

EVIDENCE ON HOUSING NEED AND SUPPLY MATTERS

ON BEHALF OF PERSIMMON HOMES SEVERN VALLEY

Prepared by: NEIL TILEY AssocRTPI

Pegasus Group

Pegasus House | Querns Business Centre | Whitworth Road | Cirencester | Gloucestershire | GL7 1RT

T 01285 641717 | **F** 01285 642348 | **W** www.pegasuspg.co.uk

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester

PLANNING | **DESIGN** | **ENVIRONMENT** | **ECONOMICS**

CONTENTS:

	Page No:
1. INTRODUCTION	1
2. FIVE-YEAR HOUSING LAND SUPPLY	2
3. POLICY CONTEXT	8
4. THE HOUSING REQUIREMENT	10
5. THE APPROACH AND THE BUFFER	12
6. FIVE-YEAR REQUIREMENT	24
7. FIVE-YEAR DELIVERABLE SUPPLY	25
8. IMPLICATIONS OF THE HOUSING WHITE PAPER	71
9. CONCLUSIONS ON HOUSING LAND SUPPLY	72

1. INTRODUCTION

- 1.1 This evidence provides a detailed analysis of the current five-year land supply position in North Somerset with a base date of April 2016. It reflects the detailed evidence provided to the recent S.78 inquiry regarding Land at Farleigh Fields, Backwell (APP/D0121/W/16/31353935). However, it has been updated to take account of the concessions made on behalf of both the Council and the Appellant during the course of the inquiry; the Oldmixon Road appeal decision; and the Council's evidence provided in Appendix 1a to the letter to Inspector Burden of 21st March 2017. It has also been revised to deal with the matters relevant to the examination of the Site Allocations Plan rather than a S.78 inquiry.

2. FIVE-YEAR HOUSING LAND SUPPLY

The Council's current position

- 2.1 The latest five-year land supply assessment of North Somerset Council was published on 19th May 2016 and is entitled 'Residential Land Survey and Five-year Land Supply Paper 2016'. This was then supplemented by evidence published on 9th June 2016 entitled 'Five-year land supply evidence of deliverability'. The Council then produced a trajectory for the Knightcott Road, Banwell appeal (held in September 2016) and has subsequently updated its evidence a number of times during the course of various inquiries (hereafter these documents together are referred to as the "5YLS evidence").
- 2.2 This five-year land supply position was concluded upon by 3 separate Inspectors; at the examination of the consequential changes to the remitted policies of the Core Strategy (Final Report 8th November 2016), and through the Sandford appeal decision (12th October 2016) and the Banwell appeal decision (13th October 2016).
- 2.3 In all cases the respective Inspectors found that a five-year land supply is unable to be demonstrated and this has subsequently been accepted by the Council in:
- the Wentwood Drive appeal (hearing on 8th November 2016; decision released on 2nd December 2016);
 - the Station Road, Nailsea appeal (written representations due 5th December 2016; decision released 20th January 2017);
 - the Bleadon Hill appeal (evidence due 1st November 2016; inquiry 29th November to 15th December 2016; decision released 2nd March 2017); and
 - the Oldmixon Road appeal (evidence due 23rd December 2016; inquiry 17th January to 20th January 2017; decision released 10th April 2017).
- 2.4 This accepted position is recorded in all of these appeal decisions. At the Oldmixon Road inquiry the Council produced evidence in support of a 4.2 year land supply. However, the Council did offer a witness to defend this position. The Inspector concluded on the evidence before him that the evidence of the

Appellant's witness (namely myself) was credible and that accordingly the housing land supply position was likely to be significantly lower.

- 2.5 The Inspectors findings are significant material considerations for the purposes of assessing the five-year land supply position in North Somerset currently.
- 2.6 A five-year land supply shortfall was also advanced to the Planning and Regulatory Committee (to determine applications) at the start of February 2017 and at the start of March 2017.
- 2.7 As a result of these appeal decisions, it would be expected that the Council would continue to accept that they are unable to demonstrate a five-year land supply prior to an updated comprehensive assessment being completed.
- 2.8 However, the Council then changed their position for the Farleigh Fields and the Wrington Lane inquiries which were heard on the weeks commencing 13th and 27th March 2017 respectively (and the evidence was submitted on 14th February for the former). This revised position was advanced for the purposes of these inquiries despite the fact that the Council were still advising the Planning and Regulatory Committee that there was a five-year land supply shortfall. This lack of consistency is a significant concern for the fairness of decision-making in North Somerset.
- 2.9 The revised position is based on a partial assessment and through the application of a 5% buffer (the principles of which are addressed later in this evidence).
- 2.10 The Council identified in correspondence prior to the Farleigh Fields inquiry, that the reason for their changed position on the buffer was "...on the basis of the Core Strategy Inspector's conclusions that there has not been a record of persistent under-delivery".
- 2.11 This change of position was unexpected given that Inspector Bore released his Final Report on 8th November 2016, and the Council had considered this prior to submitting their evidence to the Oldmixon Road appeal and the Station Road appeal. Indeed, within their proofs of evidence to the Oldmixon Road appeal the Council identified that:

"Since receipt of the two appeal decisions the Council have received the Inspector's Report into the Core Strategy remitted policies examination. This report

considers the framework for the land supply position and subsequent calculations. Inspector Bore reached the conclusion that the appropriate methodology was the Sedgefield approach and that the buffer should be 5%. His detailed justification is set out in his report. If the 5% were to be applied to Inspector Pope's detailed findings at the Banwell inquiry this would have the effect of increasing the 4.2 years supply (based on a 20% buffer) to 4.8 years."

"The Council accepts (for the purposes of this inquiry) that it is unable to demonstrate more than a 4.2 year supply. That represents a significant shortfall in the terms of the policy of paragraph 47 of the Framework. It has the result that adopted and draft policies for the supply of land for housing are deemed to be out of date (albeit the weight that may be attached to them is a matter for the decision maker)."

"For the purposes of this inquiry it is also content to proceed on the basis the buffer ought to be set at 20%. It will reserve its right to argue to the contrary (adopting the conclusions of Inspector Bore) on another occasion."

- 2.12 The Council had therefore clearly considered the Final Report of Inspector Bore and had concluded that irrespective of this there was still a record of persistent under-delivery.
- 2.13 The Council previously adopted the position set out in the findings of Inspector Pope on the five-year land supply and this broadly continues to be the case, with the exception of the application of a 5% buffer (as opposed to the 20% identified by Inspector Pope). It is agreed that Inspector Pope's decision is a significant material consideration. However, the Council had previously failed to consider the findings of other Inspectors who have also concluded on the five-year land supply position in North Somerset, which also form significant material considerations. These include the findings of Inspector Richards in the Sandford appeal decision which was published one day before the findings of Inspector Pope; and the findings of Inspector Bore which was published a month after the findings of Inspector Pope. The Council have now adopted one of the findings of Inspector Bore (namely the application of a 5% buffer) but there is no evidence that the Council have considered any of the other findings of Inspector Bore (including the inferred exclusion of Strategic Sites from the deliverable supply) or any of the findings of Inspector Richards. It is necessary to consider all of these other significant material considerations and reach a balanced view on the current housing land supply position in North Somerset.

Inspector Bore's examination of the consequential changes to the remitted policies of the Core Strategy

- 2.14 Inspector Bore acknowledged at the start of his questions that he did **"...not want to replicate a detailed S78 type discussion on the subject"** of five-year land supply. Therefore, the Inspector was not provided with the necessary information and has not undertaken a detailed examination of the housing land supply position but has instead dealt only with some of the relevant principles.
- 2.15 Inspector Bore identified (as set out in the introduction to his questions) that the five-year housing land supply position was relevant to the consequential changes only insofar as to whether the remitted policies would be **"...capable of allowing for the early delivery of sites sufficient to ensure an ongoing five year supply."** Repeatedly throughout the hearings, participants identified the optimism of the Council's delivery assumptions and the Inspector identified that even on the evidence before him (which was very partial) the Council were **"sailing very close to the wind"** in terms of housing land supply and that as a result the remitted policies needed to be revised to provide sufficient flexibility to ensure that a five-year land supply will (rather than can) be able to be demonstrated.
- 2.16 The examination hearing sessions closed on 23rd June 2016. The Inspector identified that the remitted policies were not sound but that they were capable of being made sound through main modifications. The Council have now consulted upon such modifications and the Inspector's final report was issued on 8th November 2016 with the consequential changes being adopted as recently as January 2017. The report infers that a five-year land supply is unable to be demonstrated (in paragraph 23) and draws conclusions on some of the principles associated with the five-year land supply.

