



Hearing Statement on behalf of Wain Homes (North West) Ltd (ID: UPSVLP 2471)

In relation to: Matter 8 – Housing land supply

Warrington Local Plan Examination

Emery Planning project number: 19-202

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Project : 19-202
Site address : Warrington Local Plan
Client : Wainhomes (North West) Ltd

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1. Introduction

1.1 Emery Planning is instructed by Wain Homes (North West) Ltd (hereafter referred to as “Wain Homes”) to submit a written response to the Inspector’s Matters, Issues and Questions in relation to Matter 8 – Housing land supply of the Warrington Local Plan Examination. Wain Homes has an interest in the following omission sites:

- Land at Lumber Lane, Burtonwood; and,
- Land at Runcorn Road, Moore - part of the former draft allocation: Warrington South West urban extension.

1.2 This hearing statement should be read in conjunction with our detailed representations to the Regulation 19 Pre-Submission Draft of the Warrington Local Plan, and our other Hearing Statements submitted to this examination.

2. Evidence base, trajectory & base date

2.1 We understand that the housing trajectory set out at appendix 1 of the submitted plan was based on the 2020 SHLAA. Subsequent to the Regulation 19 consultation, the Council has produced the 2021 SHLAA with a base date of 1 April 2021. However, the trajectory in the plan has not been amended, and it is not clear to what extent the 2021 SHLAA adjusts or identifies additional sources of supply which the Council may seek to rely upon in the trajectory. We therefore base our comments below on the submitted trajectory, albeit with reference to the 2021 SHLAA.

3. Wain Homes response to the Inspector’s questions

Question 1 - What is the up to date situation regarding actual housing completions so far in the plan period i.e. 2021/22?

3.1 It is for the Council to provide the latest figures. However, it can be noted that the housing trajectory in the submission version anticipated 1,328 completions in 2021/22, whilst CLG returns data indicates that only 710 dwellings have been completed¹. Not only does this indicate that

¹ Live tables on housing supply: Table 253 (CLG)

the Council may have been too optimistic in its assumptions, it also undermines the Council's claims in the SHLAA over the accuracy of its predictions².

Question 2 - 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, timing and annual rates of delivery? What is the basis for these assumptions and are they realistic and justified?

a) SHLAA sites under construction

- 3.2 We do not agree with the proposed lead in times and build out rates for some of the sites under construction, namely sites proposed as part of the South East Warrington Urban Extension. This is also discussed in detail in Wain Homes' Matter 6b Hearing Statement.
- 3.3 Based on the Council's own evidence within Appendix 6 of the 2021 SHLAA (H4 & H4a), the average build out rates since 2003 have been 22 dpa for sites between 20 and 50 homes, 33 dpa for sites of 50-150 dwellings and 56 dpa for sites over 150 homes (figures rounded).
- 3.4 The Grappenhall Heys site (Off Curzon Drive) proposes a delivery of 64, 68 and 72 dwellings per annum respectively between 2022 and 2026, whilst the Appleton Cross site proposes a delivery of 70dpa between 2022 and 2027. These assumptions are overly optimistic and unlikely to be achieved given the average buildout rates and ongoing issues with the supply of materials, leading to long lead-in times and increasing costs. We therefore do not consider that the assumptions surrounding these sites are robust.

c) SHLAA sites without planning permission

- 3.5 In its trajectory, the Council is relying on nearly 7,000 units from unallocated SHLAA sites in the urban area, plus from SHLAA sites in other areas. This is a very significant figure, and consequently the plan is heavily reliant on this source of supply.
- 3.6 Many of the SHLAA sites are not proposed to be allocated and do not have planning permission. Paragraph 3.3 of the SHLAA indicates that on 1 April 2021, only 22% of the large sites had planning approval. Furthermore, only 30 sites have been implemented and were under construction.

