

Matter 9: Housing Land Supply

For Richborough | 25-290

South Staffordshire Local Plan Examination
Representator Number: AGT24-030-05-02

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Client: Richborough
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1. Response to Questions

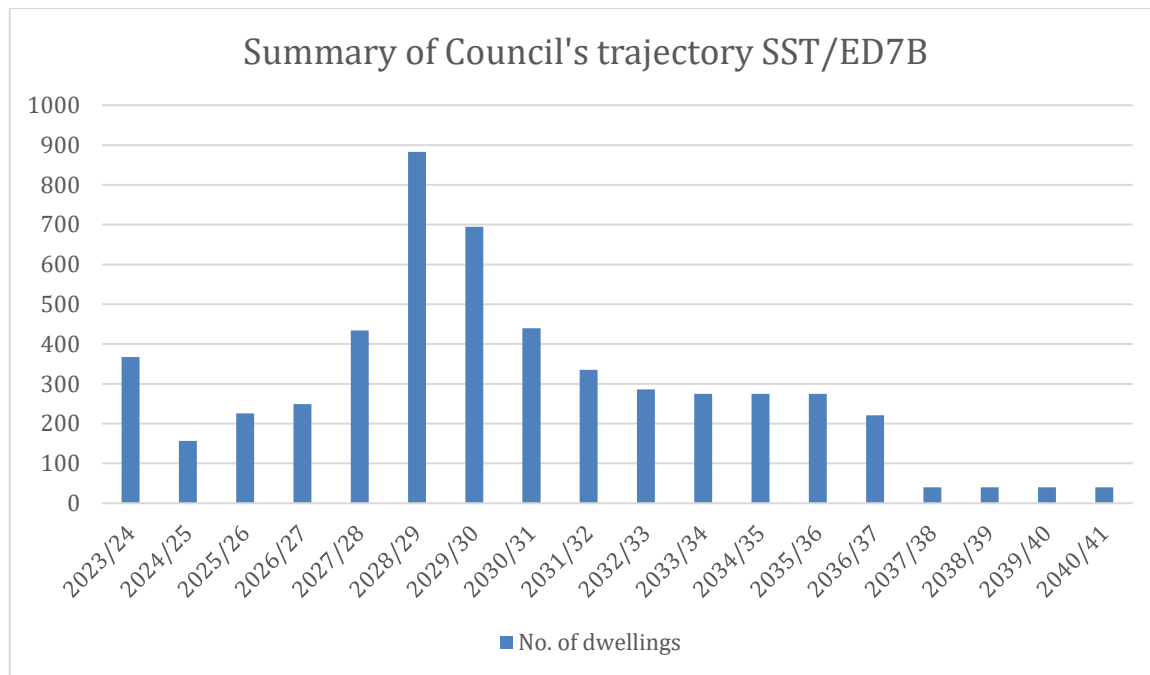
1. What is the relevant 5-year period on adoption and what is the 5-year housing land requirement?

- 1.1 As set out in SST/ED7A, the relevant 5-year period on adoption will either be 1st April 2025 to 31st March 2030 or 1st April 2026 to 31st March 2031, depending on the date of adoption.
- 1.2 As set out in SST/ED7A, the 5-year land requirement will be 263 dwellings per annum plus the shortfall against the requirement since the base date of the Local Plan (i.e. 2023) plus a 5% or 20% buffer determined by the latest Housing Delivery Test.
- 1.3 As the proposed housing requirement of 263 dwellings per annum (including unmet need from Greater Birmingham and Black Country Housing Market Area, GBBCHMA) is less than 80% of the local housing need calculated using the standard method updated in December 2024 of 651 dwellings per annum (it is just 40%), the 20% buffer will apply from 1st July 2026 (irrespective of the latest Housing Delivery Test result) as set out in paragraph 78c of the December 2024 Framework.

2. Does the trajectory identify the components of housing land supply across the plan period with sufficient clarity? Is it based on up-to-date evidence?

- 1.4 No. the trajectory (ref: SST/ED7B) does not identify the components of housing land supply across the plan period with sufficient clarity. Firstly, it results in predicted completions in 2028/29 of 883 dwellings and in 2029/30 of 695 dwellings, which is very significantly more than in other years. It also shows completions of just 40 dwellings per annum in the last 4 years of the plan period. The position is summarised in the following chart:





- 1.5 Part of the reason for this is because the trajectory assumes that all the allocations without planning permission will either be complete or will deliver dwellings in 2028/29. This is just 3 years from now. However, as we set out in the answers to the questions below, it is unclear why the Council expects early delivery of dwellings on all these sites. The trajectory is not supported by clear evidence of deliverability in relation to these sites or the lead-in times and build rates experienced on larger sites.
- 1.6 Secondly, as we set out below, the trajectory assumes the windfall allowance of 40 dwellings per annum should commence in 2027/28 but in the Council's 5YHLS calculation at 1st April 2025, 80 dwellings are included (i.e. 40 dwellings each in 2028/29 and 2029/30).

