

**St. Helens Borough Local Plan 2020-35
Examination
Hearing Statement – Matter 5
REP ID – RO0935 (on behalf of Mr A Jones)**

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1.0 INTRODUCTION

- 1.1 This statement is submitted on behalf of Mr A Jones, in advance of the hearing session on 15 June 2021, covering Matter 5 – Housing Land Supply.
- 1.2 The relevant Submission Plan policies are as follows:
- LPA05 – Meeting St Helens Borough’s Housing Needs
 - LPA05.1 – Strategic Housing Sites
- 1.3 With reference to document INSP007 – Inspectors Matters, Issues and Questions, the key issue is as follows:

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. *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. *Is the small sites allowance of 93 dpa justified by compelling evidence (see paras 4.10 to 4.13 of SD025)?*
4. *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?*
5. *Should empty homes be included as a component of supply?*
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 2037)?*
7. *Is the flexibility in housing supply provided by the Green Belt sites justified?*
8. *Would greater certainty be provided within the Plan if SHLAA sites (or the larger sites) were to be allocated (see SHBC001 – PQ52)?*

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?*
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)?*
- 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)?*

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.

11. *Is the use of a 5% buffer to calculate the housing land supply position appropriate?*
12. *Is the inclusion of 465 units from small sites in the 5-year supply justified?*
13. *Generally, are the assumptions about the delivery from commitments, SHLAA sites and allocations within the 5-year supply realistic?*
14. *Are lead in times and build out rates within the 5-year supply realistic?*
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.*
16. *Will there be a five-year supply of deliverable housing sites on adoption of the LP?*
17. *Will Policy LPA05 as worded be effective in maintaining delivery through the Plan period?*

- 1.4 The Council has submitted the Local Plan to the Government for Examination, during which, amongst other matters, the Inspectors must be satisfied that the Local Plan is positively prepared, justified, effective and consistent with national policy – these being the tests of soundness. The purpose of these representations is to highlight the fact that we do not consider the Plan, as submitted, to meet the tests of soundness and what changes need to be made to rectify this position.
- 1.5 Whilst we support in principle the allocation of the land south of Elton Head Road for housing (Ref 7HS), our preferred position is that the land would be better placed as an allocated site under Policy LPA05.1: Strategic Housing Sites, as opposed to Policy LPA06: Safeguarded Land. The site is deliverable and can be brought forward for residential development without delay within the early stages of the Plan. This hearing statement is specific to the housing land supply position, more specifically the SHLAA.
- 1.6 The question lies as to whether the promotion of the land to the allocations should be done to the detriment of one or more of the sites currently supported for allocation in the submission draft document. Alternatively, there could be a consideration against one or more of the supported sites and the associated projected delivery numbers, which could be reduced to accommodate the additional allocation so endorsing the effectiveness of the Plan and the associated deliverability of sites over the Plan period. All of which is critical to the Inspector’s assessment of soundness of the Plan.

2.0 ISSUE 3 – 5-YEAR HOUSING LAND SUPPLY

- 2.1 The Strategic Housing Land Availability Assessment (SHLAA) provides an overview and assessment of how much land has the potential to be available, deliverable and suitable for housing development. It identifies the timeframes for when such sites are likely to be available in addition to identifying potential constraints and how these can be overcome.
- 2.2 **Paragraph 67** from the NPPF requires that Local Planning Authorities should:
- have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:*
- a) specific, deliverable sites for years one to five of the plan period; and*
 - b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.*
- 2.3 The latest SHLAA is dated 2017. This is the sixth SHLAA to be prepared for St. Helens, and updates the previous 2016 SHLAA which comprehensively reviewed all conclusions previously reached for sites already within the SHLAA process and assessed new sites. All new sites submitted to the Council by 31st March 2017 have been considered in this update and conclusions updated on existing sites where new information has come to light.
- 2.4 The SHLAA demonstrates that there are 2.7 years supply of housing land when assessed against the Core Strategy housing requirement, and 5.3 years supply of housing land when assessed against the OAN as set down in the Mid-Mersey SHMA 2016. In accordance with the requirements of the NPPF the Council has identified a supply of specific deliverable sites sufficient to provide 5.3 years' worth of housing against the latest assessment of housing need in the Borough. However, it will be important that this 5.3 years' worth of supply is maintained on an on-going basis, as evidenced by the lack of a 5 year supply against the Core Strategy requirement. Steps need to be taken to identify additional land to meet the requirements as set out at the national planning policy level.
- 2.5 ***Critical analysis of the SHLAA sites leads to the stated numbers to be greatly questioned, which in turn raises questions over deliverability and so the effectiveness of the Plan, i.e. the third test of soundness.***

- 2.6 Sites considered for release from the Green Belt are not included in the SHLAA. They are being considered separately within the Green Belt Review (2018) document.

