This statement relates specifically to Inspector’s Question 5.12 – Policy 2(5): If a five year supply cannot be demonstrated.

1. This policy conflates two entirely separate issues:
   - How to provide a facility for moderate amounts of residential development on unallocated sites, where these can be demonstrated to be compatible with other policies in the Plan;
   - What circumstances are triggered if a 5-year supply cannot be demonstrated.

2. This creates a very damaging situation which will undermine the Plan, for the reasons set out below.

3. It is reasonable for the Plan to envisage unallocated sites coming forward during the Plan period, and it is right that the Plan should provide a policy basis on which to determine the merits of such sites. The crucial consideration here is that, for an allocated site, the adoption of the Plan provides a presumption that developing that site for its intended use will, in principle, be a sustainable outcome, which would lead to the likelihood of outline permission being granted for a scheme that is in line with what the Plan envisages. For an unallocated site, the sustainability and the principle of development need to be tested from scratch when determining an outline application, and it is therefore helpful to have a policy in the Plan that sets the general criteria for that determination. Many other Local Plans do this.

4. However, Policy (5E) provides a mechanism by which an indeterminate number and distribution of unallocated sites could in practice form part of the 5-year supply. This is wholly unjustifiable. The Plan is required, under NPPF para 67, to identify specific, deliverable sites for years 1 to 5 and either specific sites or broad locations for subsequent years. The crucial statement in NPPF para 67 is “authorities should have a clear understanding of the land available in their area”. The land the Council considers to be both available, and suitable for allocation, is being tested at this Examination.

5. In practice, sites coming forward under Policy 2(5E) will very commonly have been promoted through the SHLAA and rejected as allocations. Consequently, the promoters of such sites will have a strong incentive to apply for outline permission and seek, in doing so, to disprove the existence of a 5-year supply at that time. Significantly, these will not be sites that fit into the process envisaged by NPPF para 67, and will not have been tested at Examination.

6. Until late in the Plan period, there should always be a supply of sites that have been identified as either allocations or broad locations and tested at Examination. By the time the latter part of the Plan period comes around, there will be an updated SHLAA and a Plan review will be in process. There is therefore be no justification to allow sites that have not been scrutinised and accepted through this Examination to form an additional source of supply, aside from any windfall provision factored in under NPPF para 70.
7. The practical results of Policy 2(5E) will be:
   - Frequent off-plan applications and associated challenges to the 5-year supply, with consequent delays, refusals and appeals;
   - A secondary route for rejected sites to gain planning permission – which negates the purpose of rejecting them in the first place, i.e. their unsuitability for implementing the Plan relative to the allocated sites;
   - This in turn negates the principle of setting a Development Limit in the first place.

8. We will deal with the specific impacts of this for the countryside in our Matter 7 statement. However the policy also, in our view, sets up a very messy relationship between housing land supply and the purpose of categorising land as being within a settlement or being within the countryside. Land that is in the countryside must not be regarded simply as ‘land awaiting development’ – an area of search, so to speak. That land is fulfilling functions as countryside, and it does not cease to do so – or indeed resume doing so – depending on whether or not there is a 5-year housing land supply at the time. The proposal for a variable 5-year supply (Inspector’s question 5.6) further complicates this issue.

9. Moreover, Policy 2(5E) does not make any distinction between which settlement’s Development Limit a site might be adjacent to, so a land supply problem arising in one part of the Borough could have a direct impact on the countryside in a totally different part of the Borough. As we described in our Reg 19 representation, this could mean that a delay to a brownfield site in Balby might result in approval of a greenfield site outside Harlington, despite the fact that it would be providing housing for a very different sector of the market. That would be a perverse outcome.

10. For these reasons, Policy 2(5E) has no place in a sound Plan, and must be deleted.