



HEARING STATEMENT

in respect of
South Staffordshire Local Plan Examination Matter 9
on behalf of
Barberry Perton Ltd

10 April 2025

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1. Introduction

- 1.1. This hearing statement is made by RCA Regeneration Ltd on behalf of Barberry Perton Ltd to the South Staffordshire Local Plan (SSLP) EIP.
- 1.2. This statement relates to Matter 9 – Housing Land Supply.
- 1.3. We have not provided answers to all questions under this heading and have only offered answers where we consider it to be necessary.

2. Matter 9: Housing Land Supply

Issue 1: On the premise that the housing requirement is sound, whether the Local Plan is justified, effective and consistent with national policy in relation to demonstrating the housing land supply position throughout the plan period.

Question 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? (and part answer to Question 5 Are the assumptions about deliverability realistic, including where there is a reliance on significant strategic infrastructure? And Question 8 Where sites in the housing trajectory do not have planning permission is there clear evidence that housing completions will begin within 5 years?)

- 2.1. We do not agree that the trajectory as supplied to the Inspectors dated 6 March 2025 (added to the examination library on 12 March 2025) is sufficiently clear. The Council have supplied no evidence, for instance that the promoters/developers of three of the major allocations (shown below) are capable of delivering the numbers they have included in the trajectory at years 3, 4 and 5. We consider this is vital information that would show the level of engagement the council have had with each of the promoter/developers. Some notes have been added for certain sites, but nothing for the largest proposed allocations, which calls into question how advanced the proposals are for each site, given that in two cases they would need detailed planning permission, including a signed s106 agreement, for all pre-commencement conditions to have been discharged and for the options on those sites to have been triggered, a price agreed and land bought. As an example, three of the strategic housing sites are as follows:
- 2.2. Land East of Bilbrook (site allocation 519) where the council claim that around 200 homes will be delivered in years 3, 4 and 5 of the total allocation of 750 new homes. No evidence has been put forward of pre-application discussions, no evidence of an application being prepared, no evidence of an EIA screening opinion having been sought. Presumably a site of this scale would be multi-phased and initially pursued in outline, meaning that further reserved matters applications will need to be prepared and submitted. It should be borne in mind that between outline permissions and reserved matters being submitted, sites often change hands and housebuilders will sell or purchase elements/phases of a scheme. This can add to the delay in bringing such sites forward.
- 2.3. Land North of Penkridge (site allocations 420, 584, 010) where the council claim that around 260 homes will be delivered in years 3, 4 and 5 of the total allocation of 1,029 new homes. No evidence has been put forward of pre-application discussions, no evidence of an application being prepared, no evidence of an EIA screening opinion having been sought. Again, we would assume that this site would be subject to an outline application being multi phased, meaning that further reserved matters applications will need to be prepared and submitted. It should be borne in mind that between outline permissions and reserved matters being submitted, sites often change hands and housebuilders will sell or purchase elements/phases of a scheme. This can add to the delay in bringing such sites forward.
- 2.4. Land at Keepers Lane, Codsall (site allocation 419a and b) where the council claim that around 45 homes in year 5 of the total allocation of 317 new homes. No evidence has been put forward of pre-application discussions, no evidence of an application being prepared, no evidence of an EIA screening opinion having been sought. Again, this is more likely to be submitted in outline, meaning that further reserved matters applications will need to be prepared and submitted. It

should be borne in mind that between outline permissions and reserved matters being submitted, sites often change hands and housebuilders will sell or purchase elements/phases of a scheme. This can add to the delay in bringing such sites forward.

- 2.5. Combining the above sites would result in over 500 homes that the council claim should be included in the 5 year housing land supply, but which amounts to two entire years supply for the entire Borough where there is little to no evidence they will deliver within that timeframe. This is a significant risk to the deliverability of the plan. The point is that there must be clear evidence.
- 2.6. Annex 2 of the NPPF also provides a definition of 'deliverable' to assist with the application of Paragraph 74 and clear evidence is required to show that homes will not be delivered within five years, rather than the previous definitions requiring clear evidence that schemes will not be implemented.
- 2.7. So, homes are expected to be delivered as opposed to schemes being implemented. For Category b) sites (i.e. major sites with outline planning permission, allocated sites, sites with permission in principle or sites that have been identified in a brownfield register), these are in effect only deliverable where there is clear evidence that housing completions will begin on these sites within five years.
- 2.8. In effect, the presumption is now against deliverability of these sites, unless clear evidence is provided to demonstrate that they are deliverable. It follows that Councils must provide this clear evidence. Many of the sites that the Council allege will deliver in the first 5 years may well deliver during the plan period, but that is not the same test as for the 5 year supply calculation. Many sites will gain some certainty through allocation and this may mean they change hands and developers acquire them, but this does not necessarily mean they will or even can deliver quickly.
- 2.9. We consider that further evidence should have been sought by the Council to justify the claims they make about the alleged 5 year supply figures upon adoption of the plan, particularly for the largest proposed allocations.

Question 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?

- 2.10. On the basis of our concerns set out in our answer to Question 2, the Council's reliance on large strategic sites means that there is inherent risk in meeting delivery assumptions in the trajectory.
- 2.11. The Lichfields research 'Start to Finish – How Quickly do large-scale housing sites deliver?'¹ (Third Edition, March 2024) sets out what happens in reality, having researched the build out and delivery timescales for thousands of new homes on large sites in England. The report highlights how difficult delivery is on large housing sites and compares sites of different sizes, selling different types of housing in different locations.
- 2.12. The key conclusions of the report include the prevailing economic and market conditions (coupled with government interventions such as Help to Buy which have now since disappeared). The evidence shows that smaller scale housing schemes of 99 homes or less have a shorter planning approval period and timeframe to delivery on site (typically around 4 years). However, larger schemes of up to 1,000 homes can take on average between 2.8 and 3.4 years to go through planning, with a further 5 to 6 years to get on site. Larger schemes over 1,000 homes,

¹ https://lichfields.uk/media/w3wjmw0/start-to-finish-3_how-quickly-do-large-scale-housing-sites-deliver.pdf

tend to have a planning period of around 5 years with construction on site extending to nearly 7 years. The research shows no meaningful average delivery from sites of greater than 100 dwellings within the 5 year period if planning has not yet been submitted.

- 2.13. It is our view that the council are not being realistic about the delivery rates of the largest sites in their trajectory.

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