

Annual Position Statement

Briefing Note – July 2021

1 Introduction

- 1.1 National Planning Policy Guidance on Housing Supply and Delivery, produced by Ministry of Communities Homes and Local Government in 2019, enables Councils to formally 'confirm' or 'renew' their 5 year housing land supply for 1 year by submitting an Annual Position Statement (APS) to the Planning Inspectorate (PINS)
- 1.2 The South Kesteven Local Plan was adopted on 30 January 2020. In 2020 the Council undertook an APS which was agreed by PINS. The APS 2020 and the Inspectors Report has been confirmed on the 27th October 2020 the Council and will remain the Council's 5 year housing land supply until 31st October 2021.
- 1.3 The Draft Annual Position Statement (Annual Position Statement) and accompanying Draft Engagement Statement has been prepared and published for consultation with landowners/developers and stakeholders. A [dedicated webpage](#) is on the Council's website. The Draft APS demonstrates a 5 year housing land supply of **5.92 years**. A four week consultation enabled developers and key stakeholders the opportunity to comment on the site delivery and methodology assumptions. The responses have been reviewed and Officers are in the process of finalising the APS and Engagement Statement.
- 1.4 The Council has worked with the Government's Planning Advisory Service; providing advice, support and constructive comments on the draft APS which the Council is taking into account whilst finalising the APS.
- 1.5 The APS must be submitted to the Planning Inspectorate for review by 31 July 2021.

2 APS Requirements

- 2.1 In accordance with the National Planning Policy Guidance, the South Kesteven APS includes the following housing supply information:
 - Sites are assessed under the definition of 'deliverable' set out in the revised NPPF.
 - Evidence of satisfactory engagement with developers and other stakeholders who impact delivery – this needs to be deemed 'satisfactory' by PINS.
 - A buffer – Due to a Housing Delivery Test 2020 score of 99%, our 5 year supply is required to include a 10% buffer (a reduction from 20% in 2020 as a result of the 2019 Housing Delivery Test Score).
 - For sites with detailed planning permission, details of homes under construction and completed each year; and where delivery has either exceeded or not progressed as expected,

a commentary indicating the reasons for acceleration or delays to commencement on site or effects on build out rates

- For small sites, details of their current planning status and record of completions and homes under construction by site
- For sites with outline consent, allocated in the adopted Local Plan, or on the brownfield register, information and clear evidence that there will be housing completions on site within 5 years, including current planning status, timescales and progress towards detailed permission;
- Permissions granted for windfall development by year and how this compares with the windfall allowance
- Details of demolitions and planned demolitions
- Total net completions from plan base date (broken down into types e.g. affordable)
- The 5 year housing land supply calculation clearly indicating buffers and shortfalls and the number of years of supply

2.2 To accompany the Annual Position Statement, the Planning Practice Guidance requires the preparation of an Engagement Statement. The Engagement Statement provides a record of the engagement process. The Statement includes:

- An overview of the process of engagement with site owners/applicants, developers and other stakeholders and a schedule of site-based data resulting from this;
- Specific identification of any disputed sites where consensus on likely delivery has not been reached, including sufficient evidence in support of and opposition to the disputed site(s) to allow a Planning Inspector to reach a reasoned conclusion; as well as an indication of the impact of any disputed sites on the number of years of supply;
- The conclusions which have been reached on each site by the local planning authority in light of stakeholder engagement;

3 Work undertaken to date on the APS

Deliverability Questionnaires

3.1 On 9th April 2021, the Council distributed Housing Deliverability forms to landowners/developers/agents of sites within the housing land supply with the capacity for 10+ dwellings including:

- Sites with extant (valid) Planning Permission (including sites under construction or yet to start
- Allocated sites within the adopted Local Plan; and
- Sites within the Council's Capital Programme

3.2 Each form sent out included a section completed by the Council with the following information:

- A trajectory using information taken from housing monitoring as at 1 April 2021;
- The recipient was then asked to confirm whether they agreed with the Council's trajectory and reasoning; and if not, to include an updated trajectory and accompanying information.

- 3.3 The form asked 16 questions regarding deliverability including:
- Any technical constraints which would limit development or affect viability of development;
 - Landownership;
 - Timescales;
 - Site Delivery; and
 - Infrastructure.
- 3.4 The developer consultation ran for 2 weeks, closing on 30th April 2021. Forms were distributed to all 55 large sites within the Council's supply as at 1 April 2021. Of the 55 sites, the Council received responses for 48 sites (87% response rate) with a 89% response rate for Local Plan sites.
- 3.5 In addition to consulting with landowners, developers and agents; the Council has also reviewed the position and progression of planning applications, including discussions with other Council departments, including Development Management Case Officers; and the Strategic Sites Officer.

4 Draft Annual Position Statement and Engagement Statement

- 4.1 Using the information collected from the Deliverability Questionnaires, the Council prepared the Draft Annual Position Statement and accompanying Engagement Statement.
- 4.2 The Draft Annual Position Statement concludes a 5 Year Housing Land Supply **of 5.92 years.**
- 4.3 In accordance with the guidance, the following developers, stakeholders and others who have an impact on delivery have been consulted for 4 weeks closing on 18th June 2021, they include:
- Small and large developers
 - Land promoters
 - Private and public landowners
 - Infrastructure providers (such as utility providers, highways etc.) and other public bodies (such as Homes England)
 - Lincolnshire County Council
 - Neighbouring authorities, including those with adjoining or cross-boundary sites i.e. Rutland County Council; and
 - Any other bodies with an interest in particular sites identified.
- 4.4 The consultation closed on the 18th June, and 10 representations were received. 5 responded with no comment to make on the 5 year supply. Positive comments were received from Rutland County Council, NHS Lincolnshire CCG and Highways England as well as landowner/developer in support of the housing supply trajectory set out in the APS.

