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Ashfield District Local Plan Examination

Matter 9 Hearing Statement

On behalf of Harworth Group.

Date: 10 December 2024 | Pegasus Ref: P23-2712

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Introduction

This hearing statement for Matter 9 has been prepared by Pegasus Group on behalf of Harworth Group in respect of Harworth's interests north of Sutton-in-Ashfield.

1. Matter 9

Issue 1

Whether there would be a deliverable housing land supply in years 1–5 and developable supply in years 6–15.

Overall Supply

- 1.1. **What is the estimated total supply of new housing over the period 2023/24–2039/40? How has this been determined? Is the housing trajectory justified?**

The Council's position is that the estimated total supply of new housing over the period 2023/24–2039/40 is 6,894 homes and this is set out in an updated Housing Land Supply Position Statement dated October 2024 (ADC.04).

This evidence identifies a shortfall of 237 homes against the housing requirement. Furthermore, the Council makes no provision for flexibility in the proposed supply to ensure the housing need is met.

As we set out in the response to this and other questions under Matter 9, there are a number of evidence gaps in housing supply evidence and significant changes to the housing trajectory and to the windfall allowance which are not explained by the Council and are therefore not justified.

Changes to Housing Trajectory

The Council has set out significant changes to the Housing Trajectory in the Housing Supply Position Statement (ADC.04). Included at Appendix A to this hearing statement are two trajectories shown side by side, the one on the left is from the Pre-Submission Local Plan (Appendix 2) and the second from the updated position (ADC.04). The key for the two charts is also reproduced within Appendix A. Small site windfalls are in pink and start two years earlier and make a greater contribution over the plan period.

The Housing Trajectory shown in Table C of the updated Housing Land Supply Position Statement (ADC.04) shows the figures behind the chart and when compared to the one in Appendix 2 of the Pre-Submission Local Plan it is clear that the projected completions from the large sites without planning permission, the draft allocations, have been significantly reduced in the early years of the plan and increased post 2031 and delivery spread out to 2040 instead of 2037. Conversely the projected completions from large sites with full planning permission are much higher in the earlier years of the plan and all delivered by 2031 instead of 2033.

It is important to note that there is a significant difference in the presentation of data between the two charts shown above. The blue line in both charts shows the annual requirement which has not changed, and this helps highlight the significant change in scale between the two charts which needs to be kept in mind when comparing them, the Local Plan axis goes up by 200 homes for each line and the update is 100 homes per line.

The red line shows the annual requirement taking account of past completions and this has significantly changed, as have the projected completions from large sites with and without planning permission (the light green and orange bars).

These significant differences are not addressed in the update report and it is unclear how the same assumptions set out in Background Paper 2 (BP.02) have led to such a significant change.

The Council's evidence on housing supply does not include Statements of Common Ground with the promoters of allocated or those delivering the larger sites with planning permission. Similarly, there is no other evidence supporting assumptions around delivery of smaller sites such as proforma with site owners or promoters. Background Paper 2 and the Updated Housing Land Supply Position Statement suggest that the trajectory has been primarily informed by the assumptions set out in section 6 of Background Paper 2 (BP.02). This is not considered sufficient to provide confidence in the trajectory, and it leads to an unrealistic peak in delivery acknowledged by the Council in the update report.

The significant shift in the trajectory from the Pre-Submission Draft Local Plan to the October 2024 update demonstrated by the charts above, suggest there is a lack of robust evidence underpinning the trajectory. The housing trajectory is not justified.

1.2. **What is the estimated supply from site allocations? What is the evidence to support their deliverability? Are the estimates of dwelling completions and their timing justified?**

The estimated supply from site allocations appears to be set out on page 15 of ADC .04, but this is not clear and in any case, this is a total figure for all sites. In terms of the site breakdown showing estimated supply, it is assumed it is the projected completions from large sites without planning permission. However, this needs to be clarified and also that no large-scale windfalls are being included in the figures as this would be double counting.

