

NBBC Borough Plan Examination

Matter 3 Hearing Statement on behalf of Richborough

Issue 2 - The five year supply and overall housing supply position

39. D) Having regard to the UHLSBP (CD31) and other evidence, does the plan make provision for a supply of specific, developable or broad locations for growth for the subsequent years 6-10 and where possible years 11-15 of the remaining plan period?

- 1.1 The level of housing completions since the beginning of the plan period for the Borough Plan (2011) has been consistently well below the adopted housing requirement. This is particularly the case for the larger strategic sites which have been slow to develop when compared to the housing trajectory.
- 1.2 The housing trajectory, dated February 2024 (prepared to support the Five Year Housing Land Supply Position (2023)), indicates that up to 31 March 2023, only 1,816 dwellings had been delivered on Strategic Sites in the previous nine years, an average of just 202 dpa. Of the thirteen allocations, only HSG1, HSG6, HSG8 and HSG12 had commenced development and HSG1 delivered almost all of the dwellings - HSG1 is located to the north of Nuneaton and delivered 1,655 dwellings of a total of 1,816 dwellings from strategic allocations.
- 1.3 The trajectory chart included within the Adopted Borough Plan highlights that delivery was expected to rise significantly from the year 2019/2020, as strategic allocations were due to be delivered. In 2021/22, it was anticipated that almost one thousand dwellings would be developed on Strategic Sites, in that year alone. Instead the figure was just 287.
- 1.4 The Housing Trajectory prepared in July 2024 (to support the adopted Borough Plan, rather than the emerging Borough Plan) provides an estimation of delivery up to 2031 and concludes that 5,723 dwellings will be delivered. Including the completions figures, this equates to a cumulative delivery of 12,703 for the plan period, a shortfall of 1,357 dwellings. This is a significant shortfall, which equates to nearly two years of the annualised requirement (193%).
- 1.5 It is notable that at a recent planning appeal (CD32), NBBC accepted that Policy DS8 of the adopted Borough Plan is presently engaged, and that sustainable sites on the edge of settlements are required to be brought forward now, in order to address the shortfall.
- 1.6 NBBC have provided limited evidence in respect of why the Strategic Sites have been slow to deliver homes, and more importantly why the sites are now anticipated to come forward through the next plan period. There is no anticipated change in circumstances that will see the delivery of housing across the Borough at the rate suggested by NBBC, particularly when considering that a significant proportion of the estimated future delivery is to be from Strategic Sites that have been available for several years.