- 4.5 Homes England have also included within their response that due to the progression in bringing forward the Prince William of Gloucester Barracks they are seeking to increase the supply the site can contribute to the supply. This is to take into consideration the completion of the Southern Relief Road expected in Winter 2023 which enables more homes to be built within the Southern Quadrant.
- 4.6 Out of the 10 responses, the Council received 2 negative responses from Larkfleet and Invicta Developments disputing the deliverability of 16 sites out of the 55 sites within the 5 Year Supply. However, we consider their arguments to be unfounded and taking each point in turn we will include a rebuttal in the accompanying Summary of Representations which will be submitted the Planning Inspectorate alongside the APS.
- 4.7 In addition to comments on the APS and the Engagement Statement, the Council also invited comments on the impact of Covid-19 on the development industry and how this may impact the 5 year supply. Whilst the impact of the pandemic is uncertain many are confident that they are still able to deliver in 5 years. We have considered each site on a case-by case basis, adjusting the trajectory if the developer has indicated that there will likely be a delay in delivery due to the pandemic.

5 Final Annual Position Statement and Accompanying Engagement Statement

- 5.1 Following the consultation the Council will prepare the Annual Position Statement and Accompanying Engagement Statement for submission to PINS by 31st July 2021. Taking into account the consultation comments received on the Draft APS and further evidence gathering, the draft housing land supply of a draft figure of 5.92 years is likely to be reduced slightly, but we are confident that the Council will be able to demonstrate a 5 year housing land supply.

6 Potential Benefits and Risks of Submitting an APS

- 6.1 Potential benefits of Submitting an APS include:

- The Council has worked closely with the Government's Planning Advisory Service in the production of the South Kesteven APS.
- The published Draft APS demonstrates a 5 Year Supply, the Council is confident that the Final Annual Position Statement will demonstrate a 5 Year Supply.
- We have a good Deliverability Questionnaire response rate from developers/landowners/agents which gives confidence in the 5 Year Supply.
- The response to date has indicated that Covid-19 will have a minimal impact on delivery and supply, many of the responses received to the delivery forms show confidence that they are able to deliver in 5 years. Further evaluation of the consultation will also inform the expected impact of Covid 19.
- In submitting an APS the 5 year supply is 'confirmed' for 1 year. The decision will be a material consideration in the determination of planning applications and appeals.

- If APS is confirmed by PINs, the Council can then submit APSs and fix the 5 year supply in subsequent years.
- May save time and costs on Planning Appeals.

6.2 Potential risks of Submitting an APS include:

- The sites must be assessed against the much tighter definition of ‘deliverable sites’ in the new NPPF – however this is something the Council would need to do for the 5 Year Housing Land Supply Statement anyway.
- If we fail to confirm our supply, we cannot re-confirm our supply again until we adopt a new local plan, which is unlikely to be until late 2024/early 2025.
- If PINS conclude that we do not have a 5-year supply, the Council can apply a 5% buffer through the NPPF, however with a 5 year supply the Council could be subject to challenge without the added protection on the APS and PINs confirmation.

7 Approval Process and Officer Recommendation

- 7.1 The approval process to submit the APS is through a Non Key Decision (NKD) undertaken by the Cabinet Member for Planning and Planning Policy Councillor Nick Robins. To allow for the necessary call in period the NKD it will be necessary to be published by 22nd July 2021. Briefings with Cllr Robins have been scheduled to accommodate timescales.

Officer Recommendation

Following the review of the consultation responses, to submit the APS to PINS by 31st July 2021

Justification

- 7.2 The Draft Annual Position Statement demonstrates a 5 Year Housing Land Supply of 5.92 years. The final figures are being assessed and we are confident that although the position will need to be tweaked slightly following the outcome of the consultation, the Council will be able to demonstrate a 5 Year Housing Land supply through the final APS which will be finalised by 31 July 2021.
- 7.3 Councils are required to produce 5 Year Housing Land Supply Statements as a matter of course, and many of the APS steps set out above are already routinely taken.
- 7.4 Whilst 5 Year Housing Land Supply Statements are not submitted to PINs, Statements can be subject to inquiry through Planning Appeals. As such, successfully ‘fixing’ the 5 year Housing Land Supply through an APS should prohibit such Appeals; and provide certainty to the Council, and developers.

8 Work programme and Timetable

| Task | Indicative Timeframe |
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| Deliverability Form Consultation with Landowners/Developers/Agents | 9th April 2021 - 30th April 2021 |
| Preparation of Draft Annual Position Statement | April/May 2021 |
| Consultation with Landowners/Developers/Agents and Stakeholders on Draft Annual Position Statement | 21st May 2021 -18th June 2021 |
| Submission of Annual Position Statement to the Planning Inspectorate | July 31st 2021 |