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# North Lincolnshire Housing and Employment Land Allocations DPD Examination

Matter 2: Conformity with the Adopted Core Strategy

Written Statement on behalf of  
Cyden Homes Limited

December 2014



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## **1.0 INTRODUCTION**

- 1.1 This statement is submitted on behalf of our client Cyden Homes Limited in response to the Inspectors issues and questions.
- 1.2 Cyden Homes controls land at 'Beechcroft', Station Road, Kirton in Lindsey (identified by North Lincolnshire Council ('the Council') as site reference 27-1. The Site was proposed for allocation in an earlier consultation draft of the Housing and Employment Land Allocations ('HELA') DPD. The representations we submitted on behalf of Cyden Homes at the pre-submission stage, in June 2014, set out the legal and procedural failures of the plan regarding the allocation of housing land at Kirton in Lindsey proposed through the HELA DPD. The grounds for revising the proposed housing allocation site at Kirton in Lindsey were unfounded without any robust evidence base, in fact no evidence whatsoever.
- 1.3 Furthermore, the Council has a record of significant under-delivery of housing since 2009/10, and earlier. This, coupled with highly optimistic assumptions made by the Council regarding forecast delivery rates expected from the identified supply of housing sites, represents a significant failure against the requirements of the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).
- 1.4 It is clear that there is a substantial shortfall which urgently needs to be addressed, alongside meeting the 'base' Core Strategy housing requirement. Instead, the HELA DPD seeks to constrain housing land supply instead of boosting significantly the supply to resolve the wholly unacceptable position on housing delivery in North Lincolnshire.
- 1.5 For the reasons we have set out in our previous representations and, as discussed further in our Examination submissions, the HELA DPD is not legally compliant and is unsound. Where appropriate we have recommended proposed modifications to address the issues raised in our submissions.

## 2.0 CONFORMITY WITH THE ADOPTED CORE STRATEGY

### **Proposed Housing Allocations – including Housing Supply and Delivery issues in light of the Government’s requirement for a Five Year Land Supply; spatial approach; site selection; contingency sites; rural housing supply; Housing Delivery Framework at Appendix 2 of the Submission DPD**

#### The Requirement for a Five Year Supply

2.1 The requirement for a five year housing land supply is contained within paragraph 47 of the National Planning Policy Framework (NPPF). We note that this requires, inter alia, that:

- LPAs should “boost significantly” the supply of housing;
- Sites should be “deliverable”;
- An additional buffer of 20% should be included where there has been a record of persistent under delivery of housing; and
- The buffer should comprise sites “brought forward from later in the plan period” to provide a “realistic prospect” of achieving the planned supply and to ensure choice and competition in the market for land.

#### *Boost Significantly the Supply of Housing*

2.2 The HELA DPD will not boost significantly the supply of housing. Instead, it constrains the supply of housing, allocating insufficient land. The HELA will fail to resolve the backlog which has occurred since 2004 which stems from the adopted Core Strategy. Furthermore, the HELA will only maintain the unacceptably low level of delivery, below the level required.

#### *Sites Should Be Deliverable*

2.3 The Council’s latest five year land supply assessment is contained within the Document EXAM7. The supply of sites for the next five years in EXAM6 is based upon wholly unrealistic assumptions regarding the deliverability of sites, in terms of the anticipated timing of first completions and the forecast rate of completions. This includes the Lincolnshire Lakes site which the Council believes will deliver approximately 1,600 completions in the next 4 years (i.e. by end of March 2019).

- 2.4 An assessment of the Council's five year supply of sites (the Housing Trajectory issued to the Inspector (EXAM1 Appendix)) is included at **Appendix 1** of this submission. This identifies a number of the sites included by the Council in the five year supply which, for the reasons give, do not satisfy the test given in paragraph 47 of the NPPF. Our assessment (Appendix 1) presents a realistic position on the five year supply of sites for housing and demonstrates that the Council is capable of identifying a deliverable supply sites for 1,593 dwellings for the current five year period (2014-2019).
- 2.5 Even if the additional components of supply the Council has identified in the more recent 'Assessment of Five Year Housing Land Supply' (EXAM7; Table 1), comprising "pending planning applications", "sites with planning permission with 5-10 dwellings" and "windfall allowance", which totals 170 dwellings, this raises the Council's five year supply to just 1,753 dwellings (2014-2019).

