

Examination of North Somerset Site Allocations Plan

Matters and Questions

Matter 1 – Sustainability Appraisal

This statement should be read in conjunction with representations made by GL Hearn on behalf of Redcliffe Homes and seeks to complement and expand on those representations as necessary to assist the Inspector in determining the extent to which the Plan meets the appropriate tests of legal compliance and soundness.

1.1 Is the SAP based on a sound process of sustainability assessment (SA) and testing of reasonable alternatives, in a proportionate manner (Doc SD7)?

1. The sustainability appraisal should be a systematic process carried out during the preparation of the Local Plan. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.
2. This process is an opportunity to consider ways the plan can contribute to improving environmental, social and economic conditions, as well as identifying and mitigating any adverse effects. It is used to test the evidence underpinning the plan and help to demonstrate how the tests of soundness have been met (Strategic Environmental Assessment and Sustainability Appraisal Guidance, February 2015).
3. As demonstrated below, the Council's SA supporting the Site Allocations Plan fails to comply with the SEA and SA Guidance, in the following respects:
 - The SA fails to assess all sites identified in the SAP;
 - The SA fails to assess all reasonable alternatives for development;
 - The SA findings are not consistent with the proposed allocations within the SAP;
 - There is no demonstrable technical evidence underpinning the findings of the SA;
 - As a consequence of the above, the SAP does not comply with the Core Strategy.
4. There are a number of inconsistencies between the SA findings and the SAP. These inconsistencies are largely as a result of the five year housing land supply deficiency which has persisted within North Somerset. The Council has granted planning permission for a number of sites and Inspectors have allowed appeals for housing schemes; the Council has subsequently included these sites as allocations within the SAP. However, these sites have either not been assessed through the SA or the findings of the SA did not support the sites' allocation. Moreover, these allocations do not necessarily align with the Core Strategy. As a result, the SA and SAP fail to comply with the SEA and SA Guidance.
5. By way of example, SD20 refers to a resolution to grant planning permission for 32 dwellings at Tickenham Garden Centre. The site lies in the open countryside and whilst it is previously developed land, arguably it is not appropriate to allocate the site given that the Core Strategy Vision 7 strictly controls development within the countryside to only small-scale proposals. The site at Tickenham has not been appraised through the SA, however, the Council proposes to include the site within Schedule 1 of the SAP. This is unsound.
6. The land north of Greenhill Road, Sandford which was recently allowed at appeal for 118

dwellings was assessed through the SA. However, the SA concluded that the site should not be allocated for housing within the SAP on the basis that it is greenfield, Best and Most Versatile agricultural land, intrusive into the countryside and lacks facilities and services. Notwithstanding these findings, SD20 proposes that the site should be included in the plan as a residential allocation without any update to the SA and no comparison of the site against reasonable alternatives.

7. Other examples of inconsistency between the SA and the SAP are:
- a. **Land off Wentwood Drive, Bleadon Hill (Proposed allocation of 50 dwellings):** The SA assessed the site for 105 dwellings and concluded that it should not be allocated as it is greenfield, not convenient to facilities and has access problems. Notwithstanding this, the site is allocated within the SAP on the basis of a recent appeal decision. This does not justify the site's allocation and its allocation would not align with the SA. In any event, as a scheme of circa 50 units, the Core Strategy includes a presumption in favour of development for suitable schemes of this scale on the edge of Weston-Super-Mare without the need for allocation.
 - b. **Land off Wrington Lane, Congresbury (50 dwellings):** The SA concludes that the site (capacity 180 dwellings) is greenfield and best and most versatile land with poor pedestrian and cycle links and an adverse impact on the rural setting of the village. However, the site is allocated within the SAP on the basis of a resolution to grant planning permission.
 - c. **Arnolds Way, Yatton:** The SA assessed the site for 251 dwellings. However, the SAP allocates the site for 350 dwellings. This level of development has not been robustly assessed through the SA.
 - d. **Oxford Plasma, Yatton:** The site comprises a brownfield site with planning permission which the Council intends to carry over from the Replacement Local Plan. In its guidance on implementation of the 2001 SEA Directive (2001/42/EC), the EU Commission make clear that any sites previously assessed in other plans should be updated and placed in the context of the current SA assessment. This ensures that the comprehensive assessment of sites is not impaired and that the previous assessments of sites are taken into account in the same way¹. Contrary to the Commission Guidance, the Oxford Plasma site has not been assessed through the SA for the SAP. Notwithstanding this, on the basis that the site is previously developed, within the built up area of Yatton and benefits from planning permission, there should be a presumption in favour of development through the Core Strategy and Sites and Policies Part 1, without the need to allocate the site.
8. The evident disconnect between the SA and the SAP is unsound and fails to meet the tests of legal compliance in its current form.
9. In addition, there is no reference to evidence underpinning the findings of the SA. Paragraph 4.8 of the SA Main Report (SD7) refers to a sifting exercise which reduced a list of 331 sites to 188, following the exclusion of Green Belt sites, sites falling within Flood Zone 3b, AONB land, sites smaller than 10 dwellings and sites adjacent to villages with no settlement boundary. The remaining sites, including 26 new sites, were assessed through GIS mapping searches and, where necessary, site visits (paragraph 4.11). Other information sources referenced are SD9 and "Pupil projections for North Somerset Schools". The SA advises that more information on assessment criteria can be provided on request from the Planning Policy Team, via email.