3. For each of the following sources of housing land supply for the whole plan period in turn, what are the assumptions about the overall scale, lead in times, lapse rates, timing and annual rates of delivery? What is the basis for these assumptions, are they realistic and justified and supported by evidence:

- a. Sites with planning permission and under construction;
- b. Sites with planning permission and not started (split by outline and full permissions);
- c. Sites identified in land availability assessments;



d. Sites identified in the brownfield register and with Permission in Principle;

e. Adopted development plan housing allocations without planning permission; and

f. Windfall sites.

1.7 The Council has applied short lead-in times and high build out rates on the larger sites as we discuss below.

Lead-in times

1.8 According to Lichfields' Start to Finish report (2024), sites of 100-499 dwellings, they on average, take 3.4 years for the planning approval period, 1.5 years for the planning to delivery period and a total lead in time of 6.0 years. For sites of 1,000-1,499 dwellings, they take on average 4.9 years for the planning approval period, 1.3 years for the planning to delivery period and a total lead in time of 6.2 years.

1.9 However, the Council's trajectory (ref: SST/ED7B) shows shorter lead-in times. For example:

- 420, 584 & 010 – North of Penkridge. This site has a capacity of 1,029 dwellings. The Lichfields' study found that sites of this size (i.e. 1,000 – 1,499 dwellings) would have a lead-in time of 6.2 years. However, the Council has applied a lead-in time of just 2.5 years from 1st April 2025 and included delivery of 50 dwellings in 2027/28;
- 419a & b – Land at Keepers Lane, Codsall. This site has a capacity of 317 dwellings. The Lichfields' study found that sites of this size (i.e. 100 – 499 dwellings) would have a lead-in time of 6 years. However, the Council has applied a lead-in time of just 4 years from 1st April 2025 and included delivery of 45 dwellings in 2029/30; and
- 239 – Land west of Wrottesley Park Road (south), Perton. This site has a capacity of 150 dwellings. The Lichfields' study found that sites of this size (i.e. 100 – 499 dwellings) would have a lead-in time of 6 years. However, the Council has applied a lead-in time of just 3 years from 1st April 2025 and included delivery of 45 dwellings in 2028/29.

Build out rates

1.10 The Council has applied higher build out rates than the average found by Lichfields for some of the sites.

1.11 The Lichfields' study found sites of 1,000-1,499 dwellings have an annual build out rate of around 90 dwellings on average. However, for north of Penkridge, the Council applies a build rate of 110 dwellings per annum.



1.12 The Lichfields' study found sites of 500-999 dwellings have an annual build out rate of around 67 dwellings on average. However, for the land east of Billbrook, the Council has applied a build out rate of 80 dwellings per annum.

1.13 Once realistic lead-in times and build out rates are applied, the Council's 5YHLS will be reduced, even if the sites are "deliverable", which we discuss below.

4. Based on the housing trajectory, how many dwellings are expected to be delivered in the first 5 years following adoption of the Local Plan? How many dwellings would come from each source of supply?

5. Are the assumptions about deliverability realistic, including where there is a reliance on significant strategic infrastructure?

8. Where sites in the housing trajectory do not have planning permission is there clear evidence that housing completions will begin within 5 years?

1.14 We answer these three questions as follows. From the outset, the Council has not demonstrated that it will have a deliverable 5YHLS on adoption of the Local Plan. The Council claims the deliverable supply from 1st April 2025 is 2,405 dwellings. This is a surplus in the 5YHLS requirement plus 5% buffer at 1st April 2025 of 951 dwellings.

1.15 However, as we discuss below, the Council is reliant on many sites that fall within category b) of the definition of deliverable as defined in the Framework. Since the definition of deliverable was changed in 2018, appeal decisions from the Secretary of State and Inspectors have:

- removed category b) sites from the deliverable supply where no evidence of deliverability has been provided; and
- concluded that the evidential value of the written information is dependent on its content. Category b) sites have been removed from the deliverable supply where written evidence is "scant" in detail. A realistic assessment of all factors concerning delivery should be considered.

1.16 We now discuss the sources of supply in the 5YHLS as follows.

Sites without planning permission or a planning application pending determination

1.17 The Council includes 17 large proposed allocated sites in the 5YHLS, which at the time of writing (i.e. April 2025), do not have planning permission or a planning application pending determination. Applications may be made on some of the sites this year but the onus is on the Council to provide clear evidence that



“housing completions will begin on site within five years”. However, the Council has not provided any clear evidence of deliverability. Once this has been produced, this will need to be considered on a site by site basis. Even if these sites were deliverable, realistic lead-in times and build rates should be applied and this would mean the largest sites would not deliver dwellings in the 5YHLS period.

Sites without planning permission but an application pending determination

1.18 8 large sites do not have planning permission but have an application pending determination as shown in the following table.

