

**EXAMINATION INTO THE SOUNDNESS OF THE NORTH SOMERSET  
CONSEQUENTIAL CHANGES TO POLICES CS6, CS14, CS19, CS28,  
CS30, CS31, CS32 AND CS33**

**INSPECTOR'S MATTERS AND ISSUES FOR EXAMINATION AT  
HEARINGS**

**MATTER 3: POLICIES**

**POSITION STATEMENT ON BEHALF OF MACTAGGART AND  
MICKEL HOMES**



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## **1. Introduction**

- 1.1 This Statement sets out Mataggart and Mickel's preliminary response to the Inspector's question in relation to Matter 3.
- 1.2 This response has been prepared having regard to the limited information set out in the consultation documents published in November 2015, and should be read in conjunction with the representors' original submissions.
- 1.3 It is emphasised that these submissions have been prepared without the benefit of having seen the Council's Position Statement which may assist with explaining the approach and position that they have assumed.

## 2. Issue 3

*In those settlements and locations where the consequential changes have significantly increased the housing requirement, can it be demonstrated that the capacity exists to deliver the increased number of homes to enable the Core Strategy housing requirement, including those of the consequential changes, to be met in the following locations in terms of overall numbers and housing mix?*

- a. Policy CS28: *Weston-super-Mare*
- b. Policy CS30: *Weston Villages*
- c. Policy CS31: *Clevedon, Nailsea and Portishead*
- d. Policy CS32: *Service Villages*
- e. Policy CS33: *Infill villages, smaller settlements and countryside*

2.1 There is an important distinction to be drawn here between demonstration that capacity 'exists' in a particular location, and that it will enable the Core Strategy housing requirement to be 'met' during the plan period, half of which has already elapsed. The NPPF (paragraphs 17 and 47) is clear that development needs should be objectively 'identified' and then 'met'. This requires a clear focus on 'deliverability'. The representors' principal concerns, which are set out in more detail in their original representations and their recent representations to the Site Allocations Plan, can be summarised as follows:

- The ability of the development industry to deliver such a substantial uplift in the quantum of housing at Weston-super-Mare compared with past rates.
- Constraints affecting key sites identified for delivering the increased capacity, and in particular the Gas Works site, Winterstoke Road (HELAA Ref: SH12224) and Avoncrest site, Herluin Way (HELAA Ref: SH1253).
- The potential brake imposed on housing delivery at Weston-super-Mare (including the Weston Villages) by the employment-led policy (CS20) with its specific jobs:homes ratio.

2.2 In their 'Statement for Consultation' (November 2013) in respect of the Examination of remitted Policy CS13 which set out their proposed position to increase the housing requirement to 17,130 dwellings, the Council held as follows:

*The Council is producing a detailed site allocations plan to deliver the Core Strategy requirements. The Consultation Draft Sites and Policies Plan which was subject to consultation in Spring 2013 demonstrated the Council's resolve to 'boost the supply of housing' by making provision for some 18,099 dwellings, again in conformity with the Core Strategy spatial strategy. (para. 74).*

*... Evidence presented to the original North Somerset examination (HD/01: Issue 1a) was that given the lead in times and infrastructure requirements of large strategic sites, that total delivery across North Somerset was unlikely to be above 18,000 dwellings during the plan period. (para. 75).*

*The 17,130 dwelling target is considered to represent a practical solution to enable the adoption of the Core Strategy in advance of the review of the West of England SHMA. **Setting the housing requirement at this level would also mean that the housing supply could be delivered in accordance with the existing spatial strategy meaning that other remitted policies would not need to be re-examined.** (para. 96, emphasis added).*

