



St Helen's Local Plan Examination

Lovell Partnerships Ltd's Response to Matter 5 – Housing Land Supply

Land at Chapel Lane

On behalf of Lovell Partnerships Ltd.

May 2021

CONTENTS

1. INTRODUCTION	1
2. LOVELL'S RESPONSE TO MATTER 5	3

APPENDICES

APPENDIX I – AVISON YOUNG'S HOUSING LAND SUPPLY REPORT

APPENDIX II – TETLOW KING AFFORDABLE HOUSING SUPPLY REPORT

APPENDIX III – ANTICIPATED TRAJECTORY FOR LAND AT CHAPEL LANE (6HS)

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1. INTRODUCTION

- 1.1 This Hearing Statement has been prepared by Asteer Planning on behalf of Lovell Partnerships Limited ('Lovell') in relation to **Matter 5 – Housing Land Supply**. Lovell are working closely with the landowners (previously promoting the site) and have an agreement in place to promote the land at Chapel Lane, Sutton Manor ('the site') which is proposed to be removed from the Green Belt and designated as a safeguarded site for housing (Site 6HS) through the Local Plan (Policy LPA06: Safeguarded Land).
- 1.2 This Hearing Statement is issued following the conclusion of Week 1 Hearings in respect of Matters 1, 2 and 3 (25-27 May 2021). In the Matter 2 and 3 sessions, we identified two overarching soundness failures in respect of (a) affordable housing provision and (b) housing land supply. Lovell's proposed development is a direct response to both.
- 1.3 Lovell are seeking to bring forward a high quality, sustainable residential development for 100% affordable housing on the site, delivering approximately 150 affordable homes early in the plan period through its joint venture partnership (Lovell Together) with Together Housing Group, a Registered Social Landlord. Lovell – Together Corporate Joint Venture LLP is an existing special purpose vehicle under which this site would be delivered. Together Housing Group are a Homes England Strategic partner and have an existing £53m of Homes England grant allocation secured to give greater certainty on delivery.
- 1.4 It is proposed that the site will deliver 50% affordable rent and 50% shared ownership using existing grant funding. As a consequence of the funding, the site is highly deliverable and would make a significant positive contribution towards meeting both affordable housing and overall housing needs early in the Plan period.
- 1.5 Lovell are requesting main modifications to Policy LPA05 (Meeting St.Helens Borough's Housing Needs) and Policy LPA06 (Safeguarded Land) to convert the safeguarded site allocation back into a full allocation. This would effectively return the site to the status it held in the draft development plan documents as recently as 2017 as set out in previous representations made at Preferred Options stage. The site is located adjacent to the settlement boundary of the St Helens Core Area, identified by Policy LPA02, as supplemented by the Council's submission as the most sustainable location for growth – and the appropriate location to address major current issues of deprivation.
- 1.6 Matter 5 of the Inspectors' Matters, Issues and Questions ('MIQs') considers how the housing requirement will be met; whether those means of meeting the requirement have been justified and will be effective; and whether SHMBC will have a 5-year housing land supply (HLS) on adoption of the Local Plan.

- 1.7 This Statement responds directly to the Inspectors' MIQs, however, it should be read in conjunction with previous representations issued on these issues, including many by other parties that have identified significant flaws in the Council's claimed housing land supply. Where relevant, the comments made are assessed against the tests of soundness established by the National Planning Policy Framework ('NPPF'), as supplemented by the National Planning Practice Guidance ('PPG').
- 1.8 This Statement focusses upon the provision of 5 year housing land supply, for the purposes of NPPF paragraph 67 and NPPF paragraph 73. However, it also addresses the question of affordable housing supply as a component of that overall supply. As explained at the Matter 2 hearing, in response to Q6f, the plan assessed as a whole, will not make sufficient provision to meet affordable housing needs, especially taking into account under-provision since 2016. The twin soundness failures are inextricably linked.
- 1.9 Separate representations are being submitted in respect of the following matters and should be read in conjunction with this Statement:
- Matter 1 – Introduction to the Hearings, Legal Compliance, Procedural, Requirements, and the Duty to Cooperate;
 - Matter 2 - Housing and Employment Needs and Requirements;
 - Matter 3 – Spatial Strategy and Strategic Policies;
 - Matter 4 – Allocations, Safeguarded Land and Green Belt Boundaries; and,
 - Matter 7 - Specific Housing Needs and Standards.

