relation to the Hammond Ground appeal was issued. In dismissing the appeal, Inspector Lewis assumed the position of the appellant of 3.86 years supply in his assessment on a worse case basis.
- **20th November 2018** – The Council published a revised HLAS with a base date of 30th September 2018. Despite confirming that it could only demonstrate a 4.9 year supply at the beginning of October, the HLAS now claims that the Council can demonstrate a five year supply of 6.1 years against the housing requirement plus a 5% buffer.

Council's position at the time of writing

5.8 The Council's position is set out in the 5 year housing land supply statement and claims that the Council can demonstrate a supply in excess of 6.1 years, based on:

- A base date of 1st October 2018;
- A five year period of 1st October 2018 to 30th September 2023;
- A housing requirement of 1,400 dwellings over a five year period, which in turn is based on an annual requirement of 280 dwellings p.a.;
- A substantial backlog of 576 dwellings which has accumulated between 1st April 2008 and 30th September 2018. This comprises a deficit of over two years worth of the Council's housing requirement. This is to be addressed in full in the 5 year period (i.e. the 'Sedgefield method');
- The application of the 5% buffer to both the backlog and the base requirement; and
- A deliverable five year supply of 2,543 dwellings.

5.9 This position is summarised in the following table:

Table 5.2: Ribble Valley's Claimed Five Year Supply at 1st April 2018

	Requirement	5% Buffer
A	Local Plan housing requirement (1 st April 2008 to 31 st March 2028)	5,600
B	Annualised net Local Plan housing requirement (5,600 / 20 years)	280
C	Five year net Local Plan housing requirement	1,400
D	Net housing shortfall 1 st April 2008 to 30 th September 2018 (2,940 requirement – 2,364 completions)	576
E	Five year requirement including backlog (C + D)	1,976
F	5% Buffer	99
G	Total supply to be demonstrated (E + F)	2,075
H	Annual average (G / 5)	415
	Supply	
I	Claimed five year supply from 1 st October 2018	2,543
J	Claimed five year supply (I / H)	6.13

Compliance with the National Planning Policy Framework (NPPF)

- 5.10 As above, paragraph 73 of the NPPF states that local planning authorities should “identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing”. The definition of “deliverable” is set out in annex 2 of the NPPF: Glossary on page 66.
- 5.11 Paragraph 74 of the NPPF then sets out two circumstances when a five year supply of deliverable housing sites “can” be demonstrated. The first is where it has been established in a recently adopted plan in accordance with footnote 38 of the NPPF. This does not apply in Ribble Valley as the Core Strategy was adopted in December 2014 and should therefore not be considered as “recently adopted” in accordance with footnote 38 of the NPPF. The HED DPD has not been adopted and is being examined under the previous NPPF and PPG.
- 5.12 The second is where the five year supply is set out in an “annual position statement”, which:
- a) has been produced through engagement with developers and others who have an impact on delivery, and
 - b) has been considered by the Secretary of State and incorporates the recommendation of the Secretary of State where the position on specific sites could not be agreed during the engagement process.

5.13 The HLAS has not been produced through engagement with developers and “others who have an impact on delivery” and has not been considered by the Secretary of State.

5.14 An “annual position statement” is defined in Annex 2 of the NPPF: “Glossary” as:

“A document setting out the 5 year housing land supply position on 1st April each year, prepared by the local planning authority in consultation with developers and others who have an impact on delivery” (my emphasis)

5.15 The HLAS does not comply with this definition as it includes sites that should not be considered “deliverable” at 1st April 2018 and has not been prepared in consultation with developers and others who have an impact on delivery.

5.16 Therefore, the HLAS is not in accordance with paragraph 74 of the revised NPPF.

Compliance with the National Planning Practice Guidance (PPG)

Engaging with stakeholders

5.17 As above, paragraph 74 of the NPPF sets out that a five year housing land supply “can” be demonstrated in a recently adopted plan or in a subsequent annual position statement. Neither of these circumstances apply in Ribble Valley. However, I accept that paragraph 74 of the NPPF does not state that these are the only ways in which an authority can seek to demonstrate a deliverable five year supply. Indeed, if that were the case, there would be no reason for paragraph 73(a) of the NPPF to refer to a 5% buffer as the minimum buffer which would apply in an authority would be 10%.

5.18 Nevertheless, regardless as to whether an authority chooses to seek to demonstrate its housing land supply through the examination of its plan or annual position statement as defined in the glossary of the NPPF or not, the PPG places great weight on engaging with stakeholders.

5.19 Paragraph 3-030 of the PPG is entitled: “How can an authority demonstrate a 5 year supply of deliverable housing sites?” It states:

“In order to demonstrate 5 years’ worth of deliverable housing sites, strategic policy-making authorities will need to provide robust, up to date evidence to support plan preparation. Their judgments on deliverability of housing sites, including windfall sites, will need to be clearly and transparently set out. Authorities may also consider how they can involve people with an interest in delivery in assessing the deliverability of sites. They may develop benchmarks

and assumptions based on evidence of past trends for development lead-in times and build-out rates. Testing these assumptions with developers and using them to inform assessments of deliverability can also make deliverability assessments more robust."

5.20 As above, paragraph 3-047 of the PPG is entitled: "How can authorities review their 5 year land supply annually?" and states:

"Assumptions should be based on clear evidence, consulted upon with stakeholders, including developers, and regularly reviewed and tested against actual performance on comparable sites. Tables of assumptions should be clear and transparent and available as part of assessments." (my emphasis)

5.21 No robust, up to date evidence was published along with the HLAS to justify build rates and shorter lead in times in relation to "comparable sites". I have undertaken this assessment as I set out later in my proof of evidence.

5.22 Whilst the title of paragraph 3-051 of the PPG: "What engagement should the authority undertake to prepare an annual position statement?" suggests that this is only relevant to those authorities who wish to prepare an annual position statement (i.e. as defined in the NPPF), it begins by stating:

"All local planning authorities will need to engage with stakeholders who have an impact on the delivery of sites. The aim is to provide robust challenge and ultimately seek as much agreement as possible, so that the authority can reach a reasoned conclusion on the potential delivery on sites which contribute to the 5 year land supply."

5.23 Paragraph 3-052 of the PPG: "Who should the authority engage with?" then states that it is for the Council to set out its general approach in a Statement of Community Involvement and to decide which stakeholders to involve. However, it should include consultation with specific or general consultation bodies the Council consider may have an interest or be appropriate to engage and invite representations from, such as:

- "small and large developers;
- land promoters;
- private and public land owners;
- infrastructure providers (such as utility providers, highways, etc);
- upper tier authorities (county councils) in two-tier areas;

- *neighbouring authorities with adjoining or cross-boundary sites."*

5.24 The Council did not engage with stakeholders, including the appellant before it published its HLAS. Therefore, the HLAS does not accord with paragraphs 3-030, 3-047, 3-050 or 3-051 of the PPG.

Information to be included within the HLAS

5.25 Paragraph 3-048 of the PPG: "What information will annual reviews of 5 year land supply, including annual position statements, need to include?" (my emphasis) states:

"Assessments need to be realistic and made publicly available in an accessible format as soon as they have been completed. Assessments will be expected to include:

- *for sites with detailed planning permission, details of numbers of homes under construction and completed each year; and where delivery has either exceeded or not progressed as expected, a commentary indicating the reasons for acceleration or delays to commencement on site or effects on build out rates;*
- *for small sites, details of their current planning status and record of completions and homes under construction by site;*
- *for sites with outline consent or allocated in adopted plans (or with permission in principle identified on Part 2 of brownfield land registers, and where included in the 5 year housing land supply), information and clear evidence that there will be housing completions on site within 5 years, including current planning status, timescales and progress towards detailed permission;*
- *permissions granted for windfall development by year and how this compares with the windfall allowance;*
- *details of demolitions and planned demolitions which will have an impact on net completions;*
- *total net completions from the plan base date by year (broken down into types of development e.g. affordable housing); and*
- *the 5 year land supply calculation clearly indicating buffers and shortfalls and the number of years of supply."* (my emphasis)

5.26 The HLAS does not provide all of the information required by this paragraph 3-048 of the PPG, particularly in relation to bullet points 4 and 6. As the remaining information is expected to be required, the HLAS does not accord with this paragraph of the PPG.

Supporting evidence

- 5.27 As above, paragraph 3-048 of the PPG: "What information will annual reviews of 5 year land supply, including annual position statements, need to include?" states that assessments are expected to include (amongst other things):

"for sites with outline consent or allocated in adopted plans (or with permission in principle identified on Part 2 of brownfield land registers, and where included in the 5 year housing land supply), information and clear evidence that there will be housing completions on site within 5 years, including current planning status, timescales and progress towards detailed permission".

- 5.28 Paragraph 3-036 of the PPG: "What constitutes a 'deliverable site' in the context of housing policy?" provides further information. It states:

"For sites with outline planning permission, permission in principle, allocated in a development plan or identified on a brownfield register, where clear evidence is required to demonstrate that housing completions will begin on site within 5 years, this evidence may include:

- *any progress being made towards the submission of an application;*
- *any progress with site assessment work; and*
- *any relevant information about site viability, ownership constraints or infrastructure provision.*

For example:

- *a statement of common ground between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates.*
- *a hybrid planning permission for large sites which links to a planning performance agreement that sets out the timescale for conclusion of reserved matters applications and discharge of conditions."*

- 5.29 I discuss the supporting evidence provided by the Council on individual sites later in my proof of evidence.

Relevant appeal decisions

- 5.30 The following appeal decisions have been published after the revised NPPF was published on 24th July 2018 and after the updated PPG was published on 13th September 2018.

Green Road, Woolpit, Suffolk

5.31 On 28th September 2018, a decision was published in relation to an appeal made by Landex Ltd against the decision of Mid Suffolk District Council to refuse to grant planning permission for the erection of 49 dwellings at land on the east side of Green Road, Woolpit, Suffolk⁶. I refer to this decision in my proof of evidence because the appeal had been heard at a public inquiry, which was held on 31st July, 1st, 30th and 31st August 2018 (i.e. after the revised NPPF was published) and the decision was published after the updated PPG had been published on 13th September 2018. It therefore takes the recent changes in national policy and guidance into account. In allowing the appeal, Inspector Harold Stephens concluded that Mid Suffolk District Council could not demonstrate a deliverable five year supply of housing land within the context of the revised NPPF and the updated PPG.