¹ Paragraphs 4.6 and 4.7 – Commission Guidance – *Implementation of Directive 2001/42 on the assessment of the effects of certain plans and programmes on the environment*

10. The SA process should provide a transparent account of the iterative process followed by the Council in order to identify suitable sites for allocation. As established by Case Law², it should not be necessary to embark on a paper-chase in order to understand the environmental effects of a proposal, members of the public must be able to involve themselves in the decision-making process and, for that purpose, receive all relevant information. As drafted the SA is particularly vague in accounting for the steps taken and evidence considered in assessing the shortlist of sites. It is particularly telling that the reader is required to request further information from the Council and this information is not readily available from the SA or accompanying documents.
11. In this context, it cannot reasonably be concluded that the SAP is based on a sound process of sustainability appraisal, testing reasonable alternatives in a proportionate manner.
12. In order to make the plan sound, the sustainability appraisal should be revisited to ensure robust evidence such as landscape, heritage, transport and ecological evidence underpins the assessment. Moreover, all sites proposed for allocation (and worthy of allocation) must be assessed through the SA. Where planning permission has been granted, the Council should question whether it is appropriate or necessary to allocate the site: does the proposal comply with the Core Strategy; would there be a presumption in favour of development when considered against development management policies without the need for allocation?
13. Where proposals do not accord with the Core Strategy or where a presumption in favour would exist, the relevant sites should be deleted from Schedule 1. Where planning permission has been granted, the Council is entitled to identify the sites as commitments which contribute towards housing supply. To maintain the allocation of these sites would cause the SAP to fail in respect of legal compliance and soundness tests (namely positively prepared, justified and consistent with national policy).

1.2 Is there any correlation between the position of a settlement in the sustainability hierarchy (SD9) and the quantity of development allocated to that settlement?

i) Why does Backwell as the most sustainable village have an allocation of 65 dws, whereas Yatton as the 3rd most sustainable have an allocation of 676 dws, and Churchill in 6th place in the hierarchy have an allocation of 219 dwellings?

ii) Long Ashton is the second place in the hierarchy but has no allocated housing sites. Can this be explained?

iii) Bleadon is identified as having few job opportunities – is this correct, and if not was it considered for a higher level of housing allocations?

1. North Somerset Council's report 'Reviewing the Sustainability and Settlement Hierarchy of Settlements in North Somerset' (SD9) is focussed on assessing the relative sustainability of service and infill villages. On the basis of the inherent sustainability of Weston-Super-Mare, Clevedon, Portishead and Nailsea, these settlements are not assessed through this process.
2. The report goes on to advise that the "*focus of significant development should therefore be in locations which are, or can be made sustainable*" (GL Hearn emphasis).
3. In this regard, SD9 acknowledges the provisions of the NPPF, with particular reference to the fact that "*places....will certainly be worse if things stagnate*" and paragraph 55, which serves to locate housing where it will enhance or maintain the vitality of rural communities.
4. The Taylor Review of Rural Economy and Affordable Housing (2008) is referenced with special regard to the role of villages:

² Paragraph 15 – *Save Historic Newmarket Ltd. v. Forest Heath District Council* [2011] EWHC 606

“The key emphasis of the planning system (at all levels) needs to move away from asking ‘is this settlement sustainable?’ to ‘will development enhance or decrease the sustainability of this community – balancing social, economic and environmental concerns?’ (SD9, page 6).