- 2.3 The Council's previous position when arguing against an increased housing requirement beyond 17,130 was therefore that any increase beyond that level would imply a change in the existing spatial strategy since, based on the existing strategy with its focus on strategic sites and employment-led delivery at Weston-super-Mare, it would be unlikely to deliver the requirement during the plan period.
- 2.4 The additional increased quantum of housing now assigned to the Weston Villages through the changes to Policy CS30 compounds the deliverability concerns. It will further increase the overall quantum to be delivered at Weston-super-Mare during the Plan period by 1,000 dwellings (an overall increase of 4001 dwellings or 44.7%). Moreover, it is unclear from where the additional capacity is derived or, if it is physically available, whether it is deliverable within the Plan period.
- 2.5 In the consultation document the Council refers to the additional capacity being 'anticipated' following more detailed masterplanning, but does not provide any further evidence. However, this is inconsistent with what was anticipated in the SPD in which it is stated that significantly different capacity figures were not anticipated as a result of more detailed

masterplanning through the sub-area plans (Weston Villages SPD, para. 3.49). Furthermore, the SPD stipulates that:

*The Core Strategy sets out a requirement for about 5,500 homes at the Weston Villages. Whilst this serves as a broad target, the number of dwellings to be delivered at the Weston Villages is not the determining factor underpinning the development proposals. **Of primary importance are the employment-led approach and the objectives of place-making and community building. It is this which will determine the residential capacity, not the requirement to deliver a specific figure in accordance with the Council's spatial strategy.** (para. 3.48, emphasis added).*

*The total estimated capacity of the Weston Villages is about 5,800 dwellings... An average of 40 dwellings per hectare (net residential density) should be achieved across the development as a whole; the overall gross density will be less when factoring in non-residential land uses. (para. 3.48).*

- 2.6 The overarching strategy for the Weston Villages is therefore to deliver the objectives of Policy CS20, with its specific jobs:homes ratio that applies at Weston-super-Mare and the Villages. Within this context, it is clear that the Council, through the SPD, did not anticipate the full capacity of Weston Villages being delivered during the Plan period to 2026. It is unclear now how or why, even if the physical capacity exists, they have concluded that an extra 1,000 dwellings can be delivered within the same timescale.
- 2.7 The second tier settlements have more than sufficient capacity to deliver the increased housing requirement. Whilst constraints of Green Belt and flooding affect Portishead and Clevedon, there is ample capacity at Nailsea around the western side of the town that is not constrained by Green Belt or other environmental designations. Indeed, Nailsea has capacity to take more housing, which is much needed to rebalance the population profile of the town and rectify the acknowledged shortage of housing for younger people and families.
- 2.8 The consequential changes give insufficient priority and attention to accommodating the increased requirement at the second tier settlements, and have provided a disproportionate focus on Weston-super-Mare (including the Weston Villages) and, outside, that location, the service villages.

- 2.9 It is unclear how, or whether, the additional capacity at the service villages and smaller settlements/countryside can be delivered absent change in the policy wording and development strategies for those locations. This is particularly so in relation to the Policy CS33 area given that the requirement will be met principally through windfalls rather than site allocations, and which are therefore 'opportunistic' sites to be identified and brought forward by those promoting development. The representor's position is explained further in relation to Issue 4.

### 3. Issue 4

*Is the plan, with the consequential changes, flexible and resilient enough to ensure that the housing requirement is met? Are there modifications that need to be made to make it more flexible and resilient? In particular, should there be more flexible wording in respect of:*

- a. *Policy CS32: Service Villages*
- b. *Policy CS33: Infill villages, smaller settlements and countryside*
- c. *Any other location covered by the policies relevant to this examination*

- 3.1 For reasons alluded to in relation to in Issue 3, the plan is not considered to be sufficiently flexible and resilient to ensure that the housing requirement is 'met'. Whilst the theoretical capacity might be identified, there is considered to be insufficient focus on 'delivery'.
- 3.2 With the consequential changes, increased reliance is placed in overall terms on delivery at Weston-super-Mare, and in particular from the strategic sites at the Weston Villages and a number of other large sites of uncertain availability during the plan period. As is clear from the SPD, both the overall capacity, and its delivery, at the Weston Villages is driven by factors other than 'meeting' the Core Strategy housing requirement. There is in consequence a significant risk of this strategic development failing to deliver its required contribution during the plan period. Bearing in mind that half of the plan period has already elapsed, there is simply insufficient time remaining for an alternative strategy to be put in place in the event of delivery failures.
- 3.3 Whilst the housing requirement to be met at the service villages and smaller settlements/countryside has increased significantly, there has been no change in the wording of the respective policies (CS32 and CS33). Since the original capacity to be accommodated at those settlements was a reflection of the development strategy pertaining to them, it is difficult to envisage how the additional capacity can be met without the introduction of greater flexibility in terms of the approach to development and its control in such locations.
- 3.4 That is particularly the case in relation to the smaller settlements/countryside where the requirement to be met has more than doubled, yet development opportunities are restricted to infilling and small scale opportunities within the settlement boundaries of a limited range of small villages. As is confirmed through the draft Site Allocations Plan, which identifies