*An Additional Buffer if 20% for Persistent Under Delivery*

- 2.6 In 8 of the past 10 years, the Council has failed to meet the required level of housing. This includes every year for the past 7 years (i.e. since 2007/08). There should be no question that this represents a record of persistent under delivery, albeit we note that the Council challenge this in EXAM7. We therefore consider it appropriate for a 20% buffer to be added to the residual five year requirement<sup>1</sup>, as set out in Table 1 below.

**Table 1: Calculation of Residual Housing Requirement for North Lincolnshire District**

<b>Requirement</b>	<b>Dwellings</b>
a. Core Strategy Housing Requirement 2010-2026	12,063
b. Core Strategy Housing Requirement 2010-2014 (a. / 16 X 4)	3,016 (754 dpa)
c. Completions 2010-2014	1,561
d. Shortfall 2010-2014 (b.-c.)	1,455
e. Five Year Requirement 2014-2019 ((a. / 16) X5)	3,770 (754 dpa)
f. Five Year Requirement including Shortfall (e.+ d.)	5,225 (1,045 dpa)
g. 20% Buffer (f. X 0.2)	1,045
<b>h. Total 5 Year Requirement 2014-2019 (f.+g.)</b>	<b>6,270 (1,254 dpa)</b>

Note: Historic Completions (c. above) taken from EXAM7

<sup>1</sup> See appeal decisions APP/H1840/A/13/2199085 and APP/H1840/A/13/2199426

*The Buffer*

- 2.7 Paragraph 47 of the NPPF states that the buffer should comprise sites brought forward from later in the plan period. Therefore, the bringing forward of such supply should comprise sites allocated within a plan.
- 2.8 The buffer is intended to provide a realistic prospect of the planned level of housing being achieved. Taking into account the significant shortfall which has accumulated and the shortfall in deliverable supply, there is a need for a substantial buffer to be identified.
- 2.9 The NPPF also states that the buffer is intended to ensure choice and competition in the market for land. In our view, this would be best served by the inclusion of additional smaller sites, alongside the strategic allocations included within the adopted Core Strategy
- 2.10 As submitted the HELA will inevitably lead to unallocated sites being brought forward through applications (and appeals) in order to address the significant shortfall identified above.

The Current Five Year Land Supply and Housing Delivery in North Lincolnshire

- 2.11 We note that, by some coincidence, the Council contends that it can demonstrate precisely a 5.0 years housing land supply (see EXAM7; Table 1). For the reasons given above and as set out in **Appendix 1**, this does not represent a robust assessment and is, in our view, clearly flawed.
- 2.12 Bringing together the considerations set out above, we present a realistic assessment of the five year housing land supply position in North Lincolnshire in Table 2 below.

<b>Component</b>	<b>Dwellings</b>
a. Five Year Housing Requirement 2014-2019 (Table 1 above)	6,270
b. Five Year Housing Supply 2014-2019	1,753
c. Forecast Shortfall (a. – b.)	4,517
<b>d. Five Year Supply</b>	<b>1.4 Years Supply</b>



- 2.13 As set out in Table 2 above, we conclude that the Council is capable of demonstrating a **1.4 years supply**, representing a serious shortfall.

The Mechanisms for the Release of Contingency Sites

- 2.14 The mechanism for releasing contingency sites is set out at paragraph 3.164 of the HELA DPD and reflects the trigger contained in Policy CS7 of the Core Strategy. We question whether this is an appropriate test having regard to the requirements of the NPPF (paragraph 47, as discussed above). The mechanism is a reactive (rather than proactive) measure. It should be based upon the annual review of the five year supply, as required by the NPPF (paragraph 47), anticipating whether a shortfall could occur, rather than waiting for a shortfall to arise each year over a continuous three year period.
- 2.15 Furthermore, the Council must accept that a shortfall against requirement has occurred. As demonstrated above, the Council fails to accept that there is a problem despite there being a significant shortfall. In conclusion, the trigger for introducing additional supply needs to be reviewed.
- 2.16 Importantly, we question whether there is a realistic prospect that many of the contingency sites identified by the Council are “deliverable”. A high proportion appear to be currently occupied and in use, are public open spaces including playing fields and where the market for new housing may be more suppressed by comparison to smaller villages such as Kirton in Lindsey. We note that the Inspector has raised these potential constraints upon deliverability for individual sites in his questions under Matter 3.