Subsequent S78 appeals

- 2.17 Since, the close of the hearing sessions there have been three S78 inquiries which have debated the five-year land supply position presented in the "5YLS evidence" and concluded on this matter. There are also a number of other appeals which have yet to be determined or at which it was agreed that the Council were unable to demonstrate a five-year land supply.

- 2.18 In all of these cases the appeal decisions (where these have been delivered) have identified that the Council is unable to demonstrate a five-year land supply. This is the latest tested position and so the starting point must be that a five-year land supply is unable to be demonstrated, although the extent of the shortfall has still not been properly identified. However, it appears that the Council now intend to defer from this despite the absence of any material change of circumstance that justifies this change of position.
- 2.19 It should also be noted that I was the housing land supply witness at the Sandford inquiry, the Oldmixon Road inquiry, and the undetermined Farleigh Fields inquiry and that this evidence is consistent (albeit updated) with that presented at those inquiries. The Inspector will therefore be in receipt of the same evidence as Inspector Richards at the Sandford inquiry, Inspector Rose at the Oldmixon Road inquiry, and Inspector Davies at the Farleigh Fields inquiry, subject to any new evidence provided by the Council.

The need to assess the extent of the shortfall

- 2.20 Inspector Pope, Inspector Bore, Inspector Richards and Inspector Rose did not conclude on all matters relevant to the supply of housing and/or reach seemingly contrary conclusions on some of the issues. It is therefore necessary to consider the findings of each of these Inspectors and to re-assess the current five-year land supply position in this context to determine the extent of the shortfall.
- 2.21 It is necessary to establish whether or not a five-year land supply is able to be demonstrated as this has may have implications for the soundness of the Site Allocations Plan. It is also necessary to determine the extent of any shortfall as this is relevant to the need to identify additional allocations (or other sources of supply) to restore a five-year land supply.
- 2.22 A similar point has been established in a number of legal judgments in relation to the relevance of the extent of the shortfall to the determination of applications, rather than the need for additional allocations, but the same principle must apply. These judgments include:

The High Court Judgment of Mr Justice Lindblom regarding the case between Phides Estates (Overseas) Limited and Secretary of State for Communities and Local Government and Shepway District Council and David Plumstead; Neutral Citation Number [2015] EWHC 827 (Admin), which states in paragraph 60:

“Naturally, the weight given to a proposal’s benefit in increasing the supply of housing will vary from case to case. It will depend, for example, on the extent of the shortfall, how long the deficit is likely to persist, what steps the authority could readily take to reduce it, and how much of it the development would meet. So the decision-maker must establish not only whether there is a shortfall but also how big it is, and how significant.”
(my emphasis)

The Court of Appeal Judgment of Lord Justice Jackson, Lord Justice Vos and Lord Justice Lindblom regarding the case between Richborough Estates Partnership LLP and Cheshire East Borough Council and Secretary of State for Communities and Local Government; Neutral Citation Number [2016] EWCA Civ 168, which states in paragraph 47:

“The weight to be given to such policies is not dictated by government policy in the NPPF. Nor is it, nor could it be, fixed by the court. It will vary according to the circumstances, including, for example, the extent to which relevant policies fall short of providing for the five-year supply of housing land, the action being taken by the local planning authority to address it, or the particular purpose of a restrictive policy – such as the protection of a “green wedge” or of a gap between settlements.” (my emphasis)

The High Court Judgment of Mrs Justice Lang regarding the case between Shropshire Council and Secretary of State for Communities and Local Government and BDW Trading Limited; Neutral Citation Number [2016] EWHC 2733 (Admin), which states in paragraph 47:

“I also accept the Claimant’s submission that, in a case where housing needs and supply are in play, the extent of any shortfall in housing supply may well be relevant to the balancing exercise required under NPPF 14.” (my emphasis)

3. POLICY CONTEXT

National Planning Policy Framework (NPPF)

- 3.1 The Government's imperative to boost significantly the supply of housing is set out clearly in paragraph 47 of the NPPF, which requires local planning authorities to:

"Use their evidence to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market areas, as far as is consistent with the policies set out in this Framework...;

Identify and update annually a supply of specific deliverable sites sufficient to provide five-years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;...

For market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period..."

- 3.2 Footnote 11 requires that:

"To be considered deliverable, sites should 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 and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five-years, for example, they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans."

- 3.3 Paragraph 48 goes on to identify that:

"Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply."

- 3.4 Paragraph 49 concludes that:

“...Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

- 3.5 It is therefore incumbent upon local planning authorities to demonstrate a five-year land supply, including the publication of a housing trajectory.

National Planning Policy Guidance (NPPG)

- 3.6 The NPPG provides a wealth of guidance on the calculation of the five-year land supply. Reference is made to this throughout this evidence where appropriate.

4. THE HOUSING REQUIREMENT

- 4.1 The adopted Core Strategy contains a housing requirement for **a minimum of 20,985** dwellings over the period 2006-2026 in Policy CS13, or 1,049 per annum (rounded down). This requirement was examined in isolation following the successful High Court challenge to the Core Strategy.
- 4.2 Inspector Punshon, who examined the revised housing requirement sets out repeatedly in his Final Report that this housing requirement is not NPPF-compliant (see paragraphs 34, 36, 40, 42 and 43) as it is not based on an NPPF-compliant SHMA. Indeed, in paragraph 40 Inspector Punshon identifies that the housing requirement is a “stepping-stone” in advance of an NPPF-compliant plan and that an early review is required to achieve this. The weight to be afforded to policies is dependent upon their consistency with the NPPF (as set out in paragraph 215 of the NPPF) and so the weight afforded to the housing requirement must necessarily be reduced.
- 4.3 In paragraph 59, Inspector Punshon accepts that this housing requirement is likely to be lower than it should be, but that this will not be resolved until the joint Strategic Housing Market Assessment (SHMA) is produced.
- 4.4 This SHMA for the Wider Bristol Housing Market Area (HMA) is now available and was published in July 2015 and it has since been updated in the West of England Housing Target paper (September 2016). The latter paper identifies an objectively assessed need of 102,200 homes across the West of England from 2016 to 2036 (or 5,110 per annum). The figures identified within these papers are subject to considerable levels of objection, including from the Persimmon Homes, as they significantly under-estimate the objectively assessed need. These have also yet to be progressed or examined through the Joint Spatial Plan and accordingly the weight to be afforded is limited. Nevertheless, even with these objections the papers still identify a significantly greater housing need than is currently being provided for.
- 4.5 The Core Strategies of the constituent authorities (Bristol, Bath & NE Somerset, North Somerset and South Gloucestershire) currently propose to deliver only 4,440 homes per annum. These adopted housing requirements (including that identified within Policy CS13 of the North Somerset Core Strategy) are therefore now demonstrably lower than the objectively assessed need which currently

prevails, and there is a need to significantly boost housing supply above the adopted housing requirements in order to meet the identified objectively assessed need. Added to which, these are Core Strategy targets only and the Site Allocations DPDs to accommodate these dwellings have still not yet been adopted which has compromised the delivery of the constrained housing requirements to date.

- 4.6 In summary, the adopted housing requirement was acknowledged as not representing the objectively assessed need and there is now evidence which demonstrates that this falls some way short of the objectively assessed need which currently prevails.
- 4.7 Nevertheless, the Site Allocations Plan is a daughter document and so it is appropriate that it addresses the adopted housing requirement in the parent Core Strategy. This provides the appropriate basis for assessing the five-year housing land supply for the purposes of the examination. However, it is a material consideration that this housing requirement does not represent the objectively assessed need and so the five-year land supply will be lower against the objectively assessed need.

5. THE APPROACH AND THE BUFFER

5.1 The Core Strategy housing requirement is for a minimum of 20,985 dwellings over the 20-year period 2006-26, which equates to an average of 1,049.25 per annum. The base five-year housing requirement excluding any backlog or buffer is therefore for 5,246 dwellings (=1,049.25x5).

The Backlog

5.2 Over the plan period to date (2006-16) there has been a requirement to deliver 10,492.5 dwellings based on the annualised housing requirement (unrounded). However, over this period only 7,995 dwellings have been completed, or an average of 800 per annum (rounded) resulting in a backlog of 2,498 dwellings (rounded) at present.

5.3 The backlog is presented in Table 5.1.

Table 5.1 – Record of delivery against the Core Strategy housing requirement

Year	Housing Completions	Annualised Requirement	Difference
2006/07	1,132	1,049	83
2007/08	1,474	1,049	425
2008/09	935	1,049	-114
2009/10	772	1,049	-277
2010/11	637	1,049	-412
2011/12	515	1,049	-534
2012/13	527	1,049	-522
2013/14	760	1,049	-289
2014/15	674	1,049	-375
2015/16	569	1,049	-480
Total 2006-16	7,995	10,493	-2,498

5.4 This backlog of 2,498 dwellings needs to be addressed in order that the housing requirement of the Core Strategy (which itself underestimates the objectively assessed need) is achieved.

