

Barton Willmore on behalf of Miller Homes (Representor ID RO1244)

Examination into the St. Helens Local Plan

Matter 5: Housing Land Supply

In response to preliminary questions the Council has indicated as follows:

- **Table 4.6 of the Plan (housing land requirements and supply) will be updated to reflect the tables in Appendix 5 to SD025 but as of 31 March 2021 and potentially including an extended Plan period up to 2037.**
- **The housing trajectory at Figure 4.3 would be replaced by an update reflecting that shown in Appendix 1 to SD025.**
- **SD025 also includes a more detailed trajectory showing how allocations and other major sites (including commitments and SHLAA sites) will deliver for each year over the Plan period.**
- **The above takes into account updated SHLAA site assessments (SHBC004).**
- **The Table at Appendix 2 of SD025 shows the key assumptions and parameters that will be relied on to calculate the 5-year HLS (5% buffer and the Sedgefield2 approach to dealing with shortfalls). This could be added to the reasoned justification to Policy LPA05.**

Issue 1: Components of Housing Supply

Q1 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)?

1. The up-to-date housing supply position is set out in document SHBC007 (May 2021) and we note is proposed for inclusion in the Plan via Main Modification MM007 and MM009 (Annex 3 and 4 of SHBC0010). Main Modification MM008, however, still refers to the incorporation of the trajectory from SD025 (Appendix 1) replacing Table 4.7 of the Plan. The latest trajectory in SHBC007 should be used, notwithstanding our Client's concerns in relation to some elements of the trajectory, which are detailed in questions 6, 9 and 10 below.
2. We also note from Appendix 2 of SHBC007 that, upon the adoption of the Plan, the Council will only have a housing land supply of 4.6 years. Clearly this has implications for the soundness of the Plan and would suggest that the Council urgently seeks to allocate additional housing sites, capable of being delivered within the first 5 years of the Plan, in order to rectify the situation.

Q2 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?

3. Please refer to our Client's response in relation to Q1 above.

Q3 Is the small sites allowance of 93 dpa justified by compelling evidence (see paras 4.10 to 4.13 of SD025)?

4. The Council's Housing Need and Supply Background Paper (Doc. Ref. SD025) states that an average of 103 dwellings per annum (dpa) (gross) have been provided on small sites between 2010 and 2020. At face value, therefore, applying a similar rate with a 10% reduction to expected completions does not appear to be unreasonable.
5. Our Client notes the Council's comments at Paragraph 4.13 of SD025, which explains that to avoid double counting, existing planning permissions on small sites have not been included in the Plan supply. Details of the 135 small sites referred to has not been provided in order to ascertain whether this would amount to an equivalent supply in, for example, the first three years of the Plan period. It is not stated how many units would be delivered on the 135 small sites and how many of these sites have planning permissions that may imminently expire (noting that the position is 135 sites at July 2020), to determine whether replacing this source of supply with a 93 dpa allowance is a fair representation. It is for this reason, that small sites allowances and windfall allowances are generally excluded from the first three years of supply. The Council's approach in this respect is, therefore, unusual and requires further justification around this point.
6. The proposed small sites allowance represents a healthy proportion of anticipated supply – over 18% in the first 5 years, and over 16% for the remainder of the plan period according to SD025 – it therefore essential that it is robust and is deliverable.

Q4 Should the supply shown within the Plan make an allowance for demolitions or are they accounted for within the net number of homes anticipated to be delivered from each site?

7. Paragraph 4.7 of SD025 appears to dismiss demolitions as a factor to be considered in housing land supply matters on the basis that the majority of the 200 demolitions over the past 10 years can be attributed Registered Providers, and that these Providers have not identified any significant clearance programmes during the Plan period.
8. On this basis, the Council does not envisage large numbers of demolitions moving forward and so the figures are likely to remain 'relatively low'. Our Client notes, however, that the

Council has not defined what this 'relatively low' figure could be, and no allowance appears to have been made.

9. Our Client considers that the loss of dwellings forms an important part of the overall housing land supply picture for the Borough, and so should be given consideration within the Council's housing land supply calculations. If this is to be factored into individual sites within the supply, this needs to be made clear, which it is not. However, the Council is relying on yet unknown supply in the form of the small sites allowance and, therefore, some allowance for demolition should be made. In the absence any evidence to the contrary, a circa 20 dpa allowance would help to establish a robust housing land supply figure.
10. During the Matter 2 Hearing Session the Council changed its position stated in SD025 and stated that demolitions are already included within the housing need figure. Further clarification is required to explain how this is the case, given the Council's previous position that demolitions should be excluded on the basis that no significant losses were anticipated over the Plan period.