2. LOVELL'S RESPONSE TO MATTER 5

- 2.1 This section of this statement sets out the relevant Matter 5 issues and questions within the Inspectors' MIQs to which Lovell wishes to provide a response, including identifying elements/issues that render the plan unsound in the context of paragraph 35 of the NPPF, and how these should be resolved to make the plan sound.

Issue 1: Components of Housing Supply

1) Having regard to the Council's responses referred to above, will the up to date housing supply position be clearly shown in the Plan (base date of 31 March 2021)?

- 2.2 The Council published its draft Main Modifications to the Local Plan in May 2021 (SHBC010). Within this document a modification is proposed (MM007) to update Table 4.6 (Housing Land Supply) of the Local Plan to show the Council's most up to date housing supply position and to represent the position up to 2037. The proposed modification involves inserting Tables 5.2, 5.3, 5.4 and 5.5¹ into the Plan.
- 2.3 Avison Young's have produced a Housing Land Supply Report at **Appendix I** which scrutinises the proposed Tables. Our conclusion (which we understand to be common to a number of Examination participants) is that the proposed figures need substantial adjustment. They will not show a five-year housing land supply at the point of adoption.
- 2.4 In the text below, we shall refer to the numbers of Tables in both SHBC007 and our own Housing Land Supply Report.

2) Having regard to Council's responses referred to above, will the components of the housing supply that will meet the housing requirement be clearly shown in the Plan?

- 2.5 See response to Question 1 above.

3) Is the small sites allowance of 93 dpa justified by compelling evidence (see paras 4.10 to 4.13 of SD025)?

- 2.6 Lovell does not object to Council's proposed small sites windfall allowance of 93 units per annum in the light of evidence of past delivery (see Avison Young's Housing Land Supply Report at Appendix I, paragraph 6.127).

¹ Contained at Annex 3 of SHBC010

5) Should empty homes be included as a component of supply?

2.7 Empty homes (aka vacant dwellings) can make a contribution to supply. However, as the Council notes in the Plan's paragraph 4.18.17, it has not included an assumed contribution to the overall supply of housing from trends in the numbers of vacant dwellings. This is largely due to the fact that the Council has only limited control over the overall number of vacant dwellings, which is affected by landowner decisions and other factors. Lovell agrees with this approach.

6) Does the Plan show sufficient flexibility in the supply to ensure that the housing requirement will be met over the Plan period (the Council's latest figures show a residual requirement of 7778 units and potential housing supply of 8384 units assuming a Plan period until 20373)?

- 2.8 The Council's latest published position (SHBC007) is that there will be a residual requirement of 7,132 dwellings over the plan period (Table 5.2 / AY Table 13).
- 2.9 SHBC007 Table 5.5 (AY Table 16) shows that there will be a total housing supply over the plan period of 7,831 dwellings.
- 2.10 The Council's claimed figure provides some flexibility, but the difference is just 699 dwellings across the entire plan period.
- 2.11 Furthermore, a large proportion of this supply (2,020 dwellings) is to be provided from allocated sites to be removed from the Green Belt (Sites 1HA, 2HA, 4HA, 5HA, 7HA and 8HA).
- 2.12 Several of these site allocations are large and have an indicative capacity of 300 or more dwellings and are therefore defined as 'strategic allocations' (2HA, 4HA, 5HA). The Council's own trajectory (SHBC007) acknowledges that these strategic sites will not start to deliver until later in the plan period (2HA - 2027/2018; 4HA – 2030/31 and 5HA 2025/26).
- 2.13 With any such strategic sites, there are a number of risks / potential delays to delivery such as masterplanning, land assembly, infrastructure and viability considerations. As such, in the context of this risk and the fact that these sites are already expected to deliver later in the plan period, if any one of these strategic sites do not come forward as planned, flexibility currently built into the supply would be wiped out resulting in an insufficient plan period housing land supply.
- 2.14 As a result, the Council should be building more flexibility into the supply by allocating deliverable sites, such as the Chapel Lane site now.
- 2.15 At the Matter 1 and Matter 2 hearing sessions, a number of participants put forward robust and compelling evidence for the need for an uplift to the housing requirement.