The Approach to dealing with the Backlog

5.5 The NPPG (3-035) requires that:

“Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. Where this cannot be met in the first 5 years, local planning authorities will need to work with neighbouring authorities under the ‘Duty to Cooperate’.
(my emphasis)

5.6 The Sedgfield approach has been designed to achieve this and ensures that any shortfall is made up within 5 years.

5.7 In North Somerset, the Council consider that a five-year land supply is able to be demonstrated using the Sedgfield approach and so it is clearly not the case of the Council that it is not possible to adopt the Sedgfield approach. Even if the Council were currently unable to demonstrate a five-year land supply using the Sedgfield approach, this would not mean that it was not possible. Instead, national guidance would require that additional sources of supply should be identified (where sustainable) to make it possible to identify a sufficient supply to meet housing needs using the Sedgfield approach. Furthermore, even if it were the case that it was necessary to adopt an alternative approach, the NPPG identifies that the first course of action is to work with neighbouring authorities to meet the unmet needs. This has not been undertaken in North Somerset and so it is necessary to apply the Sedgfield approach in this local planning authority.

5.8 Furthermore, in the case of North Somerset, Inspector Punshon has concluded that there are no arguments to justify an alternative approach in paragraph 60 of his final report. The Council sought to challenge this in a letter to the Secretary of State and in the response the Secretary of State confirmed that he was “satisfied that the Inspector’s recommendations, set out in his report of 11 March 2015, apply and reflect national policy correctly.” This places an even greater onus on the use of the Sedgfield approach in North Somerset.

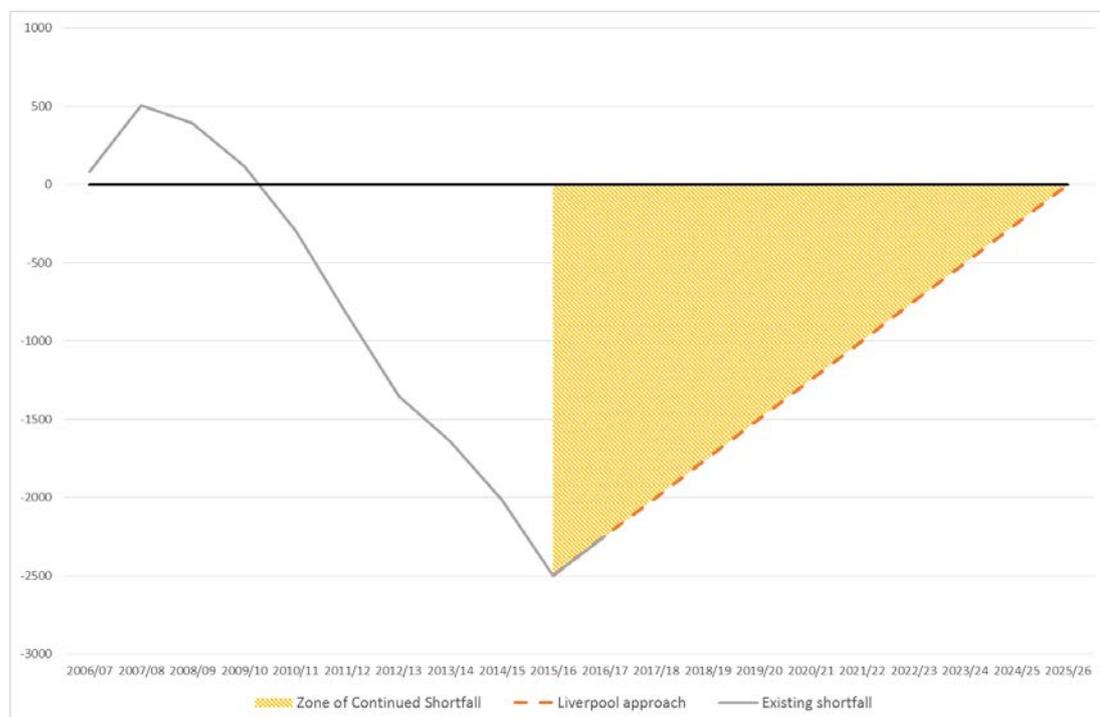
5.9 The Sedgfield approach has been recognised as the correct approach in the vast majority of appeal decisions nationally, particularly since the publication of the NPPG which has confirmed its use. By way of example, in paragraph 497 of the Shottery appeal decision in Stratford-on-Avon (APP/J3720/A/11/2163206) the Inspector is clear that the backlog should be added to the five-year requirement

on the basis that the emphasis in the NPPF is to boost significantly the supply of housing and this implies dealing expeditiously with a backlog. The Inspector's report was subsequently described as exemplary by Mr Justice Hickinbottom in the High Court.

5.10 The Sedgefield approach has also been supported by Inspector Bore in his Final Report on the remaining remitted policies of the North Somerset Core Strategy and has been accepted by the Council in the Sandford, Banwell, Wentwood Drive, Station Road, Bleadon Hill, Oldmixon Road, Farleigh Fields and Wrington Lane appeals. It has also been upheld by all of the appeal decisions which have concluded on this matter.

5.11 Based on all of the above it is clear that the Sedgefield approach is the correct approach to use, as agreed by the Council. Indeed, under the alternative Liverpool approach (as set out in Figure 5.1) which is contrary to national guidance, there would be a housing supply shortfall in every year through the remainder of the plan period, with significant adverse effects on the accessibility of the housing market and the social harm which arises from this.

Figure 5.1 – Liverpool approach



The Buffer

5.12 There are three key determinants of the record of delivery namely:

- The appropriate time period against which to assess the record of delivery;
- The appropriate requirement/need against which to assess the record of delivery; and
- The measure of what constitutes a persistent record of under-delivery.

5.13 Inspector Pope identified that it was appropriate to assess delivery over the previous 10 years as this represents a housing market cycle with peaks and troughs. The Council agreed with this approach at the Farleigh Fields inquiry.

5.14 For the purposes of determining the record of delivery, this needs to be assessed against a housing requirement/need figure. In paragraph 57 of Inspector Punshon's final report he identifies that it is inappropriate to use the adopted housing requirement (of 1,049 dwellings per annum) as he recognises that this may under-estimate the true needs. Indeed, at the end of paragraph 57, Inspector Punshon suggests that the Council should consider the figure that arises from the Joint SHMA when assessing the record of delivery.

5.15 This is consistent with paragraph 47 of the judgment of the High Court in *Cotswold DC v SoS for Communities & Local Government & Others* [2013] EWHC 3719 (Admin) where it is identified that "...the requirement is that there has been a record of persistent under delivery of housing (not a failure to meet the targets set out in the Structure Plan)." It is therefore necessary to determine what the objectively assessed need is in order to assess the record of delivery.

5.16 The clear distinction between the identification of under delivery of housing relative to need as opposed to the narrower approach of only making an assessment against targets set out in relevant plans, accords with Mr Justice Lewis' reference earlier in his judgment about the context in which local planning authorities should seek to boost significantly the supply of housing. In this respect it is important that regard is also had to the extent of actual need over a relevant period as part of an assessment as to whether there is a persistent under supply of housing. It is therefore necessary to assess the record of delivery against the objectively assessed need.

5.17 Whilst the new SHMA has now been produced it does not provide the objectively assessed need for North Somerset in isolation and it also only assesses the period from 2016. As a result, the only conclusions that can be drawn are that the objectively assessed need will be greater than the adopted housing requirement for each authority currently; that the true objectively assessed need prior to 2016 is entirely unknown; and therefore the extent of any under delivery relative to needs cannot be accurately assessed. The absence of robust and detailed evidence therefore prevents a fair consideration of the five-year land supply position in North Somerset.

5.18 Nevertheless, in the absence of the required objectively assessed need, I assess the under delivery against the adopted housing requirement in order to be comprehensive, although it must be acknowledged that this will significantly under-estimate the true under delivery. The “5YLS evidence” identifies the record of delivery and this is summarised in Table 5.2 below.

