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12 January, 2016

Dear Madam,

**RE: PLANNING INQUIRY – 19<sup>TH</sup> JANUARY 2016**  
**ROSEMARY LANE, LEINTWARDINE, HEREFORDSHIRE**  
**REFERENCE: APP/W1850/W/15/3006428**

I enclose for your information evidence by way of Rebuttal which the Council submits under paragraph F.12 of the Procedural Guidance. Please would you forward this to the Inspector since the Council requests the Secretary of State's permission that this document is relied upon at the Inquiry. May I particularly refer to sub-paragraph F.12.3 and advise that our grounds in support are as follows:-

- (a) to respond to the points made for the first time by the appellant about housing land supply and;
- (b) to do so by commenting on the Council's new assessment of land supply.

May I add that this information has only been before me since New Year 2016 and was made available to the appellants immediately.

The Council has asked the appellants whether they agree to this Rebuttal evidence being submitted but at time of writing I have not had a response.

I would submit that the contents of the Rebuttal attached satisfy the necessarily strict criteria as set out in F.12.4.

The Council would be very grateful if its request could be granted.

Yours faithfully,

**MIKE JONES FCILEX**  
**SENIOR LITIGATOR**

CC: Dr Dave Nicholson  
Andrew Banks



**TOWN AND COUNTRY PLANNING ACT 1990**

**APPEAL UNDER SECTION 78**

**By**

**Framptons on behalf of LWD Developments LLP against the decision of the County of Herefordshire District Council – Refusal of Planning Permission for residential development of up to 45 dwellings (Use Class C3) means of access and associated works (with all other matters relating to appearance, landscaping, layout and scale reserved), land off Rosemary Lane, Leintwardine, Herefordshire.**

**REBUTTAL**

**relating to**

**HOUSING LAND SUPPLY**

**DR. DAVID NICHOLSON BSc, PhD, MRTPI**

**Grid Reference:**

**340722, 273989**

**Planning Inspectorate Reference:**

**APP/W1850/W/15/3006428**

**Local Planning Authority Reference:**

**P142215/O**

**Date of Local Public Inquiry:**

**19 January 2016**

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Response by Framptons to March 2015 consultation on Update of Herefordshire Local Plan – Core Strategy Examination in Public Five year housing land supply (2015-2020).	

## 1 INTRODUCTION

- 1.1 This rebuttal responds to the Planning proof of evidence prepared for the appellant by Louise Steele. The proof sets out at its Appendix 1 a number of concerns with regard to the Council's housing land supply.
- 1.2 Housing land supply is not agreed between the parties. It does not feature in a stated Reason for Refusal. However it is relevant to the Inquiry because of the provisions of the NPPF, which set out different approaches to decision making in the event that a five-year supply of deliverable housing sites cannot be demonstrated.<sup>1</sup>
- 1.3 The Council's position at the time of submitting my proof of evidence was that a 5.24 years' supply of deliverable housing sites could be demonstrated, in line with the outcome of the 2015 Local Plan Core Strategy Examination. This assessment is set out in CD78, a document produced in March 2015 at the request of the Examination Inspector. The assessment is challenged by the appellants, who calculate the supply as 4.2 years. This figure is reached through a re-assessment of the Council's expectations as to the rate at which housing units will come forward on the strategic sites contained in the newly adopted Core Strategy.
- 1.4 The Council is committed to closely monitoring the housing land supply including the sites shown on the indicative trajectory to deliver housing within the five year period.<sup>2</sup> The Council uses an April to March period for the purposes of monitoring and reporting, including on housing land supply matters. The technical process of data collection and analysis on such aspects as the number of housing completions normally concludes around the end of the calendar year in respect of the previous financial year. Through this monitoring work, new evidence has very recently been issued by the Council in respect of housing land supply. This has been submitted to the Inquiry and I refer to it as CD78a.
- 1.5 The new evidence provides an update of the position set out in CD78. It provides an updated figure for the Council's housing land supply of 5.01 years as at 1 April 2015 on the basis of new information about:
  - dwelling completions in 2014/15,
  - sites with planning permission at 1 April 2015, and sites with a resolution to grant planning permission between 31 March 2014 and 1 April 2015, and

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<sup>1</sup> NPPF, paragraphs 49, 47, 14 (CD60).

<sup>2</sup> CD80, Appendix 4.



- the contribution that the Core Strategy strategic sites can make to the five year supply.