- 2.16 Lovell have not identified a precise figure for an uplift over full plan period. We maintain the position set out in the Tetlow King Statement that there is an urgent need to address affordable housing under-provision since 2016. Lovell's position is therefore aligned with that of a number of participants that an increase is merited to at least 570dpa, as per earlier versions of the Submission Local Plan. We make no further submissions on the precise figure above that.
- 2.17 Moreover, as Tetlow King have set out [Tetlow King Affordable Housing Supply Report, Figure 5.4], there is no robust evidence to consider that all of Affordable Housing Zones 1, 2 and 3 will deliver the requisite amount of affordable housing.
- 2.18 Even participants who support the Council's approach overall, such as Lichfields on behalf of Taylor Wimpey, have stated that an uplift "may therefore be justified in order to help meet a greater level of affordable housing need" (see TW/Lichfields Matter 2 Statement, page 7, [2.34]-[2.35]).
- 2.19 When the housing requirement is increased, all flexibility disappears. This is the inevitable consequence of setting the requirement too low.

7) Is the flexibility in housing supply provided by the Green Belt sites justified?

- 2.20 Please see Lovell's response to question 6 above.

8) Would greater certainty be provided within the Plan if SHLAA sites (or the larger sites) were to be allocated (see SHBC001 – PQ52)?

- 2.21 In its response to PQ52 (SHBC001) the Council does not consider that greater certainty would be provided by allocating more SHLAA sites (or the larger sites) as many large sites counted in the SHLAA supply have an existing planning permission which in itself offers a high degree of certainty. It also notes that there would need to be an update to the SA and HRA for additional proposed allocations and updates to Policies LPA05 and LPA05.1. It goes on to state that the proposed approach for SHLAA sites to form part of the housing land supply alongside specific allocations, is an approach that has been found sound in various other Local Plans, for example in the Sunderland and Sefton Local Plans.
- 2.22 Lovell strongly refutes this Council's claim that the fact that SHLAA sites in the supply have existing planning permission offers a high degree of certainty.
- 2.23 Avison Young's HLS Report (**Appendix I**) addresses this in full.
- 2.24 Many of the large SHLAA sites included within the Council's trajectory have planning permission, however many of these permissions have expired and therefore are not deliverable in the context of the NPPF and PPG. Moreover, the Council claims 602 dwellings

in its 5YHLS from sites that have planning permission but have not yet started. This demonstrates the futility of relying on such sites within the supply.

- 2.25 Avison Young's analysis demonstrates that the more realistic figure is just **186** dwellings from such sites, which represents a reduction of -416 dwellings².
- 2.26 SHLAA sites should not be allocated through the Local Plan, particularly at this late stage in the context of a significant lack of deliverability evidence.
- 2.27 Instead, in order to provide more flexibility, the Council should first look to proposed safeguarded sites in the most sustainable locations, such as the Chapel Lane site, which is deliverable in its entirety (as demonstrated extensively in Lovell's response to Matter 4) within the first 5 years of the plan period.

Issue 2: The Housing Trajectory

9) Is the evidence that supports the Housing Trajectory (Figure 4.3 as amended by Appendix 1 to SD025) based on realistic assumptions?

AND

10. In particular:

a) Should a lapse rate be applied to sites expected to deliver in the next 5 years as well as those delivering later in the Plan period (see SHBC001 – PQ50)?