Table 5.2 – Record of delivery

Year	Housing Completions	Core Strategy housing requirement	
		Annualised Requirement	Difference
2006/07	1,132	1,049	83
2007/08	1,474	1,049	425
2008/09	935	1,049	-114
2009/10	772	1,049	-277
2010/11	637	1,049	-412
Total 2006-11	4,950	5,246	-296
2011/12	515	1,049	-534
2012/13	527	1,049	-522
2013/14	760	1,049	-289
2014/15	674	1,049	-375
2015/16	569	1,049	-480
Total 2011-16	3,045	5,246	-2,201
Total 2006-16	7,995	10,493	-2,498

5.19 Inspector Punshon identified in paragraph 61 of his final report that there was no substantial under delivery during the period 2006-2011 against the housing

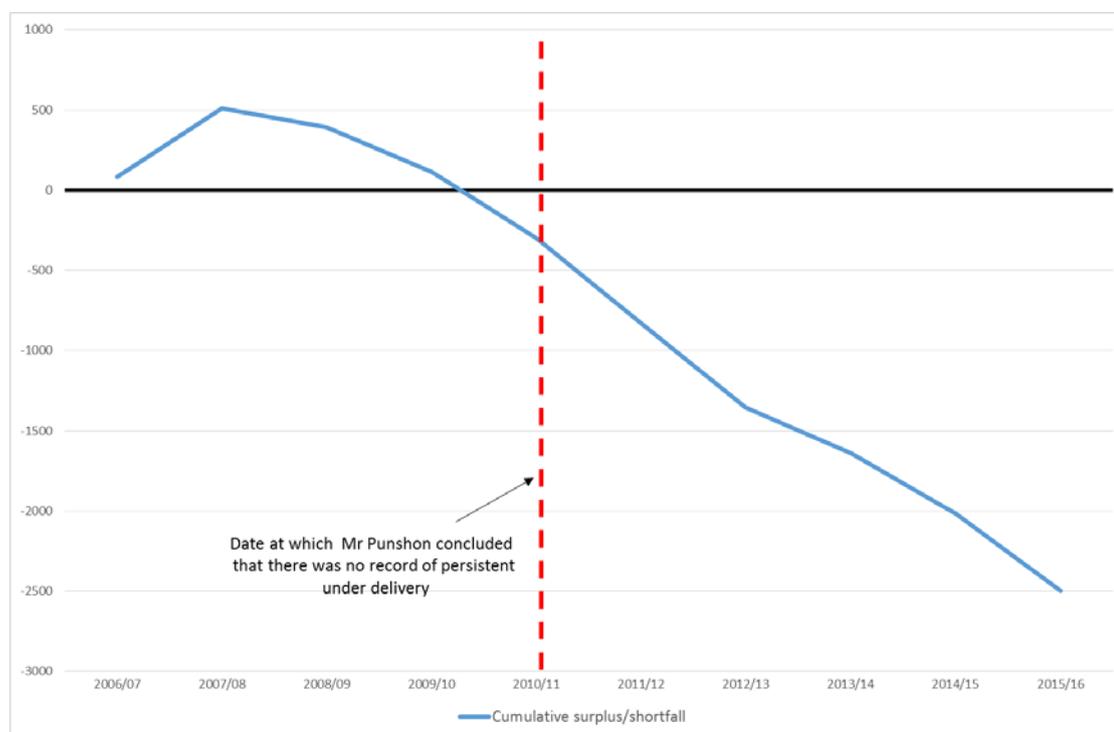
requirement and this is supported by the evidence in Table 6.2 above which identifies that at this time the annualised requirement had been met in 2 of 5 years. However, since this time there have been very significant and persistent levels of under-delivery.

- 5.20 In 2015/16 only 569 dwellings were completed against the adopted requirement of 1,049 which results in the annualised housing requirement having not been met in the last 8 consecutive years. This is the third lowest number of completions across the Core Strategy plan period to date, against a background where under delivery is the norm in North Somerset. This is despite the fact that housing delivery has increased nationally, the economic recovery is continuing and the Council identify that they are making progress on addressing the shortfall. The Council also accept that the housing requirement will not be met in 2016/17 resulting in 9 consecutive years of under-delivery. By any rational judgement 8 or 9 years of consecutive under-delivery must be defined as persistent.
- 5.21 In total, 7,995 dwellings have been completed across the plan period against a cumulative requirement for 10,493 (rounded), equating to a backlog of 2,498 (rounded) dwellings. To present this in another way, only 76% of the adopted housing requirement, which doesn't represent the objectively assessed need, has been delivered.
- 5.22 The necessary consequence of this is that housing needs are not being met and that there is an imperative to boost supply in North Somerset. The application of a 20% buffer is now even more essential to facilitate the much-needed levels of delivery and to provide a choice of sites for the market.
- 5.23 The record of delivery and the cumulative under delivery are presented in Figures 5.2 and 5.3.

Figure 5.2 – Record of delivery



Figure 5.3 - Cumulative under delivery against housing requirement



5.24 Figures 5.2 and 5.3 demonstrate that there is a significant and increasing under delivery against the adopted housing requirement, which as identified does not represent the objectively assessed need (in line with the conclusions of Inspector Punshon) and will underestimate the actual shortfall.

5.25 Similar arguments were presented to Inspector Richards and Inspector Pope at the Sandford and Banwell inquiries, and both concluded that in accordance with the Cotswold High Court Judgment there is a persistent record of under delivery. Indeed, Inspector Richards identified that:

“...it is difficult to avoid the conclusion that this represents persistent under delivery and that a buffer of 20% is applicable.”

5.26 However, the Council assess housing delivery in the “5YLS evidence” against the North Somerset Replacement Local Plan (2007) target of 14,900 dwellings 1996-2011 (an annualised rate of 993 dwellings per annum). They also assess delivery against the Core Strategy dwelling requirement of 700 per annum, as originally adopted in 2012.

- 5.27 Dealing with the last of these points, the requirement figure of 700 dwellings per annum has been found to be unlawful by the High Court and as such an assessment of the delivery of housing against such a figure should play no part whatsoever in determining the appropriate buffer to be applied as it does not and never did reflect the housing needs.
- 5.28 With regard to the Local Plan target of 993 dwellings per annum, this is now replaced by the adopted Core Strategy requirement for a minimum of 1,049 dwellings per annum over the plan period 2006-2026. It is acknowledged in Inspector Punshon's report that the Core Strategy housing requirement is likely to under-estimate the objectively assessed need, and so the Local Plan target (which was not prepared in the context of the NPPF) clearly cannot represent the objectively assessed need.
- 5.29 Both of these requirements are historic and do not reflect the actual housing needs which existed and so the use of these figures would be contrary to the Cotswold High Court Judgment (as well as the findings of Inspector Richards and Inspector Pope).
- 5.30 Regardless of this, given that there have been 7,995 completions over the last 10 years and that the housing requirement (according to the adopted Core Strategy) was for 10,493 homes; or using a combination of the old Local Plan housing requirement to 2011 and the Core Strategy from then on there would have been a housing requirement for 10,211 homes, there is a very significant shortfall against any lawfully adopted housing requirement.
- 5.31 There are also a number of indications as to how a record of persistent under delivery should be determined. The Local Plans Expert Group suggested that if there was under delivery in 65% or more of years then this would equate to a record of persistent under-delivery. In North Somerset, there has been under-delivery in 80% of years using either the Core Strategy requirement or a combination of the Local Plan and Core Strategy requirements. This measure has not been taken forward in the Housing White Paper but provides the definition of a group of independent experts.
- 5.32 The Housing White Paper suggests that where delivery has been less than 85% of the requirement over the last 3 years then this would necessitate the application

of a 20% buffer. In North Somerset, delivery has been only 64% of the housing requirement.

- 5.33 Therefore, across the agreed period and using any lawfully adopted housing requirement (which themselves underestimate the objectively assessed needs) and using any measure, there is a record of persistent under delivery in North Somerset. By any measure, this therefore necessitates the application of a 20% buffer.
- 5.34 However, the record of delivery relative to previous housing requirements which were unlawful and which did not represent the objectively assessed need were presented to Inspector Bore by the Council during the examination of the consequential changes to the remitted policies of the Core Strategy. Pegasus Group did not however provide the preceding lawful and NPPF compliant analysis to Inspector Bore because he had not identified the appropriate buffer as a matter for submissions prior to, or during, the examination. Furthermore, Inspector Bore did not entertain any discussion on this matter throughout the hearing sessions having already concluded in his questions that a 5% buffer was appropriate.
- 5.35 Based on the Council's analysis alone, Inspector Bore drew attention to the Cotswold High Court Judgment but concluded in his final report "...a buffer of 5% is appropriate" on the basis of assessing the record of delivery against historic and unlawful housing requirements.
- 5.36 However, the Inspectors at both the Sandford and Banwell inquiries have had the benefit of detailed discussions on the appropriate buffer including the implications of the Cotswold High Court Judgment and have agreed that the record of delivery should be assessed against the adopted housing requirement which better reflects the objectively assessed need (although still significantly underestimates this). In both these inquiries, the respective Inspectors have concluded that there is a persistent record of under-delivery and a 20% buffer is required. If Inspector Bore had benefitted from the same detailed discussions I consider that he too would have concluded that a 20% buffer was required.
- 5.37 Furthermore, a 20% buffer has been supported in a wealth of appeal decisions nationally where the record of delivery has been better than, or similar to, that in

North Somerset as identified in Table 5.3. To ensure consistency of approach it is contended that the application of a 20% buffer is appropriate for North Somerset.