1.6 In terms of the Procedural Guidance, the new material constitutes late evidence. I provide the following explanations pursuant to F.12.3 of the Guidance, to assist the Inspector in deciding whether to accept it:

- An explanation of why it was not received in accordance with the rules: the evidence was not available at the time of the submission of proofs and has only very recently been issued by the Council following the completion of the annual technical monitoring work.
- An explanation of how and why the material is relevant: because of the provisions of the NPPF referred to above, the evidence is directly relevant to the Inquiry in providing an updated assessment of the Council's housing land supply position. It is also relevant because it incorporates the Council's updated view of the contribution that the Core Strategy strategic housing proposals can make to the five year supply, a matter to which the appellants refer in their own assessment of housing land supply.

1.7 This rebuttal has been prepared in order to respond to the following, including by referring to the new evidence now available:

- To confirm the Council's position on matters raised by the appellant in respect of the appropriate housing land supply target (Rebuttal section 2)
- To address matters raised by the appellant in respect of the contribution made by larger sites to the five-year housing land supply (section 3)
- To address matters raised by the appellant in respect of housing delivery (section 4).

## **2 HOUSING LAND SUPPLY TARGET**

- 2.1 This section of the rebuttal sets out the Council's position on matters concerning housing requirements, as referred to by the appellant in their Planning proof at Appendix 1, section 3.

### **Housing requirement to meet objectively assessed need**

- 2.2 For the purposes of the appeal, the appellant adopts a housing requirement figure of 16,500 dwellings 2011 to 2031, equivalent to an annual provision of 825 dwellings per annum.
- 2.3 This is the housing requirement figure established in the adopted Core Strategy. Policy SS2 refers to the delivery of a minimum of 16,500 homes in Herefordshire between 2011 and 2031. The Inspector at the Examination concluded that this minimum level of provision was reasonable and justified. The Council supports this level of provision.

### **Core Strategy housing trajectory**

- 2.4 The Core Strategy incorporates a housing trajectory in the form of stepped housing targets which reflects the expectation of a greater proportion of homes being delivered later in the plan period.<sup>3</sup> I note that allowance has been made in this way for the longer lead-in times for the strategic sites.
- 2.5 The appellant's table at paragraph 5.1 of Appendix 1 incorporates a five years' requirement based on the Core Strategy trajectory, namely:

A target of 600 dwellings per annum for the first year, 2015/2016

A target of 850 dwellings per annum for the four years thereafter, 2016/17 to 2019/20.

- 2.6 This totals a requirement of 4,000 dwellings. The Council supports this figure as a basis for monitoring and assessing housing land supply over the period in question.

### **Shortfall and buffer**

- 2.7 The appellant considers that it is appropriate to apply a 20% buffer to the five year requirement, and that any shortfall that may have arisen since the start of the plan

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<sup>3</sup> CD80, policy SS3 and paragraph 3.41.

period should be made up within the five-year period rather than spread over the remainder of the plan period.

- 2.8 The Core Strategy includes provision for a 20% buffer.<sup>4</sup> In respect of the shortfall, the Council accepts for the purposes of this appeal that this should be addressed within the five-year period in question (i.e. 2015/16 to 2019/20). In Herefordshire the shortfall arises from 2011, not 2008 as indicated by the appellant.<sup>5</sup>
- 2.9 In respect of the concerns of the appellant that the 16,500 housing requirement figure is to be regarded as “very much a minimum requirement”,<sup>6</sup> I would observe first, that this is a matter already addressed in the strategic policies, where the requirement figure is set as a minimum; and second that the incorporation of a 20% buffer will ensure that supply is assessed not merely on a minimum basis, addressing the point.

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<sup>4</sup> Ibid.

<sup>5</sup> Appellant Planning proof, Appendix 1, paragraph 3.9.

<sup>6</sup> Ibid., paragraph 3.18.