- 2.28 In its response to **PQ50 - Why has a lapse rate not been included for those sites with planning permission?** (Examination Document ref: SHBC001) the Council states that an allowance of 15% has been made for reduced delivery on the SHLAA sites over the later years of the Plan period (6-15 years).
- 2.29 It also states that a lapse rate has not been applied to sites with planning permission expected to be under construction in years 0-5 years. The stated explanation is that these sites are considered deliverable and the majority of sites with planning permission in the Borough consistently commence on site.
- 2.30 We disagree. A lapse rate should be applied to sites with planning permission across the whole plan period, not just the later years. As demonstrated in Avison Young's Housing Land Supply Report (May 2021) (**Appendix I**), the Council's claimed trajectory is not robust. There are a number of sites which had planning permission but these have now lapsed and the sites can therefore not be considered deliverable. The Council's claimed supply includes a contribution of 1,322 towards the 5 year supply from large sites (AY Housing Land Supply Report, Table 31), However a more realistic assessment is that this contribution will be just

² Appendix I - Table 31

669 dwellings, a difference of -653 dwellings. A lapse rate should therefore be applied to this full category.

b) Is the evidence about the delivery of SHLAA sites contained within the SHLAA together with SD025 and SHBC004 robust?

- 2.31 The Council's housing trajectory set out in SD025 initially claimed to be a deliverable supply of housing land of exactly **5.0 years**. That was obviously an extremely precarious position, without much precedent at plan examinations in the NPPF era.
- 2.32 Following the publication of the Inspectors PMIQs (INSP003), in February 2021, the Council then published its response to the PMIQs (SHBC004) which included a revised trajectory at Appendix 2. The Council's claimed 5YHLS had reduced to **4.91 years (Appendix I – table 8)**.
- 2.33 In May 2021, the Council published its updated employment and housing land supply position statement (SHBC007) which included a further revised trajectory at Appendix 1. This is the Council's latest published position and it is now claiming just a **4.6 year** 5YHLS.
- 2.34 The decline in the housing trajectory from SD0025 to SHBC004 to SHBC007 demonstrates a clear lack of robustness in the Council's evidence base and in its approach overall. However, the deductions do not go nearly far enough.
- 2.35 The Council's evidence at this stage of the Examination of the Local Plan is limited to the following:
- The 2017 SHLAA;
 - The HNSBP (SD0025);
 - The updated SHLAA site assessments and trajectory provided in SHBC004 on 1 March 2021;
 - 'Updated Employment and Housing Land Supply Position as of 31.03.2021' (SHBC007). The Council states (page 3) that this document "contains all the latest housing figures and information with regard to the housing supply and trajectory for the plan period, and the 5-year land supply."
- 2.36 Avison Young has analysed the Council's claimed trajectory from 'Large Sites' in the context of the NPPF and relevant excerpts from the PPG.
- 2.37 Such sites should 'only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.'

- 2.38 Paragraph 007 of the PPG³ sets out examples of the type of evidence that can be used to demonstrate deliverability of sites. Although the list is not closed, it is a very strong indicator of what can legitimately be considered robust, consistent with national policy. The Council directly refer to this paragraph in their own HSNBP (Paragraph 4.25).
- 2.39 When the NPPF test and PPG guidance is applied, it becomes clear that the Council are not able to demonstrate delivery in the first five years of the plan period (2021/22 – 2025/26). Several sites should be removed in full from the 5YHLS. For others, the number of dwellings should be reduced. These are listed in Avison Young's HLS Report at Chapter 5.
- 2.40 It is also worth noting that the Council stated in its response (SHBC00-1) to the Inspectors Preliminary Questions that (AY emphasis) in bold:

*"It is recognised that there is a spike in the 2025/26 and 2026/2027 years as this is when the proposed Local Plan allocations (from the Green Belt supply) start to feature more considerably in the supply once appropriate lead-in times have been allowed for. Such a spike is also reflective of the fact that the Council has been cautious when assessing sites as deliverable, **and there are therefore a number of sites in the 6-10 year period that do not have any significant site constraints preventing them from coming forward within the 0-5 year period, but because they do not currently have a planning permission or are not being promoted actively through the development management process yet, they have not been counted in the 5 year supply. Instead they are considered developable and are counted in the 6- 10 year period.** Other sites are in the 6-10 year period as a result of discussions with landowners, site promoters and stakeholders and assumed delivery is based on evidence of likely lead-in times and infrastructure requirements (particularly for the proposed allocations from the Green Belt supply). The spike is therefore considered realistic, but it will be reconsidered as part of the updated SHLAA site assessment referred to above."*

- 2.41 Whilst Lovell acknowledges that the apparent spike in delivery referred to has been somewhat 'smoothed out' in the Council's latest trajectory, despite this statement, the Council has indeed included sites in its claimed 5YHLS that do not have planning permission or are being actively promoted through the DM process.

e) Are lead in times and build out rates realistic?

- 2.42 Lovell's detailed comments on the Council's approach to lead in times and build out rates are set out at Chapter 5 of Avison Young's HLS Report (**Appendix I**) and are summarised below.

³ Reference ID: 68-007-20190722

- 2.43 The Council's assumed lead-in times are based on the 2017 SHLAA methodology: 1.5 years for sites with full permission / reserved matters, 2 years for sites with outline permission and 2.5 years for sites without permission.
- 2.44 In our experience, a blanket 2-year lead-in time for sites with outline permission, and a blanket 2.5 year lead-in time for sites without permission is too simplistic and is therefore not realistic. In many cases, the Council has used longer lead-in times (compared to those set out at Table 17) for several of the 'Large Sites' within its claimed supply without any clear explanation of why. There is not a clear pattern of whether and how the Council's lead-in time assumptions have been applied to sites. Specifically, it is not clear whether the Council has applied lead-in time assumptions or has based its trajectory for any given site on other specific 'evidence' (i.e. information from Developers).
- 2.45 We do not object to build-out rates specifically. The Council's assumptions seem reasonable and in-line with typical build out rates that we have experienced and these build-out rate assumptions appear to have been applied to the Council's latest claimed trajectory in a reasonable way.

f) Is the significant spike in delivery shown in the trajectory between 2025/26 and 2026/27 realistic and supported by evidence (see SHBC001 – PQ54)?

- 2.46 In its response (SHBC001) to **PQ54**, the Council justified the spike in delivery post 2025 on the basis that this is a result of the proposed Local Plan allocations (from the Green Belt supply) starting to feature more considerably in the supply once appropriate lead-in times have been allowed for. Other sites are in the 6-10 year period as a result of discussions with landowners, site promoters and stakeholders and assumed delivery is based on evidence of likely lead-in times and infrastructure requirements.
- 2.47 As set out in the Council's latest trajectory (SHBC007), the spike in delivery has changed since the MIQs were published, with the spike now occurring later in 2027/28 (890 dwellings) and 2028/29 (733 dwellings).
- 2.48 Despite delivering 775 dwellings and 758 dwellings per year in 2018/19 and 2019/20 respectively, past trends show St Helens' housing delivery to be closer to 400/500 – for example in 2016/17 487 dwellings were delivered and in 2017/18 408 dwellings were delivered. Clearly, both 2018/19 and 2019/20 were very strong years in terms of housing delivery when compared to previous years, however both still fall far short of the annual target of 890 suggested for 2027/28. That target is simply not realistic.
- 2.49 Furthermore, as set out in SHBC007 (Appendix 1: Local Plan Updated Housing Trajectory'), the majority of this supply (490 dwellings of the total 890) is anticipated to yield from 'Other Supply' i.e. SHLAA sites and sites with planning permission and under construction, rather than there being a big uplift from allocations.

2.50 Avison Young has analysed the Council's claimed trajectory from 'Large Sites' in the context of the NPPF, the PPG, and the evidence (or lack of) that the Council has produced to demonstrate deliverability, noting that the Council has indeed included sites in its claimed supply that do not have planning permission or are being actively promoted through the DM process. In the context of past delivery trends and the claimed source of supply, it is Lovell's view that the significant spike in delivery in the Council's trajectory is therefore unrealistic and has not been justified.