Table 5.3 – Examples of the application of a 20% buffer

Appeal	% of requirement achieved	Number of years of under delivery	Number of years of consecutive under delivery	Backlog	Buffer applied
Land opposite the Garage, Welshampton, Ellesmere, Shropshire (APP/L3245/W/15/3033490)				-2,010	20%
Hill Lane, Blackrod, Bolton (APP/N4205/W/15/3136446)		8 of 12	6		20%
Land at Fairfield Road, Framlingham, Suffolk (APP/J3530/W/15/3011466)		5 of 5	5	-873	20%
Land south of Tilden Gill Road, Tenterden, Kent (APP/E2205/W/15/3032575)	65%			-4,000	20%
35 Frensham Vale, Lower Bourne, Farnham (APP/R3650/W/15/3008821)			7	-1,000	20%
Land north of Haygate Road, Wellington, Shropshire (APP/C3240/W/15/3025042)		5 of 9	0	-3,084	20%
Uffculme Road, Uffculme, Devon (APP/Y1138/W/15/3025120)		15 of 20			20%
This appeal	76%	8 of 10	8	-2,488	?

5.38 By any definition, it is clear that there is a record of persistent under-delivery, but that Inspector Bore reached a different conclusion on the basis of partial evidence which was not subject to any discussion.

5.39 The Council had accepted this throughout the previous 4 appeals which dealt with housing land supply (Wentwood Drive, Bleadon Hill, Station Road and Oldmixon Road) but have now inexplicably retracted from this position for the purposes of the Farleigh Fields and Wrington Lane appeals on the basis of the findings of Inspector Bore. This change of position, based on the findings of one Inspector who was not in receipt of all the relevant evidence, demonstrates an unreasonable and inconsistent approach and a failure to consider all material

considerations. This selective approach outlines the fragility of the Council's position as if they were to have regard to any of the other findings of Inspectors this would result in the Council being unable to demonstrate a five-year land supply.

6. FIVE-YEAR REQUIREMENT

- 6.1 Based on all the preceding analysis it is clear that; the adopted housing requirement does not form an NPPF-compliant housing requirement; and the latest evidence indicates that this is not sufficient to meet the objectively assessed need. Nevertheless, the Inspector is tasked with assessing the five-year land supply in the context of the adopted housing requirement. However, it must be recognised that this will significantly overestimate the true five-year land supply position against the objectively assessed needs.
- 6.2 As identified in the preceding analysis, the five-year land supply position must be calculated using the Sedgefield approach and with the application of a 20% buffer, as a matter of principle but also to account for the housing requirement being too low. The resultant five-year housing requirement is presented in Table 6.1.

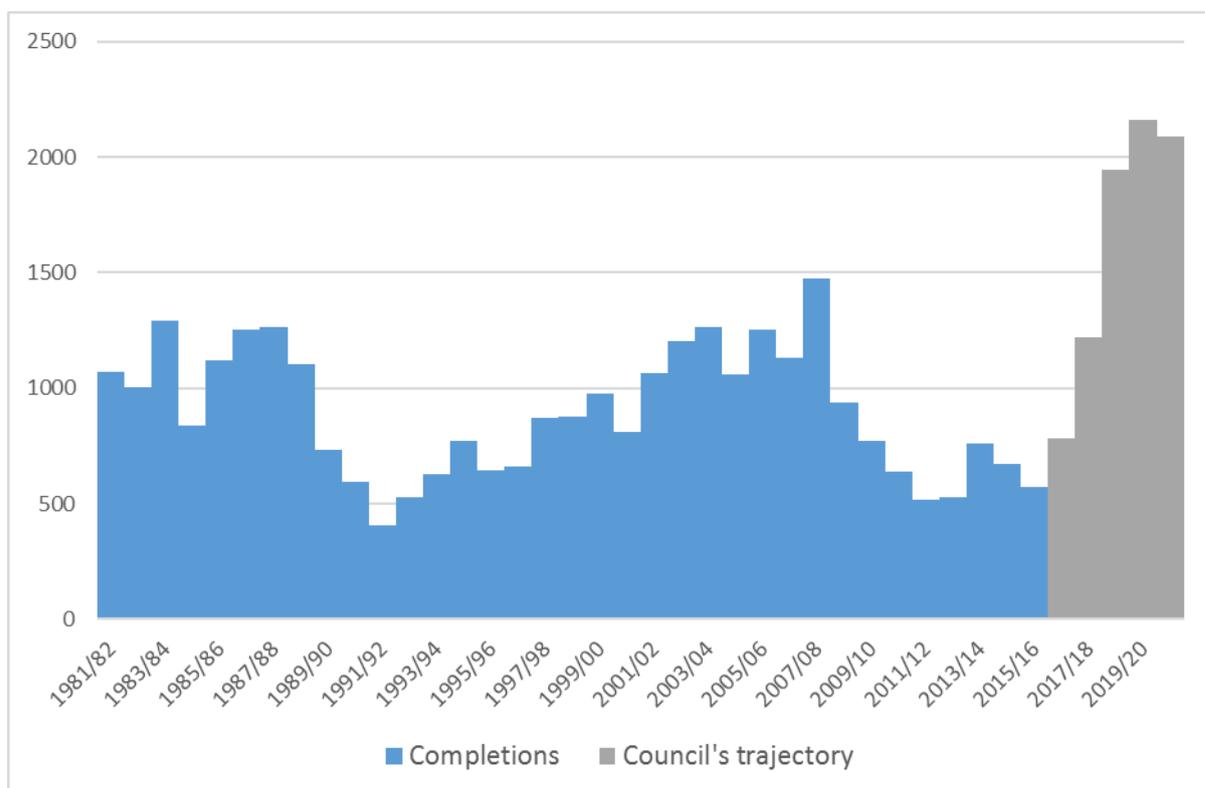
Table 6.1 – Five-year housing requirement

		20% buffer
A	Core Strategy Requirement 2006-2026	20,985
B	Completions 2006-2016	7,995
C	Requirement 2006-2016	10,493
D	Shortfall 2006-2016 (=C-B)	2,498
E	Annualised requirement for 5 years (=A/20x5)	5,246
F	Total five-year requirement excluding buffer (=D+E)	7,744
G	Total five-year requirement including buffer (=Fx1.05 or Fx1.2)	9,293

7. FIVE-YEAR DELIVERABLE SUPPLY

- 7.1 The components of and contribution to the deliverable supply are presented in the Council's "5YLS evidence".
- 7.2 The Council's "5YLS evidence" claims a supply of 8,327 dwellings in the five-year period 2016-2021, although the Council were arguing for an additional large site windfall allowance at the Sandford inquiry (resulting in an alleged deliverable supply of 8,827). The Council had adjusted their position during the course of the subsequent appeals and by the close of the Farleigh Fields inquiry had accepted a deliverable supply of 8,217 dwellings. In the letter to the Inspector of 21st March 2017, the Council had again revised this to 8,198 dwellings.
- 7.3 In order to assess the realism of these estimates it is useful to consider the housing trajectory of the Council as presented in Figure 7.1.