### **3. FIVE YEAR HOUSING LAND SUPPLY**

#### **Matters already addressed at Examination**

- 3.1 As I indicate above at paragraph 1.3, housing land supply was a principal issue discussed at the Core Strategy Examination in 2015. The Council's document CD78 was prepared at the Inspector's request to reflect those discussions, and was then issued for a consultation. A response to this consultation was made by Framptons (included here at Appendix 1). The representation makes the point that the assumptions regarding start times and build-out rates for the strategic sites must be treated with extreme caution.
- 3.2 By way of background, the Core Strategy identifies 8 strategic sites, at Hereford (4 sites) and one each at the market towns of Leominster, Bromyard, Ledbury and Ross. Seven of these are urban expansion locations which are generally referred to as strategic urban extensions or SUEs. In addition, a strategic site is identified to the north of Hereford city centre: the Urban Village. I have used the term "strategic sites" when referring collectively to the SUEs and the Urban Village.
- 3.3 Following the consultation on CD78, the Examination Inspector concluded that the details of the deliverable sites complied with PPG advice; and that there was convincing information, including on ownership and progress towards submitting a planning application, that the SUEs could start to deliver housing within the five-year period.<sup>7</sup>
- 3.4 It is acknowledged that time has moved on and that the expected rates of delivery will need to be monitored, alongside the other components of supply. The Council's new evidence is the result of just such a process. However it is also the case that there has been a recent Core Strategy Examination, a forum arguably more suited to the wider consideration of housing land supply than the present Inquiry; that the opportunity was available in that context to present evidence on this matter; that this opportunity was taken up, the argument that the strategic sites will not deliver housing at the expected rate being duly made; and that that argument was found wanting in the context of the convincing information provided by the Council.
- 3.5 Notwithstanding the above, the matter of the strategic site contributions has been raised again in this appeal and I consider the various elements of this evidence below. It is noted that the appellants do not seek to make any argument against any of the other components of the Council's housing land supply.

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<sup>7</sup> CD79, paragraph 50.

## **Larger sites**

- 3.6 Evidence is provided (Appellant Appendix 1, paragraphs 4.6 to 4.13) identifying various factors which may influence the progress of larger sites through the development pipeline in general. The potential role of these factors is not in dispute, but it is not clear to what extent they have (or may in future) affect the progress made on the Herefordshire larger sites. I make the general point that all the strategic sites have been the subject of years of consideration through the plan-making process, including many rounds of public consultation, masterplanning and other technical work between the Council and the developers, landowners and promoters. This preparatory work will stand them in good stead in addressing the following pre-planning permission issues identified by the appellant, which I now consider in more detail.
- 3.7 Multiplicity of landowners (Appellant Appendix 1 paragraph 4.6): detail on the landownership position of the strategic sites is set out within CD78 and CD78a. Notably at Hereford, discussions with the parties have been underway for a number of years reflecting the long-term interests of the parties involved. Two of the Hereford SUEs are controlled by a single developer, Bloor Homes. Development land at the Urban Village was included within a successful CPO in 2013 together with land required for the associated link road. Three Elms is in the majority ownership of the Church Commissioners. Elsewhere, the market town SUEs are held by an established consortium (Leominster), other local partnerships (Ross, Ledbury) and a primary controlling interest (Bromyard), with all having engaged with the Council in pre-application discussions. Overall, based on this information, I do not see a position arising whereby development progress will be delayed by a multiplicity of different landowners within any of the strategic sites.
- 3.8 Multi-disciplinary approach to development (Appellant Appendix 1 paragraph 4.7): this point is agreed as a general observation and indeed is a well-understood feature of larger schemes. There is nothing unusual in this respect in any of the Herefordshire strategic sites.
- 3.9 Third parties (Appellant Appendix 1 paragraph 4.8): representations by third parties may range from statutory consultees to local objections. The Core Strategy has incorporated a total of 7 rounds of consultation up to and including the pre-submission stage in May 2014. In this way the opportunity has been given for the concerns of third parties with regard to the strategic sites to have been well-aired and thoroughly considered in the plan-making process.

- 3.10 Viability (Appellant Appendix 1 paragraph 4.9): again, viability issues have been considered through the plan-making process and opportunity given for these matters to be reflected in policy. The Examination Inspector concluded that the various place-shaping policies for Hereford and the market towns, which establish the strategic sites and any associated infrastructure requirements, were sound having regard to the whole plan viability test.<sup>8</sup> Clearly the development process and economics thereof are dynamic, but I consider that the policies provide a recently-examined, sound and viable basis for taking forward the development of the strategic sites. This should help limit the need for further discussions as schemes proceed and so benefit progress.
- 3.11 When the post-planning permission stage is reached, potential issues are identified by the appellant around land acquisition, the discharge of pre-commencement conditions and the securing of reserved matters permissions (Appellant Appendix 1 paragraph 4.10 to 4.13). These are clearly relevant issues to be addressed, and for the Herefordshire strategic sites they are well-understood by virtue of the preparatory work referred to above. The projected out-turns for the strategic sites include allowance for these factors.