**Residual Monitoring – focusing on paragraphs 3.338-3.341 of the Submission DPD, and the evidence base documents underpinning that data, and the Monitoring Framework at Appendix 1 of the Submission DPD**

- 2.17 As set out above, a significant cumulative shortfall of housing has built up since 2004. This is compounded by the failure of the Council to identify sufficient deliverable sites for the next five years, maintaining the under delivery of housing with no realistic prospect of meeting the Core Strategy requirement. The position is not marginal – there is a substantial shortfall now and the delivery assumptions made by the Council are, simply put, pure fantasy.

- 2.18 Against this background, whilst we broadly support the monitoring framework, we are concerned that the HELA DPD does not do enough to maintain a five year supply, now and going forward.

**Proposed Employment Allocations – quantum of Employment land requirements and type of requirements; take-up of previous allocations; spatial approach; strategic approach to the allocation at South Humber Bank; transportation infrastructure requirements**

- 2.19 We have no comments on this issue.

**Employment Monitoring – focusing on paragraphs 4.163-4.166 of the Submission DPD, and the evidence base documents underpinning that data, and the Monitoring Framework at Appendix 1 of the Submission DPD**

- 2.20 We have no comments on this issue.

**Gypsies and Travellers – the Council’s approach to providing for the needs of Gypsies and Travellers in the District**

- 2.21 We have no comments on this issue.

**Policy S1 (Presumption in favour of Sustainable Development) – conformity with paragraphs 11-16 of the National Planning Policy Framework**

- 2.22 Taking into account our analysis of the Council’s current five year housing land supply position, we recommend that Policy S1 refers to the prospect of housing policies within the plan (comprising those within both the Core Strategy and, if adopted, the HELA DPD) being rendered out of date due to a five year supply not being demonstrated.

- 2.23 Importantly, the HELA DPD does not comply with the requirements for plan-making as contained within the presumption in favour of sustainable development (NPPF; para 14). Specifically, the HELA DPD does not positively seek opportunities to meet the development needs of the area. In the absence of a significant increase in the supply of land being identified, the HELA DPD is unsound.

## **APPENDIX 1**

North Lincolnshire Five Year Housing Land Supply 2014-2019



23638/A5/MK

3<sup>rd</sup> December, 2014

## **NORTH LINCOLNSHIRE FIVE YEAR HOUSING LAND SUPPLY 2014-2019**

### **ASSESSMENT OF THE COUNCIL'S SUPPLY OF HOUSING SITES (EXAM1 APPENDIX)**

#### **Phoenix Parkway Phase 1, Scunthorpe (SCHUH-1)**

There does not appear to be a 'live' planning application due for determination or extant planning permission for the site. The Council has not provided evidence that there is a developer actively seeking to develop the site. It is therefore considered that this site fails to satisfy the requirements of the NPPF (para 47) and should not be considered "deliverable".

The Council's five year housing land supply should be reduced by up to **240 dwellings**.

#### **Land at the Glebe, Scunthorpe (SCHUH-3)**

There does not appear to be a 'live' planning application due for determination or extant planning permission for the site. The Council has not provided evidence that there is a developer actively seeking to develop the site. It is therefore considered that this site fails to satisfy the requirements of the NPPF (para 47) and should not be considered "deliverable".

The Council's five year housing land supply should be reduced by up to **200 dwellings**.

#### **Land north of Doncaster Road, Scunthorpe (SCHUH-8)**

There does not appear to be a 'live' planning application due for determination or extant planning permission for the site. The Council has not provided evidence that there is a developer actively seeking to develop the site. It is therefore considered that this site fails to satisfy the requirements of the NPPF (para 47) and should not be considered "deliverable".

The Council's five year housing land supply should be reduced by up to **200 dwellings**.

#### **Land south of Ferry Road West, Scunthorpe (SCHUH-10)**

There does not appear to be a 'live' planning application due for determination or extant planning permission for the site. The Council has not provided evidence that there is a developer actively seeking to develop the site. It is therefore considered that this site fails to satisfy the requirements of the NPPF (para 47) and should not be considered "deliverable".

The Council's five year housing land supply should be reduced by up to **250 dwellings**.

#### **Land at the Council Depot, Station Road, Scunthorpe (SCHUH-11)**

There does not appear to be a 'live' planning application due for determination or extant planning permission for the site. The Council has not provided evidence that there is a developer actively seeking to develop the site. The only evidence we have identified is that prior notification has been given for the demolition of existing buildings. It is therefore considered that this site fails to satisfy the requirements of the NPPF (para 47) and should not be considered "deliverable".

The Council's five year housing land supply should be reduced by **68 dwellings**.