Figure 7.1: The Housing Trajectory

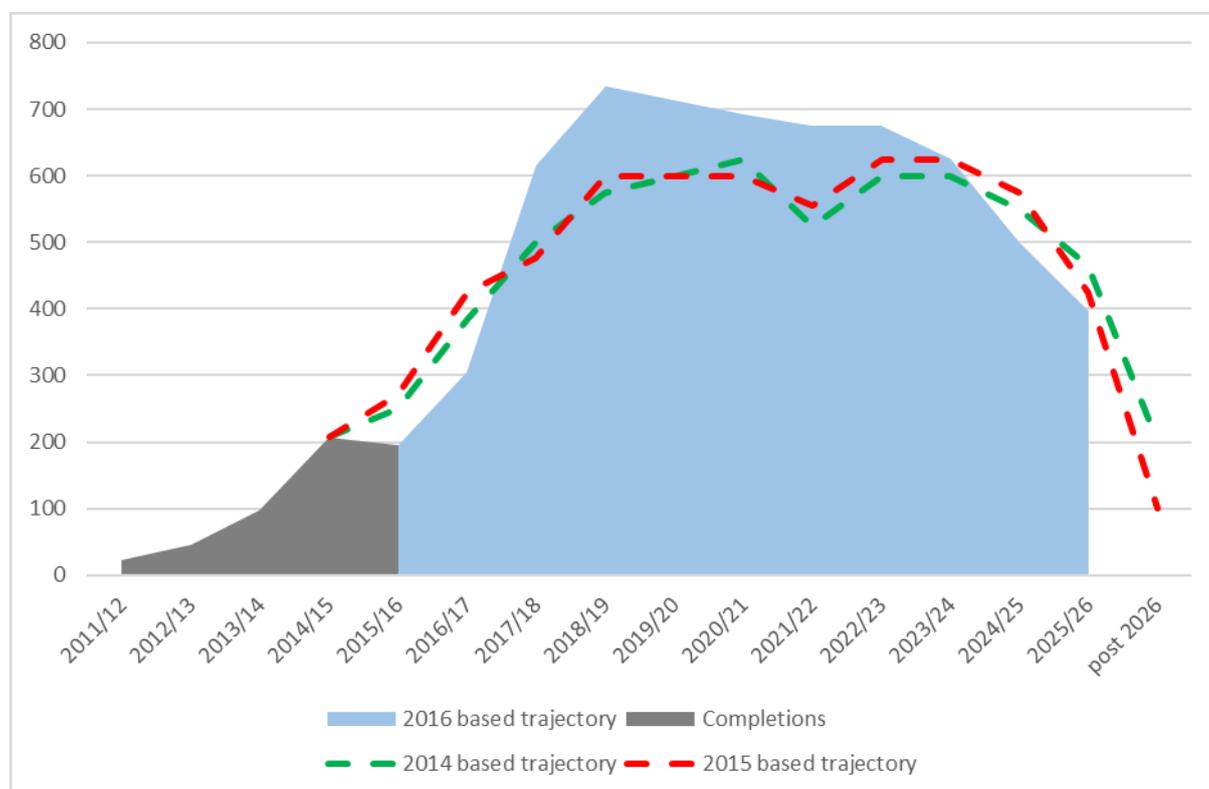


- 7.4 Figure 7.1 clearly demonstrates that the Council assume a level of delivery significantly in excess of that achieved in at least the last 35 years. The current position of the Council would require that on average over the next five-years,

the number of completions is 288% of that achieved in 2015/16 or 269% of that achieved over the previous five years or 205% of that achieved over the plan period to date. This compares to the greatest national increase in housing supply in recorded history which saw a 19% increase in supply from one decade to the next. This was achieved in the post-war period with unprecedented levels of public investment.

- 7.5 This significant uplift will be a challenge to deliver, and in the short-term it is highly unlikely that this will be achieved. As such, sustainable sites which can complement the existing supply should be supported as allocations in order that a five-year land supply is restored in the medium term. The Council have identified some additional sites through the Site Allocations Plan but it will be necessary to increase the current number of sites to support the restoration of a five-year land supply in the longer term by providing choice and competition to the market, in the form of a range of different sized sites in different locations.
- 7.6 It would have been useful to consider the Council's previous trajectories to assess how robust these have been. However, the Council have not previously produced trajectories (contrary to paragraph 47 of the NPPF) which means that the accuracy of previous assessments is difficult to assess.
- 7.7 Nevertheless, some partial information is available and from this some assessment of the robustness of the Council's assessments can be undertaken (although it would be far preferable if the necessary information was available).
- 7.8 The 2014 and 2015 statements assumed broadly consistent rates of delivery for the Weston Villages urban extension (as presented in Figure 7.2) which form a significant element of the supply. These delivery rates were a component of the over-optimistic assessment and were in themselves overly optimistic as demonstrated by the fact that the 2015 statement assumed the Weston Villages extension would deliver 272 dwellings in 2015/16 when in fact only 195 were delivered. However, the "5YLS evidence" from 2016 now suggests a much higher rate of delivery despite these delays. The inevitable conclusion is that the "5YLS evidence" is likely to have exaggerated the potential supply to an even greater extent than previous assessments which have been proven to be so aspirational as to be wholly unrealistic.

Figure 7.2 – Recent Weston Villages trajectories



7.9 It is clear from Figure 7.2 that although the previous trajectories have never been achieved (i.e. the grey area is below both the green and red lines), that the Council now assume that the delivery rate of Weston Villages will increase beyond that previously assumed (i.e. the blue area is above the green and red lines); and that the Council now assume that the development of Weston Villages will be complete within the plan period (i.e. there is no blue area post-2026). This completely ignores previous performance. The Council persist with this wholly unrealistic assessment despite the reduction of 300 units from the deliverable supply as identified by Inspector Pope. Indeed, as the Council have previously struggled to predict the delivery from sites which are already under development (such as Weston Villages) the weight to be afforded to their assumptions in regards to sites which have yet to commence delivery must be reduced.

7.10 Even if it is considered that the adopted housing requirement and the information provided by the Council (with the trajectory and deliverability assessment being absent) are sufficient to undertake a five-year land supply assessment, all the preceding analysis demonstrates how unrealistic the delivery assumptions of the

Council are. Even with these unrealistic assumptions and the constrained housing requirement, the Council are still (using their own figures) unable to demonstrate a five-year land supply once the correct 20% buffer is applied. On this basis alone it is clear that the shortfall will be significant with a robust assessment. However, I continue to consider each element of the five-year land supply as I recognise that the Inspector is obliged to identify a specific figure for the five-year land supply position in North Somerset to make a judgement on the extent of additional allocations. Such a conclusion would also benefit the Council as it would provide certainty on the extent of the shortfall to be made up.

7.11 I therefore now consider the individual components of the deliverable supply identified by the Council as far as I am able, given the information provided by the Council.

7.12 It is firstly useful to establish the average (median) time taken for the progression of an application through to the first completions. I have therefore examined the time taken for the progression of each application identified in the “5YLS evidence” and this is summarised in Table 7.2. The information used to inform this assessment has been taken from the Council’s website in relation to each planning application.

7.13 The median figures assume the most optimistic timescale for the first completions being achieved, such that if completions had not been achieved by 31st March 2016 then it is assumed that these will have been achieved on 1st April 2016. This will therefore significantly underestimate the actual time taken to achieve the first completions.

Table 7.2 – Timescales for progressing an application

	Median (in weeks)	Median (in years)
Validation of an outline application to first completions	At least 284.2	At least 5.5
Outline application determination to first completions	At least 190.8	At least 3.7
Validation of reserved matters to first completions	At least 120.1	At least 2.3
Determination of reserved matters to first completions	At least 96.6	At least 1.9

	Median (in weeks)	Median (in years)
Validation of a full application to first completions	At least 116	At least 2.2
Full application determination to first completions	At least 88.7	At least 1.7

7.14 From Table 7.2 it can be calculated that an outline application would be expected to take on average 284.2 weeks from the date of validation until the first completions are achieved, or 5.5 years. From the determination of an outline application to the first completions, it would take on average 190.8 weeks or 3.7 years. I will draw upon these figures to assess the realism of the delivery of individual sites.

7.15 A report into the Delivery of Urban Extensions, prepared by Hourigan Connolly identifies on page 62 that it takes circa 7 years from the submission of an outline application to the first completions being achieved on allocated urban extensions. Whilst this relates to a very specific number of sites, it does indicate that the average lead-in times experienced in North Somerset are not unusual.

7.16 Similarly, the recent report from Nathaniel Lichfield and Partners entitled Start to Finish identifies that on average the planning process for large sites takes 5 years.

7.17 It should be noted that the subsequent deliverability assessment accords with footnote 11 of the NPPF which identifies that:

“To be considered deliverable, sites should 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-year and in particular that development of the site is viable.”

7.18 The assessment also accords with the NPPG which articulates the suitability, availability and achievability tests for a site to be considered deliverable.

Small sites with consent (up to 9 net units gain)

7.19 The Council apply a 9% lapse rate for small consented sites. This seems overly optimistic based on my experience of housing delivery elsewhere.