Q5 Should empty homes be included as a component of supply?

11. Our Client has no comments in response to this question.

Q6 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 2037¹)?

12. Our Client would reiterate their comments in response to Matters 2, 3 and 4 in that it is essential that the Plan is sufficiently flexible in order to ensure that it can adapt to change, ensure choice and competition in the market, provide a robust supply of affordable housing, or should proposed allocations do not come forward as originally envisaged.
13. For the reasons stated in previous statements, our Client considers that there is a compelling case to justify an uplift in the housing requirement and that, as a result of this, additional sites should be identified both for allocation for development within the Plan period and to be safeguarded for future development, beyond the current Plan period. For the same reasons, it is essential that housing land supply over the Plan period is deliverable and

¹ SHBC001 – PQ25

sufficiently flexible.

14. The Council's recently published Local Plan Draft Schedule of Modifications (SHBC010)², revises the figures set out in Q6 above. The residual housing requirement is now stated as 7132 dwellings (April 2021 - March 2037) and the claimed level of housing land supply over the Plan period is 7831. This is equivalent to a 9.8% buffer (699 units).
15. Our Client has undertaken a review of a sample of the proposed allocations as well as the unallocated, urban capacity sites presented within the SHLAA, in order to understand further the constraints of these sites and identify any potential issues with their future delivery. The results of this review are enclosed at **Appendix 1** to this Statement. This exercise highlights that, for a number of the sites reviewed, there are potential constraints indicating that the sites will not be delivered as envisaged by the Council. As a result, the potential housing supply figure could, in reality, be notably lower than that currently envisaged by the Council. As a result, the apparent flexibility of circa 10% afforded by the current figures may be far slimmer than it would otherwise appear.
16. This emphasises the need for the Council to consider the identification of additional sites now in order to ensure that the desired flexibility in the housing land supply is not underestimated from the beginning of the Plan period. Our Client remains firmly of the view therefore, and as stated within their Matter 4 Statement, that their additional land at Rainford (illustrated within the updated Development Framework Document at **Appendix 2** of this Statement) represents a suitable candidate for allocation and would assist the council in ensuring that there is sufficient flexibility in the supply. Our Client would add that, as an experienced volume housebuilder, they are well-placed to start delivering homes quickly and make a contribution to the supply in the earlier years of the plan. This may not be the case for other sites which are not being actively promoted by housebuilders and developers.
17. Our Client would also reiterate their concerns set out in Q1 above, that the Council will not, upon adoption of the Plan, be able to demonstrate an adequate supply of housing land on adoption of the Plan (as per Appendix 2 of SHBC007) and we would urge the Council to identify additional housing sites in order to address this.

Q7 Is the flexibility in housing supply provided by the Green Belt sites justified?

18. Yes. It is clear from the evidence of supply set out within Appendix 1 to SD025 and Annex

² Annex 3, Tables 5.2-5.5

3 to SHBC010 that urban capacity and other non-Green Belt sites will not enable the Borough's housing needs to be met. The deficit would be 1321 dwellings. Green Belt sites are not, therefore, needed for the purpose of flexibility, but for the purpose of *delivery* over the Plan period and beyond and for meeting those needs.

19. For reasons confirmed elsewhere, our Client's site at Rainford has the potential to similarly contribute to housing delivery over the Plan period to ensure that needs are met and offer greater flexibility beyond simply meeting identified needs. The Council's Green Belt assessments have confirmed that their sites (8HA and GBP_11_c) at Rainford perform poorly as an area of Green Belt, and its clear deliverability in a highly sustainable location means it is one of many key Green Belt sites that should be identified for development now.

Q8 Would greater certainty be provided within the Plan if SHLAA sites (or the larger sites) were to be allocated (see SHBC001 – PQ52)?

20. Our Client considers that the inclusion of the SHLAA sites as allocations would provide greater certainty to both developers and local communities, and to the Local Plan housing land supply. It would also afford the Council an opportunity to set site-specific requirements (providing these do not impede the financial viability of the sites) and take into consideration any infrastructure requirements that impact upon the Plan. It is important to note however that as these sites already form part of the housing supply, there would be no additional flexibility in the supply afforded by their allocation.

Issue 2: The Housing Trajectory

Q9 Is the evidence that supports the Housing Trajectory (Figure 4.3 as amended by Appendix 1 to SD025) based on realistic assumptions?