² 2021 SHLAA, paragraphs 3.21 – 3.23

3.7 We consider that there is a significant overreliance on SHLAA sites to deliver housing in the plan period for the following reasons:

- Firstly, there is a very significant lack of evidence underpinning the delivery of sites identified within the SHLAA. The very limited evidence provided does not justify such a significant reliance upon sites from this source.
- Secondly, a great number of the SHLAA sites are not proposed to be allocated and do not have planning permission. There is no guarantee that a planning application will be made on a site identified in the SHLAA and / or even if they are, whether they would be approved.
- Thirdly, identifying a site as developable in the SHLAA provides no guarantee that it will become available or that a planning permission will be implemented. The SHLAA suggests that many of the sites have problems without any guarantee that they will be overcome, yet the Council relies on all sites to deliver dwellings in the plan period.
- Fourthly, the Council's supply includes large numbers of apartment schemes in central Warrington. This relies upon achieving densities which are not underpinned by robust evidence, and it is also unknown whether the market will be able to deliver and sustain this level of unprecedented growth throughout the plan period.
- Fifthly, the past failure of sites with the town centre and the urban area to deliver has led to significant shortfalls in the deliver of housing and, more recently, a failure to meet the Housing Delivery Test. The over-reliance upon these sources is effectively a plan to repeat past failures.
- Sixthly, the definitions of 'deliverable' and 'developable' as set out within the Framework require a site to be viable. However, the Council's own evidence on viability indicates that much of the SHLAA supply is not viable. Indeed, elements of the supply (such as the town centre and sites within Inner Warrington) are not even viable with 0% affordable housing. This means that:
 - If these sites do come forward, they will need to be viability tested at the planning application stage, which may cause delays; and,
 - Given that the viability is marginal for much of this supply, there may be other competing uses which are more financially attractive (including remaining in an existing use). Rising employment land values will make it even less attractive for some sites to be brought forward.
- As such, all sources of supply which are not currently viable should be discounted from the supply, in accordance with the definitions of deliverable and developable set out in the Framework.

d) Small site allowance (windfalls)

- 3.8 Paragraph 71 of the Framework sets a very high bar for the inclusion of windfall sites in the housing land supply. It requires that there is compelling evidence that they will provide a reliable source of supply. It also states that any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.
- 3.9 The small site allowance is based on past completion rates. However, the assessment in the SHLAA fails to take into account that these rates have been achieved in the context of the Council not having an up-to-date plan with housing allocations for much of the period assessed, and not having a five year housing land supply. The SHLAA fails to consider whether past trends will continue having regard to the supply of sites, the emerging policies and expected future trends.

e) Each of the Main Development Areas involving housing

- 3.10 The assumptions in relation to the lead in times and build out rates of the Main Development Areas are unrealistic and unjustified.
- 3.11 The build out rates associated with MD2 – South East Warrington Urban Extension are not justified by the evidence base, and it is not clear how these figures were arrived at. We refer to our client's previous representation and statement under Matter 6b.
- 3.12 The assumptions made by the Council in relation to MD3 – Fiddlers Ferry are also unjustified as outlined in our Matter 6c Hearing Statement. There is insufficient evidence to support the delivery of the site within the timescales indicated in the SHLAA. The site has a number of constraints, including contamination, which have not been fully assessed and further technical information is required to justify the assumptions made on the lead in times and timing of the delivery of the site.
- 3.13 In addition, and as highlighted at paragraph 2.24 of our Matter 6c Hearing Statement, the sample lead in times for applications without planning permission indicate that some sites have taken as long as 15 years from the receipt of an outline planning application to the completion of the development. Given the uncertainty surrounding the extent of contamination on the site and the required mitigation, we consider the assumptions made for sites such as Fiddlers Ferry to be wholly unjustified, overly optimistic and inappropriate.

Question 3 - Would there be an adequate supply of housing land for the whole plan period?

- 3.14 No.
- 3.15 The 2021 SHLAA (H4) indicates a deliverable and developable housing land supply of 10,965 dwellings over the 15 year period between 2021 and 2036, excluding allocations.
- 3.16 The housing requirement across the plan period is 14,688 dwellings. The supply indicated within the trajectory is 16,676 dwellings to 2038, which is only a flexibility allowance of 10%.
- 3.17 The Council's delivery assumptions are based on the best-case scenario, in which all of the sites identified in the SHLAA come forward as expected. We have expressed concerns, both in our Regulation 19 representations and Hearing Statements submitted as part of this examination, about the deliverability, lead in times and build out rates of certain sites such as Fiddlers Ferry. We consider that the proposed deliverable and developable supply is not as high as anticipated.
- 3.18 We consider that significant deductions are required, including SHLAA sites, allocations and other sources, which will further impact upon the supply. On this basis, the Council would not be able to demonstrate a sufficient supply of housing over the plan period.