Site ref	Address	Capacity	LPA 5YS
136	Land at Ladywood Lane, Great Wyrley	109	90
285, 459 & 562 / 415	Land off Poolhouse Road, Wombourne	191	90
005	Land at Cherrybrook, Penkridge	88	88
274	Land South of White Hill, Kinver	82	82
416	Land off Orton Lane, Wombourne	57	57
139	Pool View, Churchbridge	46	40
016	Land at Pear Tree Farm, Huntington	39	39
228	Former Adult Training Centre off Histons Hill, Codsall	29	29
		Total	515

1.19 However the onus remains on the Council to provide clear evidence for their inclusion in the 5YHLS. If clear evidence of deliverability has not been provided, then the sites should be removed from the 5YHLS. The presence of a planning application may not in itself be clear evidence of deliverability. For example:

- 136 – Land at Ladywood Lane, Great Wyrley – an outline planning application for 136 dwellings has been pending determination for nearly **10 years** (LPA ref: 15/00748/OUT). Even were outline planning permission granted, the site would remain as a category b) site in the definition of deliverable and the Council would need to provide clear evidence of deliverability and this has not been provided;
- 139 – Poolview – a full planning application for 52 dwellings has been pending determination since November 2023 (LPA ref: 23/00995/FULM). The LLFA recommends that planning permission is not granted due to significant, major and considerable concerns over flood risk;



- 016 – Land at Pear Tree Farm – An outline planning application for 39 dwellings was submitted in October 2024 (LPA ref: 24/00902/OUTM). Even were outline planning permission granted, the site would remain as a category b) site in the definition of deliverable and the Council would need to provide clear evidence of deliverability and this has not been provided; and
- 228 – Former Adult Training Centre – A full planning application for 29 dwellings was submitted in July 2017 and is still pending determination almost **8 years** later (LPA ref: 18/00544/FUL). Whilst a revised application was made in December 2024, it is subject to objections from consultees including arboriculture and flood risk.

1.20 Even if these sites were deliverable, realistic lead-in times and build rates should be applied.

Sites with planning permission

- Loades Plc – this site only has outline planning permission for 30 dwellings. The Council has not provided any clear evidence of deliverability in accordance with the definition of deliverable in the Framework or examples in the PPG and therefore it should not be included in the 5YHLS, 30 dwellings should be removed.
- 519 – Land east of Bilbrook – the build rate of 80 dwellings per annum should be reduced to 67 dwellings per annum for the reasons set out above. 32 dwellings should be removed from the 5YHLS.

1.21 For these reasons, the Council has not demonstrated that it will be able to demonstrate a 5YHLS on adoption of the Local Plan. Once the category b) sites without clear evidence of deliverability have been removed, we consider the deliverable supply at 1st April 2025 against the requirement and a 5% buffer would be around 3 years. Even if the sites with full planning applications pending determination are included as per the Council's trajectory, the deliverable supply would be less than 4.5 years. As above, from July 2026 the 20% buffer will apply.

1.22 Should the Council produce evidence that it relies on for the inclusion of the category b) sites and amend its trajectory, then we respectfully request the opportunity to comment further on behalf of our client.



9. What is the compelling evidence to show that windfall sites will provide a reliable source of supply as anticipated in the Plan?

- 1.23 As set out above, the Council's 5YHLS includes 80 dwellings for its windfall allowance. However, the trajectory incorrectly shows that 40 dwellings should be included in 2027/28. This is double counting with the existing, known windfall sites and should be removed.

10. Does the Plan provide appropriate contingency to ensure a sufficient pipeline supply of homes? What flexibility is there within the Local Plan should some of the housing allocations not come forward in line with the expected timescales?

- 1.24 No. As set out in SST/ED7A, the Local Plan requirement is 4,726 dwellings over the plan period. The trajectory (SST/ED7B) shows 5,234 dwellings. However, once the 40 dwelling deduction has been made to the windfall allowance, this is 5,194 dwellings, a headroom of 468 dwellings (around 10%). As above, we do not consider that the Council can demonstrate a 5YHLS and the Council has also applied unrealistic lead in times and over optimistic build out rates. Once realistic lead-in times and build out rates have been applied to the large allocation at North of Penkridge, then the headroom will be significantly reduced meaning even less flexibility should other allocations not come forward in line with the expected timescales.

11. Does the evidence demonstrate that the Plan, taken together with completions, commitments and allocations in the existing development plan for the area, and windfall allowance will provide:

- a. A 5 year supply of deliverable housing land on adoption of the Local Plan?**
- b. A supply of specific, developable or broad locations for growth for years 6-10 and, wherever possible years 11-15 of the plan period?**

- 1.25 No. for the reasons given above, a 5YHLS cannot be demonstrated and there is insufficient headroom in the overall plan period.



14. Are any modifications required to either trajectory and, if so, would other modifications be necessary to the Plan?

1.26 Yes. The housing trajectory (SST/ED7) should be amended as follows :

- The windfall allowance trajectory should be amended for the reasons set out above;
- The category b) sites which the Council has not provided clear evidence for should be removed from the 5YHLS period; and
- Realistic lead-in times and build out rates should be applied for the reasons set out above.

1.27 As a result, additional sites should be allocated to ensure that the minimum housing requirement is met.

1.28 Once the Council has revised the trajectory, we respectfully request the opportunity to comment on it further on behalf of our client.