### **Herefordshire evidence regarding larger sites**

- 3.12 Evidence is provided (Appellant Appendix 1, paragraph 4.20 and Table 1) on seven sites above 10 dwellings granted planning permission in Herefordshire in 2015. The point is made from this information that the process of obtaining planning permission on such sites takes an average 10.5 months.
- 3.13 Leaving aside the fact that this is a small sample from which to draw generalisations and that the number of months to decision varies widely from 3 to 17 (indicating that site-specific factors have a strong influence), there are a number of differences between the sites in Table 1 and the strategic sites. These limit the extent to which one can be used to draw conclusions about the other.
- 3.14 As noted above, the strategic sites have been the subject of much advance preparatory work. They have important roles to play in achieving the wider planning outcomes for the County and its individual settlements, as well as in the delivery of housing at Hereford and the market towns. This indeed is the basis for their identification as strategic sites within the Local Plan. I consider that this preparatory work, their acknowledged role in the County's spatial planning strategy and the fact that that Strategy is recently adopted will help speed their journey through the

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<sup>8</sup> CD79, paragraph 93 and 101.

remainder of the planning process towards delivery. This is notwithstanding the fact that the strategic sites are larger than those referred to by the appellant in Table 1.

- 3.15 In contrast, only one of the planning permissions shown in Table 1 is a development plan allocation. This is ref 150897 (although this reference and the other details given relates to a site at Madley, not the site address at Marden given in the Table). The Madley site is an allocation within the former UDP. A second site lies within the Hereford settlement boundary as defined in the UDP (143189, land west of Hollywell Gutter Lane).
- 3.16 The remaining sites in Table 1 are outside but adjacent to the relevant village settlement boundary, and have all gained planning permission in the context prevailing at the time of a lack of a five-year supply of housing land. In that sense, they have been brought forward outside any context provided by development plan policies for the supply of housing. They are not sites whose delivery and implementation are part of a wider and recently adopted planning strategy. They will not have benefitted from the planning policy backing, public consultation or preparatory technical work which now underpins the implementation of the strategic sites. The fact that they have arisen relatively “cold”, as planning applications, will have implications for the length of time taken to progress them to a planning decision. This could be for instance through the degree of controversy arising locally, or the need to address land and development issues which have not previously been aired and resolved at development plan stage.
- 3.17 I note that the one UDP allocation site included in Table 1 was the quickest to reach a decision (3 months), albeit this site already had an outline residential planning permission.
- 3.18 I also observe that Table 1 provides evidence that sites on the edge of villages have been able to gain planning permission in similar planning policy circumstances to the appeal site, when policies for the supply of housing have been out-of-date. The Council has had no ‘in principle’ objection to such sites where sustainable development can be demonstrated, granting planning permission in such cases. This confirms that in the case of the appeal site it is the site specific adverse impacts which on a balanced judgement weigh against its development.

### **The Herefordshire strategic sites**

- 3.19 The updated evidence on housing land supply set out in CD78a incorporates the Council’s view of the contribution that the Core Strategy strategic housing proposals can make to the five year supply, based on information supplied to planning officers by their respective developers, agents and landowners in December 2015.



- 3.20 The fact that the Core Strategy was adopted in October, confirming the allocation of the strategic sites as part of the overall planning strategy, represents a clear milestone in their delivery. Hitherto, the majority of the sites, with the exception of that at Ross-on-Wye, have been the subject of numerous “in principle” objections to their development from, for example, the promoters of alternative sites. In these circumstances, it is not surprising that the developers concerned have prudently awaited the outcome of the Core Strategy examination before committing the necessary sums to their further progression. Such investment before adoption would have been at risk of the site concerned not having been supported by the Inspector. This risk has now been removed, and the information now being supplied to planning officers reflects the certainty and confidence that the Core Strategy adoption has rightly bestowed.
- 3.21 On this basis, the Council considers that the strategic sites will provide a total of 1,900 dwellings to the five-year supply. This represents 33% of the deliverable sites, compared to 36% in CD78. To the extent that reliance on the strategic sites in demonstrating the five years’ supply is to be considered a risk, I note that the exposure is reducing because of improvements in other elements of the supply.
- 3.22 The Council have provided a detailed account of the position now pertaining to each strategic site in CD78a. With the Core Strategy adopted, activity in the form of planning application submissions/consideration and pre-application discussions is expected to continue apace in early 2016 and the firm expectation is that the sites will contribute between 150 (Ross) and 300 (Three Elms and Lower Bullingham) dwellings to the five-year supply over the period in question.
- 3.23 The methodology adopted in CD78a is the same as that in CD78. The Examination Inspector considered this provided “convincing information” that the sites could start to deliver housing within the five-year period.<sup>9</sup>
- 3.24 The build-out rates set out in CD78a Figure 3 reflect the industry view as to how the sites will proceed. I note there is scope for these rates to be re-profiled if necessary, to later in the period, without affecting the overall contribution of any site to the five-year supply.
- 3.25 In contrast, the appellant estimates that 1003 dwellings can be expected to arise from the SUEs over the five-year period. This is generally based on allowing 30 months from submission of an outline planning application to completion of the first

