

Scott Schedule regarding housing land supply – 26/02/21

Disputed sites

Ref	Address	Council's 5YHLS	Appellant's 5YHLS	Difference	Summary of Appellant's comments	Council's comments
CC	East of Leyland Road / Land off Claytongate Drive, Lostock Hall	63	0	-63	<ul style="list-style-type: none"> • Please refer to BP PoE Appendix BP1 pages 1-4 • At the first inquiry into the appeal, the Council's housing land supply witness conceded under cross examination that this site was not deliverable because the Council had not provided the clear evidence for the inclusion of this site. • At the base date, the site was an allocated site without planning permission. Therefore, the onus is on the Council to provide clear evidence that housing completions will begin on this site within five years. • The Council's trajectory considers that 63 dwellings should be considered deliverable on the basis that housing completions will begin half way through year 3 (i.e. 2022/23). <p>Current planning status?</p> <ul style="list-style-type: none"> • At the base date, the site did not have planning permission. A planning application had not been made. The current position is the same. <p>Firm progress being made towards the submission of an application?</p> <ul style="list-style-type: none"> • There is no evidence that firm progress is being made towards the submission of a planning application. • The HLP simply stated that an exchange of contracts with a developer was anticipated with a developer in Summer 2020. That did not happen. It also states that development will not commence until 2021 at the earliest. This is not clear evidence for the inclusion of this site. • The only evidence the Council now relies on is an e-mail from a developer dated 02 December 2020 (i.e. after the HLP document was published), which simply states that contracts are yet to be exchanged with a purchaser and there will be a deadline for securing planning consent once the contract has been signed. No details of when the deadline is have been provided. <p>Written agreement between the LPA and the developer confirming their anticipated start and build-out rates?</p> <ul style="list-style-type: none"> • A written agreement with a developer has not been provided. The developer who the land owner (LCC) is to sign contracts with has not been named. • The timings and build rates provided by the Council are not supported by any evidence. <p>Firm progress with site assessment work?</p> <ul style="list-style-type: none"> • No details of site assessment work have been provided. • The Council has not explained which reports are required to support a planning application and whether there are site specific issues to be addressed. <p>Clear relevant information about viability, ownership constraints or infrastructure provision?</p>	<ul style="list-style-type: none"> • Please refer to GB PoE (paragraphs 5.28 to 5.33) • The site is allocated in the South Ribble Local Plan. • The land is currently owned by Lancashire County Council. <p>Current Planning Status</p> <ul style="list-style-type: none"> • The site is currently allocated for development. No planning application has been submitted for development; however, the land is due to be sold an established housebuilder with exchange of contracts for the sale imminent. • The subject land was originally marketed for sale between July and September 2019 and a preferred purchaser selected by the Council in October 2019. Subsequent negotiations resulted in terms being agreed for the sale in October 2020. • Completion of the contract is subject to an industry-standard 'subject to planning' requirement where planning consent must be obtained between 12 – 18 months from exchange of contracts. <p>Firm Progress with Site Assessment Work</p> <ul style="list-style-type: none"> • A suite of technical assessment work has been undertaken. This includes a Site Investigation and Ground Assessment, Flood Risk Assessment, Preliminary Ecological Appraisal and Transport Assessment. • The County Council has also confirmed in writing that the prospective housebuilder has added to this suite of site assessment work with further due diligence investigations. <p>Clear relevant information about viability, ownership constraints or infrastructure provision?</p> <ul style="list-style-type: none"> • The development site is within single ownership and will be sold in its entirety to the prospective housebuilder. Access to the site is owned by a third party; however, the County Council has confirmed in writing that the site and access will be sold together to the prospective housebuilder by adopting a joint sale approach. • There are no significant viability or infrastructure constraints which would prevent the development from coming forward in the five year period. <p>Summary</p> <ul style="list-style-type: none"> • The landowner has confirmed in writing that contracts are due to be exchanged for the sale of the site imminently to an established housebuilder. • There has been firm progress with a range of site assessment work and once the sale is completed, the housebuilder will be contractually obliged to obtain planning permission in 12-18 months of exchange.