Question 5 - In terms of a five year supply and paragraph 74 of the NPPF, is a 20% buffer appropriate?

- 3.19 Yes. The most recent Housing Delivery Test (2021) shows that Warrington delivered only 72% of the required housing. Due to this record of under delivery and requirements of national planning policy³. A 20% buffer must be applied in order to "*improve the prospect of achieving the planned supply*".

³ National Planning Policy Framework paragraph 74(c)

Question 6 - Taking 2022/23 as the base year, what would be the five year requirement (assuming the stepped annual requirement and adding any shortfall or subtracting any surplus in delivery since 2021 before applying a buffer)?

3.20 We refer to our comments in response to Matter 4, question 8 on the application of a stepped requirement. We do not consider this to be appropriate. We therefore consider the five year requirement to be 5,188 dwellings, as shown in the table below:

A	Annual requirement	816
B	Base 5-year requirement (A x 5)	4,080
C	Shortfall 2021-2022 (816-573)	243
D	Total requirement excluding buffer (B + C)	4,323
E	20% buffer (D x 0.2)	865
F	Total 5-year requirement (D + E)	5,188

Question 7 - What would be the supply for this period (in total and by each source of supply)?

3.21 The Council needs to clarify its position following the publication of the 2021 SHLAA.

Question 8 - Are the assumptions on the sources of supply for this period realistic and justified?

3.22 The Framework's definition of deliverable provides two categories of sites:

"a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years."

3.23 These sites must be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years.

3.24 As outlined in paragraph 5.34 of our Regulation 19 representations, the PPG⁴ provides examples of the types of evidence which may be provided to support the inclusion of category b) sites, including:

- current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;
- firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates;
- firm progress with site assessment work; or
- clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.

3.25 It is therefore clear that sites must have detailed consent for major development to be considered deliverable, or in the case of outline planning permission there must be evidence to indicate that they can begin to deliver housing within five years.

3.26 The Council's current position is that it can demonstrate a deliverable supply of 3,857 dwellings (SHLAA 2021, H4). However, a significant element of the supply does not meet the Framework's definition of deliverable as outlined above. Table 3.7 of the SHLAA identifies 715 dwellings on larger sites within the supply which do not have planning permission. The inclusion of category b) sites which are not supported by clear evidence as required by the Framework is inappropriate and these sites should be excluded from the supply.

3.27 It is also unclear to what extent the 5-year supply comprises types of development which are not viable according to the Council's own viability assessment. The Council therefore needs to:

- Adduce the clear evidence necessary to include category b) sites, or remove them from the deliverable supply.
- Identify which sites are not viable and remove them from the supply.

⁴ Paragraph: 007 Reference ID: 68-007-20190722: What constitutes a 'deliverable' housing site in the context of plan-making and decision-taking?

- Assess the 5-year supply against the housing requirement from the start of the plan period (i.e. a 2021-base date).

3.28 Overall, we do not consider that all of the sources of supply for this period are realistic or justified.

Question 9 - Would there be a five year supply of housing land (from 1st April 2022)?

3.29 No.

3.30 The Council's current five-year supply position is 3.9 years as provided in the SHLAA. This fails to take into account the shortfall accrued during the first year of the plan period.

3.31 As set out above, there is a lack of evidence to support the inclusion of category b) sites. We also consider that it is necessary to remove sites which are not viable as per the Council's evidence.

3.32 Furthermore, the trajectories included within the current and previous SHLAA indicate that the Council has been overly optimistic about the delivery of housing year on year. The housing trajectory predicts the completion of 1,328 dwellings during 2021/22. However, it appears that this figure has not been achieved.