- 1.7 Viability is a major factor in whether a site is achievable and developable. The PPG requires a plan-making body to assess the economic viability of a site, and the capacity of the developer to complete and let or sell the development over a certain period¹.
- 1.8 A Viability Assessment (CD10) has been prepared by Dixon Searle Partnership and published as part of the Regulation 19 consultation. In regard to testing the viability of Strategic Sites, it is acknowledged at Paragraph 2.14.3 that the level of infrastructure costs likely to be specific to each scheme were not fully developed, *“meaning that there are likely to be other costs incurred which have not been reflected by assumptions within the appraisals at this stage”*.
- 1.9 Richborough is therefore concerned that the retained allocations from the Adopted Borough Plan have not been subject to a sufficiently robust assessment, in regard to being developable. In light of the failure of the Borough Plan to deliver the sufficient number of dwellings, Richborough is of the view that a more thorough review of the viability of the selected allocations should be undertaken to ensure that they are developable and housing needs can be met. Without this, the Plan cannot be considered to justified or effective and therefore not sound.
- 1.10 In light of the acknowledged difficulties in delivering the larger Strategic Sites, Richborough is also of the view that a detailed Housing Trajectory should accompany the Publication Draft to demonstrate how and when housing sites will be developed. Paragraph 74 of the NPPF is clear that strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period and if appropriate to set out the anticipated rate of development for specific sites.
- 1.11 At present, the Publication Draft includes ‘Table 3’, titled ‘Housing Delivery’, which identifies only the sources of supply which make up the claimed figure of 12,127 dwellings (reduced to 11,522 through Main Modifications). The Housing Trajectory provided at Appendix B is also insufficiently detailed and provides only a graphical representation of the trajectory with no evidence to justify how the conclusions have been reached. Given the historic slow rate of delivery on allocated sites, the requirement for site by site evidence to be included within the Plan is justified and will allow for performance to be sufficiently monitored in the future. In order to be considered sound and justified, a detailed housing trajectory including evidence for specific sites should be inserted into Appendix B.
- 1.12 At the Matter 2 Hearings there was some dispute around whether the 136dpa uplift included within the 545dpa annual housing requirement will contribute to both economic growth and meeting unmet needs in the wider HMA. As argued by the consortium, any overlap will be limited. At paragraph 27.4 of the NBBC Matter 2 Hearing Statement, the Council argue that the 1,712 surplus in the supply (Supply figure of 11,522 minus the requirement of 9,810 dwellings) *“provides sufficient flexibility in the unforeseen event that some identified sites do not come forward as predicted but also in terms of potentially contributing towards unmet needs of other Local Authorities if required”*.
- 1.13 Richborough argue that this surplus can’t perform a dual role, and NBBC should be clear around the function of this. An additional buffer for non-delivery should therefore be added to the overall housing requirement to allow for uncertainties in sites being delivered. This should also factor in assumptions for lead in times and delivery rates and is a common approach which has been adopted elsewhere, including the Aylesbury Vale Local Plan which was adopted in September 2021. This will require the identification of additional allocations to ensure that the higher requirement is met.
- 1.14 Richborough is of the view that NBBC should allocate additional sites and reserve sites prior to adoption of the Plan, so that these could be released if monitoring continued to show under delivery.

¹ Paragraph ID: 3-020-20190722, PPG

This would enable the issue to be addressed promptly, without the need for a full or partial review of the Plan.

- 1.15 Windfall development is defined in the NPPF as “*sites not specifically identified in the development plan*”². Paragraph 70 provides background to windfall development and sets out the following guidance on when an allowance might be appropriate:

“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.”

- 1.16 Table 3 of the Publication Draft identifies that in the estimation of NBBC, small windfall sites will deliver 630 dwellings up to 2039, and this is based on an allowance of 42 dpa, applied between 2024-2039. This has now been reduced to 546 dwellings (42 x 13 years) based on the allowance being applied between 2026-2039. NBBC have sought to justify in the Small Sites Windfall Study (2022), which is included within the evidence base (EB9).
- 1.17 As noted above, the Strategic Sites allocated through the adopted Borough Plan have been extremely slow to come forward. There have also been occasions since the beginning of the plan period in 2010 where NBBC have not been able to demonstrate a five year supply of deliverable sites. Richborough is of the view that any assessment of historic windfall development should be cognisant of such matters, only recording sites that would have come forward under any circumstances, otherwise the Local Plan Review is effectively planning to fail.
- 1.18 Paragraph 6.5 of the Study highlights that the period where there was no adopted Borough Plan in place impacts on the historical data as it is likely that some small sites would have been included in the Plan as non-strategic sites. This justifies a deduction of 9 dpa from the average net small site completions over the last ten years. However, Richborough does not feel that this adequately represents the points raised above in respect of the tilted balance. The delivery in the year 2020/21 is clearly an outlier (net figure of 117 dwellings) which should be removed from consideration given that it is nearly double the delivery of the second highest year. This tallies with the period in 2018 when NBBC acknowledged that it could not identify a five year supply of deliverable housing sites and may have artificially inflated the figure. Richborough is of the view that the windfall allowance for small sites should be reduced by at least a further five units, to a maximum of 28dpa, in order to be justified and considered sound.
- 1.19 Richborough is therefore of the view that the evidence does not justify how the overall requirement will be met within the plan period.

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² Glossary, NPPF (2019)