

NORTH SOMERSET CORE STRATEGY EXAMINATION OF REMITTED POLICIES

HEARING STATEMENT:

MATTER 2 – Housing Calculation

PERSIMMON HOMES SEVERN VALLEY

MAY 2016

Matter 2 – Housing Calculation

Question 2

Is the Council’s calculation of a residual housing requirement of 1,715 dwellings for the remainder of the plan period an appropriate figure to incorporate in to the consequential changes to the policies?

1. Our view is that the 1,715 is not appropriate and is likely to result in a substantial deficit in housing provision which would be contrary to the policy to boost significantly the supply of housing (NPPF47).
- 1.1 There was considerable evidence presented at the examination into CS13 that the figures recommended by the Inspector which forms the starting point for the identification of the 1,715 was based on a non-compliant NPPF up-to-date SHMA assessment and was too low. Comments made by the Inspector confirmed these doubts (paragraph 35, 42, 59, 60, 75, 77 of CC/04). However the Inspector accepted the position subject to an early review of the plan by 2018. We therefore do not support the overall requirement which forms the starting point of the calculation of the 1,715 figure, but equally we do not intend to reopen the debate on the appropriate OAN. However, we consider that these doubts about the appropriateness of the requirement itself provides a reason for ensuring there is a sufficient flexibility in the other remitted policies to enable the deliver of this requirement.
- 1.2 The wording in modified Policy CS13 is quite clear that a supply of deliverable and developable land will be identified to secure the delivery of a minimum of 20,985. However we do not consider the current position is realistic for the following reasons:
 1. Table 1 of the Site Allocations Plan (CC/10) identifies total commitments of 21,114, only 129 above the CS13 requirement, which is effectively a flexibility allowance/lapse rate of only 0.6% which would only be achieved if virtually all the commitments in the table were delivered. There is general acceptance both in examinations of Local Plans and in appeals that some flexibility should be built into housing figures for the following reasons:
 - i) It is unlikely that all sites with extant planning permission or resolution to grant subject to a legal agreement will be implemented.
 - ii) The North Somerset figures include an assumption that all extant allocations will be implemented. This includes 9 sites which were allocated in the North Somerset Replacement Plan adopted in 2007 which had not come forward including some with planning applications which have not been implemented and/or have lapsed.
 - iii) The supply includes allocations proposed in the emerging Site Allocations Plan which is only at consultation draft stage. In accordance with NPPF216 we consider such sites can only be given limited weight and therefore cannot relied upon in their entirety at this stage to contribute meeting the overall housing requirement.
- 1.3 General practice is to build some flexibility into the housing figures, but in North Somerset we consider this is absolute necessity for the following reasons:
 1. To meet NPPF Policy Guidance with its emphasis on delivery particularly in paragraphs 47, 50 and 159.
 2. The Site Allocations Plan does not include a trajectory or a delivery programme as required by NPPF47.

3. The Council's persistent under delivery in the past, on its own requires a transparent approach to how sufficient numbers will be delivered in the future. Whilst the Council might argue that this was only minimal (and therefore not persistent) under delivery when judged against the pre-challenge Core Strategy housing requirement of 14,000, this figure was found to be unsound and so seriously under estimated the housing requirement and itself amounts to act of under delivery (see Table in Appendix 1 – Page 5).
- 1.4 Appeal decisions and examples elsewhere suggest a lapse rate of between 10% and 20%. In our view circumstances in North Somerset justify a 20% lapse rate on units with planning consent which would reduce the supply by 1,312 dwellings in the 6,558 supply identified in paragraph 43 of CC/02. Allowing a lesser 10% lapse rate for allocated sites, SAP draft allocations and other sites further reduces the supply by a total 409 units, resulting in a total discount of 1,721 rather than the Council's 116.

5 Year Land Supply and Approach to Backlogs

- 1.5 The Council addresses 5 year land supply methodology in paragraphs 47-54 of CC/02 and consider it is appropriate to use Liverpool methodology for calculating 5 year housing land supply. The Council have consistently promoted this line despite the more general acceptance of the Sedgefield approach by both the Secretary of State and other Inspectors. The position in North Somerset is that the Inspector examining Policy CS13 (CC/04) recommended the Sedgefield approach and in the last two major residential planning inquiries in North Somerset where the evidence was subject to proper testing (by cross examination or more precisely in both cases the threat of cross examination) on both occasions the Council withdrew initial evidence which attempted to argue they are a special case and that the 5 year housing land supply should be calculated using the Liverpool methodology was firmly rejected. The two relevant appeals in North Somerset were as follows:

Reference APP/DO121/A/14/2223975 land at Scot Elm Drive, Weston-super-Mare. Decision 18th March 2015.

Reference APP/DO121/W/15/3004788 land off Brinsea Road, Congresbury. Decision 30th November 2015.