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<sup>9</sup> CD79, paragraph 50.



dwelling on each site. This results in a later date for first completions on each site, although thereafter the Council's trajectory is accepted.

- 3.26 I have discussed these estimates with strategic planning and development management planning officers at the Council. It is considered the assumptions made are over-pessimistic. For instance, the expectation is that with the Core Strategy now in place and after pre-application discussions, a strategic site planning permission could be delivered within 6 to 9 months, including a signed s106 agreement. The evidence cited by the appellant on previous "off plan" large site timescales cannot reliably be applied to the situation that now prevails, whereby the adoption of the Core Strategy has delivered a new certainty to planning decision-making and consideration for the allocated sites. Moreover, the assumptions do not allow for the possibility of full planning applications being made where appropriate, for instance on development sites in the Urban Village, where the construction of the necessary link road is underway; nor for the possibility of hybrid planning applications which may allow for an early start on an initial SUE phase.
- 3.27 Overall, I conclude that the Council has made convincing estimates of the contribution that can reasonably be expected of the strategic sites to the five-year supply. The Council's figures are reliably based on information supplied direct by the developers, agents and landowners of the various sites in December 2015. The estimates have been validated by the experience of planning officers in development management who are dealing now with their delivery. They provide a firm basis for concluding that there is a demonstrable five-year supply of deliverable housing sites in Herefordshire.

## 4. DELIVERY

- 4.1 The appellant identifies various factors which can impact on completion rates (Appellant Appendix 1, paragraphs 4.14 to 4.19). I address these within the overall context of the Council's recent delivery performance. CD78a Figure 8 demonstrates a significant rise in net completions in 2014/15, which is the first year in the plan period when completions have met the stepped trajectory requirement. Indeed the requirement has been comfortably exceeded, by some 29%. The upturn in activity is also seen in the supply looking forward, which remains firm despite the number of completions. The stock of sites with planning permission stands at 2793 units at year end, compared to 2508 a year earlier in March 2014 – an increase of 285 or 11%.<sup>10</sup> Similarly 2014/15 saw an increase in the number of sites coming forward with a resolution to grant planning permission – rising from 249 in the previous year to 669 units, an increase of 168%.<sup>11</sup>
- 4.2 These positive figures suggest that the corner has been turned in terms of the assessment of persistent under-delivery for Herefordshire. It is a reasonable expectation that the apparent upturn will be given further impetus in the current year, 2015/16, by the adoption of the Core Strategy. By confirming a planning framework, the resultant certainty will give further confidence to the development industry and to those preparing Neighbourhood Development Plans. Such Plans will allocate further non-strategic sites for housing, further boosting the supply in due course.
- 4.3 Against this background, the appellant identifies a number of factors which may affect delivery:
- The strength of the local market and the degree of competition within settlements and sites
  - The impact of wider economic changes
  - The need for further reserved matters approvals
  - The discovery of previously unknown ground problems
  - Problems relating to site ownership
  - A scheme may not have been built in accordance with the approved drawings
  - Lack of availability of skills and materials
  - Cash flow restrictions