5.32 Paragraphs 65 and 66 of the appeal decision state:

“65. The NPPF 2018 provides specific guidance in relation to the calculation of the five years supply but specifically with regard to qualifying sites, the Glossary definition of ‘Deliverable’ in Annex 2 goes further than its predecessor. Small sites and those with detailed permission should be considered deliverable until permission expires unless there is clear evidence that they will not be delivered. Sites with outline permission, or those sites that have been allocated, should only be considered deliverable where there is clear evidence that housing completions will begin on sites within five years. The onus is on the LPA to provide clear evidence for outline planning permissions and allocated sites.

66. The Council relies upon the same sites in its supply as were contained in its Annual Monitoring Report (AMR) dated 11 July 2018. The only new site referred to at the Inquiry was that known as Land on the West of Barton Road, Thurston which was missed out of the AMR in error and for which planning permission was granted on 5 July 2018. The Council has carried out a sense check of the supply against the terms of the NPPF 2018 and referred to events that have occurred after the base date of the AMR”.

5.33 Paragraphs 68 and 69 of the appeal decision then refer to the result of the change in the definition of ‘deliverable’ as follows:

“68. Sites with outline planning permission make up a very large proportion of the Council’s claimed supply. The onus is on the Council to provide the clear evidence that each of these sites would start to provide housing completions within 5 years. I accept that there was clear evidence of what was necessary on one site provided in Mr Roberts evidence and so the 200 dwellings in

⁶ PINS ref: 3194926 – core document **CD4.03**

respect of that site should be added to the Appellant's supply calculations. As for the other 1,244 dwellings with outline permission, the Council has not even come close to discharging the burden to provide the clear evidence that is needed to be able to rely upon these sites.

69. The up-dated PPG on Housing and economic land availability assessments sets out guidance on what constitutes 'deliverable sites' and covers the evidence that a site with outline planning permission is expected to have in support of its inclusion in the supply. The PPG places great weight on the adequacy and sufficiency of consultation with those responsible for delivering dwellings. It is noteworthy that in this case, the Council has failed to adequately demonstrate it has done so. An assessment of the Council's AMR against the updated PPG reveals that the AMR falls substantially short of producing the evidence that a LPA is expected to produce."

Entech House, London Road, Woolmer Green

5.34 On 26th October 2018, a decision was published in relation to an appeal made by Taylor Wimpey North Thames against the decision of Welwyn Hatfield Borough Council to refuse permission for the erection of 72 new dwellings, retail and commercial units at Entech House, London Road, Woolmer Green⁷. In allowing the appeal, Inspector George Baird concluded that Welwyn Hatfield Borough Council could not demonstrate a deliverable five year supply of housing land within the context of the revised NPPF and the updated PPG.

5.35 Paragraphs 28 to 30 of the appeal decision state:

"28. In setting the context for the supply side of the equation, the lpa refers to the 2012 Framework and Footnote 11. This said that to be considered deliverable sites should: be available now; be a suitable location for development now; be achievable with a reasonable prospect that housing will be delivered within 5 years and that the development of the site is viable. In that context, disputes over the 5-year HLS generally revolved around the distinction between what is deliverable and what will be delivered. This distinction was settled by the Court of Appeal with the St Modwen Developments judgement which, amongst other things, said, "The assessment of housing land supply does not require certainty that housing sites will actually be developed within that period. The planning process cannot deal in such certainties." Thus, for a site to be deliverable it should be capable of being delivered not that it will be delivered. To conclude that a site was not deliverable it was the objector who had to provide clear evidence that there was a no realistic prospect that the site would come forward within 5 years.

29. The lpa submits that, as the Framework retains, largely intact, the definition of deliverable set out in Footnote 11 to the 2012 Framework as the essential test, the decision of the Court of Appeal remains the authoritative definition of

⁷ PINS ref: 3190821 – core document **CD4.04**

deliverable. The appellant submits that the requirement now as set out by the Framework is that the emphasis is now on delivery and that it is for the lpa to provide clear evidence that completions will begin on site in 5 years.

30. Annex 2 of the Framework and updated PPG provides specific guidance on which sites should be included within the 5-year supply. This guidance goes significantly further than the 2012 Framework. Whilst the Framework definition largely repeats the wording of Footnote 11, this now appears to be an overarching reference to be read in the context of the paragraph as a whole. The paragraph goes on to identify 2, closed lists of sites that constitute the 5-year supply. The second closed list refers to sites: with outline planning permission; with permission in principle; allocated in the development plan or identified on a brownfield register. Whilst such sites can be included within the 5-year HLS, there is no presumption of deliverability and it is for the lpa to justify their inclusion with clear evidence that housing completions will begin on-site within 5 years. The PPG provides a non-exhaustive list of examples of the type of evidence that can be used to justify the inclusion of such sites within the 5-year supply."

5.36 The Inspector referred to sites with outline planning permission as "Category 1" sites. Paragraph 32 of the appeal decision states:

"The Category 1 sites, feature in the second of the closed lists and are capable of being included in the HLS, subject to being supported by clear evidence from the lpa. The lpa had the opportunity in its evidence and during a round table session on the disputed sites to provide the clear evidence required to justify their inclusion in the HLS. Indeed following the presentation of the lpa's evidence and the round table session, I permitted the lpa to provide a note seeking to explain delivery during the 5-years on one site, Broadwater Road West. Moreover, I had the opportunity to examine the lpa's data sheets for the disputed sites on which it drew its evidence. Taken together, whether the approach to these sites adopts the lpa's "capable of being delivered test" or the appellant's "will be delivered" test, I consider the information from these sources falls well short of the clear evidence required by the Framework to justify inclusion of these sites within the HLS."

5.37 Consequently, these two appeal decisions are relevant in terms of their application of the revised definition of "deliverable". My assessment considers the Council's supply within the context of the revised NPPF and the updated PPG. My assessment of the Council's five year supply position is set out in the following sections of this proof of evidence.

6. Assessment of the Council's housing supply

6.1 My assessment of the Council's five year housing land supply is based on six key stages:

1. Agreeing the base date and five year period;
2. Identifying the housing requirement;
3. Identifying the accumulated backlog;
4. Identifying the method of addressing the backlog;
5. Applying the appropriate buffer; and
6. Identifying a Realistic and Deliverable Supply.

6.2 Each stage is addressed below.

7. Stage 1: Agreeing the base date and five year period

7.1 The base date is the start date for the five year period for which both the requirement and supply should relate.

7.2 The Council's latest HLAS has a base date of 30th September 2018. The five year period is therefore 1st October 2018 to 30th September 2023.

The base date as a "cut-off date"

7.3 Paragraph 73 of the NPPF states that local planning authorities are required to identify and update their supply position "annually".

7.4 The glossary to the NPPF confirms that an annual position statement should set out the 5 year housing land supply position on 1st April each year. Paragraph 3-050 of the PPG: "How is 5 year land supply confirmed through an annual position statement?" states that for annual position statements, the Planning Inspectorate will:

"look at whether the evidence is sufficient to demonstrate a 5 year supply of deliverable housing sites, with an appropriate buffer, at the base date of the assessment (i.e. 1 April in the relevant year)".

7.5 Therefore, the NPPF and the guidance are clear that the deliverable supply should only include sites that are considered deliverable at the base date. Inspector Stephens discussed this issue in the Woolpit appeal decision. Paragraph 67 of the appeal decision states:

"The relevant period is 1 April 2017 to 31 March 2018. There is therefore a clear cut-off date within the AMR, which is 31 March 2018. The Council's supply of

deliverable sites should only include sites that fall within the definition of deliverable at the end of the period of assessment i.e. 31 March 2018. Sites that have received planning permission after the cut-off date but prior to the publication of the AMR have therefore been erroneously included within the Council's supply. The inclusion of sites beyond the cut-off date skews the data by overflating the supply without a corresponding adjustment of need".

7.6 The Council should not publish the HLAS and then retrospectively seek to provide evidence to support its position in the weeks and months after the document was published. I note that through agreeing the Statement of Common Ground on Housing Land Supply, the Council intends to rely on up to date evidence to 31st March 2019 (i.e. evidence produced over four months after the HLAS was published) to support its assumptions made on the disputed sites. This approach is inappropriate for the reasons I set out below.

7.7 The matter was discussed in the Woolpit appeal decision. Paragraph 70 of the appeal decision states:

"Furthermore, the Council has had to provide additional information to demonstrate that sites are deliverable as and when it has surfaced throughout the weeks and months following the publication of the AMR in an attempt at retrospective justification. It is wholly inadequate to have a land supply based upon assertion and then seek to justify the guesswork after the AMR has been published. The site at Union Road, Onehouse is one amongst others, which was only an allocation at the time the AMR was published. Although planning permission was granted 17 August 2018 it does not alter the fact that the site was only subject to an allocation at the cut-off date but the Council did not have any clear evidence that it would provide housing within 5 years."

7.8 The Council had the opportunity to re-set the base date and produce a revised HLAS for the appeal, however the Inspector will be aware from the conference call with the main parties and the Inspectorate which took place on Monday 18th March 2019 that when it was asked, the Council confirmed that it would not be producing a new HLAS and that the relevant base date is 30th September 2018. Any attempt by the Council to introduce new evidence produced after the HLAS was in November 2018 to retrospectively justify the position on the sites included within it would therefore be inappropriate.

7.9 Similarly, the Council should not attempt to include any new sites, which are not already included within the HLAS. This would effectively mean changing the base date, which has been agreed. Within this context, there have been a number of appeal decisions, which have found such an approach to be inappropriate.