- 1.6 Having argued for the Liverpool method at the examination of Policy CS13 in the Scot Elm Drive appeal the Council were forced to use the Sedgefield method which showed they could not demonstrate a 5 year housing land supply. At Congresbury they produced a proof of evidence based on the Liverpool methodology but did not rely on this and the Inspector found there was not a 5 year housing land supply.
- 1.7 The CS13 Inspector's position is set out in his paragraph 60. In the first instance he says the period for the backlog should be properly considered as part of the trajectory of delivery which would be addressed by other policies. However the Council presented evidence to him and in view of that he went on to take a view on the point where he supports the NPPG approach that authorities should deal with backlogs over the first five years of the plan period and that the Council's evidence did not support diverting from that approach.
- 1.8 In the light of these findings it is unreasonable for the Council to continue to argue that the Liverpool method is appropriate to calculate 5 year land supply in a forum where the evidence will not be subject to cross examination.
- 1.9 Finally and following the receipt of the Inspector's Report on CS13 the Council sought that the Secretary of State call-in the policy for his approval. However in a letter of the 18th September 2015 Brandon Lewis confirmed that the policy is appropriate and

concluded by saying that *'the Government now expects North Somerset Council to move forward with the other elements of its Local Plan and to deliver the homes its communities need'*. The Council should take heed of this and not seek to further delay the delivery of housing in North Somerset and there is no need to debate further whether or not the Liverpool method is appropriate.

Wording and Distribution Set Out in Policy CS14

- 1.10 Appendix 2 (Page 6) includes two tables which examine the distribution of housing in North Somerset. Table 1 identifies the difference between distribution of the 14,000 total housing number and the 20,985. It shows the largest percentage increase in the less sustainable locations and despite the substantial increase in the Weston Urban area the total figures for Weston-super-Mare are largely in balance (64% at 14,000 and 61.6% at 20,985). However, the emerging Site Allocations Plan (CC/10) again adjusts the distribution and this is shown in Table 2 where again the impact of the changes are in the least sustainable locations.
- 1.11 Whether or not these changes require a revised Sustainability Appraisal each time, there does not appear to be any other analysis of the implications of the changes. Whilst this approach might be used by the Council to demonstrate the strategy is being applied flexibly, without any proper assessment, in the form of an SA or some other analysis, the fear is the distribution of housing numbers in North Somerset has a momentum of its own with no proper forward planning.
- 1.12 In terms of the wording of the rest of the policy the main issue concerns Service Villages where the policy permits opportunities for small scale development within/or through allocations. There is no definition of small scale and it has become clear that numbers are being accommodated if a flexible view is taken so that small scale becomes larger scale. For example at Arnolds Way, Yatton planning permission was granted for 150 dwellings and then as phase 1 of a larger development. The development itself could not be considered small scale in relation to Yatton. Also it is not clear whether small scale refers to individual schemes or total schemes within an individual settlement. In our view *'small scale'* has been superseded by the momentum built up in identifying numbers within Service Villages and it should be replaced by phrase such as *'appropriate scale'*. Finally there is an inconsistency in the wording of CS14 and CS32. CS32 rightly refers to *'proposals for small scale development appropriate to the size and character of the village'* and CS14 should be amended to incorporate the same wording as follows:
- ' . . . at Service Villages there will be opportunities for appropriate scale development appropriate to the size and character of the village either within settlement boundaries or through site allocations.'*
- 1.13 There is also a general inconsistency in the wording of Policy CS14 and Policies CS28, CS30 and CS31. Policy CS14 provides for *'a minimum of'* number of dwellings whereas the wording is different in the other three policies:
- CS28 says *'the town will accommodate around 10,914 additional dwellings'*;
- CS30 says *'provide about 60,500 new homes'*;
- CS31 says *'provision will be made through the plan period as follows . . .'*
- 1.14 For consistency and in accordance with established practice all policies should use the term *'a minimum of'*.

Appendix 1

Housing Delivery Since 2006 in Comparison to Various Annual Targets (Delivery figures taken from the Council's Annual Monitoring Reports)

Year	Completion	Adopted CS (2012) – 14,000 units (2006 to 2026)	Adopted modified requirement (July 2014) – 20,985 (2006 to 2026)
Annual Req		700	1,049
2006-2007	1,132	432	83
2007-2008	1,474	774	425
2008-2009	935	235	-114
2009-2010	772	72	-277
2010-2011	637	-63	-412
2011-2012	515	-185	-534
2012-2013	527	-173	-522
2013-2014	760	60	-289
Apr 2014- Oct 2014 (half year)	311	-39	-214
TOTAL	7,063	1,113	-1,854

Appendix 2

Table 1

Comparison of CS14 Distribution at 14,000 and 20,985

	CS14 at 14,000		CS14 at 20,985		Difference	
Weston Urban Area	3,458	24.7%	6,459	30.7%	3,001	+87%
Weston Villages	5,500	39.3%	6,500	30.9%	1,000	+18%
CNP	3,715	26.5%	4,976	23.7%	1,261	+34%
Service Villages	805	5.8%	1,861	8.9%	1,056	+131%
Elsewhere	522	3.7%	1,189	5.7%	667	+128%
Totals	14,000		20,985			

Table 2

Comparison of CS14 with Site Allocations Plan

	Site Allocations Plan					
	(A) CS14 A Minimum of	(B) Commitments	(C) Allocations (Schedule 1)	(D) Total	Difference (A-D)	%
Weston Urban Area	6,459	3,610	2,764	6,374	-85	-1.3%
Weston Villages	6,500	372	6,128	6,500	0	0
CNP	4,976	3,582	1,508	5,090	+114	+2.3%
Service Villages	1,861	885	1,247	2,132	+271	+14.6%
Elsewhere	1,189	775	243	1,018	-171	-14.4%
Totals	20,985	9,224	11,890	21,114	+129	