Issue 3: Five Year Housing Land Supply

11) Is the use of a 5% buffer to calculate the housing land supply position appropriate?

- 2.51 The Council has applied a 5% buffer to its 5-year housing requirement. In its response to PQ56 in document SHBC001, the Council contends that the use of a 5% buffer is appropriate and that any shortfall in supply will be spread over the next 5 years (the Sedgefield approach).
- 2.52 The Council's approach is not consistent with NPPF 73-74 and PPG 68-010 and 68-022.
- 2.53 The latter paragraphs makes clear that "*10% - the buffer for authorities seeking to 'confirm' 5 year housing land supply for a year, **through a recently adopted plan***"
- 2.54 Policy LPA05 of the submitted Local Plan refers expressly to maintaining an adequate supply and any "buffer required under national policy"
- 2.55 The supporting text (Paragraph 4.18.21) to LPA05 also refers to such buffers.
- 2.56 The Council 's Draft Schedule of Main Modifications (SHBC010) (17 May 2021)_ itself sets out modifications to its monitoring framework for Policy LPA05 which includes the following 'potential action of contingency' should the Council have 'fewer than 5 years' supply (plus the required buffer) of housing land:
- Consideration of the barriers to delivery of sites after permission is granted, and working with partners to overcome them;
 - Consideration of whether sufficient planning permissions are being granted (and within statutory time limits);
 - Seek to maintain an appropriate mix of sites to sustain delivery;
 - Use proactive pre-application process to speed up the application process;
 - Seek funding to unlock brownfield sites to boost the housing supply;

- Consider early review of the Local Plan if there is long term underperformance against the 5 year supply.

2.57 As the Council is seeking to confirm its 5 year housing land supply through the adoption of the plan, they must apply a **10% buffer** to the housing requirement.

12) Is the inclusion of 465 units from small sites in the 5-year supply justified?

2.58 Please see Lovell's response to Question 3 above. Lovell considers the Council's proposed small sites windfall allowance of 93 units per annum (and therefore 465 units over the first 5 years) to be justified.

13) Generally, are the assumptions about the delivery from commitments, SHLAA sites and allocations within the 5-year supply realistic?

2.59 Please refer to Lovell's response to question 9 and 10 (a-f) above.

14) Are lead in times and build out rates within the 5-year supply realistic?

2.60 Please see Lovell's response to Question 10e) above.

15) Are there any measures that the Council can take to provide more elbow room in terms of the 5-year supply? Note - SHBC001 – PQ55 refers to the possibility of a stepped housing requirement and/or increasing the small sites allowance.

2.61 In its response to PQ55 in document SHBC001, the Council states that it could consider stepping the housing requirement whereby there is a slightly lower level of housing delivery for the first 5 years of the Plan period (with a lower annual requirement) and then an increased annual requirement over the remaining years of the Plan.

2.62 This would not be consistent with PPG 68-021 or with the NPPF Chapter 5 generally.

2.63 In summary:

- i) There is not a significant change in the level of housing requirement between emerging and previous policies. In fact, there is a lower proposed housing requirement, from the adopted Core Strategy housing requirement of 570 dwellings per annum to the proposed emerging housing requirement of 486 dwellings per annum;
- ii) The Council is not proposing phased delivery from its strategic sites. In fact, following the latest update (SHBC007), the Council expects several of the proposed allocations to deliver earlier in the plan period than it did in its previous trajectories.

2.64 There is no justification for pursuing a stepped housing requirement.

2.65 To ensure that a 5-year supply can be demonstrated upon adoption of the plan, the Council should allocate additional deliverable sites in the most sustainable locations now, such as the Chapel Lane site.

16) Will there be a five-year supply of deliverable housing sites on adoption of the LP?

2.66 Please see Lovell's response Question 10b above. The short answer is no.

2.67 Indeed, the Council's claimed 5 year housing land supply position has progressively worsened since the Local Plan was submitted to the point where its latest claimed supply (SHBC007) is now just **4.6 years**. That decline adverts to deeper problems in the robustness of the evidence base.