As noted above, the Council's evidence on housing supply does not include Statements of Common Ground with the promoters of allocated or those delivering the larger sites with planning permission. Similarly, there is no other evidence supporting assumptions around delivery of smaller sites such as proforma with site owners or promoters. As such the estimates of dwelling completions and timing is not justified.

This is for the Council to answer but we reserve the right to respond to the answers provided.

1.3. **What evidence is there to support the timing of projected completions from each of the large sites (50 dwellings and above) without planning permission that are relied upon within the housing trajectory?**

There are no Statements of Common Ground provided in the Examination Library between the Council and the developers of the allocations or large sites with permission, which would be expected to support the trajectory.

Should the Council produce further evidence in this respect we reserve the right to comment on this additional material.

1.4. **Is there compelling evidence that demonstrates windfall development will provide a reliable source of supply as anticipated?**



No, there is no compelling evidence that demonstrates windfall development will provide a reliable source of supply as anticipated and so is not consistent with paragraph 72 of the National Planning Policy Framework.

The Council have published an update to the Housing Land Supply Position (ADC.04) with an increased windfall allowance of 91 homes a year from year 4 compared to the allowance of 60 a year from year 6 set out compared to Background Paper 2 – Housing (BP.02).

Table B: Dwelling Requirement and Provision 2023–2040 in the updated Housing Land Supply Position paper (ADC.04) has the new proposed figure based on two additional years (from 2027) and the higher windfall rate of 91 a year, but the description incorrectly states 60 a year between 2029–40.

There are two key issues with this, the change in the level of windfalls and the inclusion of windfalls in years four and five.

Level of Windfalls

Background Paper 2 (BP.02) set out that a total of 727 dwellings were delivered on small sites, including new build, conversions and change of use at an average rate of 73 dpa between 2011 to 2021. The update (ADC.04) considers the ten-year period three years on from this, 2014 to 2024 and finds a total of 911 windfalls on small sites, an average of 91 dpa. This is a significant difference and there is no explanation is offered on why the figures are 20% higher post pandemic than pre-pandemic.

It is unclear what account has been taken of the current lack of housing delivery and five-year supply, and the resulting tilted balance, on the scale of windfalls. The Council has not had an up-to-date Local Plan in place during these ten years and decisions have therefore been made in the tilted balance, and this would have inflated windfalls compared to a plan led approach.

The historical small site windfalls will have included small sites proposed for allocation that are now commitments and sites up to nine dwellings outside the limits to development in the countryside that might be refused if an up-to-date Local Plan was in place. One example of this is the 9 dwellings at Huthwaite allowed on appeal under the titled balance (planning application reference V/2022/O601 and appeal reference 3336447).

The current figures are therefore not necessarily reflective of what we can expect when there is a Local Plan in place.

Double Counting

Background Paper 2 (BP.02) notes at paragraph 5.15–5.16 that the supply of small sites in the five-year supply at 1st April 2023 was 262 homes, lower than the windfall allowance for five years (300) and notes that '*The Council taken the decision not to include any additional small site windfall allowance in the first 5 years supply at this time, in order to acknowledge pipeline projects and avoid double-counting*'.

The update (ADC.04) notes that the 1st April 2024 small site supply is 353, so again lower than allowance (455 over five years) but now the Council have decided to include an additional small site windfall allowance in the first five years, in years 4 and 5. There is no explanation of why their concerns about double counting have been overcome.

Table C: The Housing Trajectory (September 2024 Update) in ADC.04 actually shows a windfall allowance from year 3 from adoption of the plan (2027/8). This means three years' worth of small site allowance, a total of 273 homes are counted in the five-year supply post adoption.

There is now an overlap between the small sites with full permission and small sites with outline permission with the small site windfall allowance. Years 3 and 4 include both projected completions from small sites with permission and the windfall allowance, the double counting the Council were previously aiming to avoid.

A windfall allowance should not be included for years three, four and five.

1.5. **Is the inclusion of housing falling within Class C2 of the Use Classes Order as part of the housing requirement justified?**

No comment.