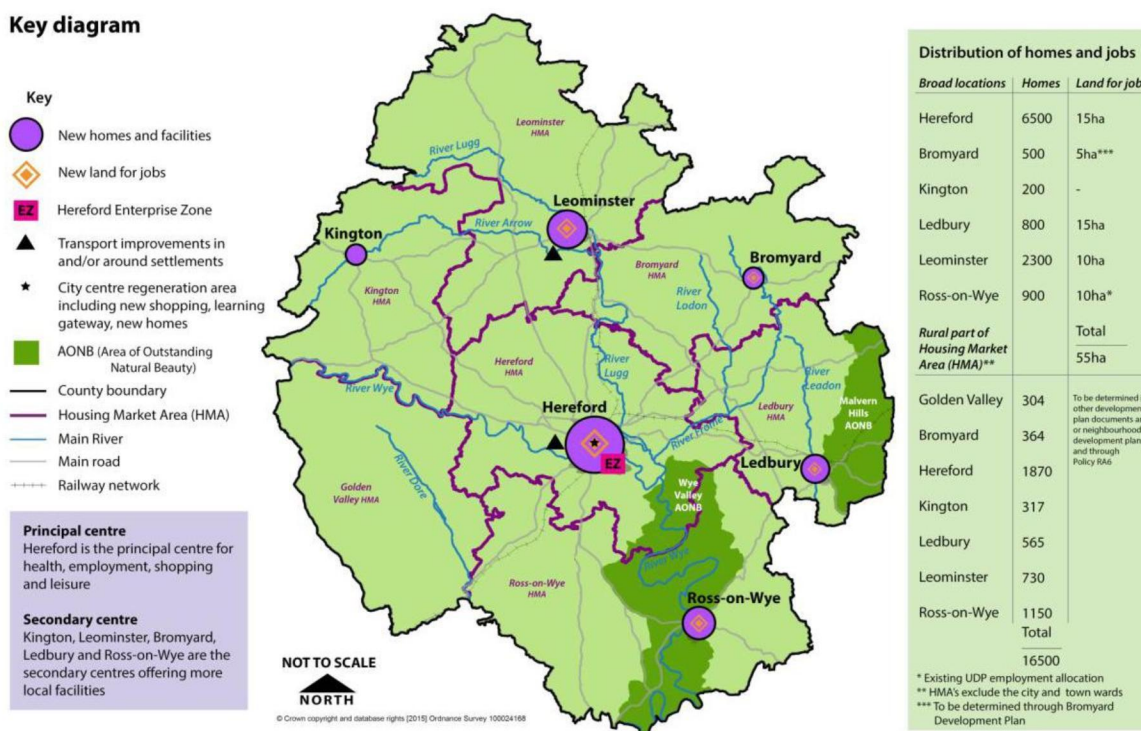
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<sup>10</sup> CD78a, Figure 2 and CD78, Figure 3.

<sup>11</sup> CD78a, paragraph 4.7 and CD78, paragraph 7.7.

- 4.4 It is not disputed that these are all possible matters which may arise during the course of a development, but there is no evidence that they are affecting or likely to affect the Herefordshire strategic sites. Indeed, such possible pitfalls do not appear to have been restricting recent completion rates.
- 4.5 A professional, multi-disciplinary development team approach, as has generally been taken in respect of the SUEs, will minimise the risk of such problems occurring at the site level.
- 4.6 In terms of wider competition and the delaying factor this may have on delivery, I would note that Herefordshire is a large County with 7 distinct housing market areas. These have been researched in the Herefordshire Local Housing Market Assessment (LHMA), extracts from which are CD76. The Core Strategy key diagram, extracted below for convenience, shows how the housing market areas are generally related to a principal settlement. The market town SUEs at Leominster, Bromyard, Ledbury and Ross serve distinct housing market areas.

**Key diagram**



Core Strategy CD80, Key Diagram

- 4.7 At Hereford, there are four strategic sites and the position regarding competition deserves further comment. There has long been a local distinction between the

areas of Hereford north and south of the Wye, with higher levels of former local authority in the latter. The LHMA indicates:

"Areas to the north of the river generally command higher house prices than those to the south. Areas in the north of Hereford perceived to be in the catchment areas of particular schools or to have good access to the city centre are in high demand compared with areas south of the river".<sup>12</sup>

- 4.8 The LHMA also comments on the scope for an element of product differentiation between the types of homes delivered at the different locations, as follows:

"In our view the urban village is likely to have a greater focus on smaller households....the Lower Bullingham extension is likely to have a greater proportion of 2 and 3 bedroom properties, and less four bed reflecting the potential value profile in this location. In contrast a higher proportion of larger homes (4+ bed) can be expected at Three Elms in NW Hereford and Holmer West in North Hereford."<sup>13</sup>

- 4.9 With the Urban Village likely to appeal to a distinct market favouring access to the city centre and its amenities, and the Lower Bullingham scheme catering to a particular value profile and benefitting again from distinctive access, this time to the Enterprise Zone, the potential for competition issues is greatest at the Three Elms and Holmer West sites. However, there is an element of phased delivery here with the latter expected to commence in the coming year, ahead of Three Elms. Finally, in providing the information which informs the Council's estimates in CD78a, the agents, developers and landowners will clearly have been aware of the potential for competition from strategic and other sites, and can reasonably be expected to have reflected this in their responses.