21. As stated within our Client's response to Q6 above, and within the Supply Sites Review Note at **Appendix 1**, there are concerns as regards the deliverability of a number of sites which make up the Council's housing land supply, and there is a lack of evidence regarding the assumptions which underpin the Council's view on these sites. A number of these sites have significant constraints, viability concerns or have active uses on them, and so there can be no assurances that these sites will come forward as envisaged.
22. Planning Practice Guidance sets out the evidence that local planning authorities can use in order to demonstrate that there is a reasonable prospect that a site is developable. Included within this is a written commitment or agreement that relevant funding is likely to come forward, written evidence of agreement between the Council and the site developer, likely build-out rates on sites with similar characteristics as well as the current planning status.

Such evidence is not forthcoming on all sites (as our Client's review identifies) and so the trajectory is flawed in this respect.

23. With regard to our Client's land interest at Rainford (site 8HA) and as stated above, our Client is satisfied with the housing trajectory proposed, noting that there will be a period of time between the adoption of the Plan and the preparation, submission and determination of planning applications, and associated planning conditions before work can start on site.
24. Notwithstanding the above however, our Client also considers that the Housing Need and Supply background paper (SD025 will need to be reviewed and updated in order to respond to the revised Plan period, and provide evidence to support Annex 3 of SHBC010 (Schedule of Modifications)

Q10 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)?***
 - b) Is the evidence about the delivery of SHLAA sites contained within the SHLAA together with SD025 and SHBC004 robust?***
 - c) Is the evidence about delivery from stalled sites robust (see SHBC001 – PQ53)?***
 - d) Are the assumptions about delivery from allocations robust (discussed under Matter 4)?***
 - e) Are lead in times and build out rates realistic?***
 - 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)?***
25. With respect to 10 a), our Client considers that there is merit including a lapse rate when considering the housing land supply, as this will allow for circumstances where sites do not come forward for development as envisaged (either in terms of timescales or the nature and quantum of development) and give greater certainty. It is clear from the evidence prepared by the Council in the 2017 SHLAA (HOU002), that a number of sites have not come forward as expected, had multiple planning permissions or have stalled, as such, it is important that such considerations inform the housing supply calculations.
 26. It is also important to recognise the role volume housebuilders (such as our Client) play in the delivery of new homes. It is clearly in their interest to be on site delivering new homes as soon as possible, and so the Council should be mindful of sites being promoted by such

developers, and their ability to deliver homes within the earlier years of the Plan.

27. In response to Q10b) our Client has no comments.
28. With regard to 10d) our Client has no further comments to make beyond those made in their Matter 3 and Matter 4 Statements.
29. In terms of lead-in times and build-out rates referred to in 10e), our Client has no comments to make beyond those made above, other than to say that it is important that such considerations are realistic and cognisant of a site's individual circumstances where applicable. For example, where sites are not under the control of a developer or have no clear timetable for submissions, a generic and more cautious approach to lead-in times and build-out rates is justified.
30. Finally, with regard to 10f), the Council states within SHBC001 that the spike in delivery of new homes at 2025/26 and 2026/27 is due to the allocated sites starting to deliver homes (and the lead-in times associated with these). Whilst there may be some fluctuation in the delivery of individual allocations, the rationale behind the Council's approach is considered to be sensible and our Client raises no objections in this regard. The position also clearly stems from an attempt to avoid placing sites within the first 5 years where this would be questionable, which is an understandable approach. This does have the implication, however, of years 6-10 appearing to be unduly relied upon to meet the wider Plan's needs. We would highlight at this juncture that this does indicate that the Council is confident that market can deliver at higher annual completion rates that is envisaged overall for the Plan period, reflective of recent years and is justification for increasing the housing requirement overall to assist in meeting the economic aspirations of the Plan's Vision.

Issue 3: Five Year Housing Land Supply

The five-year housing requirement is based on the annual requirement of 486 dpa x 5 with a 5% buffer applied. There has not been any shortfall in provision since the start of the Plan period (2016). Supply is made up of large sites under-construction and those with planning permission, some SHLAA sites, delivery from some LP allocations and a small sites allowance. Appendix 2 to SD025 shows a supply of 5 years.

Q11Is the use of a 5% buffer to calculate the housing land supply position appropriate?

31. The 2020 measurement of the Housing Delivery test, prescribed by Central Government, confirms that St Helens has delivered 145% of its housing requirement, reiterating our Client's view that the Council should continue to deliver over the minimum housing need identified and significantly increase the requirement from that currently proposed. However,
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putting aside the housing requirement, we agree that a 5% buffer is appropriate based on the advice set out in Paragraph 73 of the Framework.

Q12 Is the inclusion of 465 units from small sites in the 5-year supply justified?

