



**Broxtowe Borough Council
Part 2 Local Plan 2018 - 2028**

HEARING STATEMENT

Matter 4: Housing Delivery, Trajectory and Land Supply

**Statement by Oxalis Planning
on behalf of clients**

November 2018

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1.0 **Background**

1.1 Oxalis Planning Limited (Oxalis) acts on behalf of various clients within the Borough of Broxtowe. This includes Bloor Homes who has interest in land near to the HS2 Station at Toton and Westerman who has interests in land at Nuthall.

1.2 Oxalis represents clients on a complete range of sites from large scale strategic sites, to village extensions to small scale infill schemes throughout the East Midlands and nationwide. This includes work on the three sustainable urban extensions at Edwalton, Clifton and Gamston in the adjoining Borough of Rushcliffe. This interest makes us well placed when understanding the complexities of bringing large sites forward and what are likely to be reasonable assumptions on when sites are likely to begin to deliver housing along, typical barriers to delivery and the rate at which delivery is likely to occur.

1.3 Oxalis has consistently raised concerns about the approach to housing land supply adopted by the Borough Council. Whilst the Part 2 Local Plan Submission Version (July 2018) acknowledges the housing supply issues and proposes to allocate sites to deliver more housing than earlier draft versions of the Plan, concerns remain that the approach to the Plan is fundamentally flawed because the Council continues to overestimate supply and underestimate the challenges of housing delivery. Oxalis has set out its position in detail previously. This Hearing Statement elaborates further in direct response to the Inspector's Issues and Questions.

2.0 Questions

ISSUE: Whether the approach to the provision of housing is justified, positively prepared, effective, deliverable and consistent with the NPPF and the Aligned Core Strategy

1. *Does the Plan provide sufficient deliverable housing sites to meet the housing requirements of the borough to 2028? Does it accord with the spatial distribution set out in the ACS?*

The Housing Trajectory (Table 5) sets out Broxtowe's anticipated housing delivery during the plan period. This shows a significant under-delivery of homes when viewed against the housing requirement during the early years of the plan. In fact, delivery has been poor in all of the first seven years of the plan which has resulted in delivery as at 2018 being 856 homes short of Broxtowe's Annual Housing Target.

The plan proposes a stepped trajectory, with delivery anticipated to be much higher during the middle and later years of the plan than in the early years. The difficulty with this approach is it relies upon all of the larger and more complex sites being delivered in a concise timeframe, many at the same time. A number of these sites have been allocated since the 2004 plan, which provides an indication of how challenging they are to deliver (see Oxalis' Hearing Statements for Matters 8 and 9). While it is possible that some of these sites will start to deliver, the prospects of all these large and complex sites delivering the hundreds of homes projected to be built is unrealistic. To illustrate this point, the trajectory seeks to deliver over 2,098 homes over the two year period 2020-2022 (1,049 dpa). This is despite only having delivered 1,144 homes in the seven years to 2018 (average 163 dpa). While a new local plan might be expected to kick-start house building during the few years following adoption, it is wholly unrealistic to expect a more than six-fold increase in delivery.

As drafted, the plan is unsound. It does not make provision for sufficient deliverable housing sites and as a result there cannot be said to be a reasonable prospect that the minimum housing numbers will be achieved. In order to address this deficiency, a 20% reserve site allowance should be provided as recommended by the Local Plans experts Group (March 2016).

2. *Does the Plan provide sufficient choice and flexibility of sites to meet current and future housing needs?*

No. In order to ensure sufficient flexibility in the provision of deliverable housing to meet housing need, a 20% reserve site allowance should be provided which can be drawn upon if annual monitoring indicates that that the housing trajectory is not being met.

3. *Should the housing sites denoted as Housing Commitments on the Policies Map form allocations in this plan?*

Yes.

4. *Is the Housing Trajectory realistic? Are there assumptions with regard to delivery and build out rates justified by the available evidence?*

Paragraph 67 of the National Planning Policy Framework requires planning policies to identify a supply of:

- a) Specific, deliverable sites for years one to five of the plan period; and
- b) Specific, developable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15 of the plan.

To be classed as 'deliverable', the NPPF glossary states (with emphasis added underlined):

"Sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Sites that are not major development, and sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

To be classed as 'developable', the NPPF glossary states:

"Sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.

The Housing Trajectory is unrealistic. There are a number of housing sites in Broxtowe that are unlikely to come forward as quickly as projected, if at all. These are set out below (see also Oxalis' Hearing Statements for Matters 8 and 9):

- **Chetwynd Barracks (Policy 3.1): 500 homes within plan period**

Site envisages 100 homes per year from 2023. That site is not due to be disposed of by the Ministry of Defence until 2021. There is likely to be a lengthy and complex

site assembly / preparation process before any development can take place involving disposal of the site, masterplanning, engaging with the Council, applying for planning permission(s), securing S106 and other legal agreements, site demolition / clearance and remediation. These types of sites typically take at least five years to reach a stage when homes can be delivered. Delivering 100 homes from 2023 is unrealistic.