7.10 For example, in allowing an appeal for up to 150 dwellings at a site on Bath Road, Corsham, Inspector Prentis stated at paragraph 53 of the appeal decision⁸:

"Finally, I note that since the Inquiry the Council has permitted housing development on two sites at or near Corsham, amounting to 152 dwellings. However, it would not be appropriate simply to add that figure to the supply – that would be tantamount to changing the base date of the HLS exercise. Moreover, some of these units are already accounted for in the HLS figures. The Council and the appellant have agreed that the correct base date for this appeal is 1 April 2014. If any later base date were used it would be necessary to review all the elements of the HLS exercise".

7.11 Similarly, in an appeal decision regarding land to the rear of former Dylon International Premises, Station Approach, Lower Sydenham, London⁹, the Inspector noted the following in paragraphs 17 and 18:

"17. The final site is the former Town Hall and car park that was granted planning permission for 53 units in November 2015, after the base date of 1 April 2015. The appellants submit that the appropriate estimate is the 20 units envisaged at the base date, whereas the Council considers that the latest position should be the one on which the figures are based.

18. Whilst there is more up-to-date information now available, it seems to me that if additional units granted planning permission after the base date are to be taken into account, so should any units that have been completed after the base date and consequently removed from the future supply availability, in order to present the most accurate overall picture. This exercise had not been completed for the Inquiry and I therefore conclude that for the purposes of this appeal, the position as agreed in the SoCGH should be adhered to."

⁸ PINS ref: 2222641 – Appendix **EP9**

⁹ PINS ref: 3144248 – Appendix **EP10**

8. Stage 2: Identifying the housing requirement

- 8.1 Paragraph 73 of the NPPF confirms that local planning authorities should identify and update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old.
- 8.2 The housing requirement set out in the Core Strategy is 5,600 dwellings for the period 2008 to 2028 (i.e. 280 dwellings per annum). The Core Strategy was adopted in December 2014 and is therefore (just) less than five years old. It is agreed that this figure should be used to assess the Council's five year housing land supply against.

9. Stage 3: Identifying the accumulated backlog

- 9.1 Against the Local Plan Core Strategy requirement of 280 dwellings p.a., it is agreed that the backlog is 578 dwellings as set out in the following table:

Table 9.1: Net housing completions in Ribble Valley 01/04/08 to 30/09/18

Year	Requirement (dwellings p.a.)	Completions (net)	Over / under provision	Cumulative
2008/09	280	75	-205	-205
2009/10	280	89	-191	-396
2010/11	280	69	-211	-607
2011/12	280	147	-133	-740
2012/13	280	172	-108	-848
2013/14	280	183	-97	-945
2014/15	280	345	65	-880
2015/16	280	300	20	-860
2016/17	280	390	110	-750
2017/18	280	400	120	-630
01/04/18 – 30/09/18	140	192	52	-578
Total	2,940	2,362	-578	
Average	280	225		

- 9.2 As shown in the table above, despite achieving over 280 dwellings per annum in the last 4.5 years, in each and every one of the six previous years (i.e. 2008/09 to 2013/14), the Council persistently under delivered against the annual housing requirement by a significant margin. This has led to a significant cumulative backlog of 578 dwellings, which equates to over 2 years of

unmet need (i.e. $578 / 280 = 2.06$). This underscores the serious nature of the problem that has to be addressed immediately, given 10.5 years of cumulative undersupply. Under the 2012 NPPF, it meant that the 20% buffer applied.

10. Stage 4: Identifying the method of addressing the backlog

- 10.1 It is agreed that the backlog should be addressed in full over the five year period. This is known as the 'Sedgefield' method.
- 10.2 The NPPF does not specifically state how the backlog should be addressed, however it does set out the Government's objective of "significantly boosting the supply of homes" (paragraph 59). Addressing the backlog as soon as possible would be consistent with this paragraph.
- 10.3 Paragraph 3-044 of the PPG: "How can past shortfalls in housing completions against planned requirements be addressed?" states:

"Where shortfalls in housing completions against planned requirements have been identified, strategic policy-making authorities may consider what factors might have led to this and whether there are any measures that the authority can take, either alone or jointly with other authorities, which may counter the trend.

Where relevant, strategic policy-makers will need to consider the recommendations from any action plans prepared as a result of past under-delivery, as confirmed by the housing delivery test.

The level of deficit or shortfall will need to be calculated from the base date of the adopted plan and should be added to the plan requirements for the next 5 year period (the Sedgefield approach). If a strategic policy-making authority wishes to deal with past under delivery over a longer period, then a case may be made as part of the plan-making and examination process rather than on a case by case basis on appeal.

Where strategic policy-making authorities are unable to address past shortfalls over a 5 year period due to their scale, they may need to reconsider their approach to bringing land forward and the assumptions which they make. For example, by considering developers' past performance on delivery; reducing the length of time a permission is valid; re-prioritising reserve sites which are 'ready to go'; delivering development directly or through arms' length organisation; or sub-dividing major sites where appropriate, and where it can be demonstrated that this would not be detrimental to the quality or deliverability of a scheme."

- 10.4 Therefore, to address the backlog in the five year period is consistent with the PPG.

11. Stage 5: Applying the appropriate buffer

11.1 Paragraph 73 of the NPPF states:

“The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- 5% to ensure choice and competition in the market for land; or*
- 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or*
- 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.”*

11.2 Footnote 39 of the NPPF explains that from November 2018 “significant under delivery” of housing will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement.

11.3 As set out in section 4 of my proof of evidence above, it is agreed that the HDT was passed and therefore the 5% buffer applies in Ribble Valley.

11.4 Before the HDT results were published, the 20% buffer applied because there has been a significant under delivery of housing in Ribble Valley against the housing requirement with regard to the backlog. Nevertheless, under the transitional arrangements, HDT only takes into account housing delivery against the 2012-based and 2014-based household projections, without any regard to the backlog. Therefore, since the HDT results were published, the 5% buffer applies.

Summary in relation to the housing requirement

11.5 In summary, the number of dwellings the Council is required to deliver in the next five years is 1,978 dwellings (i.e. 280×5 years, plus 578 backlog). This would mean that an annual average of 396 dwellings would be needed over the next five years (i.e. $1,978 / 5$ years).

11.6 In addition, the total supply that needs to be demonstrated including the buffer is 2,075 dwellings. This position is set out in the following table:

Table 11.1 – Summary position regarding the five year requirement plus 5% buffer from 1st October 2018

	Requirement	
A	Local Plan housing requirement (1 st April 2008 to 31 st March 2028)	5,600
B	Annualised net Local Plan housing requirement (5,600 / 20 years)	280
C	Five year net Local Plan housing requirement	1,400
D	Net housing shortfall 1 st April 2008 to 30 th September 2018 (2,940 requirement – 2,364 completions)	578
E	Five year requirement including backlog (C + D)	1,978
F	5% Buffer	99
G	Total supply to be demonstrated (E + F)	2,077
H	Annual average (G / 5)	415

12. Stage 6: Identifying a Realistic and Deliverable Supply

What constitutes a deliverable site?

Previous National Planning Policy (2012) and Guidance (2014)

12.1 Footnote 11 of the previous version of the NPPF stated:

"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. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans."

12.2 Paragraph 3-031 of the previous PPG (dated 6th March 2014): "What constitutes a 'deliverable site' in the context of housing policy?" stated:

"Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within 5 years."

However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the 5-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out. If there are no significant constraints (eg infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a 5-year timeframe."

The size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years. Plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust 5-year housing supply."

12.3 Therefore, under the previous version of the NPPF, all sites with planning permission, regardless of their size or whether the planning permission was in outline or in full were to be considered deliverable until permission expired unless there was clear evidence that schemes would not be "implemented" within five years. The PPG went further by stating that allocated sites "could" be deliverable and even non-allocated sites without planning permission "can" be considered capable of being delivered.

Draft revised National Planning Policy Framework (March to May 2018)

- 12.4 The Government consulted on the draft revised NPPF between March and May 2018. The draft revised NPPF provided the following definition of “deliverable” in the glossary:

“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. Small sites, and 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 (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”

- 12.5 Question 43 of the Government’s consultation on the draft revised NPPF asked: “do you have any comments on the glossary?”
- 12.6 Under the title: “What constitutes a ‘deliverable site’ in the context of housing policy?”, the draft Planning Practice Guidance (March 2018, page 16) simply included the same definition as that set out in the draft revised NPPF above.

Government’s response to the draft revised NPPF consultation

- 12.7 There were 750 responses to question 43 of the consultation. Some of the points raised included:

“Local authorities called for the proposed definition of ‘deliverable’ to be reconsidered, as it may result in them being unable to prove a five year land supply and place additional burdens on local authorities to produce evidence. Private sector organisations were supportive of the proposed definition.” (my emphasis)

- 12.8 The government’s response was as follows:

“The Government has considered whether the definition of ‘deliverable’ should be amended further, but having assessed the responses it has not made additional changes. This is because the wording proposed in the consultation is considered to set appropriate and realistic expectations for when sites of different types are likely to come forward.” (my emphasis)

Revised NPPF (July 2018)

12.9 The revised NPPF was published on 24th July 2018. The definition of deliverable was provided on page 66 of the 2018 NPPF and is as follows:

"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. Sites that are not major development, and 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 (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years." (my emphasis)

12.10 Consequently, the revised NPPF stated that sites with outline planning permission or allocated sites should "only" be considered deliverable where there is "clear evidence" that housing completions will "begin" on site within five years. The onus is on the Council to provide the clear evidence for any sites with outline planning permission and allocated sites it considers deliverable.

12.11 The "clear evidence" required is not described any further in the NPPF. However, it is discussed in the updated PPG, which is discussed below.

Technical consultation on updates to national planning policy and guidance

12.12 Between 26th October and 7th December 2018, the Government consulted on:

- Changes to planning practice guidance relating to the standard method for assessing local housing need; and
- Policy clarifications relating to housing land supply, the definition of deliverable and appropriate assessment.