1.6. **Paragraph 69 of the Framework states that in order to promote the development of a good mix of sites, local planning authorities should (amongst other things) identify land to accommodate at least 10% of their housing requirement on sites no larger than 1 hectare, unless there are strong reasons why this cannot be achieved. What proportion of the housing requirement will be met from sites no larger than 1 hectare?**

No comment.

Five Year Housing Supply

1.7. **What is the requirement for the first five years following the anticipated adoption of the plan and what buffer should be applied?**

The requirement for the first five years of the plan will be the Local Housing Need figure of 446 dwellings a year so a total of 2,230 homes plus a 20% buffer to reflect the under delivery of the Council.

The requirement for the first five years following the anticipated adoption of the plan is therefore 2,676 homes plus any under delivery from the start of the plan period.

Housing Delivery Test Results

The Housing Delivery Test measures net additional dwellings provided in a local authority's area against the number of homes required. Paragraph 74 of the NPPF sets out that, where the Housing Delivery Test indicates that delivery has fallen below 85% of the LPA's housing requirement over the previous three years, a 20% should be applied.

Since the publication of the 2020 annual measurement, the Council's housing delivery has consistently fallen below 75%, with the following results recorded: 65% in 2020, 66% in 2021 and 74% in 2022. Indeed, over the 5 monitoring years, the total number of homes required stands at 2,185. Against this requirement, 1,642 homes were delivered. This equates to an under-delivery of some 543 homes.

1.8. **What is the estimated total supply of specific deliverable sites for this period?**

The Council claim a supply of 2,868 homes over the first five years of the plan, this is challenged.

1.9. **What is the estimated supply from each source for this?**

Questions 9.9 and 9.10 are responded to together.

1.10. **What is the evidence to support this and are the estimates justified?**

Questions 9.9 and 9.10 are responded to together.

A total of 273 is identified from a windfall allowance for small sites despite the updated trajectory in ADC.O4 showing that a total of 111 homes are already being counted from small sites with full and outline permission during the first five years. This is double counting.

A supply of 845 homes is identified from large sites without planning permission, presumably from draft allocations. It would be expected that a Statement of Common Ground would be available in the Examination Library between the Council and the developers delivering the relevant allocations in the first five years, to provide the evidence that these sites can be included in first five year.

A supply of 1,806 is included from planning permission, whilst the majority of these are full permissions, the supply included from outline permissions needs to be justified and evidenced. Again no Statements of Common Ground are included in the library or evidence presented to support this.

1.11. **Taking into account completions since the base date of the Plan, what will be the anticipated five-year housing land requirement on adoption of the plan?**

Delivery in 2023–24 is set out in the updated Housing Land Supply Position Statement to be 451 homes, 5 more homes than the annual local housing need figure and proposed housing requirement figure.

The delivery for 2024–25 is not yet available and so this question will need to be revisited before the plan is adopted.

1.12. **How does the five-year requirement compare to previous rates of delivery in Ashfield?**

A total of 2,868 over the first five years (446 a year + 20%) is an average delivery of 574 homes a year. This five-year requirement of 574 (to be updated to reflect delivery in 2023–25 once known) is significantly above the previous rates of delivery. It is a 27% uplift on delivery in 2023–24, and significantly more than the delivery data presented above. It is not considered that this is realistic.

1.13. **Based on the housing trajectory, how many dwellings are expected to be delivered in the first five years following adoption of the Plan?**

This is for the Council to answer but there appears to be an inconsistency between the housing trajectory which suggests 2,970 will be delivered in the first five years post adoption (assuming this was from April 2025) and the five-year supply table which states 2,868.



- 1.14. **Having regard to the questions above, will there be a five-year supply of deliverable housing sites on adoption of the Plan?**

No, the calculation has over estimated the supply of windfalls and not provided sufficient evidence to count supply from large sites without planning permission.