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<sup>12</sup> LHMA 2012 update, November 2013 paragraph 7.41.

<sup>13</sup> Ibid., paragraphs 7.72 and 7.73.

## **5. CONCLUSIONS**

- 5.1 The appellant points to a 4.2 years' housing land supply on the basis of the earlier figures in CD78, i.e. completions and commitment data as at April 2014, and their own re-assessment of the expected delivery rates at the SUEs.
- 5.2 The Council's recently completed annual exercise provides updated information on completions, commitments, other sources of supply and the delivery rates which can be reasonably be expected at the strategic sites. This exercise, with a base date of April 2015, points to a supply of 5.01 years.
- 5.3 The Council's figures are to be preferred because they are more up-to-date and better informed, particularly in light of the industry's very recent input to the strategic site estimates.
- 5.4 The position is clearly marginal, but the fact is that there is a demonstrable five-year housing land supply. Moreover, the recent completion figures and the increase in the committed element of the supply – which has grown 11% in the last year, the high rate of completions notwithstanding – clearly suggests an improving position.
- 5.5 The most significant factor likely to aid the five-year supply in the coming years is undoubtedly the adoption of the Core Strategy. This has brought about a sea-change in housing delivery, providing the all-important certainty for the developers of sites both large and small. With the Core Strategy in place, investment can proceed with confidence and this is rightly reflected in the expected strategic site delivery rates. These have been long under consideration as development opportunities; with their planning status confirmed, their implementation may proceed without further ado.
- 5.6 I conclude that there is a demonstrable five-year supply of deliverable housing sites in Herefordshire.

## **Appendix 1**

Response by Framptons to March 2015 consultation on Update of Herefordshire Local Plan – Core Strategy Examination in Public Five year housing land supply (2015-2020).





Our Ref: PJF/LS/kz/PF/9193  
(Please reply to Banbury office)

[louise.steele@framptons-planning.com](mailto:louise.steele@framptons-planning.com)

11<sup>th</sup> March 2015

Programme Officer:  
Rosalind Fallon  
c/o Herefordshire Council  
Plough Lane  
Hereford  
HR1 0LE

By Email: [programme.officer@herefordshire.gov.uk](mailto:programme.officer@herefordshire.gov.uk)

Dear Ms Fallon

#### **Herefordshire Council Core Strategy Examination**

I write in response to the 'Update of Herefordshire Local Plan – Core Strategy Examination in Public Five year housing land supply (2015-2020)' dated March 2015.

My comments are as below:

#### **Strategic Urban Extensions**

The Council have also included 2265 dwellings from Strategic Urban Extensions SUE's within the five year supply, although this approach is enabled by national policy, the assumptions made regarding start times and build out rates for these sites must be treated with extreme caution. At the time of writing, none of the sites outlined in Figure 4 of the March 2015 report have the benefit of a planning permission, and only two sites are subject to submitted applications. The remaining six sites are not subject to a planning application submission.

Given this fact, and the need for the delivery of in some cases substantial infrastructure and environmental mitigation, the projection made for the delivery of first dwellings on these sites to be by 2016/17 is highly aspirational. It seems very optimistic to expect delivery on these sites of 415 homes by 2016/17, only a year following the anticipated adoption of the Plan and a further 700 homes in 2017/18. To expect that a large site which is not even yet subject to a planning application to: receive outline planning permission; obtain reserved matters planning permission / or detailed application; agree a design code (which is likely to be required for large sites); discharge pre-development conditions; provide infrastructure; start construction on site; and then deliver completed units within two years, is very unrealistic. As set out below, a 3.5 year lead in is more realistic. I note that the SHLAA 2012, Appendix 13b identifies lead in times for the strategic sites at Hereford of between 4 to 10 years.