12.13 In terms of the definition of deliverable, the consultation document stated at paragraph 36:

"The new Framework published in July this year set out a revised definition of 'deliverable' (contained in the glossary at Annex 2 of the Framework). Early experience of applying this definition has suggested that it would benefit from some clarification of the wording. In particular, the existing text could be clearer that sites that are not major development, and which have only an outline planning consent, are in principle considered to be deliverable. The

relationship between the first sentence of the definition (which sets out general considerations in terms of deliverability), and the remainder that explains how particular circumstances should be approached, also needs to be clear. The specific circumstances cited in the definition are intended to indicate how the general considerations in the first sentence apply to the types of development referred to in the text that follows.

12.14 The consultation document then set out a proposed revised definition as follows:

“Deliverable: 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:

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.”

12.15 The Government's response to the consultation was published on 19th February 2019 and provides a summary of the consultation responses and the Government's view on the way forward. In terms of the change to the definition of “deliverable”, it states:

“The Government welcomes the views submitted on this proposal. Taking them into account, it considers that the revised definition does provide helpful clarification of the approach established already in the National Planning Policy Framework. The concerns that have been expressed relate more to this overall approach than the merits of the clarification (and the relevance of the overall approach was considered when the Framework was being finalised, following the consultation in the spring of 2018). The changes to the definition that the present consultation proposes should not make it harder for authorities to demonstrate that they have a deliverable portfolio of sites; indeed, it makes it clearer that non-major sites with outline consent should be considered deliverable unless there is evidence to the contrary. We are, however, providing further information on applying the approach through planning practice guidance.”

Revised NPPF (February 2019)

12.16 The definition of “deliverable” is set out on page 66 of the NPPF states:

“Deliverable: 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:

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.”

12.17 The further information on applying the approach of the revised definition has not yet been set out in the planning practice guidance. The latest version remains that of September 2018, which is discussed below.

Updated Planning Practice Guidance (PPG, September 2018)

12.18 The PPG was updated on 13th September 2018. Paragraph 3-036 of the PPG: “What constitutes a ‘deliverable site’ in the context of housing policy?” states:

“For sites with outline planning permission, permission in principle, allocated in a development plan or identified on a brownfield register, where clear evidence is required to demonstrate that housing completions will begin on site within 5 years, this evidence may include:

- any progress being made towards the submission of an application;*
- any progress with site assessment work; and*
- any relevant information about site viability, ownership constraints or infrastructure provision.*

For example:

- a statement of common ground between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates.*
- a hybrid planning permission for large sites which links to a planning performance agreement that sets out the timescale for conclusion of reserved matters applications and discharge of conditions.”*

Assessment

12.19 There are two key issues as result of the revised NPPF and the updated PPG:

- Firstly, there has been a radical change in terms of what constitutes a deliverable site; and
- Secondly, the Government's view as to what this means has been set out in the Guidance.

12.20 Whilst the previous definition in the 2012 NPPF considered that all sites with planning permission should be considered deliverable, the revised definition is clear that only large sites with detailed consent should be considered deliverable and those with outline planning permission should only be considered deliverable where there is clear evidence that housing completions will begin in five years.

12.21 In my view, it is unsurprising that large sites with outline planning permission should not be presumed to be deliverable. This is firstly because an application for reserved matters would not need to be made for 3 years on a large site with outline planning permission and then the development would only need to commence within 2 years of the approval of reserved matters. Allowing time for the determination of the reserved matters application, a start on site and infrastructure to be put in place, there is therefore no clear evidence that housing completions on a large site with outline planning permission will begin on site within five years. Secondly, there is no guarantee that an application for reserved matters would be approved.

12.22 Conversely, a site with full planning permission has already had the detail considered and approved. Development is also expected to commence on a large site with detailed consent within two or three years depending on if full planning permission was granted or if the site had outline planning permission and then the reserved matters have been approved. Therefore, even allowing some time for the discharge of pre-commencement conditions, a start on site made within two or three years and infrastructure put in place, it is likely that housing completions will begin on a large site with full planning permission within the five year period.

12.23 As above, the PPG has been updated to provide the type of evidence required to be able to consider that sites with outline planning permission or allocated sites are deliverable. The first three bullet points of paragraph 3-036 are:

- “• any progress being made towards the submission of an application;
- any progress with site assessment work; and

- *any relevant information about site viability, ownership constraints or infrastructure provision.*"

- 12.24 The inclusion of "and" indicates that all three bullet points should be addressed. In the case of a site with outline planning permission, the first bullet point would include the progress towards the submission of a reserved matters application and applications to discharge the pre-commencement conditions. Indeed, "site assessment work" would include work required to discharge the pre-commencement conditions on an outline planning permission (e.g. detailed ground conditions and ecology surveys). In my view, any relevant information about site viability would include a statement to confirm that the proposed development is viable. Any relevant information regarding infrastructure provision would include the type of infrastructure required, how this is to be funded and when it is to be delivered.
- 12.25 The fourth bullet point of paragraph 3-036 indicates that the above evidence should be set out in a statement of common ground with "the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates." Firstly, this would mean that an identified developer needs to have control of the site and be willing to set out their intentions regarding delivery. However, it is of note that statements of common ground are not part of the planning application procedure. They are used in appeals and local plan examinations. Within this context it would not provide any guarantee that the site in question would be delivered as set out within it because it would only set out the developer's intentions.
- 12.26 It would also be in the developer's interest to "talk up" the delivery of a site through a statement of common ground with a local planning authority, particularly given that the developer would be reliant on the local planning authority approving applications for reserved matters and the discharge of pre-commencement conditions and in a timely manner.
- 12.27 There have been a number of appeal decisions where Inspectors have concluded it can be expected those promoting sites would "talk up" the likely delivery of housing development.
- 12.28 In an appeal decision relating to land north of Congleton Road, Sandbach (Cheshire East¹⁰), the Inspector concluded that the Council's delivery rates were optimistic and commented at paragraph 24 that:

¹⁰ PINS ref: 2189733 – core document **CD4.05**

"It is to be expected that landowners and potential developers would talk up the likely delivery of housing development".

12.29 Similarly, in an appeal decision regarding land Between Iron Acton Way and North Road, Engine Common, Yate (South Gloucestershire¹¹), the Inspector states at paragraphs 24 and 25:

"In the very competitive house building industry, I would be unsurprised if house builders/developers sought to gain an advantage over a rival by either 'talking up' the delivery rates from an allocated/preferred site in order to retain the support of a Council and/or cast doubt on the predicted delivery rates of a competitor so as make another site in the same area appear 'less deliverable'.

The Council appears unquestioning of some of the delivery rates provided by house builders/developers on sites that it has argued would deliver housing within the next five years. Its predictions make little, if any, allowance for the effects of competition from different sales outlets operating in close proximity to one another. Furthermore, the rates used by the Council in its assessment take no account of a reduction in completions on some sites following an initial 'spike' in sales caused by pent up demand." (my emphasis)

12.30 In an appeal regarding land east of Butts Road, Higher Ridgeway, Ottery St, Mary (Appeal Ref: APP/U1105/A/12/¹²), the Inspector states at paragraph 20:

"...house builders operate in a very competitive market where it could be in their interests to exaggerate sales estimates in order to thwart a rival. I am therefore cautious about the estimated delivery/sales provided on behalf of the consortium and which have been used to support the Council's assessment".

12.31 In my view, the final bullet point of paragraph 3-036 of the PPG is the most significant in terms of understanding what the new definition of deliverable in the NPPF means. This is because it states that even large sites with hybrid planning permission linked to a planning performance agreement (PPA) would need to set out timescales for the conclusion of reserved matters applications and discharge of conditions. As a site with hybrid planning permission would already have detailed consent on part of the site that part of the site should be considered deliverable. However, the PPG would still require information on such sites in relation to the discharge of conditions through a PPA. This re-emphasises that for a site to be considered deliverable, it should have detailed consent.

¹¹ PINS ref: 2186546 – core document **CD4.06**

¹² PINS ref: 2180060 – core document **CD4.07**

12.32 Whatever form the “clear evidence” takes, this must be prepared at the same time as the housing land supply position statement and in accordance with the PPG should be consulted on if the LPA is not to rely upon after the event justification of the kind criticised in the Woolpit appeal decision as I have explained in section 7 of my proof of evidence above.

12.33 I have assessed the Council's supply within the context of the revised NPPF and the updated PPG and make deductions for the reasons set out in the following sections of my proof of evidence.

Overview

12.34 The latest HLAS (base date 30th September 2018) claims that the Council can demonstrate a deliverable five year supply of housing of 2,543 dwellings. This comprises the following sources of supply:

Table 12.1 – Breakdown of the Council's five year housing land supply

Source	Dwellings
Sites with full planning permission	558
Sites with outline planning permission	496
Sites under construction	1,262
Conversions not started	80
Conversions started	69
Windfall allowance	78
Total	2,543

12.35 I note that the number of dwellings the Council's considered to be deliverable within a five year period (i.e. 2,543) has increased by 308 dwellings in just three months as shown in the following table:

Table 12.2 – No. of dwellings each HLAS claimed were deliverable in a five year period

HLAS	No. of dwellings the HLAS claimed were deliverable	Difference compared to the previous HLAS
January 2014	2,132	
April 2014	2,711	+579
July 2014	2,642	-69
January 2015	2,826	+184
April 2015	2,864	+38
October 2015	2,908	+44
April 2016	2,723	-185
October 2016	2,674	-49
April 2017	2,588	-86
October 2017	2,535	-53
April 2018	2,275	-260
June 2018	2,235	-40
September 2018	2,543	+308

12.36 I make deductions to the Council's supply for four reasons as I set out below.

13. Reason 1: Build Rates

Introduction

- 13.1 From the outset, I consider these two sites meet the definition of “deliverable”, but I dispute the amount of dwellings that should be considered deliverable within the five year period because the Council has applied over-optimistic build rates, without considering the build rate experienced on other comparable sites as the PPG states should be done.
- 13.2 As can be seen in Table 2 of the HPP (which starts on page 13), the Council generally applies a build rate of 30 dwellings per annum to most of the large sites in the Council’s supply with one developer. This accords with the build rate experienced on other comparable sites with a single developer as I discuss below. However, the Council has increased the build rate at the Standen and Chipping Lane sites, which I challenge for the reasons set out below.