3.0 SOUNDNESS

- 3.1 Soundness is explained in paragraph 35 of the National Planning Policy Framework (NPPF) (Feb. 2019). The Inspector has to be satisfied that the Plan is positively prepared, justified, effective and consistent with national policy.
- 3.2 **Test 1 - Positively prepared**
- 3.3 This means that the Plan should be prepared based on a strategy which, as a minimum, seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.
- 3.4 **Test 2 - Justified**
- 3.5 The Plan should be an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.
- 3.6 ***Our view is that real alternatives have not properly been considered and the Plan is not clear and consistent in its selection of sites for allocation.***
- 3.7 **Test 3 - Effective**
- 3.8 The Plan should be deliverable over the plan period and based on effective joint working on cross boundary strategic matters that have been dealt with rather than deferred, as evidenced by a statement of common ground.
- 3.9 ***Our view is that deliverability of sites (allocations) is key to ensuring the soundness of the Plan. The deliverability of all allocated sites is questioned. In assessing whether the Local Plan is effective the Inspector will assess whether it is deliverable within the timescale set by the Local Plan.***
- 3.10 **Test 4 - Consistent with national policy**
- 3.11 The Plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.
- 3.12 ***Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. It is our view that the Council's approach to strategic allocations is too biased towards large scale sites, which can prove problematic in terms of deliverability. The Jones' land is the only site identified for under 100 units, which sits comfortably***

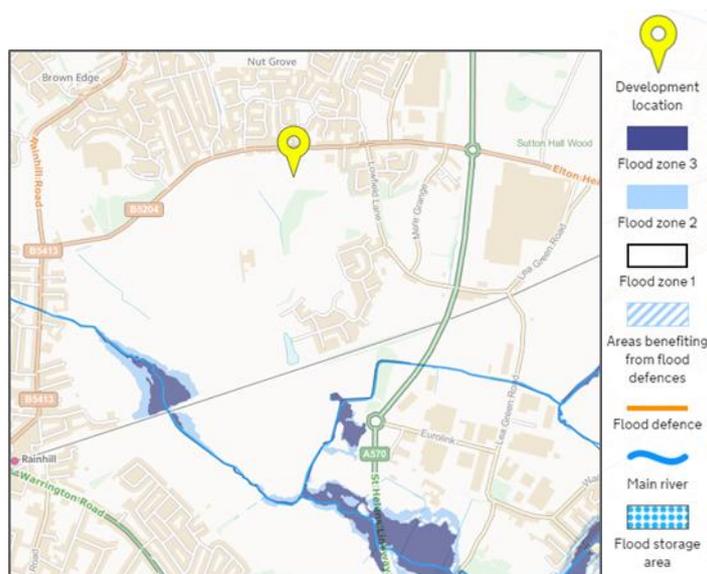
in the small / medium sized sites definition and so should be prioritised through the Local Plan.

4.0 DELIVERABILITY

- 4.1 Some of the SHLAA sites are subject to physical or other constraints that could affect their rate of development, for example due to the need to deal with contamination caused by previous industrial activities. An allowance of 15% has been made for reduced delivery on the SHLAA sites over the later years of the SHLAA period. Total delivery from sites in the urban area is expected to fall substantially short of the total housing delivery required under Policy LPA05. As a result, the proposed land supply includes a number of allocated sites that have been released from previous designation as Green Belt. This element of the supply includes a contingency of 20% to allow for potential delays in development, for example to allow for the provision of essential infrastructure in currently undeveloped areas and other issues that may affect supply.
- 4.2 In accordance with Policy LPA02, the housing land supply will be distributed across the Borough, albeit with a concentration in existing urban areas and the major urban extension planned at Bold. In total, the allocated brownfield sites (3HA, 6HA, 9HA and 10HA) have an estimated capacity of 2,029 dwellings in the Plan period. The location of sites that have been released from the Green Belt has been determined by the St. Helens Green Belt review (Dec. 2018). In total, the former Green Belt sites (1HA, 2HA, 4HA, 5HA, 7HA, and 8HA) have an estimated capacity of 2,056 dwellings in the Plan period.
- 4.3 Deliverability in relation to housing land is a term which has arisen out of the preparation of SHLAAs. It is used to compare different sites, determine how soon sites are likely to be available for development, how suitable they are and how achievable the development is, when based on a range of likely obstacles.
- 4.4 A pre-application enquiry was made for consideration of residential development on the Jones' land (Ref 7HS) in July 2017. This was submitted with the benefit of a series of supplemental surveys and reports to address a series of development management matters. A summary of the key items put forward for the pre-application enquiry are set out as follows.
- 4.5 **TIME CONSTRAINTS**
- 4.6 Funding is in place to bring the site forward for development without delay from a willing landowner. The site is under single ownership with no tenants and is available now. Interest has already been expressed from housebuilders.