Ref	Address	Council's 5YHLS	Appellant's 5YHLS	Difference	Summary of Appellant's comments	Council's comments
					<ul style="list-style-type: none"> The Council has not provided any specific details in terms of viability, ownership constraints or infrastructure provision. It is known that LCC own the land. <p>Summary</p> <ul style="list-style-type: none"> In summary, the Council has not provided "clear evidence that housing completions will begin on site within five years". The site fails to meet the definition of "deliverable" as set out on page 66 of the Framework. It should be removed. This results in a deduction of 63 dwellings from the Council's supply. 	<ul style="list-style-type: none"> The site is available in a suitable location and achievable with a realistic prospect that housing will be delivered on the site in the next five years. It is assumed that planning permission is secured within 12 months and that 15 homes will be delivered in the first year of construction in 2022/23 with delivery increasing to 30 homes in 2023/24 and the final 18 homes delivered in 2024/25.
W	Land between Moss Lane and rear of 392 Croston Road	164	144	-20	<ul style="list-style-type: none"> Please refer to BP PoE Appendix BP1 pages 5-7 At the base date, the site had outline planning permission for major development. Therefore, the onus is on the Council to provide clear evidence that housing completions will begin on this site within five years. The Council's trajectory considers that 168 dwellings should be considered deliverable on the basis that housing completions will begin half way through year 2 (i.e. 2021/22) based on a build rate of 48 dwellings per annum. At the base date, the site had outline planning permission for 400 dwellings, which was granted almost 5 years ago in March 2016. Since the base date, a reserved matters application has been made (in July 2020) and approved (in December 2020). Therefore, whilst the HLP does not provide any clear evidence for the inclusion of this site, with reference to the appeal decisions I refer to in my main proof of evidence, I accept that there is clear evidence for the inclusion of this site because the reserved matters have since been approved. The Council's evidence set out in the HLP is that construction will commence within 3 months of an implementable consent and that completions will follow approximately 12 months later. This means that completions would be expected would be 2022/23. The Council has since provided an exchange with Homes England which took place in January / February 2020. This confirms the timescales provided in the HLP above. The Council also relies on an e-mail from the CIL and S106 monitoring officer, which confirms that the developer (Keepmoat) has started the first infrastructure phase and have confirmed plans to start on 2 dwellings in March 2021. This is in line with the timescales provided in the HLP. The Council has not provided any information from Keepmoat Homes that the timescales will be any different to those set out in the HLP. On this basis, on the Council's own evidence, 24 dwellings should be removed. 	<ul style="list-style-type: none"> Please refer to GB PoE (paragraphs 5.11 to 5.19) The site is allocated as part of a wider development site in the South Ribble Local Plan. At the base date, the site had outline planning permission for up to 400 homes. A reserved matters application for the outline planning permission was submitted on 6th July 2020 and approved on 18th December 2020. The site's delivery is being facilitated by Homes England and the development partner is Keepmoat. Homes England's remit is to act as the Government's housing accelerator with a focus on driving positive market change and has a priority of accelerating delivery by incorporating a requirement to use Modern Methods of Construction into its leases. The Council's CIL Monitoring Officer confirmed in February 2021 that Keepmoat have started on the first infrastructure phase and will commence the first residential phase in March 2021 with first completions in 2021/21. As part of the agreement between Homes England and Keepmoat, there is a standard building lease which requires the developer to complete homes quicker than the prevailing average. This is equal to an average completion rate of 4 homes per month or around 50 homes per annum. Homes England are due to complete the Building Lease in March 2021. In the first year of completions (2021/22), it is assumed that 20 homes will be delivered with completions rising to 48 homes per annum from 2022/23 onwards totalling 164 homes in the five year period. This aligns with the Homes England Phase 1 Target Build Program which will be appended to the Building Lease when complete which states that 156 homes will be completed at the mid point of the build on 31st January 2025 – an average of 4 homes per month rolled forward to 31st March 2025 is equal to 164 homes in the five year period. In summary, Keepmoat have started construction on site, the residential elements are to begin in March 2021 and a Building Lease between Homes England and Keepmoat will require the

Ref	Address	Council's 5YHLS	Appellant's 5YHLS	Difference	Summary of Appellant's comments	Council's comments
						delivery of an average of 4 homes per annum which will be signed in March 2021.
V	Land off School Lane, "Kitty's Farm", Longton	33	33	0	This site is no longer disputed.	<ul style="list-style-type: none"> This site is no longer disputed.