5. There is a common theme throughout these references to the need to enhance the vitality of existing rural villages and utilise development to enhance sustainability. This approach is underpinned by the Core Strategy Vision 6 for the Service Villages which seeks to create thriving rural communities and a focal point for local housing needs with improved self-containment by 2026. The SAP should provide the delivery tool for the Core Strategy Vision. It should create an opportunity to proactively enhance sustainability through positive, planned growth.
6. The report refers to a two stage assessment: the first stage of the assessment serves to identify the current relative sustainability of the villages. Notwithstanding the Council’s acknowledgement of the need to enhance the sustainability of rural communities and use development to “create” sustainable locations (see above), its approach to the first stage assessment is to:

“assess the overall current sustainability of existing settlements”.
7. The methodology as outlined in Section 5 of the report (SD9) served to identify where there is evidence of sustainability characteristics being present. As a result, the Council’s first stage assessment is limited to the current sustainability of villages, without due consideration to the potential to deliver enhancements and prevent the stagnation of villages through new development. Accordingly, the methodology adopted through SD9 is contrary to the Core Strategy Vision for the Service Villages, the recommendations of the Taylor Review and national policy objectives.
8. As set out above at 1.1.12, it is unclear what evidence, if any, has been used to assess the suitability and capacity of sites, beyond the site appraisals within the SA and the individual assessments of settlements (SD9). There is equally no evidence that a comparative assessment of sites within the service villages has been undertaken to identify the most suitable sites and an equitable distribution of housing across the villages.
9. As identified by the Inspector, the conclusions of SD9 would indicate that Backwell as the most sustainable settlement should accommodate a larger proportion of growth than the 65 dwelling allocation currently proposed. Whilst there is no evidence within SD9 or SD8 (Residential Site Assessments) to indicate that despite its relatively high sustainability score, it is unsuitable to accommodate higher levels of growth, the limitations imposed upon Backwell presumably relate to the provisions of its Adopted Neighbourhood Development Plan. The SA concludes that all sites within Backwell are contrary to the Neighbourhood Development Plan except for the allocated site at Moor Lane. The Neighbourhood Planning: Written Statement (12 December 2016) by Gavin Barwell advises that neighbourhood plan policies should not be regarded out-of-date where the following provisions apply:
 - a. The written ministerial statement is less than 2 years old, or the neighbourhood plan has been part of the development plan for 2 years or less (both apply to Backwell);
 - b. The neighbourhood plan allocates sites for housing (applicable to Backwell);
 - c. The local planning authority can demonstrate a three year supply of deliverable housing sites (the most up to date evidence tested at appeal indicates no more than 4.2 years supply).
10. In light of the above, the provisions of the Backwell Neighbourhood Development Plan would apply, regardless of the housing supply context within the District, thereby limiting development at Backwell.
11. In respect of Long Ashton, no allocations are proposed despite its status as the second most sustainable settlement. SD8 identifies only one site at Estune Business Park for potential

residential development at Long Ashton. Due to its status as a safeguarded employment site it is discounted from the SA (paragraph 4.9, SD7). For this reason, NSC has not sought to allocate housing land at Long Ashton. Moreover, Long Ashton benefits from an adopted Neighbourhood Development Plan.

12. SD9 identifies Yatton as the third most sustainable service village, although it has a red rating in respect of environmental sensitivity given the flood zones, AONB and SSSIs which surround the settlement. The report recognises that there is no improvement to environmental sustainability and given the village's design, there are poor walking/cycling routes and issues with local air quality and congestion. However, despite these concerns, the plan proposes to allocate the following:
 - Land to the east and west of Wemberham Lane: 24 units carried forward from the Replacement Local Plan (no consent);
 - Oxford Plasma (51 units) carried forward from the Replacement Local Plan (not in SA) – see comments above;
 - Land at North End and land off Arnold's Way are both proposed for allocation on the basis of resolutions to grant permission for a total of 370 units.