Developable Supply in Years 6-15

- 1.15. **What is the estimated total supply of specific developable sites or broad locations for growth for years 6-10 and 11-15?**

The Council's updated Housing Land Supply Position Statement dated October 2024 (ADC.04) identifies a total housing supply from 1st April 2024 to 31st March 2040 of 6,894 homes.

This reduces the shortfall but is still 237 less than the housing requirement and take no account of the need for a contingency and flexibility in the proposed supply to ensure the housing need is met.

- 1.16. **What is the evidence to support this and are the estimates justified?**

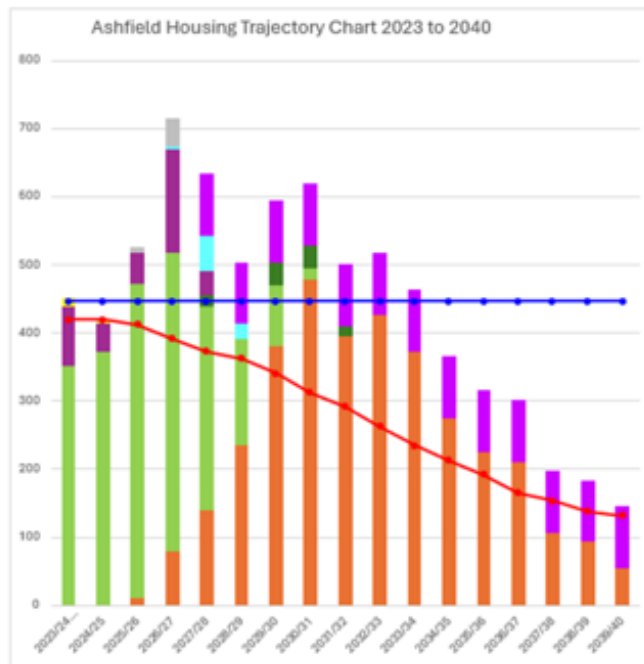
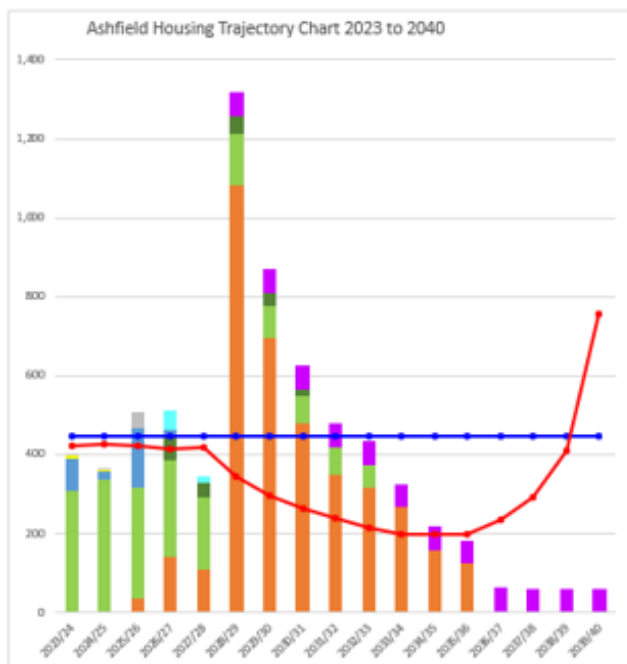
For the Council to answer but we reserve our right to comment on the answers provided.

Appendix A Housing Trajectory Comparison

Ashfield Draft Local Plan 2023 - 2040

Appendices

Chart A: Housing Trajectory Chart – October 2024 Update



- Small site windfall allowance
- Past/Projected Completions from C2 schemes
- Projected Completions from prior approval schemes
- Projected Completions from Small Sites with Outline Planning Permission
- Projected Completions from Small Sites with Full Planning Permission
- Projected completions from large sites with outline planning permission
- Projected completions from large sites with Full planning permission
- Projected completions from large sites without planning permission
- PLAN - Annual requirement
- MANAGE - Annual requirement taking account of past/projected completions

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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