4.7 FLOOD RISK

- 4.8 Extensive background survey and report work has been undertaken for the residential proposals on the neighbouring land to the south and east. On review of this work, our expectation is that, in view of ground conditions being similar to the neighbouring sites, surface water drainage and foul drainage can be dealt with in a similar manner to that proposed. Public sewers are readily available to accommodate foul drainage, subject to capacity assessment. The landholding is of a sufficient size and served by a wide series of watercourses to accommodate an appropriate sustainable urban drainage system (SUDS) for surface water drainage. More detailed assessment would come at the outline application and reserved matters stage of the Planning process.
- 4.9 The Environment Agency flood map for planning shows that the site is within Flood Zone 1, Land having a less than 1 in 1,000 annual probability of river or sea flooding.



- 4.10 The site is not considered to be at risk from surface water flooding, particularly in that the topography slopes down towards the south, aiding natural drainage.
- 4.11 A detailed flood risk assessment and drainage strategy for foul and surface water would be undertaken in support of an outline planning application.
- 4.12 **ECOLOGY**
- 4.13 An extended Phase 1 Habitat survey of the site has been undertaken by Bowland Ecology, during the optimum survey period of May to September.

4.14 The existing site is an agricultural field, with relatively little ecological value. The greatest variety of species and value will likely be at the edge of the site within trees and hedgerows, which would be retained. Enhancement measures are proposed in the Ecological Appraisal and would be applied to any proposal through the formal submission of a planning application.

4.15 **HIGHWAYS**

4.16 A preliminary high level highways review has been produced by Vectos Transport Planning. In summary, adequate visibility splays for two access points onto Elton Head Road can be achieved, of which one option has been pursued for the purpose of the initial masterplanning exercise.

4.17 There is a 100 metre frontage onto a straight section of Elton Head Road, with good visibility and sight lines. Elton Head Road is a B road with excellent access to the regional network. There is a speed limit of 30mph, reducing to an advisory 20mph towards St. Johns Vianney Primary School.

4.18 It is further submitted that the site is in a very sustainable location, in easy walking / cycling distance of local services and facilities and well served by means of public transport for connection to the wider area.

4.19 A full Transport Assessment and Travel Plan would be undertaken for the purpose of the submission of formal planning application.

4.20 **TOPOGRAPHY**

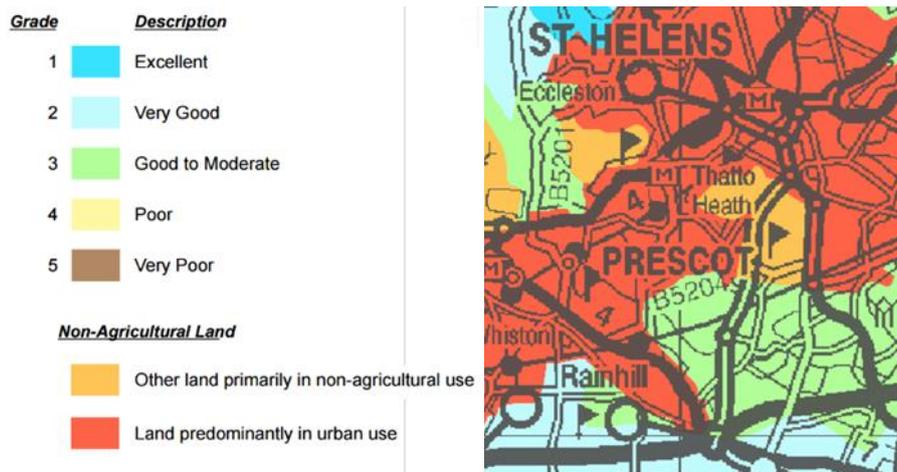
4.21 A topographical survey has been carried out, showing that the site gently slopes in a southerly direction. The topography of the land is considered fully suitable for residential development and lends itself to a well-considered masterplanning exercise.

4.22 **TREES**

4.23 The site is open in nature, the only presence of trees and hedgerows being to the boundaries. The expectation is that all boundary vegetation would be retained. An arboricultural assessment would be undertaken for the purpose of the submission of formal planning application.