13. Notwithstanding the extensive allocations proposed at Yatton, the Council proposes a fresh allocation at Moor Lane for 60 additional dwellings. There is no evident justification for further development at Yatton. Indeed the extent of growth planned for Yatton is disproportionate to its role within the settlement hierarchy, effectively elevating the settlement above Portishead and placing it on a par with growth at Nailsea. This approach does not comply with the Core Strategy Vision to deliver thriving service villages through the District; rather it places unnecessary burden on infrastructure and services at Yatton, exacerbating existing problems and taking development away from other service villages which would benefit from growth.

14. Redcliffe Homes acknowledges the extant planning permissions and resolutions to grant on sites within Yatton. However, to create a sound plan, the following sites should be deleted from Policy SA1:
 - a. Land east and west of Wemberham Lane (24 units);
 - b. Oxford Plasma (51 units);
 - c. Moor Lane (60 units).

TOTAL – 135 units

15. In respect of Churchill, the allocation of 219 dwellings at the service village can largely be attributed to the Council's decisions to grant planning permission for schemes at Pudding Lane (15/P/2521/O) for 35 dwellings and 15/P/1414/O for 141 dwellings granted in January 2016 in the context of a five year housing land shortfall. The quantum of development proposed at Churchill is out of step with the Core Strategy Policy CS14 which permits small-scale development at the service villages. Accordingly, it is not reasonable to assume the 141 dwelling scheme would have secured permission in the context of a healthy District-wide housing supply. For this reason, the site should be deleted from Policy SA1 to create a sound plan.

1.3 How does the assessment of the sustainability of service and infill villages relate to the process of assessing the sustainability of potential residential site allocations as set out in SD7?

1. The purpose of SD9 is unclear. Whilst the report is defined as a practical tool to review the relative sustainability of rural settlements to enable a consistent and rigorous approach to the plan-making process, there is little evidence that these findings have informed the SA and in turn the SAP. Paragraph 3.9 of SD7 (SA) suggests a sequential approach to the search for suitable development sites i.e. edge of town then villages, balanced against various criteria. No reference is made within these criteria to the relative sustainability of settlements.

2. For the reasons set out above, Redcliffe Homes has concerns regarding the approach adopted through SD9; as drafted it fails to recognise the need to utilise growth to enhance the sustainability of certain settlements. Accordingly, no allocations are proposed at Wrington, despite the benefits modest growth would bring to sustain existing services and infrastructure, strengthen the local community and improve physical connections into the village centre.
3. Whilst Redcliffe Homes acknowledges the potential benefits of a review of the sustainability of the service and infill villages, this must be based on a thorough and robust approach, underpinned by transparent evidence. The assessment should recognise the benefits of growth for villages with lower levels of sustainability relative to other settlements within the same settlement tier. The Core Strategy does not distinguish between the nine service villages through the provisions of Policy CS14 or CS32; the provisions for new development apply equally to each settlement. Similarly, Policy CS13 attributes a minimum housing target to the 9 settlements as a whole, it does not apportion the housing to particular settlements within the tier.
4. The inclusion of settlements within the Service Village tier infers an inherent sustainability and suitability for appropriate levels of growth, in line with Policy CS32. Whilst in theory a review of the relative sustainability of the settlements is sensible to ensure the capacity of service villages to accommodate further growth, in practice, the availability of land, physical constraints to development, Neighbourhood Plan provisions and an urgent need to boost housing supply have all played a part in skewing the distribution of housing. Moreover, the Council's approach to allocating sites which benefit from planning permission granted in the context of a five year housing land supply shortfall, has resulted in planned growth in relatively unsustainable locations, contrary to the vision and objectives of the Core Strategy e.g. Sandford. Accordingly, SD7 has proved ineffective in distributing housing across the service villages in an equitable and sustainable manner.