- **Toton (Strategic Location for Growth) (Policy 3.2): 500 homes**

While planning permission has been granted for residential development, there is growing pressure for the development of land around HS2 to be far more ambitious than this permission suggests. The form and location of the housing permission conflicts with the 2017 HS2 Growth Strategy Document. There therefore remains a strong possibility that the housing site will not come forward as approved (see Matter 7 – Toton).

- **Boots and Severn Trent (Lilac Grove) Sites (Policy 3.5 / ACS Policy 2): 100 / 550 homes**

The Boots site is extremely complex and there continues to be significant delivery uncertainties. The Severn Trent site has been identified for housing development since 2004 and has accessibility and contamination issues to resolve. The trajectory states that 50 homes per year are envisaged 2026-2028 – completing some 24 years after the site was identified for housing development and 10 years from now. There remains considerable doubt about whether the site will be developed during the plan period.

- **Beeston Maltings (Policy 3.6): 56 homes**

This is another complex and challenging site that has been allocated since 2004. Its position next to the railway track will affect residents' amenity and land values are unlikely to be high in this location. Delivery is highly uncertain.

- **Awsworth Site Allocation (Policy 4): 350 homes**

This allocation is made up of an existing housing commitment along with a 250 home allocation inside the by-pass. The site described as 'Land at Gin Close Way' (71 homes) has been allocated in the Local Plan since 2004 and is a commitment in the emerging Part 2 Plan. The site first obtained planning permission over 40 years ago. Delivery is highly improbable during the Plan period.

- **Eastwood Site Allocation (Policy 6):**

Two challenging sites in Eastwood were allocated in the 2004 Local Plan:

- Church Street – 24 homes. This site is described as being capable of delivering 40 homes in the 2017/18 SHLAA.
- Land at Walker Street – 132 homes (see below). This is described as being capable of delivering 201 homes in the 2017/18 SHLAA and 200 homes in the Housing Trajectory. It forms part of the existing Lynncroft Primary school and recreation facility. While there has been recent progress through relocating the primary school and with funding for site preparation works, the delivery of 50 homes per year from 2019 remains ambitious.

- **Land South of Kimberley Depot (Policy 7.1): 118 homes**

This site contains an existing refuse depot and a caravan sales site. There is uncertainty about what will happen with these existing uses and there are complexities relating to site remediation. The Council doesn't envisage any dwellings for at least six years, which demonstrates the uncertainty for housing delivery on the site.

- **Land South of Eastwood Road, Kimberley (Policy 7.2): 40 homes**

This site has been allocated since 2004 but has not come forward despite it being a modest scale with no requirement for substantial infrastructure. The emerging plan extends the site to include the land South of Kimberley Depot (Policy 7.1) – another uncertain and complex site. It is possible that both sites could come forward comprehensively but this is unlikely to be in the short-medium term.

- **Builders' Yard Eastwood Road, Kimberley (Policy 7.3): 22 homes**

Site allocated since 2004. Not an easy site to develop with site remediation / clearance necessary and with no street frontage which will hinder sales potential. Development not anticipated to come forward for five years despite its small size. That will be 20 years from its first allocation. Delivery highly uncertain.

The uncertainty about delivery stems from the number of complex sites where the probability of homes being built is extremely low. While it is not necessarily inappropriate to allocate challenging sites, provide they meet the deliverable and developable NPPF tests (see above), it is not realistic to expect all of these sites to come forward so quickly, particularly as there has been little progress on many of the sites that were allocated in the 2004 Local Plan. In order to ensure that the plan is sound, the plan needs to release additional 'reserve'

sites that can be delivered in the event that assumptions set out in the housing trajectory do not come to fruition.

5. *The Trajectory illustrates a shortfall of delivery in the early stages of the Plan period but a much higher annual delivery towards the later stages. Is there a need for a flexible approach to maximise delivery in the early years of the Plan? Is a delivery of over 1000 dwellings per year in 2020/21 – 2023/24 realistic and achievable bearing in mind past delivery rates and the local housing market?*

As explained above, the delivery of 1,049 dwellings per year during this timeframe is overly-optimistic and based upon unrealistic delivery assumptions on complex sites. This trajectory anticipates a level of growth that is significantly higher than has ever been achieved before in the Borough of Broxtowe. This quantum of homes can only be built if additional housing sites are allocated in appropriate locations.

6. *If allocated sites do not come forward as anticipated, in particular the sustainable urban extensions, does the Plan adequately set out potential contingency measures? Is sufficient consideration given to monitoring and triggers for review?*

It is highly probable that many of the allocated sites will not come forward as anticipated. There is a track record, not only in Broxtowe, but elsewhere in neighbouring Nottinghamshire districts where major housing allocations are being developed much slower than originally anticipated. These sites are complex and can take years to assemble, masterplan and raise funds. Agreements between land owners, site promoters and developers can take years to resolve despite best intentions. Given this, it is essential that contingency measures are set out. The emerging Local Plan does not put measures in place to address this.

