

### Reasonable Prospects Test

The NPPF refers to the question of deliverability (1) generally in relation to the need for the Plan to be 'deliverable' and (2) specifically in relation to the requirement to maintain a 5 year supply of specific deliverable sites.

On the first matter NPPF para 16(b) indicates that Plans should '*be prepared positively, in a way that is aspirational but **deliverable***'. NPPF para 35 sets out the four tests of soundness, the third of which is that Plans should be '**Effective – deliverable over the Plan period.....**'.

In relation to the second matter, 5 year supply, NPPF para 67(a) indicates that Planning policies should identify a supply of '*(a) **specific deliverable sites for years one to five of the plan period***'. There is then a footnote, (32) which where relevant to this point states '*See Glossary for definitions of **deliverable and developable***'. In relation to **Deliverable** the glossary definition includes the requirement that sites should '*be achievable with a realistic prospect that housing will be delivered on the site within 5 years*'. For **Developable** the definition includes '*.....with a reasonable prospect that they will be available and could be viably developed at the point envisaged*'.

Thus the concept of '*reasonable prospect*' and '*realistic prospect*' are enshrined in the NPPF in relation to 5 year supply.

Unsurprisingly there is no definition of 'deliverable' or 'reasonable prospects' for the general test of soundness that a Plan should be 'Effective', and case law has looked at the term in relation to 5 year supply which is where most issues arise because of the precise definition in NPPF. Where sites and their deliverability are concerned, Lord Justice Lindblom in the Court of Appeal, in the case of R (East Bergholt Parish Council) v Babergh District Council (2019), and following his own judgment in the St Modwen Developments case in 2017, stated that '**Put simply, the degree of confidence required in the "deliverability" of sites is for the decision-maker to decide, within the bounds of reasonable planning judgment**'.

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