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# FREETHS

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## CENTRAL LINCOLNSHIRE LOCAL PLAN

### MATTER 6 HEARING STATEMENT: HOUSING LAND SUPPLY (LP2, LP3, LP4, LP49, LP50, LP51, LP52, LP53, LP54)

PREPARED ON BEHALF OF

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## 1. INTRODUCTION

- 1.1. This Statement is prepared by Freeths LLP on behalf of our client Taylor Lindsey Ltd and is submitted as evidence as part of the Central Lincolnshire Local Plan Strategy examination. Taylor Lindsey Ltd is promoting a number of sites for development within the administrative area of Central Lincolnshire.
- 1.2. The issues covered by this Statement relate to Matter 6: Housing Land Supply of the 'Schedule of Matters, Issues & Question for Examination' dated 16/09/16 (updated 26/09/16) prepared by the Inspector and forming the basis of the Examination Hearings. This Statement responds specifically to questions 1, 2, 4, 5, 38, 39 and 41 identified by the Inspector.

## 2. COMMENTS

***Q1. Taking into account the reliance upon SUEs, is a flat trajectory realistic and appropriate? If not, what should it be? Should it be re-profiled so that the annual targets are lower earlier on in the plan period and higher later on?***

- 2.1. As set out in the accompanying Hearing Statements, the plan relies heavily on a number of large scale major strategic sites / Sustainable Urban Extensions which will be particularly challenging such that deliverability is a major concern. Such large scale sites will require major infrastructure works to be undertaken and have a number of constraints such as flooding, transport and contaminated land that will need to be addressed. Such constraints will subsequently impact on delivery and could exacerbate issues relating to viability. In the context of deliverability there is, as a result, concern that a 5 year supply of housing (as required by paragraph 47 of the NPPF) cannot be demonstrated and that it is unlikely these sites will be delivered within the plan period as anticipated. Greater choice and flexibility is therefore required in terms of size and location to deliver the objectively assessed need (OAN).

***Q2. Taking into account the number of allocations in the Local Plan, and the strategic nature of the SUEs and their anticipated commencement, is this method the most appropriate? Alternatively, should the undersupply be spread over a longer period of time? (i.e. the 'Liverpool' approach)?***

- 2.2. In line with the Planning Practice Guidance, the Sedgefield approach is considered to be the most appropriate method to dealing with undersupply. Where this cannot be met in the first 5 years, LPAs will need to work with neighbouring authorities under the 'Duty to Cooperate'. An approach to the contrary such as the Liverpool methodology would fail to accord with national policy / guidance in this regard and result in a plan that is not positively prepared or justified.

**Q4. Is this approach justified and is it the most appropriate methodology to adopt in this scenario? Shouldn't the buffer be applied to the annual requirement after undersupply since the start of the Plan period has been added?**

- 2.3. The 20% buffer is supported due to persistent under delivery. However, the Council's approach to application of the buffer is refuted. Applying the buffer to the requirement and shortfall is indeed standard practice in view of national policy's thrust to significantly boost housing supply and one that is accepted by many Inspectors. The Inspector of a recent appeal decision allowing residential development at Abbey Lane, Aslockton (ref: APP/P3040/A/14/2227522) in December 2015 considered this and at paragraph 28 of her report stated:

*I note the 'Gresty Lane' appeal Decision by the Secretary of State in which he 'disagrees with the Inspector's approach of including the allowances for each year's backlog in the overall sum to which the buffer should be applied as he sees this as double counting.' However, there is evidence before me of other appeal Decisions since this Decision of the Secretary of State, including a Decision by the Secretary of State, where the buffer has been applied to both the requirement and the shortfall. Furthermore, I consider that the shortfall in this case can reasonably be considered to form part of the housing requirement. Indeed, I note that paragraph 47 of The Framework indicates that the purpose of a 20% buffer is to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land. I therefore consider it wholly appropriate to apply the buffer to the total requirement, which would include the shortfall.*

- 2.4. The above approach is also advocated by Local Plans Expert Group (LPEG) who state in their report (Report to the Communities Secretary and to the Minister of Housing and Planning (March 2016) noted at paragraph 2.16) that the backlog has only occurred because an area has not met its housing requirement and the buffer should thus be applied to this backlog to ensure there is sufficient headroom to ensure the backlog is met.

***Q5. What would the five-year housing land requirement be, for both the 'Sedgefield' and 'Liverpool' methodologies, if the 20% buffer was applied to the average annual requirement and accounted for any undersupply? What would be the five year supply if a 5% buffer was applied?***

- 2.5. Utilising the correct approach to application of the 20% buffer and ensuring that the backlog is dealt with in the first 5 years of the plan period as required by national policy / guidance (Sedgefield methodology), the Council would not be in a position to demonstrate a 5 year supply of housing land (4.77 years), such that additional sites are required.

***Q38. Having regard to the answers provided to the questions above, is the trajectory on page 109 of the Local Plan justified and will there likely to be a five-year supply of deliverable housing sites on adoption of the plan?***

- 2.6. No, for the reasons set out above concerning deliverability.

***Q39. Is there likely to be a sufficient supply of housing land throughout the lifetime of the plan?***

- 2.7. No, for the reasons set out above concerning deliverability.

***Q41. What is the justification for identifying broad locations for future growth? What are the locations based on and how have they been determined? Are the locations justified, and are the criteria to trigger their development clear, reasonable and justified?***

- 2.8. LP54 provides a degree of contingency; Part A identifies the remaining capacity of SUE sites expected to be completed after 2036 and Part B identifies two broad locations (Gainsborough and Sleaford) for future growth should monitoring data

suggest job growth figures (496 pa net increase in jobs) are likely to be consistently exceeded. However, in terms of Part A for the reasons set out above relating to scale and constraints, it is highly likely that a shortfall in completions will result that are otherwise so heavily relied upon to contribute towards nearly half of the required OAN, and that this alone will require additional/alternative provision to account for such a deficit. Further, Part B only accounts for two broad locations which severely limits choice, competition and flexibility, in addition to the fact that this component of the policy would not come into effect until March 2026 (to allow opportunity for allocated sites to come forward first), allowing little time to clawback any shortfall over the remaining 10 year plan period, particularly when having regard to past performance and under supply.