- 7.20 The Council have miscalculated the lapse rate, although they do not accept this. A correct calculation would result in a lapse rate of circa 24% on small sites whereas the Council identify a lapse rate of circa 8% (although then maintain the 9% rate).
- 7.21 Inspector Bore did not need to resolve this matter as he was only interested in the need for greater flexibility within policies and the lapse rate makes only a minimal difference at a strategic level. Nevertheless, he does identify in his final report that both figures (the 9% and 24%) are based on data over a short period which will be subject to fluctuations.
- 7.22 I agree with these findings, namely that a longer period would have provided greater certainty to the calculation of a lapse rate, but no other figures have been made available by the Council to enable this. The figures presented identify that the lapse rate varies from a minimum of 23.0% to a maximum of 28.5% and it may well vary beyond this range over a longer period. Nevertheless, I can only work based on the evidence before me and so I utilise these figures although acknowledge that these may be subject to variation.
- 7.23 Inspector Pope considered a similar argument in the Banwell appeal. The evidence presented to Inspector Pope at the Banwell inquiry consisted of a vague allusion to a 24% lapse rate, based on a simple multiplication of the Council's 8% to reflect the 3 years in which a permission could lapse (i.e. $24\% = 3 \times 8\%$). I agree with Inspector Pope that the evidence did not provide a robust justification for the application of a 24% lapse rate. However, it is a simple matter of mathematics (in which I have a BSc(Hons) degree) that the 9% lapse rate has been both miscalculated and calculated differently to the way it has been applied.
- 7.24 The Council identify the current number of outstanding permissions on small sites and seek to identify how many of these will lapse so that this proportion can be discounted from the deliverable supply. In order to calculate the proportion, it is necessary to identify the number of outstanding permissions on small sites in one year and identify the proportion of these which lapsed in subsequent years. This calculation can be done separately for different years historically and the average of the resultant proportions used to estimate future lapse rates.
- 7.25 The errors of the Council are perhaps most easily explained by way of an example. In April 2009, the Council identified 583 dwellings subject to an extant

permission on small sites, including those under construction. From discussion with Council officers, the Council also included 203 dwellings which were complete in the preceding year and 96 which lapsed in the preceding year (totalling 882). These latter figures are irrelevant as they had already been completed or lapsed and so were not outstanding at the base date. If the lapse rate is calculated in this way, the lapse rate from 2016 would need to be applied to the extant permissions on small sites, including those under construction, in addition to those sites which lapsed in the previous year and those sites which were completed in the previous year. However, the Council only apply the lapse rate to the extant permissions which are not under construction, inconsistently with the way the lapse rate is calculated.

- 7.26 The figure of 583 dwellings at April 2009 is consistent with the figure of 505 dwellings at April 2016 which were on small sites subject to planning permission, including those under construction. The lapse rate should be calculated on this basis (contrary to the approach of the Council) in order to apply it to this number.
- 7.27 The extant supply at April 2009 date totalled 583 dwellings alone. Of these 583 dwellings subject to an extant permission, 65 lapsed in 2009/10, 52 lapsed in 2010/11 and 21 lapsed in 2011/12 (assuming that all of the extant permissions were granted for at least 3 years and were therefore in the extant supply of 583 dwellings). This totals 138 lapses of the extant supply of 583 dwellings, equating to 24%. Similar calculations can be undertaken for subsequent years.
- 7.28 However, the Council assume that of a total of 882 dwellings including those under construction and not commenced (some of which were already complete and some of which had already lapsed), 96 lapse (although these had already lapsed prior to the base date in a single year), to generate a lapse rate of 8%.
- 7.29 This approach is incorrect for a number of reasons as follows:
- The Council's lapse rate is calculated based on the percentage of sites (both under-construction and not commenced) which lapse but is only applied to sites which have not commenced and not those under-construction;

- The Council's numerator (of 882 in the example above) includes sites which had already lapsed and which were already complete, but the resulting lapse rate is only applied to sites which are extant;
- The Council calculate the number of lapses of permissions (which typically last 3 years) based on the percentage of sites which had lapsed in a single year rather than across 3 years. This ignores any sites which may have had permission for 0 or 1 years and will lapse in years 2 or 3;
- The Council use the number of lapses in the previous year to calculate the number of lapses on extant permissions in future years even though these were not part of the extant supply (having already lapsed).

7.30 This makes only a relatively limited difference, but given my mathematical background I feel obliged to object to the Council's methodology. The detailed evidence on lapse rates was provided to Inspector Richards at the Sandford inquiry, but he did not conclude on this matter in his report, presumably owing to the fact that it was evident that the shortfall in the deliverable supply was so significant in any case.

7.31 I also draw reference to the robust lapse rates applied by other local planning authorities in the broader region in Table 7.3. To allow certain authorities such as North Somerset to apply lapse rates which are not robust (because they are miscalculated) results in an inequitable planning system nationally and this should not be endorsed.

Table 7.3 – Lapse rates in other authorities

LPA	Lapse Rate
Gloucester City	23%
Cheltenham Borough	22%
Tewkesbury Borough	22%
Stroud	22%
Wiltshire	22.5%

7.32 In the case of Gloucester, Cheltenham and Tewkesbury a full consideration of the background evidence was undertaken during the examination of the Joint Core Strategy and the Inspector agreed that the lapse rates should be calculated

taking account the number of permissions which lapse over a five-year period, which results in the lapse rates of 22-23%.

- 7.33 In Stroud, the Council have correctly calculated the lapse rate and include this in their five-year land supply assessments.
- 7.34 In Wiltshire, I was responsible for identifying the assumed lapse rates in my time with the Council. It is therefore my experience that lapse rates when correctly calculated are of the order of 22.5% although it must be recognised that these will vary to some extent from area to area.
- 7.35 If a 24% lapse rate is applied in North Somerset (which would be consistent with the approach explained above) then this would indicate that permissions for 121 dwellings (of the 505) would lapse.
- 7.36 It should also be noted that whilst 24% of permissions would be expected to lapse, this takes no account of the proportion of sites which do not lapse but are simply not implemented. Based on my experience it is not uncommon for a developer to secure a technical commencement but then achieve no completions either for a protracted period or in some cases ever. If an allowance for non-implementation was included, then this would further reduce the contribution from this source of supply. However, I do not rely on such an allowance given the absence of evidence to identify a specific allowance.
- 7.37 The contribution of small sites to the deliverable supply is set out in Table 7.4.

Table 7.4 – Contribution from small sites

	Council's original assessment	Council's assumed updated position	Pegasus assessment	Difference
Small sites	473	473	384	-89

Large sites with consent (10+ units net gain)

- 7.38 By the close of the Farleigh Fields inquiry the Council identified a deliverable supply of 2,464 dwellings on large sites with consent. However, this includes 328 dwellings which post-date the base date of the assessment.

7.39 The introduction of such sites has been dealt with in numerous appeal decisions where it has been concluded that the inclusion of such sites results in a partial assessment which cannot be afforded significant weight, as it fails to undertake a comprehensive assessment. For the benefit of the Inspector, the relevant appeal decisions include (but are not limited to):

- Paragraphs 11-13 of Land North of Gaveston Gardens and Rear of Manor Farm, Banbury Road, Deddington (2201339);
- Paragraphs 51-55 of Land off Chartist Way, Staunton (2228466);
- Paragraph 30 of Land west of Shilton Road, Burford (3139687);
- Paragraphs 17-18 of Land to the rear of former Dylon International Premises, Station Approach, Lower Sydenham (3144248); and
- Paragraphs 20-24 of Land to the west of Cody Road, Waterbeach (2207961).

7.40 The principle that sites which post-date the base date cannot be included in the deliverable supply is now well-established and it is surprising that the Council seek to adopt a different approach contrary to the findings of all Inspectors with which I am familiar.

7.41 The necessary exclusion of these sites reduces the Council's identified supply by 328 dwellings (at Upper Floors, Coates House, Nailsea; Former Royal Oak, Nailsea; Wentwood Drive, Weston-super-Mare; Land north of A368, Sandford; Land east of Wolvershill Road, Banwell; Land at Wrington Lane, Congresbury; and Land at Tickenham Garden Centre).

7.42 In accordance with footnote 11 of the NPPF, the majority of the remaining permissions are likely to be deliverable providing there is no specific evidence which demonstrates that they are unsuitable or unavailable and that they are achievable at the rates identified by the Council.

7.43 However, in relation to a small number of such sites there is such specific evidence to demonstrate that these sites cannot be considered suitable, available and/or achievable at the rates identified. These are considered in the following paragraphs.

- 7.44 It is of particular note that the Council assume lead-in times on all sites subject to outline planning applications (or permissions) that are significantly shorter than those identified in Table 7.2. It is therefore likely that the deliverable supply will be significantly lower than that identified by the Council. In the following paragraphs, I do not address all of these as some would be expected to deliver in advance of the average time.
- 7.45 **Oxford Plasma Technology, North End Road, Yatton** – this site has been subject to a series of planning applications. The original outline application was submitted in August 2005 and approved in May 2006 with the condition that reserved matters applications would be submitted by 4th May 2009. A reserved matters application was validated in March 2009 and approved in August 2009. An application to extend the time limit of the original outline application was then validated in April 2010 and approved in November 2011 with the condition that a reserved matters application would be submitted by 28th November 2014. Such an application was validated on 14th November 2014 and approved on 27th March 2015. This permission has now lapsed.
- 7.46 The applicant (Redrow Homes) submitted an alternative outline application for 55 dwellings in May 2015, which remains undetermined.
- 7.47 This site clearly has a record of unimplemented permissions and as such it is not available in accordance with the NPPG (3-020). Furthermore, the Council acknowledge that the current occupier, Oxford Instruments, will need to find alternative accommodation and so the site cannot be considered to be available now as required by footnote 11 of the NPPF.
- 7.48 The previous permission includes a planning obligation that requires that the existing occupier is relocated. No building works have commenced on an alternative site and this will need to be fully built out and operations relocated before the existing building can be demolished and development commenced.
- 7.49 Redrow Homes identified in an article in the Weston Mercury published on 18th June 2015, that:
- “The site is still occupied by a manufacturing company which will need to find an alternative site to relocate to before the land can be released for housing...This is likely to take some time, and therefore to secure planning permission for housing over a longer period,**

Redrow is making this further outline planning application.”