4.24 **AGRICULTURAL LAND CLASSIFICATION**

4.25 With reference to the National Agricultural Land Classification map, the Land off Elton Head Road falls within an area of Grade 3 'good to moderate' agricultural land. The map does not differentiate between Grade 3a and Grade 3b land, the latter being less contentious in terms of consideration for residential development.



4.26 Notwithstanding the above, the site is now isolated as an agricultural field and at 3.70 ha in size is not large enough to be productive through modern farming economics.

4.27 No site-specific agricultural land classification exercise has been undertaken at this stage to verify (or otherwise) the national classification map. A formal assessment would be undertaken for the purpose of the submission of formal planning application.

4.28 **COAL MINING AND GROUND INVESTIGATION**

4.29 The site is close to historic coal workings, being situated adjacent to the former Lea Green Colliery. As such it is submitted that a Coal Mining Risk Assessment, alongside a Phase 1 Ground Investigation, would be undertaken for the purpose of the submission of formal planning application.

4.30 **NEIGHBOURING SITES**

4.31 The adjacent sites are in residential use, or are open agricultural land which represent compatible neighbouring land uses.

4.32 **VIABILITY**

4.33 It is submitted that development of the site would be 100% economically viable.

4.34 **SUSTAINABILITY**

4.35 The site is within close proximity to local services and facilities and has good access by public transport.

4.36 **PUBLIC OPEN SPACE**

- 4.37 It is submitted that there is an extensive area of land to the south east of the site that is designated public open space on the back of the wider residential development to the south and east of the site. It is considered that the extent of this area is sufficient to accommodate additional residential development, i.e. the land off Elton Head Road. The masterplanning exercise exhibits appropriate connections to this area from both the wider approved residential development and the site in question.
- 4.38 This matter can be further addressed through the forum of a formal planning application and consideration of payment of a commuted sum towards maintenance if so required.
- 4.39 A detailed response was forthcoming from the local planning authority, the contents of this are principally supportive in respect of development management matters, with the key objection being that of prematurity and uncertainty over strategic policy.
- 4.40 It must be further noted that the approach of the LPA at the time of the pre-application enquiry was the consideration of a wider landholding south of Elton Head Road for strategic release. Our comments expressed in earlier hearing statements are reiterated in respect of the consideration of the Jones' land in isolation, an approach now supported by St. Helens Council in principle. This fact only goes to strengthening the deliverability argument.

5.0 CONCLUSIONS

- 5.1 Policy LPA05 states “In the period from 1 April 2016 to 31 March 2035 a minimum of 9,234 net additional dwellings should be provided in the Borough of St. Helens, at an average of at least 486 dwellings per annum”.
- 5.2 The proposed figure of 9,234 for housing provision over the Plan period is too low. The figure for housing provision for the Plan period represents a considerable reduction on any of the proposed figures for Strategic Growth Options put forward at the Preferred Options.
- 5.3 The figures, as presented, are susceptible to critique by an Inspector on housing land supply, the associated restrictive strategy on the location of future development and the impact upon the delivery of affordable housing.
- 5.4 It is submitted that, in light of the above comment, the local authority must ensure that the shortfall in the supply of housing land is addressed and that a higher figure of new homes over the course of the plan period sought.
- 5.5 It is submitted that the housing provision figure now being proposed would not support the Council’s preferred Strategic Growth Option and in turn this would also not support economic growth aspirations within the proposed LP. The figure pursued in the Deposit Plan would not provide housing for levels of population growth in any range over historic periods.
- 5.6 In simple terms the proposed figure in the Deposit Plan would almost certainly result in a shortfall in housing land supply and will ultimately result in the plan being found ‘unsound’ by a Planning Inspector during Examination.
- 5.7 Critical analysis of Table 4.6 – housing land requirements and supply 2016 to 2035 raises serious concerns, with particularly reference to the following:
- SHLAA 2017 supply – too strong a reliance on untested sites without the benefit of planning permission and stalled sites that benefit from planning permission. Deliverability of sites is strongly questioned.
- Allocations – too strong a reliance on large-scale strategic sites either currently designated Green Belt or not. Again, deliverability of sites is strongly questioned.
- Safeguarded land - too strong a reliance on large-scale strategic sites. Again, deliverability of sites is strongly questioned.

- 5.8 It is requested that table 4.5, cross-referenced within Policy LPA05 – Meeting St. Helens Borough’s Housing Needs is altered to include Land off Elton Head Road, as an individual site with an area of 3.70 hectares and an indicative capacity of a minimum of 84 units.

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