2.68 The correct position, applying NPPF and PPG guidance, is in fact much worse. Specifically:

- A **10% buffer** should be applied, and therefore an annualised requirement of **535** applies to the first 5 years of the plan period; and,
- Following Avison Young's detailed analysis of the claimed supply from 'Large Sites', the total deliverable supply figure is **1,709 dwellings** (a reduction of -653 from the Councils claimed supply).

2.69 Therefore, the Council can only realistically demonstrate a **3.2 year** supply of housing land upon adoption of the plan, generating a total shortfall of 964 dwellings.

2.70 Policy LPA05 explicitly requires that there is a deliverable supply of housing that is sufficient to provide at least 5 years' worth of new housing development against the housing requirement. Further, if annual monitoring demonstrates the deliverable housing land supply falls significantly below the required level, then a partial or full plan review will be considered to bring forward additional sites.

2.71 A Local Plan review would therefore be required immediately upon adoption of the Plan. This is clearly not a sound approach to plan making. It is directly contrary to NPPF 59, 68 and 73, and the broader provisions of NPPF 11b, 20 and 35a-d.

2.72 In order to ensure that a 5-year housing land supply can be demonstrated and thus avoid an immediate review of the Local Plan, the Council must allocate additional deliverable sites now, such as the Chapel Lane site.

Affordable Housing as a Component of Housing Land Supply

2.73 The Council's failure to demonstrate a deliverable 5YHLS has significant ramifications in respect of affordable housing as well, as a component of the overall housing land supply and is contrary to NPPF 61.

- 2.74 As set out in detail in Lovell's response to Matter 2, Tetlow King have undertaken a detailed analysis of affordable housing need in St Helens in the 'Affordable Housing Need Statement (Appendix I to Lovell's response to Matter 2).
- 2.75 Taking into account backlog needs accrued since 2016, Tetlow King identified a clear need for at least 176 net affordable homes per annum for the first five years of the plan period (Total 880 units).
- 2.76 Since submission of the Affordable Housing Need Statement, the Council has extended the period of the Plan to 2037 and provided a figure of 276 affordable dwellings as being those completed in the monitoring period 2020/2021. On this basis, the annual net need is now 144 dwellings per annum.
- 2.77 In the context of this identified affordable housing need, Tetlow King has also undertaken an analysis of affordable housing supply within its Affordable Housing Supply Statement (May 2021) contained at **Appendix II**.
- 2.78 This Statement assesses the realistic supply of affordable housing in the Borough for the period 2021/22 to 2036/2037, including large sites within the trajectory and the proposed allocations and also taking into account commuted sums and Right to Buy (RTB) losses.
- 2.79 Even where sites are delivering affordable houses, the greatest numbers would not be delivered until the latter part of the trajectory period.
- 2.80 When considering future affordable housing delivery against the expected delivery undertaken by the applicants, the Council would make a **loss** in the number of gross affordable dwellings per annum, over the next five years (-7 or -50) and over the length of the Local Plan period would make either a very marginal gain or a greater loss of affordable dwellings (+41 or -63).
- 2.81 Clearly these future supply figures fall significantly short of the 144 per annum figure (720 over the first five years) required when backlog needs are addressed in line with the Sedgfield approach, and the 117 per annum figure for the remaining plan period, once the backlog has been dealt with in the first five years.
- 2.82 When average losses as a result of the RTB are taken into account, it is clear that the Council is facing a bleak prospect of delivering very few additional affordable dwellings and is not in any meaningful way seeking to boost the supply of affordable housing, based on Tetlow King's analysis of the available sites.
- 2.83 In order to address this critical issue, the Council must allocate sites which can deliver affordable housing early in the plan period. As set out in detail in Lovell's response to Matter 4, the Chapel Lane site offers a rare and unique opportunity to deliver a 100% affordable

scheme, contributing to meeting the Borough's critical affordable housing needs through an already established joint venture between a reputable housebuilder and RP.