Site 01: Land at Higher Standen Farm, Clitheroe (capacity = 1,040 dwellings, Council’s 5YHLS = 308 dwellings)

Site area and description

- 13.3 This very large site is 36.72 ha in area. It is greenfield land located to the south east of Clitheroe. To the north is existing residential development and playing fields. To the east is Pendle Road and beyond this is open countryside. To the south is open countryside and to the west is Whalley Road and open countryside. A site location plan is appended at **EP1A**.

Planning status

- 13.4 Outline planning permission for up to 1,040 dwellings was granted almost five years ago on 17th April 2014 (LPA ref: 3/2012/0942). A copy of the outline planning permission is appended at **EP1B**.
- 13.5 Phase 1 of the site has detailed consent for 228 no. dwellings (LPA ref: 3/2016/0324). It is under construction. 20 no. dwellings had been delivered on the site by 30th September 2018. This leaves 208 no. dwellings.
- 13.6 The remaining phases of the site only have outline planning permission. Condition 10 of the outline planning permission (3/2012/0942 as amended by 3/2015/0895) requires applications for

the approval of reserved matters to be made before the expiration of eight years from the date of the original outline planning consent, which was approved on 17th April 2014 (i.e. by 17th April 2022). Condition 11 of the of the outline planning permission (3/2012/0942 as amended by 3/2015/0895) requires subsequent phases of the development to begin within 9 years of the original planning consent (i.e. by 17th April 2023) or before the expiration of 1 year from the date of approval of the last of the reserved matters to be approved in respect of that phase, whichever is later.

- 13.7 Condition 3 of the outline planning permission (3/2012/0942 as amended by 3/2015/0895) requires the development to be carried out in accordance with the approved phasing plan. This plan (ref: TW/PRC/CP/01) shows 6 residential phases as well as non-residential phases. A copy is appended at **EP1C**.

Assessment of deliverability

- 13.8 In the HLAS (April 2014) and each of the subsequent versions, the Council has claimed that this site is going to deliver between 165 and 300 dwellings within each of the respective five year period it considered. This is set out in the following table:

Table 13.1 – Deliverability assumptions of Higher Standen set out in each HLAS

HLAS	End of five year period	Status	No. of dwellings HLAS considered deliverable
April 2014	30 th March 2019	Awaiting S106	300
July 2014	30 th June 2019	Awaiting S106	300
January 2015	31 st December 2019	Outline pp	300
April 2015	31 st March 2020	Outline pp	300
October 2015	30 th September 2020	Outline pp	300
April 2016	31 st March 2021	Outline pp – RM pending	165
October 2016	30 th September 2021	Outline pp – RM pending	180
April 2017	31 st March 2022	RM phase 1 approved	268
October 2017	30 th September 2022	RM phase 1 approved	200
April 2018	31 st March 2023	RM phase 1 approved	190
June 2018	30 th June 2023	RM phase 1 approved	190

- 13.9 The Council now considers that 308 dwellings should be considered deliverable in the five year period by 30th September 2023 based on the following trajectory:

Table 13.2 – Council’s trajectory for delivery at Higher Standen, Clitheroe

Year	Year 1 01/10/18 to 30/09/19	Year 2 01/10/19 to 30/09/20	Year 3 01/10/20 to 30/09/21	Year 4 01/10/21 to 30/09/22	Year 5 01/10/22 to 30/09/23	Total Years 1-5
Phase 1	50	50	48	45	15	208
Other phases	0	0	20	40	40	100
Total	50	50	68	85	55	308

13.10 It is significant that 308 dwellings is notably the highest number of dwellings the Council has ever claimed should be considered deliverable on this site in a five year period. It is also over 1.5 times the number of dwellings the Council claimed should be considered deliverable on the site in a five year period in September 2018 (i.e. 190 dwellings) when the HLAS (base date 30th June 2018) was published (i.e. only two months before the current HLAS was published).

13.11 It is unclear why the Council claims that the site will deliver between 50 and 85 dwellings per annum. As above, only 20 no. dwellings were delivered between 1st October 2017 and 30th September 2018.

13.12 The Council appears to rely on the statements of common ground between the Council and Taylor Wimpey provided within the HLAS Evidence of Delivery document (November 2018 – pages 44-47 and 75-78 – core document **CD5.01**), which set out the build rates in the table above. This evidence confirms that both phase 1 and later phases are in control of Taylor Wimpey. There is no indication that a further housing developer will deliver the site. Therefore, it is unclear why the later phases would start being delivered before the first phase is complete.

13.13 It is of note that in the “Compendium of Housing Site Delivery Updates” (Autumn / Winter 2017), Taylor Wimpey provided an e-mail to the Council dated 14th September 2017, which estimated the following:

- Estimated completion date of first dwelling – March 2018
- 1/10/17 – 30/09/18 – 20 dwellings
- 1/10/18 – 30/09/19 – 40-45 dwellings
- 1/10/19 – 30/09/20 – 40-45 dwellings
- 1/10/20 – 30/09/21 – 40-45 dwellings

- 1/10/21 – 30/09/22 – 40-45 dwellings

13.14 Therefore it is unclear why the developer now considers that higher build rates will be achieved and why the later phases will start delivering at the same time as phase 1.

13.15 The Council has not considered how the proposed build rate at this site compares to the actual build rate achieved on other comparable sites in Ribble Valley and in Clitheroe in particular.

13.16 The developer is Taylor Wimpey, who is currently developing another site in Ribble Valley at Dilworth Lane, Longridge known as “Tootle Green”. At that site, the total number of dwellings to be delivered is 195. There have been 58 dwellings completed so far between October 2016 (when 22 dwellings were recorded as being under construction) and 30th September 2018, meaning an average of 29 dwellings per annum (i.e. $49 / 2 \text{ years} = 28$) as shown in the following table, which we have taken from the Council's completion records:

Table 13.3 – Build rates at “Tootle Green” (Taylor Wimpey)

Monitoring period	October 2016 to March 2017	April to September 2017	October to March 2018	April to September 2018	Total	Average
Dwellings completed	7	17	20	14	58	29

13.17 I also note that build rates of between 50 and 85 dwellings per annum is higher than the average build rate experienced on other sites with one developer in Clitheroe. Story Homes is currently developing a site to the south west of Clitheroe known as “Pendleton Grange”. This site has a capacity of 130 dwellings. 65 dwellings have been completed so far between 1st April 2016 (when 10 dwellings were recorded as being under construction) and 30th September 2018, meaning an average of 26 dwellings per annum (i.e. $65 / 2.5 \text{ years} = 26$)

Table 13.4 – Build rates at “Pendleton Grange”, Clitheroe (Story)

Monitoring period	2016/17	2017/18	April to September 2018	Total	Average
Dwellings completed	21	22	22	65	26.67

13.18 A site at Henthorn Road, Clitheroe had planning permission for 270 dwellings and recently completed (in April 2018). It was delivered by both Taylor Wimpey and Barratt Homes. It was under construction at October 2013 when 18 dwellings were recorded as being under construction. The average build rate was 60 dwellings per annum between two housebuilders and therefore 30 dwellings each as shown in the following table:

Table 13.5 – Build rates at Henthorn Road, Clitheroe (Taylor Wimpey and Barratt)

Monitoring period	October 2013 to March 2014	April 2014 to March 2015	April 2015 to March 2016	April 2016 to March 2017	April 2017 to March 2018	Total	Average
Dwellings completed	7	94	79	55	35	270	60 (30 each)

13.19 A site at Woone Lane, Clitheroe had planning permission for 126 dwellings and completed in September 2017. It was delivered by Miller Homes and known as “Primrose Village”. It was under construction at April 2013 when 17 dwellings were recorded as being under construction. The average build rate was 28 dwellings per annum as shown in the following table:

Table 13.6 – Build rates at “Primrose Village”, Clitheroe (Miller)

Monitoring period	April 2013 to March 2014	April 2014 to March 2015	April 2015 to March 2016	April 2016 to March 2017	April to September 2017	Total	Average
Dwellings completed	26	33	18	35	14	126	28

13.20 Consequently, the evidence demonstrates that the average build rate on large sites in Clitheroe is just below 30 dwellings per annum. This is similar to the build rate experienced on Taylor Wimpey’s other site, which is under construction in Longridge. On this basis, there is no justification for increasing the build rate at Higher Standen to between 50 and 85 dwellings per annum.

13.21 At a build rate of 30 dwellings per annum, this means that 150 dwellings should be considered deliverable in the five year period and this means that **158 dwellings** should be removed from the Council’s five year supply.

Site 02: Land east of Chipping Lane, Longridge (capacity = 308 dwellings, Council's 5YHLS = 246 dwellings)

Site area and description

13.22 This large site is 19.45 ha in area. It is greenfield land located to the north of Longridge, outside of the settlement boundary. To the north and east is open countryside. To the south is existing residential development. Sainsbury's supermarket is also located to the south. A site location plan is appended at **EP2A**.

Planning status

13.23 On 29th October 2015, outline planning permission was granted for the development of up to 363 homes, the relocation of Longridge Cricket Club to provide a new cricket ground, pavilion, car park and associated facilities, a new primary school, vehicular and pedestrian access landscaping and public open space, with all matters reserved except for access (LPA ref: 3/2014/0764). A copy of the outline planning permission is appended at **EP2B**.

13.24 The outline planning application was approved at a time when the Council claimed that it could demonstrate a five year supply of housing land but there was a shortfall in the housing requirement for that settlement (Longridge).

13.25 On 7th September 2016, the reserved matters for phase 1 (118 dwellings) at part of the site was approved (LPA ref: 3/2016/0193). On 14th September 2018, a revised reserved matters application was approved on phase 1 for 124 dwellings (LPA ref: 3/2018/0404). Barratt Homes is developing the site, which is known as "Bowland Meadow".

13.26 An application for phases 2 and 3 was made on 26th October 2018 and is pending determination (LPA ref: 3/2018/0975). It shows a further 184 dwellings, meaning 308 dwellings in total, not 363 dwellings as the outline permission allowed. It is unsurprising that a reserved matters application for the subsequent phases was made at the end of last year because the outline permission required the submission of all reserved matters by the end of October 2018.