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The issue of lead in times for sites was recently considered in Land off Hind Heath Road, Sandbach (APP/R0660/A/14/2212992), where Inspector Richards (in allowing the appeal in August 2014) stated in paragraph 47 that:

*"The Appellant also suggests that the Council's lead in times are overoptimistic. The lead in times relied on in the position statement have been reduced significantly in comparison with the 2013 SHLAA, which itself had already reduced the lead in times used in the 2012 SHLAA (base date 31 March 2011), the most recent occasion on which lead in times were validated by consultation and agreement with stakeholders making up the Housing Market Partnership. The Appellant gave numerous examples of sites where lead in times on larger sites had exceeded the Position Statement's assumptions on lead in times. I acknowledge that in the current house building revival, developers are likely to be keen to proceed expeditiously where permission has been granted. I also acknowledge that the Council has taken steps to expedite matters such as negotiations on S106 agreements. Nevertheless until such time as revised build out rates are consulted upon and perhaps agreed, I consider that it is preferable to use the lead-in times from the SHLAA 2013, which gives a more realistic figure for lead in times for sites over 200 dwellings, of 3.5 years."*

To illustrate this point, below is an extract from the 2013 SHLAA table referred to above, which sets out likely lead in times for housing developments of various sizes.

Build rates					
Site Status		Site Size / Number of Dwellings			Notes
		Less than 50 homes	50 to 200 homes	200 plus homes	
Under construction	Lead in time	N/A	N/A	N/A	Build rate applied to residual capacity
	Build rate (per annum)	15 dwgs	30 dwgs	50 dwgs	
Full Planning Permission / Reserved Matters	Lead in time	1 year	1.5 year	2 year	Lead in time to allow for infrastructure provision and construction start up.
	Build rate (per annum)	15 dwgs	30 dwgs	50 dwgs	
Outline Planning Permission	Lead in time	1.5 years	2 years	2.5 years	Lead in time to allow for full permission / reserved matters, infrastructure provision and construction start up.
	Build rate (per annum)	15 dwgs	30 dwgs	50 dwgs	
Sites without permission	Lead in time	2.5 years	3 years	3.5 years	Lead in time to allow for planning permission, infrastructure provision and construction start up.
	Build rate (per annum)	15 dwgs	30 dwgs	50 dwgs	

Source: Cheshire East Strategic Housing Land Availability Assessment, February 2013

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Accordingly, delivery of completed dwellings on the strategic sites in just over a year from now appears very optimistic. Whilst the above table relates to a different geographical area it highlights the issues that need to be considered, particularly given its recent acceptance at appeal.

If the above approach is applied to Herefordshire Council's delivery rates it is self evident that the Council's housing land supply would continue to be significantly below 5 years on adoption of the Plan.

### **Making Up Current Housing Shortfall**

As set out in paragraph 9.2 of the Council's March 2015 report *"The Council's preferred approach is to make up any shortfall over the whole Plan period."*

For the reasons set out below, we consider that the shortfall should be met within the next 5 years of plan making, not over the whole plan period.

As required by Paragraph 3-035-20140306 of the Planning Practice Guidance (PPG), Council's should aim to meet any shortfall within the next 5 years of plan making.

In line with Paragraph 47 of the NPPF, the Council should be seeking to significantly boost the supply of housing, rather than suppress the need and shortfall until a later time in the plan period.

We note that that the recent Inspector's 'Interim Views on the Legal Compliance and Soundness of the Submitted Local Plan Strategy', (Cheshire East Council – Examination of the Cheshire East local Plan Strategy) dated 6 November 2014, advocates the 'Sedgefield' approach at paragraph 58:

*"In terms of past provision of housing, there are two concerns, firstly, the shortfall in provision in the early years of the current plan period (2010-2014), and secondly, provision in the years before the current plan period began. To address the first concern, CEC proposes to spread this under-supply (over 2,500 dwellings) over the rest of the plan period (2014-2030) (the 'Liverpool' approach), although the plan could accommodate this under-supply within the next 5-years of the plan period (the 'Sedgefield' approach). Since the latter approach is recommended in the PPG and is usually adopted in appeal cases, I can see few arguments against using this approach in the LPS. In the context of recent under-provision of housing, there is clearly a case to meet these shortfall as soon as practicable. Although it would increase housing provision in the early years of the plan period it would reflect the guidance in national policy to significantly boost the level of housing provision. Comparisons with other local plans which have adopted on the 'Liverpool' approach may not have fully acknowledged the particular circumstances and housing markets in these cases."*

It is therefore considered that the 'Sedgefield' approach should be adopted by Herefordshire Council.



I trust this is of help. If you have any queries, please do not hesitate to contact me.

Yours sincerely

Louise Steele

*(signed in absence to avoid delay)*

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