#### **Redevelopment of Westcliff Precinct, Scunthorpe (SCHUH-14)**

There does not appear to be a 'live' planning application due for determination or extant planning permission for the site. It is therefore considered that this site fails to satisfy the requirements of the NPPF (para 47) and should not be considered "deliverable".

The Council's five year housing land supply should be reduced by **70 dwellings**.

#### **Land at Ashby Decoy off Burringham Road, Scunthorpe (SCHUH-16)**

There does not appear to be a 'live' planning application due for determination or extant planning permission for the site. The Council has not provided evidence that there is a developer actively seeking to develop the site. It is therefore considered that this site fails to satisfy the requirements of the NPPF (para 47) and should not be considered "deliverable".

The Council's five year housing land supply should be reduced by up to **61 dwellings**.

#### **Former Allotments to the rear of 19-47 Somervell Road, Scunthorpe (PA/2008/1153)**

The Site was originally granted outline planning permission in 2008. An application to extend the time limits for implementing the permission was granted in 2011. Since this time, no application for the approval of reserved matters has been made. The Council has not provided evidence that there is a developer actively seeking to develop the site. It is therefore considered that this site fails to satisfy the requirements of the NPPF (para 47) and should not be considered "deliverable".

The Council's five year housing land supply should be reduced by up to **66 dwellings**.

#### **Lakeside, West of Scunthorpe (Western Urban Expansion)**

The Council resolved to grant two outline planning permissions for the Lincolnshire Lakes site at Planning Committee in November 2013 (refs: PA/2013/1000 and PA/2013/1001). The recommendations are subject to completion of s106 agreements. It is our understanding that the s106 agreements have not yet been completed for either application.

The supporting documents accompanying the planning applications identify that the completion year for the development is 2034 (20 years from now). This is considered realistic having regard to the scale of development to be brought forward and having regard to market conditions.

We understand that there are no developers currently with a secured interest in the site. Furthermore, the first application(s) for the approval of reserved matters have yet to be made.

It is therefore considered that this site fails to satisfy the requirements of the NPPF (para 47) and should not be considered "deliverable", with a reasonable prospect of delivering housing within the five year period or at the point envisaged by the Council.

The Council's five year housing land supply should be reduced by up to **1800 dwellings**.

#### **Land at Hebden Road, Scunthorpe (SCHUH-C5)**

There does not appear to be a 'live' planning application due for determination or extant planning permission for the site. The Council has not provided evidence that there is a developer actively seeking to develop the site. It is therefore considered that this site fails to satisfy the requirements of the NPPF (para 47) and should not be considered "deliverable".

The Council's five year housing land supply should be reduced by up to **100 dwellings**.

#### **Land at former South Leys School, Enderby Road, Scunthorpe (SCHUH-C7)**

There does not appear to be a 'live' planning application due for determination or extant planning permission for the site. The Council has not provided evidence that there is a developer actively seeking to develop the site. It is therefore considered that this site fails to satisfy the requirements of the NPPF (para 47) and should not be considered "deliverable".

The Council's five year housing land supply should be reduced by up to **120 dwellings**.

#### **Pasture Road South Phase 1, Barton (BARH-2)**

There does not appear to be a 'live' planning application due for determination or extant planning permission for the site. The Council has not provided evidence that there is a developer actively seeking to develop the site. It is therefore considered that this site fails to satisfy the requirements of the NPPF (para 47) and should not be considered "deliverable".

The Council's five year housing land supply should be reduced by up to **150 dwellings**.

#### **Gleadells Mill, Station Road, Kirton in Lindsey (PA/2006/0464)**

The Site was originally granted outline planning permission in 2008. An application to extend the time limits for implementing the permission was granted in 2011. Since this time, no application for the approval of reserved matters has been made. The Council has not provided evidence that there is a developer actively seeking to develop the site. It is therefore considered that this site fails to satisfy the requirements of the NPPF (para 47) and should not be considered "deliverable".

The Council's five year housing land supply should be reduced by up to **66 dwellings**.

#### **Land at Top Road, Winterton (WINH-3)**

There does not appear to be a 'live' planning application due for determination or extant planning permission for the site. The Council has not provided evidence that there is a developer actively seeking to develop the site. It is therefore considered that this site fails to satisfy the requirements of the NPPF (para 47) and should not be considered "deliverable".

The Council's five year housing land supply should be reduced by up to **80 dwellings**.

#### **Conclusion**

Taking all of the above, the Council's five year housing land supply for the period 2014-2019 should be reduced by (up to) **3,471 dwellings**.