allocated capacity for just 76 dwellings, the capacity is largely to be delivered through windfall opportunities. However, the Council has failed to demonstrate the compelling evidence that such sites will provide a reliable source of supply to meet the requirement. Given that they are placing reliance across the district as a whole (including the urban areas) on windfalls contributing a total of 1,200 dwellings to the overall requirement, the evidence would suggest that the contribution required from the Policy CS33 area will not be met.

- 3.5 In the representors view a more flexible and resilient strategy is to direct a greater quantum of the overall requirement to the more sustainable locations outside Weston-super-Mare, with a priority focus on the second tier settlements where capacity exists and constraints are absent. This indicates a greater housing requirement to be met at Nailsea where there is evidence of strong demand and need owing to very limited residential development over a sustained period, and freedom from planning policy restraints in terms of Green Belt, other environmental designations, and strategic requirements for a specific jobs:homes ratio (Policy CS20).
- 3.6 There should also be more flexibility to accommodate the Policy CS33 requirement outside the identified village settlements in sustainable locations in relation to the larger and more sustainable settlements in the district.
- 3.7 There also needs to be greater flexibility in the wording relating to the Policy CS31 settlements, and in particular Nailsea which has the greatest potential for accommodating an increased requirement. The requirement for proposals to be 'supported by the local community' should be deleted since it is unclear whether unanimous or partial support is required to achieve compliance with the development plan. It is unrealistic to expect unanimous support, and once the requirement is set, then it must be met even if there is some local opposition to it.
- 3.8 Moreover, it should not be a requirement of Core Strategy policy for any necessary site allocations and changes to the settlement boundary to have been addressed in the Sites and Policies Development Plan Document. The vehicle for accommodating the Core Strategy requirement is a matter to be determined through the Local Development Scheme. Development proposals to meet the Core Strategy requirement should not be deemed to be in conflict with the strategic policy should they come forward in advance of a Development Plan Document that is intended to make detailed site allocations. That is particularly so



having regard to need to effectively deliver the overall requirement for the plan period during the half of the period that remains.



## 4. Issue 5

*Does the increased housing requirement justify any modification to:*

- a. Policy CS6: Green Belt
- b. Policy CS19: Strategic Gaps

- 4.1 It was not part of the representors' case in their original representations that, to meet the increased housing requirement, any modifications are required to Green Belt boundaries, and therefore Policy CS6. It is considered that, in order to meet the current requirement in the period to 2026, there are sufficient alternatives available without making any adjustments to Green Belt boundaries. However, for reasons set out above, it is likely to require a revised distribution to provide an increased focus on the second tier settlements, in particular Nailsea which is the least constrained by Green Belt, and greater flexibility in Policy CS33.
- 4.2 Policy CS19 does not designate strategic gaps, it seeks to protect those that are identified, and their boundaries as defined in detail, through the Sites and Policies Development Plan Document. Although it identifies locations for investigation, it does not follow that the identified locations will be designated.
- 4.3 In view of the increased housing requirement, with a greater quantum necessarily accommodated at lower order settlements, there is a greater imperative to review critically the need for strategic gaps, and only to designate them where the case is unequivocal and development would result in actual coalescence between settlements which it is critical retain their separate identity. By their very nature in seeking to protect undeveloped land between settlements that are of sufficient size to accommodate proposals for development of such scale that could lead to their coalescence, strategic gaps tend to coincide with sustainable locations for development.
- 4.4 The list of possible locations must therefore be reviewed critically. The policy should make clear that strategic gaps should only be designated where there is an incontrovertible risk of coalescence between settlements the separate identify of which it is imperative to maintain. Moreover, it must be clearly established that normal policies of development restraint will not suffice, and that it is essential to protect the entire gap in question.