In order to ensure the plan is sound, it needs to identify and allocate 'reserve sites' and then put a mechanism in place to ensure that these sites can be released if monitoring shows that the agreed trajectory is not being met. This is a recommendation that was made by the Local Plans Expert Group in 2016 (paragraphs 10.4 and 11.4) and is a sensible way of compensating for slow delivery rates.

7. *What is the current position with regard to five year housing land supply? Is the methodology for the calculation of the 5-year housing land supply appropriate? In particular should the buffer also be applied to the shortfall?*

Yes, the 20% buffer for persistent under-delivery needs to be applied to shortfall. This should be provided for through releasing 'Reserve Sites' to provide a realistic prospect of achieving the planned supply and to ensure competition in the market for land.

The latest published 5-year housing land supply data published by the Borough Council is contained within the 2017/18 Strategic Housing Land Availability Assessment (page 51). An up-to-date 5-year Housing Land Supply is needed for consideration before the examination so that other parties are able to scrutinise the assumptions being made.

While an up-to-date 5-year housing land supply calculation would allow more informed conclusions to be reached, the following immediate concerns have been identified from the data provided within Table 5 (Housing Trajectory) and the 2017/18 SHLAA. Oxalis' recommended adjustment for the purpose of the 5-year housing land supply shown in brackets.

- Awsworth. The 5-year housing land supply assumes 55 dwellings will be delivered off Gin Close Way despite no progress being made since permission was granted in 1977. It cannot be reasonably assumed that any of these dwellings will be built before 2023. [< 55 homes]
- Land West of Awsworth. Table 5 assumes that 100 homes will be delivered in each of the two years 2021-2023. This is unrealistic as the site is likely to be developed by a single house builder. 50 homes per year would be a more realistic assumption. [<100 homes]
- Eastwood. While there is a realistic prospect that development will come forward within the next five years, securing 50 homes in 2019-2020 is not likely. A more realistic assumption would be 50 homes per year from 2020-2021. [<50 homes]
- Main Built Up Area SHLAA Sites – Site ref. 108 (Field Farm, Land North of Ilkeston Road, Stapleford) is assumed to deliver 290 homes during the five years 2018 to 2023. These properties are being delivered by Westerman, represented by Oxalis at this examination. Westerman has advised that they will not deliver any homes in the year to April 2019. They will then deliver 36 homes during the year to April 2020 followed by a maximum of 60 homes per year thereafter. During the five years to 2023, Field Farm will therefore only deliver up to 216 homes. [<74 homes]
- Toton Strategic Location for Growth – while Peveril Homes has secured reserved matters approval for their first phase of development, there remains uncertainty about how that scheme will be brought forward in the context of the overall strategic allocation. Even if the site does come forward as planned, it is likely to be developed by a single house builder and therefore no more than 50 homes per year can be assumed. As a minimum, this will result in a reduction of 50 homes for each of the three years 2020-2023) [<150 homes]

Based on the above conservative assumptions, it is clear that the housing trajectory is overly optimistic about how many homes will be delivered during 2018-2023 by over 400 units. This is without understanding more fully what assumptions are being made about those MBA SHLAA sites with or without planning permission, such as sites ref. 127, 195, 237 and 499 listed on page 30 of the 2017/18 SHLAA. An up to date 5-year housing land supply calculation is required for the Examination, with greater transparency about the assumptions being made about delivery.

8. *How have site densities been determined? Are they reasonably accurate?*

No comments.

9. *How are windfall sites defined? Is the windfall allowance included in the supply trajectory appropriate having regard to the historic rate of windfall delivery in the borough? Should windfalls be included in the early years (ie. the first 2 years) of the supply calculation?*

No comments.

3.0 **Conclusions**

3.1 The Part 2 Local Plan makes unrealistic and overly-optimistic assumptions about the delivery of many of its allocated sites. This means that the Plan is highly unlikely to be able to deliver the number of homes required in the borough during the Plan period. This conflicts with the NPPF (paragraph 59).

3.2 Despite being significantly behind the borough's annual housing requirement, having been unable to deliver modest targets during the first seven years of the emerging Plan, the Plan makes unrealistic assumptions that housebuilding will accelerate substantially, hitting unprecedented levels, from 2020.

3.3 To ensure that the Plan is sound, the following steps need to be taken:

- Critically review the reliance on the sites referred to within this Statement to form a more realistic supply and housing trajectory;
- Where the review results in a reduced housing supply, allocate additional sites to ensure that at least 7,380 deliverable homes are being planned for;
- Provide additional 'reserve sites' that can be brought forward to boost supply in the event that monitoring reveals that the Plan is not delivering the required number of homes. These should include land in the vicinity of the HS2 Station (East of Toton Lane) and land at Mansfield Road, Eastwood (see appendix 1 and 2 of Oxalis Planning Publication Draft (Regulation 19) representations).