13.27 The HLAS (base date 1st October 2016, page 49) confirmed that development had started and 1 no. dwelling was under construction. Despite this, no dwellings had been completed by 30th September 2018. This is not surprising because there is a lead in time on large sites to allow for the access to be put in place along with infrastructure such as internal access roads and

utilities. Show homes and / or a marketing area is then usually put in place before the completion of dwellings.

Assessment of deliverability

13.28 In the HLAS (October 2015) and each of the subsequent versions, the Council has claimed that this site is going to deliver between 120 and 150 dwellings within each of the respective five year period it considered. This is set out in the following table:

Table 13.6 – HLAS claims of deliverability at Chipping Lane

HLAS	End of five year period	Status	No. of dwellings considered deliverable
October 2015	30 th September 2020	Awaiting S106	120
April 2016	31 st March 2021	Outline pp Current RM for phase 1	120
October 2016	30 th September 2021	Under construction	120
April 2017	31 st March 2022	Under construction	120
October 2017	30 th September 2022	Under construction	150
April 2018	31 st March 2023	Under construction	135
June 2018	30 th June 2023	Under construction	135

13.29 The Council now considers that 246 dwellings should be considered deliverable in the five year period by 30th September 2023. This is based on the following trajectory:

Table 13.7 – Council's trajectory for delivery at Chipping Lane, Longridge

Year	Year 1 01/10/18 to 30/09/19	Year 2 01/10/19 to 30/09/20	Year 3 01/10/20 to 30/09/21	Year 4 01/10/21 to 30/09/22	Year 5 01/10/22 to 30/09/23	Total Years 1-5
Phase 1	20	34	34	34	2	124
Other phases	0	20	34	34	34	122
Total	20	54	68	68	36	246

13.30 As can be seen from the two tables above, the 246 dwelling figure is significantly more dwellings than the Council has claimed would be deliverable on this site in a five year period before.

13.31 It is unclear on the evidence that the Council relies on to claim that the site will deliver up to 68 dwellings per annum.

13.32 The Council appears to rely on the statements of common ground between the Council and Barratt Homes provided within the HLAS Evidence of Delivery document (November 2018 – pages 44-47 and 88-91 – core document **CD5.01**), which set out the build rates in the table above. This evidence confirms that both phase 1 and later phases are in control of Barratt. There is no indication that a further housing developer will deliver the site. Therefore, it is unclear why the later phases would start being delivered before the first phase is complete.

13.33 Indeed, I note that the comment in the Statement of Common Ground on page 55 states:

"These figures are based upon Barratts forecast legal completions and will be subject to market conditions. Furthermore, the above will be informed by the actual timing of the reserved matters (awaiting LPA decision)"

13.34 I have already set out the build rates experienced on the Taylor Wimpey site in the same settlement of Longridge, which is an average of 29 dwellings per annum. Therefore, whilst I accept that 20 dwellings will be delivered in year 1, I have applied the build rate of 30 dwellings per annum to the site from year 2 onwards. This means that 140 dwellings could be delivered on the site in the five year period and means **106 dwellings** should be removed from the Council's five year supply.

14. Reason 2: Lead-in times

Introduction

- 14.1 From the outset, I consider that these two sites meet the definition of “deliverable”, but I dispute the amount of dwellings that should be considered deliverable within the five year period because the Council has applied over-optimistic lead-in times, without considering the lead-in times experienced on other comparable sites.

Site 03: Land to the south-west of Barrow and west of Whalley Road, Barrow (capacity = 225 dwellings, Council’s 5YHLS = 180 dwellings)

Site area and description

- 14.2 The site is around 7 ha in area. It is located to the west of Barrow. To the north is “parcel A”, which is currently under construction by Redrow. To the south and west is open countryside. To the east is Whalley Road. A site location plan is appended at **EP3A**.

Planning status

- 14.3 On 20th February 2014, the Secretary of State granted outline planning permission for up to 504 dwellings at the whole site (LPA ref: 3/2012/0630, PINS ref: APP/T2350/A/13/2190088). A copy of the decision letter and inspector’s report is appended at **EP3B**.
- 14.4 On 16th May 2017, the reserved matters for phase 1 (183 dwellings i.e. parcel A) were approved (LPA ref: 3/2017/0064). Redrow is currently developing the site, which is known as “Oak Leigh Gardens”. The HLAS (base date 1st October 2017) confirmed that development had started and 1 no. dwelling was under construction. Whilst there had been no completions by 30th June 2018, by 30th September 2018, 4 no. dwellings had been completed. It is relevant to note that it took around 16 months from the approval of the reserved matters for phase 1 before the first completions on site. This is around the average lead-in time in Ribble Valley.
- 14.5 In relation to parcel B, the Council approved the reserved matters for this parcel on 15th August 2017 (LPA ref: 3/2017/0050). The application was submitted by the Barrow Lands Company Ltd (i.e. the owner) in advance of 20th February 2017 to keep the planning permission alive. Under the terms of the original permission, it will need to be implemented by 15th August 2019.

However, the permission is not going to be implemented because the house types approved are not those of the developers who are now involved.

- 14.6 Well after the base date and almost three months after the HLAS was published, on 16th January 2019, the Council validated a full application made by Taylor Wimpey and Barratt David Wilson Homes for planning permission for the development of 233 no. dwellings (LPA ref: 3/2019/0012). The application is currently pending determination.

Assessment of deliverability

- 14.7 At the base date, the site had detailed permission for major development. Therefore it meets the definition of "deliverable" as set out in the revised NPPF. However, at the time the HLAS was prepared it was evident that that permission would not be implemented because the Council was aware that Taylor Wimpey and Barratt David Wilson Homes were going to submit a new planning application. Indeed, the HLAS (base date 30th June 2018, published September 2018) referred to the fact that a new planning application was going to be made and the evidence behind that HLAS confirmed that a planning application was to be submitted in September 2018 by both developers.
- 14.8 The evidence available at the time the current HLAS was prepared was not a Statement of Common Ground between the Council and the developer(s). The Council appears to rely on two e-mails provided by Taylor Wimpey and Barratt David Wilson Homes (both dated 15th November 2018, page 9 of the "Evidence of Delivery" Document). Both e-mails state that neither housebuilder has a contract (presumably with the landowner) and therefore they are unable to sign a Statement of Common Ground, which sought to agree timescales for the delivery of dwellings.
- 14.9 I note that the application form for the full planning application confirms that notice was served on the Barrow Lands Company (i.e. the landowner). The land registry search only confirms that Barrow Lands Company owns the site and refers to Redrow Homes, not Taylor Wimpey or Barratt (appendix **EP3C**). This confirms that the housebuilders do not own the site.
- 14.10 The Council considers that 180 no. dwellings should be considered deliverable within the five year period to 30th September 2023. This is based on the following trajectory:

Year	Year 1 01/09/18 to 30/09/19	Year 2 01/09/19 to 30/09/20	Year 3 01/09/20 to 30/09/21	Year 4 01/09/21 to 30/09/22	Year 5 01/09/22 to 30/09/23	Total Years 1-5
Dwellings	0	30	50	50	50	180

14.11 In terms of build rates, there are to be two developers and therefore 50 dwellings per annum is not unrealistic, but this will be subject to market conditions taking into account that there would effectively be three housebuilders (Redrow, Taylor Wimpey and David Wilson Homes) all effectively building in the same location.

14.12 In terms of lead-in times, the Council appears to have had no regard to the lead-in time experienced on other, comparable sites. At the time the HLAS was published, the Council was aware of the following:

- A full planning application had not yet been submitted, but was about to be submitted.
- A contractual arrangement had not yet been drawn up between the landowner and the developers.

14.13 Despite this, the Council considered that the completion of 30 units on the site would take place between 1st September 2019 and 30th October 2020.

14.14 In my view, the Council should have allowed time for a full planning application to be prepared and submitted, determined and a S106 agreement negotiated and signed, the contractual arrangements between the landowner and the developers to be made and then the average lead-in time applied from whenever the decision could be issued before dwellings would be considered deliverable.

14.15 I have reviewed the 11 large sites (40 dwellings or more), which were recorded as being under construction at the base date and I note that it takes on average 16.25 months from the approval of reserved matters / full planning permission on a large site until the first dwelling is recorded as being delivered. This is not surprising because before a dwelling is delivered on a large site, then pre-commencement conditions need to be discharged; access needs to be put in place along with infrastructure such as internal access roads and utilities. Show homes and / or a marketing area is then usually put in place before the completion of any dwellings. The position is set out in my appendix **EP7**.

14.16 Therefore, allowing time for a full application to be submitted, considered and approved and a S106 agreement agreed, and then applying the average lead in time of 16.25 months, this means that completions at this site could be expected in Year 3, not year 2 as the council assumes and therefore a deduction of **50 dwellings** is made.

Site 04: Land off Waddington Road, Clitheroe (capacity = 207 dwellings, Council's 5YHLS = 180 dwellings)

14.17 The site is approximately 9.2 ha in area. It is located to the west of Clitheroe. It is greenfield land outside of but adjacent to the settlement boundary of Clitheroe. To the north is Waddington Road (B6478). To the east is existing residential development and a site which is currently under construction for 40 no. dwellings by Morris Homes known as "Manor Place". To the south is existing residential development. There is also a road known as Back Commons. To the west is open countryside. A site location plan is appended at **EP4A**.

Planning status

14.18 On 6th March 2015, outline planning permission was granted for up to 275 no. dwellings on the site (LPA ref: 3/2014/0597). A copy of the outline planning permission is appended at **EP4B**.

14.19 A reserved matters application was made by Barratt and David Wilson Homes just before the outline permission expired on 6th March 2018. The application was for 207 dwellings (not 275 as approved at the outline stage). It was approved at committee almost a year later on 7th February 2019 (LPA ref: 3/2018/0181).

Assessment of deliverability

14.20 At the base date, the site had outline planning permission but a reserved matters application was pending determination.