Windfall allowance

Council's 5YHLS	Appellant's 5YHLS	Difference	Summary of Appellant's comments	Council's comments
600	177	-423	<ul style="list-style-type: none"> Please refer to BP PoE Pages 47 to 50 The Council includes a windfall allowance of 600 dwellings in the five year supply (50 dwellings in 2020/21, 100 dwellings in 2021/22 and 150 dwellings in each year 2022 to 2025). The windfall allowance assumes that currently unknown sites will become available, secure planning permission and deliver housing in the five year period. The windfall allowance of 600 dwellings is the same as the previous HLP (base date 31st March 2019). However, it is a significant increase compared to the previous HLP reports with base dates of 31st March 2017 and 31st March 2018, which both included a windfall allowance in the respective five year period of 177 dwellings. The Council's housing land supply position at 31st March 2015 and 31st March 2016 did not include a windfall allowance at all in the five year period. In my main proof of evidence, I refer to paragraph 70 of the Framework, the definition of a windfall site on page 73 of the Framework and paragraphs 3-023 and 68-014 of the PPG. In summary, "compelling evidence" is required to include a windfall allowance and it must be "realistic", having regard to the SHLAA, historic windfall delivery rates and expected future trends. Whilst I accept that a windfall allowance should be included, the Council has not provided compelling evidence to justify a windfall allowance of 600 dwellings. Firstly, the only evidence the Council has provided relates to past trends. The chart on page 6 of the HLP shows that the average completion rates on windfall sites has been 146 dwellings per annum over the past 10 years. However, that is a gross figure. For example, the chart shows that 103 dwellings on windfall sites were delivered in 2019/20. However, Appendix 1 of the HLP explains that the net completion rate on windfall sites taking into account demolitions and losses from residential use was only 92 dwellings. Secondly, the average windfall completion rate cannot be relied on because as the previous HLP (base date 31st March 2019) explains, the completions on windfall sites includes sites that are identified in the development plan and therefore by definition are not windfall sites. Examples include: <ul style="list-style-type: none"> Arla Foods (80 dwellings in total) – 13 dwellings completed in 2018/19; and Roadferry Site (209 dwellings in total) – 41 dwellings completed in 2018/19. Thirdly, and notwithstanding the above, even if the average gross completion rate of 146 dwellings per year on windfall sites could be relied on, this would 	<ul style="list-style-type: none"> Please refer to GB PoE (paragraphs 5.43 to 5.50) The Framework (paragraph 70) is clear 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; however, there is no specific guidance to how a windfall estimate should be calculated South Ribble has a strong record of delivering a substantial number of dwellings on windfall sites and this is borne out in the volume of completions achieved through unidentified windfall development historically. Analysis of past windfall completions over the period from 2010/11 (i.e., the beginning of the plan period) to 2019/20; and a longer-term period from 2003/04 to 2019/20 demonstrates that average completions from windfall sites falls within the range of 146 homes and 153 homes. Over the past two monitoring years including in the latest position statement, the Council has incorporated an allowance for 150 homes per annum from delivery on such windfall sites. A phased approach has been adopted to forecasting windfall development on the basis that there will already be a proportion of sites permitted as windfall development which will be built out in the first two years of the five year period. The delivery expected from windfall development therefore increases gradually from 50 homes in 2020/21 to 100 homes in 2021/22 to 150 homes for the final three years of the five year period equalling a total of 600 homes in the five year period.

Council's 5YHLS	Appellant's 5YHLS	Difference	Summary of Appellant's comments	Council's comments
			<p>mean that 730 dwellings could be expected on windfall sites in the five year period (i.e. 146 X 5 = 730). However, the Council's supply already includes 369 dwellings in the five year supply on windfall sites as shown in table 11.2 of my proof of evidence.</p> <ul style="list-style-type: none"> • On this basis, the Council is therefore claiming that 969 dwellings will be delivered on windfall sites in the five year period (i.e. 369 + 600). This would equate to an annual delivery rate of 194 dwellings on windfall sites, which is far in excess of even the gross historic average delivery rate of 146 dwellings. • Fourthly, the Council has not provided any compelling evidence that windfall sites for major development (i.e. those over 10 dwellings) will continue to come forward. It is not known where these sites are or why they are expected to come forward. Contrary to paragraph 70 of the Framework, no reference has been made to the SHLAA. • The table above shows that at 1st April 2020 there were only three windfall sites with planning permission for more than 10 dwellings. However, the Olive Farm site, which has planning permission for 70 dwellings was approved at appeal. The Council refused permission and sought to defend its decision at the appeal. The windfall allowance should not rely on sites for major development being approved at appeal. • I accept that small windfall sites (i.e. those under 10 dwellings) will come forward and deliver dwellings in the five year period. The number of small sites with planning permission has largely remained the same in each HLP monitoring report: <ul style="list-style-type: none"> - 31st March 2020 = 184 dwellings; - 31st March 2019 = 182 dwellings; - 31st March 2018 = 146 dwellings; - 31st March 2017 = 172 dwellings; - 31st March 2016 = 159 dwellings; and - 31st March 2015 = 163 dwellings. • This reflects the fact that as small sites are built out, they are replaced by other small sites which secure planning permission in the monitoring year. • On this basis, the windfall allowance of 177 dwellings in the previous HLP reports should be included. This is based on 15 dwellings in year 1, 30 dwellings in year 2 and 44 dwellings in years 3 to 5. This results in a deduction of 423 dwellings. 	