32. Our Client considers that including the small sites that had planning permission, with a lapse rate would be more accurate than utilising the small sites allowance for the initial years of the Plan period. The Housing Need and Supply Background Paper sets out that an average of 103dpa (gross) have been provided on small sites. It does not identify the net figure. The paper does not consider whether these trends are realistic going forward. It is not apparent whether delivery trends for small sites will continue at the rate they have previously. Our Client considers that the Plan would benefit from further clarity in this regard.
33. Notwithstanding this, our Client also notes the lack of clarity regarding the source of these small sites, and so it is not possible to assess their deliverability going forward, As such, it is not possible to fully consider the validity of the inclusion of small sites within the five year supply. Our Client is concerned that the figure may be greater than the actual level of commitments within the early years in the plan, and so has the potential to lead to a slump in the supply. Therefore, our Client considers that further evidence is required from the Council to justify this figure.

Q13 Generally, are the assumptions about the delivery from commitments, SHLAA sites and allocations within the 5-year supply realistic?

34. Our Client has no additional points to make in this regard beyond those made in relation to proposed allocation 7HA above (and within earlier Matter Statements).

Q14 Are lead in times and build out rates within the 5-year supply realistic?

35. The SHLAA 2017 (Doc. Ref. HOU002) identifies typical build rates based on the different sizes of development these are 20 dpa for sites of less than 50 units, 30 dpa for sites of 50-150 units and 45dpa for sites of more than 150 units. However, not all of the sites have build rates in line with these assumptions and it is not always clear if this has been based on discussions with the developer(s). Our Client considers that the build out rates need to be considered in discussion with the developer and should reflect the number of developers likely to be on site, along with the market strength and variety of development taking place in the area.

36. Notwithstanding this, our Client is satisfied with the assumptions that have been made in respect of their land interest at Rainford, as has been discussed in previous responses above. Where there is no evidence to the contrary, or significant doubts over the constraints on individual sites, the assumptions set out above are considered to be appropriate.

Q15 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.

37. As stated earlier within this Statement, as well as our Client's Matter 2 and 3 Statements, our Client considers that the allocation of further housing (as well as safeguarded sites) is required. Both in terms of the compelling case for adopting a significant uplift in the housing requirement, but also to afford additional flexibility within the supply itself. This would greatly assist the Council in delivering the growth and economic prosperity set out within the Council's Vision.
38. Furthermore, our Client does not consider that it would be appropriate to introduce a stepped housing requirement or to increase the small sites allowance. Both of these proposals create uncertainty, are not considered to be planning positively and do not seek to boost the housing supply in line with Government's objectives set out in the Framework. In addition, there is no evidence to suggest that the small sites allowance could be justifiably increased.

Q16 Will there be a five-year supply of deliverable housing sites on adoption of the LP?

39. As set out at Q1 above, Appendix 2 of SHBC007 indicates that, upon the adoption of the Plan, the Council will only be able to demonstrate a housing land supply of 4.6 years. We would reiterate our Client's concerns regarding this and note that this has clear implications on the soundness of the Plan. As also set out above, and as detailed further within our Note at Appendix 1, our Client has significant concerns over the deliverability of a number of sites, including urban capacity sites detailed within the SHLAA and proposed allocations.
40. On this basis, our Client considers that the Council should urgently seek to identify additional housing sites with the potential to deliver housing within the first 5 years of the Plan period. Our Client's land at Rainford (GBP_011_c) is suitable and deliverable and is one such site that could make a contribution to the 5 year supply.

Issue 4: The Wording of policy LPA05***Q17 Will Policy LPA05 as worded be effective in maintaining delivery through the Plan period?***

41. Our Client welcomes the Council's intentions to maintain an adequate housing supply, and considers that this is essential in delivering the Council's Vision. Notwithstanding this, they do have some concerns with the proposed wording of part 4 of the Policy.
42. Our Client considers that the test of the supply being "significantly below the required level" is too vague, and does not accord with the Framework. This element of the policy should be removed in its entirety and amended to state that action will be taken should the supply fall below 5 years, in accordance with the Framework.
43. Furthermore, our Client also considers that enacting a full or partial review of the Plan to allocate more sites, at such a time as the supply is "significantly below the required level" will not be sufficient in order to address the issue in a timely fashion. Any review of the Plan will take a number of months (or years), and whilst it may serve to bring forward additional sites in the future, it would fail to address the lack of supply in good time, and mean that the Council would fail to meet the development needs of its residents. Our Client considers that it would be more sensible to build additional flexibility into the Plan at this stage, and allocate additional sites, as opposed to waiting for the Plan to fail before addressing the problem.