14.21 The Council considers that 180 no. dwellings should be considered deliverable within the five year period to 30th September 2023. This is based on the following trajectory:

Year	Year 1 01/09/18 to 30/09/19	Year 2 01/09/19 to 30/09/20	Year 3 01/09/20 to 30/09/21	Year 4 01/09/21 to 30/09/22	Year 5 01/09/22 to 30/09/23	Total Years 1-5
Dwellings	0	30	50	50	50	180

14.22 In terms of build rates, there are to be two developers and therefore 50 dwellings per annum is agreed.

14.23 In terms of lead-in times, as above, the average lead-in time on a large site to start delivering is 16.25 months after the detailed consent. Therefore, when the HLAS was published, the Council should have allowed time for the reserved matters application to be approved and then 16.25 months from then until dwellings would be completed. This means that completions at this site could be expected in Year 3, not year 2 as the Council assumes and therefore a deduction of **50 dwellings** is made.

15. Reason 3: sites with outline planning permission

Introduction

- 15.1 I do not consider that the following two sites meet the revised definition of what constitutes a “deliverable” site as set out in the revised NPPF.

Site 05: Land off Henthorn Road, Clitheroe (capacity = 24 dwellings, Council’s 5YHLS = 24 dwellings)

Site area and description

- 15.2 The site is 1.37 ha in area. It is open land to the south of a site, which is currently being constructed by Story Homes known as “Pendleton Grange” to the south west of Clitheroe. A site location plan is appended at **EP5A**.

Planning status

- 15.3 Outline planning permission was granted for up to 24 dwellings on 6th June 2018 (LPA ref: 3/2017/0433). The applicant was the Strategic Land Group (i.e. not a housebuilder). A copy of the decision notice is appended at **EP5B**.
- 15.4 The application was approved within the context of the Council claiming it could demonstrate a five year housing land supply but the Core Strategy policies allowed development on the edge of the existing settlement boundary.
- 15.5 A reserved matters application has not been made. Indeed, it does not need to be made until 6th June 2021. Therefore, a reserved matters application could be made in June 2021, approved later that year and the development would not even need to begin until later in 2023 (i.e. after the end of the five year period).

Assessment of deliverability

- 15.6 The site only has outline planning permission. It remains in control of the promoter (Strategic Land Group).
- 15.7 As above, the draft PPG states that for sites with outline planning permission, housing land supply assessments will be expected to include information on timescales and progress towards

detailed permission. The Council appears to rely on a Statement of Common Ground with the promoter (HLAS evidence pages 39-43 – core document **CD5.01**), which explains that the site is reliant on the road through the Story Homes site to the north, marketing of the site commenced in 2018 and there is developer interest. It states that contracts with a developer are not expected to be exchanged until summer 2019.

15.8 Consequently, the evidence provided by the Council confirms that there is no developer. Therefore the timescales for the delivery of the site and even the preparation and submission of a reserved matters application is not known. Whilst the promoter considers a reserved matters application will be made in 2019, in reality this is not known. In the meantime, the Story Homes site referred to above, which connects the subject site to Clitheroe is under construction and is only half built out (65 dwellings have been completed with 65 dwellings remaining).

15.9 The Council has not provided the necessary clear evidence to demonstrate that housing completions will begin on site within five years. The site should not therefore be considered to be deliverable. This results in a deduction of **24 dwellings** from the Council's supply.

Site 06: Land at Worthalls Farm, Read (capacity = 15 dwellings, Council's 5YHLS = 15 dwellings)

Site area and description

15.10 The site is 0.43 ha in area. It is located off Whalley Road Read and is accessed off Westfield Avenue. The area is predominantly residential in character with the southern extents of the site being bounded by green belt. A site location plan is appended at **EP6A**

Planning status

15.11 Outline planning permission was granted for up to 15 dwellings on 9th September 2016 (LPA ref: 3/2015/0495). The applicant was the landowners (i.e. not a housebuilder). A copy of the decision notice is appended at **EP6B**.

15.12 A reserved matters application has not been made. The permission will expire in September 2019 unless an application for reserved matters is made.

Assessment of deliverability

15.13 The site only has outline planning permission. It remains in control of the landowner.

- 15.14 As above, the draft PPG states that for sites with outline planning permission, housing land supply assessments will be expected to include information on timescales and progress towards detailed permission. The Council appears to rely on a Statement of Common Ground with the landowner (HLAS evidence pages 60-61 – core document **CD5.01**), which explains that it remains the landowner's intention for the development to proceed and a reserved matters application will either be made by the landowner or a developer before the permission expires. It states that they have several developers interested in the site; none of them are named.
- 15.15 Consequently, the evidence provided by the Council confirms that there is no developer. Therefore the timescales for the delivery of the site and even the preparation and submission of a reserved matters application is not known.
- 15.16 The Council has not provided the necessary clear evidence to demonstrate that housing completions will begin on site within five years. The site should not therefore be considered to be deliverable. This results in a deduction of **15 dwellings** from the Council's supply.
- 15.17 I understand that the Council now accepts that this site does not meet the definition of "deliverable" and should not be included in the supply.

16. Reason 4: Small sites

- 16.1 The Council's five year housing land supply includes a small sites windfall allowance of 78 dwellings. This is based on 26 dwellings in years 3, 4 and 5 of the five year period.
- 16.2 This is in addition to the 300 dwellings the Council already includes in its supply on small sites from the following sources:
- 77 no. dwellings on small sites with full planning permission;
 - 76 no. dwellings on small sites under construction;
 - 78 no. dwellings on conversions that have not started; and
 - 69 no. dwellings on conversions that have started.
- 16.3 Therefore, the Council considers that 378 dwellings will be delivered on small sites between 1st October 2018 and 30th September 2023 (an average of 76 dwellings per annum).

Windfall sites

- 16.4 Paragraph 70 of the NPPF states:

"Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."

- 16.5 The Council has not provided compelling evidence to justify a windfall allowance in the five year supply for the following reasons.
- 16.6 Firstly, the Council makes no reference to its Strategic Housing Land Availability Assessment (SHLAA), which in any case was adopted in November 2013 and is therefore over 5 years old.
- 16.7 Secondly, the Council has not provided the specific evidence in relation to "historic windfall delivery rates". The table on page 5 of the HLAS (core document **CD5.02**) provides the number of dwellings "completed or under construction" on windfall sites between 2008 and 2018. As small windfall sites under construction have erroneously been included, it is unclear as to what the actual annual delivery rate of small windfall sites was over the 10 year period.

- 16.8 Thirdly, the Council's case in relation to its windfall allowance is based on past trends over the last 10 years, which demonstrate that an average of 26 no. dwellings were completed (or were under construction) per year on small sites between 2008 and 2028. However, as above, the Council's supply already includes 300 dwellings on small sites with planning permission. If all of these 300 dwellings are delivered in the five year period, as the Council's trajectory claims, the annual completion rate on small sites would be 60 dwellings per annum – far in excess of past trends (of less than 26 dwellings per annum). Therefore, based on past trends, there is no compelling evidence that a further 78 dwellings should be included in the five year supply in addition to the 300 dwellings.
- 16.9 Within this context, I refer to a decision regarding an appeal made by Morris Homes against the decision of Shropshire Council to refuse to grant outline planning permission for the erection of up to 125 dwellings at land at Longden Road, Shrewsbury, Shropshire¹³. In that appeal, the Inspector commented on Shropshire's windfall allowance in paragraphs 39 to 42 as follows:

"39. Historically small windfall sites have represented an important component of housing land supply in Shropshire. In the 10 year period between 2003/4 and 2012/13 an average of 299 dwellings per annum were completed on small windfall sites.

40. Given the nature of the County, which includes Shrewsbury, 18 other settlements identified as market towns or key centres and a large number of other villages and hamlets, I consider that it is legitimate to assume that small sites will continue to make a significant contribution to housing supply. In the absence of any material to demonstrate that the supply of such sites is reducing it is reasonable to expect that the contribution will be at a similar level to that which has occurred in the recent past. Consequently I believe that the Council's assumption of an average of 299 dwellings per annum being provided on small windfall sites over the next 5 years is not unrealistic. On the basis of this assumption over the 5 year period some 1,495 dwellings would be provided on small windfall sites.

41. The Council does not include any allowance for windfalls on small sites in the first three years of the supply as it is held that such sites will already be included within the supply figures (i.e. recorded as sites with planning permission etc.). Consequently the Council only includes 2 years of windfall supply from small sites, or 598 dwellings, within its supply figures.

42. It is apparent, however, that the Council's housing land supply figures already anticipate 1,232 completions on small sites for the 5 year period. If the Council's suggested windfall figure of 598 dwellings is added in this would increase the supply on small sites to 1,830. This would represent 366 dwellings

¹³ PINS ref: 3011886 – core document **CD4.08**

per annum or 67 dwellings per annum more than the past annual completion rate on windfall sites of 299 dwellings. Consequently I believe that 335 dwellings (i.e. 67 x 5) should be discounted from the windfall allowance, leaving a total of 263 dwellings."

16.10 Therefore, the windfall allowance should not be included and this results in a deduction of **78 dwellings** in the Council's supply.

Small sites with planning permission

16.11 Based on past trends, the 300 dwellings on small sites with planning permission will not all be delivered in the five year period and only 130 no. dwellings would be delivered (i.e. 26 X 5 = 130). This is a maximum figure because as above, the 26 dwellings per annum figure includes sites that were under construction as well as those completed. This means that 170 no. dwellings should not be included in the five year supply (i.e. 300 – 130 = 170).

16.12 The definition of "deliverable" in the NPPF explains that:

"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"

16.13 The definition explains that sites which do not involve major development and have 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).

16.14 Therefore, the starting position is that all 300 small sites with planning permission should be considered deliverable as long as there is a "realistic prospect" that they will be delivered and "unless there is clear evidence that they will not be implemented within five years". In this case, based on past trends, there is no realistic prospect that all 300 dwellings on the small sites will be delivered in the five year period. The clear evidence is set out in the table on page 5 of the current HLAS (core document **CD5.02**).