## 5. Issue 6

*Is there any significant risk that the consequential changes to the policies would present any identifiable and unresolvable conflict with any of the Core Strategy's extant policies, having regard in particular to:*

- a. the employment-led strategy of Policy CS20 (which is not before this Examination);*
- b. any other extant policy not before this Examination*

*and if so, what modifications to the consequential changes might be required?*

- 5.1 There is potential conflict between the consequential changes and the employment-led strategy of Policy CS20. The Council's own evidence in their Statement for Consultation (November 2013) in relation to remitted Policy CS13 was as follows:

*'Testing the impact of the proposed and alternative dwelling figures on overall sustainability objectives' ... compares the original 14,000 dwellings with the Edge Analytics low and high projections, as well as the no net change in self-containment figure of 26,800 dwellings. This shows how the sustainability criteria worsen as the housing requirement increases until figures above 26,800 dwellings result in a decline in self-containment across the plan period. However, the Core Strategy objective is not simply about making the existing situation worse but making a real improvement to overall sustainability in North Somerset. (para. 92).*

*... The 17,130 dwelling target is considered to represent a practical solution to enable the adoption of the Core Strategy in advance of the review of the West of England SHMA. Setting the housing requirement at this level would also mean that the housing supply could be delivered in accordance with the existing spatial strategy meaning that the other remitted policies would not need to be re-examined. (paragraph 96).*

- 5.2 The two key points that are implicit in the above are an acknowledgement by the Council that:

- Increasing the housing requirement in those parts of the district in which Policy CS20 sets a specific jobs:homes ratio is potentially prejudicial to the self-containment objective, which is central to the sustainable development strategy of the Plan.
- Setting the dwelling target above the 17,130 level means that housing supply cannot be delivered in accordance with the existing spatial strategy, the inference being that an alternative strategy is required.

5.3 The potential impact of Policy CS20 on housing delivery is acknowledged in the Sustainability Appraisal of the original Core Strategy in which it was acknowledged as follows:

*A potential negative effect has been identified with regard to prejudicing other objectives in particular the delivery of housing. It is recognised that the application of the employment-led strategy at Weston-super-Mare may have a negative effect on the delivery of housing and other objectives. ...*

*The employment-led strategy should be kept under review to ensure it does not have a wider impact on the objectives of the Core Strategy. This may involve in the future adjustment to the strategy whilst still achieving the underlying objectives of employment-led development for the strategic growth of Weston-super-Mare. (Sustainability Appraisal, February 2011, Appendix 11, p.134)*

- 5.4 To the extent that the consequential changes to the remitted policies propose to significantly increase the housing quantum to be delivered in those areas to which Policy CS20 applies a specific jobs:homes ratio, they are potentially prejudicial to the sustainable development strategy of the plan which seeks to improve self-containment through coordinating housing delivery in line with jobs at Weston-super-Mare. Since the consequential changes propose a significant increase in the quantum of housing at Weston-super-Mare, they are potentially in conflict with Policy CS20.
- 5.5 In the alternative, if the provisions of the Development Plan are to take primacy, and housing development in the areas to which policy CS20 applies a specific job:homes ratio not to be permitted other than where phased in-step with employment development, there is a

significant risk of a brake being placed on delivery of the housing requirement. Since only half of the plan period remains, there is a significant risk of a shortfall in the delivery of housing arising if held back pending employment development. This, in turn, is likely to have consequences for the Council being able to demonstrate a five year supply of 'deliverable' housing land. Moreover, it would be contrary to the NPPF not only objectively to 'identify', but to then 'meet' *inter alia* the housing needs of the area.

- 5.6 The modifications required to the consequential changes to rectify this conflict are put forward in the representor's original submissions. They include, in particular, distribution of a greater proportion of the increased requirement to locations outside the area to which Policy CS20 applies a specific jobs:homes ratio. A particular focus should be at the second tier settlements, which are the most sustainable alternative locations in the district outside Weston-super-Mare, and on sites that are outside the Green Belt and otherwise free from other planning policy and environmental restraint designations. In this respect, Nailsea has particular potential to take a significantly greater share of the increased housing requirement.