- 2.84 Should the Chapel Lane site be allocated in the Local Plan, Lovell will submit a full planning application immediately upon adoption of the Local Plan (anticipated in December 2021). The indicative timescales set out at **Appendix III** demonstrate that this would lead to delivery starting in September 2023 with full delivery from 1st October 2023 (i.e. two full quarters of delivery in the 2023/24 monitoring year).
- 2.85 Furthermore, the Council has used an assumption of 40 dwellings per annum for housing allocations released from the Green Belt, which would result in the delivery of 120 units in 3 years.
- 2.86 Unlike the 10 proposed housing allocations, which are expected to deliver market housing (with just a modest proportion of affordable based on policy requirements and/or viability considerations), the Chapel Lane site will deliver 150 no. (100%) affordable dwellings. This means that, as set out at **Appendix III** and based on the lead-in times and delivery rates expected, the site will deliver the entire 150 dwellings well within the first 5 years of the plan period.

Issue 4: The wording of Policy LPA05

17) Will Policy LPA05 as worded be effective in maintaining delivery through the Plan period?

- 2.87 Please refer to Lovell's response to question 16 above.
- 2.88 Policy LPA05 as worded will not be effective in maintaining delivery through the plan period unless the Council is able to demonstrate a 5-year supply.

Comments on Soundness in respect of Matter 5

- 2.89 When considering the tests of soundness set out in Paragraph 35 of the NPPF in the context of Issue 3 of Matter 5, the Plan as submitted is not sound for two fundamental reasons:
- Firstly, in the context of Paragraphs 67 and 73 of the NPPF, the Council is unable to demonstrate a 5 year supply of housing land upon adoption of the Local Plan; and,
 - Secondly, the Council's approach to delivering affordable housing will fall substantially short of meeting the over-riding current need for affordable housing in the context of NPPF Paragraph 61 and Paragraph 2 of the PPG⁴).
- 2.90 These are simply not issues that can be addressed through a statutory review of the local plan (full or partial) after 5 years.
- 2.91 Furthermore, in accordance with the requirements of Policy LPA05 as drafted (including the Council's proposed schedule of Main Modifications in SHBC010), a Local Plan review would be required immediately upon adoption of the Plan. This is clearly not a sound approach to plan making.
- 2.92 In order to ensure that the plan is sound, the Council must allocate additional deliverable sites now. The Chapel Lane site will deliver the entire 150 dwellings within the first 5 years of the plan period.
- 2.93 Furthermore, in order to address the current affordable housing crisis, which will only be exacerbated by the Council's proposed approach to the provision of affordable housing, the Council must allocate deliverable sites that will provide a significant proportion of affordable housing, particularly in the areas of the Borough adjacent to the St Helens Core Area which is the greatest area of deprivation, and the most sustainable location in the Borough as acknowledged by the Council at the Matter 3 hearing session.

⁴ Reference ID: 2a-024-20190220

**APPENDIX I – AVISON YOUNG’S HOUSING LAND SUPPLY REPORT
(MAY 2021)**

**APPENDIX II – TETLOW KING’S AFFORDABLE HOUSING SUPPLY
REPORT (MAY 2021)**

**APPENDIX III – ANTICIPATED TRAJECTORY FOR LAND AT CHAPEL
LANE (6HS)**

- Adoption of Local Plan – December 2021;
- Submission of Planning Application - December 2021; (upon adoption of plan);
- Determination of application – by end March 2022; (13 weeks determination);
- Discharge of conditions – by end July 2022 (4 months);
- Start on site – August 2022 (1 month);
- 1st completion – March 2023; (6-8 months);
- Delivery of 5 per month from 1 April 2023 gives:

Year	21/22	22/23	23/24	24/25	25/26	Total 5YHLS
<i>Delivery from Chapel Lane Site</i>	<i>0</i>	<i>0</i>	<i>60</i>	<i>60</i>	<i>90</i>	<i>150</i>