16.15 In addition, I note that the HLAS (base date 31st March 2013) explained that 327 dwellings had planning permission on small sites at 31st March 2013 made up of the following sources:

- 112 no. dwellings on small sites with full planning permission;

- 40 no. dwellings on small sites with outline planning permission
- 47 no. dwellings on small sites under construction;
- 88 no. dwellings on conversions that have not started; and
- 40 no. dwellings on conversions that have started.

16.16 However, I have reviewed these sites and note that only 134 no. dwellings were completed in the five year period from 1st April 2013 to 31st March 2018 as summarised in the table below:

Table 16.1 – Completions from small sites included in the deliverable supply at 1st April 2013

Source	Number of dwellings in the supply at 01/04/13	Number of dwellings completed 01/04/13 – 31/09/18	Difference
Sites with full planning permission	112	43	-69
Sites with outline planning permission	40	1	-39
Sites under construction	47	36	-11
Conversions that had not started	88	33	-55
Conversions where development had commenced	40	21	-19
	327	134	-193

16.17 Therefore, only 41% of the dwellings on small sites that were included in the deliverable supply at 1st April 2013 were actually completed over the 5.5 year period to 30th September 2018.

16.18 The table on page 5 of the current HLAS confirms that only 144 no. dwellings were either completed or under construction over the five year period from 1st April 2013 to 31st March 2018, not 327 dwellings as the HLAS at 31st March 2013 considered would be. Therefore, whilst there is currently planning permission for 300 dwellings on small sites, not all of these will be delivered in the five year period. Based on past trends, 130 dwellings will be delivered on small sites and consequently, a further **170 dwellings** should be removed from the five year supply.

17. Summary of deductions

17.1 A summary of the deductions I have made are included within the following table:

Table 17.1 – Deductions made to the Council's five year supply

Site ref:	Address	Developer	No. of dwellings in the five year period		
			Council	Appellant	Difference
01	Higher Standen	Taylor Wimpey	308	150	-158
02	Chipping Lane	Barratt	246	140	-106
03	Barrowlands Parcel B	TW / DWH	180	130	-50
04	Waddington Road	Barratt / DWH	180	130	-50
05	Henthorn Road	-	24	0	-24
06	Worthalls Farm	-	15	0	-15
	Small sites windfall allowance	-	78	0	-78
	Small sites with planning permission	-	300	130	-170
	Total				-651

17.2 In summary, I consider the Council's five year supply equates to **1,892 dwellings** (i.e. 2,543 – 651).

18. Five year housing land supply at 30th September 2018

- 18.1 In conclusion, based on a housing requirement of 280 dwellings per annum and a backlog of 578 dwellings to be addressed in full in the five year period (i.e. Sedgefield method), the total five year requirement equates to 1,978 dwellings (i.e. 1,400 + 578). In addition, a 5% buffer applies, which means that the supply to be demonstrated is 2,077 dwellings.
- 18.2 On the supply side, my assessment is that the five year supply position at 1st October 2018 is 1,892 dwellings. Consequently, the five year supply equates to **4.56 years** as summarised below.

Table 18.1 – Summary position regarding the five year requirement plus buffer from 1st October 2018

	Requirement	
A	Local Plan housing requirement (1 st April 2008 to 31 st March 2028)	5,600
B	Annualised net Local Plan housing requirement (5,600 / 20 years)	280
C	Five year net Local Plan housing requirement	1,400
D	Net housing shortfall 1 st April 2008 to 30 th September 2018 (2,940 requirement – 2,362 completions)	578
E	Five year requirement including backlog (C + D)	1,978
F	Buffer	99
G	Total supply to be demonstrated (E + F)	2,077
H	Annual average (G / 5)	415
	Supply	
I	Five year supply 1 st October 2018 to 30 th September 2023	1,892
J	Years supply (I / H)	4.56

- 18.3 The implications of the Council not being able to demonstrate a deliverable five year supply are addressed by Mr Lewis.

19. Clitheroe's Housing Land Supply

- 19.1 The Core Strategy claimed that the Standen Strategic site would deliver in full in the plan period. Indeed, the trajectory set out in the Core Strategy assumed that the Standen strategic site would deliver 100 dwellings per year from 2016/17 and would be complete by 2026/27 (please see housing trajectory notes 4 and 5 on page 179 of the Core Strategy). The Core Strategy then set a target of 100 dwellings to be completed per annum on the site from 2017 (please see page 126 of the Core Strategy). This target has become monitoring indicator 37 as set out on page 21 of the latest Annual Monitoring Report (AMR – August 2017).
- 19.2 The Council's evidence now however accepts that this is not the case. Indeed, the Council considers that only 508 no. dwellings will be delivered by 2028 with the remaining 532 dwellings beyond the plan period (please see table 2 of the HPP – core document **CD5.04** – pages 13 and 14). Therefore, according to the Council's trajectory, 532 dwellings, which were originally expected to be delivered at the Standen Strategic Site as part of the housing to be delivered in Clitheroe by 2028, will no longer be delivered in the plan period.
- 19.3 Appendix 1 of the HPP (pages 8 and 9) seeks to claim that there is no residual requirement for Clitheroe and an oversupply of 221 dwellings. In reality, because the HPP elsewhere accepts that the Standen Strategic Site will not be delivered in full, there is a residual requirement of 311 dwellings for Clitheroe in the plan period (i.e. $532 - 221 = 311$).
- 19.4 The submitted version of the HED DPD only proposes small allocations in Mellor (18 dwellings) and Wilpshire (32 dwellings) and therefore does not address the residual requirement in Clitheroe. Even if they were found sound and are deliverable, the three potential additional allocations in Clitheroe suggested by the Council as main modifications (MM1, MM2 and MM3) only have capacity for around 180 dwellings and would not meet the residual requirement of 311 dwellings.
- 19.5 The residual requirement for Clitheroe of 311 dwellings set out above is based on the Council's assumption that 488 dwellings will be delivered at the Standen site between 1st October 2018 and the end of the plan period. As I discuss in my proof of evidence, this is based on achieving build rates of up to 85 dwellings per year by a single developer, which has not been achieved before in Clitheroe. Therefore, once realistic build rates are applied, the residual requirement for Clitheroe is even greater. I conclude that it is 514 dwellings.

20. Affordable Housing

20.1 There is a pressing need for new affordable housing in Ribble Valley:

- The Strategic Housing Market Assessment (SHMA, December 2008) concluded that the net annual housing need of social rented dwellings was 264 dwellings per annum.
- The Council's "Addressing Housing Need in Ribble Valley" (June 2011) confirmed that Ribble Valley has the lowest provision of social housing in the North West with 0.7% of the total stock being social rented units.
- The 2013 SHMA updated the 2008 SHMA and took account of the guidance in the Planning Practice Guidance. It concluded that there was a **net annual need of 404 affordable dwellings in Ribble Valley** for the first five years.
- The Core Strategy Inspector took into account a recalculation based on a higher percentage (35%) of income spent on housing than the SHMA did (25%), this would reduce the net annual need to **268 affordable homes**. The Inspector also took into account 154 households living in private rented accommodation, but still found the scale of need to be 114 dwellings per year for the first 5 years.

20.2 Notwithstanding the above, the Core Strategy monitors affordable housing against a housing target of 75 units per year (i.e. 1,500 affordable homes over the plan period to 2028).

20.3 The latest HLAS confirms that just 647 affordable dwellings were delivered between 1st April 2008 and 30th September 2018, which is only 23% when compared to the need of 2,814 over the same period (i.e. 10.5 years X 268). This results in a shortfall of 2,167 affordable homes. The number of affordable dwellings completed has therefore been significantly below the needs identified.

20.4 Even against the annual target of 75, the target over the first 10.5 years would collectively be 788 affordable homes and therefore the shortfall would be 141 affordable homes. To meet the target over the plan period, 853 affordable homes would need to be delivered to 2028. Now that the Council accepts that the Standen Strategic Site (which is to deliver up to 312 affordable homes) will not deliver in full in the plan period, it is unclear how the Council intends to address affordable housing needs and meet the target set out in the Core Strategy in the plan period to 2028.

20.5 I have reviewed the commitments and on the Council's own figures there are only a further 817 affordable homes that could potentially be delivered in the plan period to 2028. This is shown in

the table appended at **EP8** and demonstrates that the Council will not even meet the housing target set out in the Core Strategy based on its own figures.

20.6 This assumes however that the Standen and Chipping Lane sites would deliver as the Council's trajectory has suggested. As set out in the previous sections of my proof of evidence, I consider that the Council's trajectory is unrealistic compared to the average build rates experienced on other sites in the Borough and once a realistic build rate has been applied, fewer dwellings would be delivered in the plan period. This means that fewer affordable homes would be delivered. My assessment is that only 729 affordable homes could potentially be delivered over the remaining years to 2028, which means that the target will not be met by an even greater margin.

20.7 The proposed allocations in the HED DPD will not address the shortfall in affordable housing. Therefore, further sites are required.

21. Conclusions

21.1 In summary, my evidence demonstrates:

- The Council cannot demonstrate a deliverable five year supply of housing land;
- The Core Strategy requirement for Clitheroe to 2028 will not be met unless additional sites are approved; and
- There is a pressing need for affordable housing, which is not being met by the Council's supply.

21.2 The implications of these conclusions are addressed by Mr Lewis.

22. Appendices

- EP1. Information relating to the site at Higher Standen, Clitheroe
- EP2. Information relation to the site at Chipping Lane, Longridge
- EP3. Information relation to the site at Whalley Road, Barrow
- EP4. Information relating to the site at Waddington Road, Clitheroe
- EP5. Information relating to the site south of Henthorn Road, Clitheroe
- EP6. Information relating to the site at Worthalls Farm, Read
- EP7. Lead-in times in Ribble Valley
- EP8. Affordable housing to be delivered in Ribble Valley to 2028
- EP9. Appeal decision regarding Bath Road, Corsham
- EP10. Appeal decision regarding Dylan International Premises, Station Approach, Lower Sydenham, London