- 7.50 Oxford Instruments remain at this site and the developer acknowledges that this is a longer-term project. Therefore, it is also to be considered unachievable in terms of the NPPG (3-021). I therefore discount 51 dwellings from the deliverable supply.
- 7.51 **Arnolds Way Phase 2, Yatton** – this outline application gained resolution to grant in March 2016. The S.106 package is still under negotiation.
- 7.52 Even if permission was granted in April 2017 and assuming the average lead-in times across North Somerset it is likely that the first completions would not be achieved until January 2021.
- 7.53 The Council identify that the developer proposes to deliver this in tandem with the adjacent Phase 1 scheme, which is under construction and is assumed to deliver 150 units in the next five years.
- 7.54 The Council also identify that on another site the same developer has delivered 218 units in 4 years (or 54.5 per annum). Therefore, it must be assumed that the combined sites which offer very similar products on adjacent sites could deliver circa 273 dwellings within 5 years (=5x54.5). However, the Council assume that a total of 300 dwellings will deliver in this period.
- 7.55 The two sites which on the Council’s own evidence are considered to deliver in tandem have not been considered cumulatively, and as a result the assumed rate of delivery is in excess of that to which the Council draw reference.
- 7.56 I accept the delivery rates of the Council and consider that Phase 2 could deliver 54.5 per annum once Phase 1 is complete (or that they will deliver in tandem but that the combined delivery rates will still be 54.5 per annum). This would be equivalent to assuming that Phase 1 will be complete by the end of 2018 and that Phase 2 will commence at the start of 2019. This still relies on lead-in times which are significantly below the average in North Somerset although this may be possible on a phased scheme.
- 7.57 During a site visit on 15th July 2016 I was able to confirm that only 14 dwellings had been delivered on Phase 1 in 3½ months (which would translate to circa 50

per annum) as compared to the Council's assumed delivery of 70 per annum across both sites. I visited the site again on 24th November 2016 and only 29 dwellings had been completed in 8 months (which would translate to circa 45 per annum).

- 7.58 Assuming that the identified average delivery rates of 54.5 dwellings per annum are achieved across the sites, rather than the 70 per annum assumed by the Council, this would reduce the deliverable supply by 27 dwellings.
- 7.59 **Land at Pudding Pie Lane East, Churchill** – this application gained resolution to grant in January 2016. It was granted outline permission on 21st October 2016.
- 7.60 Based on the preceding analysis and the average lead-in times, the first completions would be expected in August 2020.
- 7.61 In the absence of detailed information from the Council, it is appropriate to assume average lead-in times. If the first completions are achieved in August 2020 and if 50 dwellings are achieved per annum, this would result in circa 35 dwellings being complete within 5 years.
- 7.62 However, Pegasus Group are intending to submit a reserved matters application on this site in the summer of 2017 and I therefore adjusted my position at the Farleigh Fields inquiry such that this site could deliver from mid-2018 (allowing a year for the grant of permission, discharge of conditions, pre-commencement works and the actual development of houses). I therefore discount 40 dwellings from the deliverable supply identified by the Council. This is highly optimistic by comparison to the average lead-in times as identified above.
- 7.63 **Bleadon Quarry** – the S106 on this site has been agreed and permission was granted on 8th August 2016. The site is in continuing use both for minerals extraction as well as for the production of concrete and asphalt. The continuing operations were confirmed at a site visit on 24th November 2016. The site is therefore not available in terms of the NPPG and cannot be included in the deliverable supply under footnote 11 of the NPPF.
- 7.64 **Woodborough Farm, Winscombe** – the site is subject to a planning permission but the Council acknowledge that there are issues relating to drainage. Suitable solutions have now been identified but Wessex Water have issued a holding

objection. This will introduce delays to the determination of this application. Even if these can be resolved within the next few months, given the average lead-in times identified in Table 7.2 it is highly unlikely that this site would contribute any dwellings within the five-year period. However, I optimistically assume that it could deliver towards the end of the five-year period.

7.65 Those sites for which I do not agree with the assessment of the Council are identified in Table 7.5.

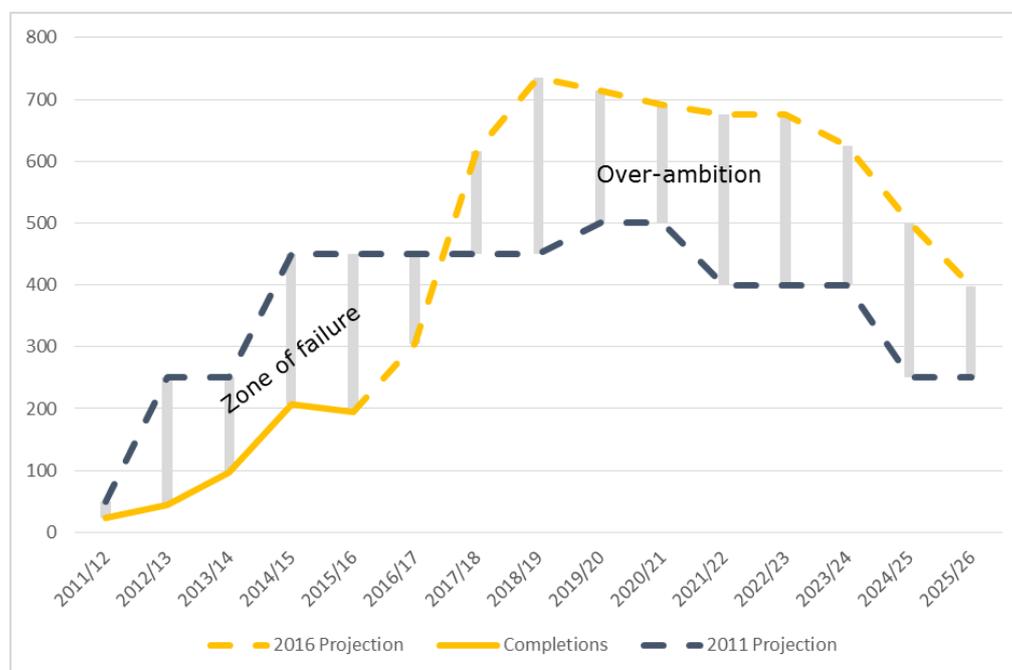
Table 7.5 – Contribution from large sites with consent

	Council's position	Pegasus assessment	Difference
Sites which post-date the base date			
Upper Floors, Coates House, Nailsea	25	0	-25
Former Royal Oak, Nailsea	10	0	-10
Wentwood Drive, Weston-super-Mare	50	0	-50
Land north of A368, Sandford	117	0	-117
Land east of Wolvershill Road, Banwell	44	0	-44
Land at Wrington Lane, Congresbury	50	0	-50
Land at Tickenham Garden Centre	32	0	-32
Other contested sites			
Oxford Plasma Technology	51	0	-51
Arnolds Way Phase 2	150	123	-27
Land at Pudding Pie Lane East	141	101	-40
Bleadon Quarry	42	0	-42
Woodborough Farm	175	30	-145
Other uncontested sites	1,577	1,577	0
Total	2,464	1,831	-633

Strategic Sites

- 7.66 The Council, developers and landowners as part of a Joint Delivery Review Board (JDRB) agreed a “Weston Villages agreed monitoring report and trajectory” in April 2016 and it is this upon which the Council rely. It is useful to consider previous trajectories for this site and the completions that have been achieved to understand the likelihood of achieving the current trajectory.
- 7.67 Table 1 of the Housing Trajectory (December 2011) prepared in support of the Core Strategy examination indicates that Weston Villages was planned to be delivered at a broadly consistent rate from 2014 onwards, namely 450 per annum (in addition to 550 from 2011-14). However, it is now apparent that only 567 dwellings have been achieved from 2011-16 as compared to the planned 1,650.
- 7.68 The respective trajectories for Weston Villages are set out in Figure 7.3. This demonstrates that the supply which was previously planned to be delivered has not been provided and that the Council now assume inflated levels of delivery despite the lower record of delivery which has occurred.

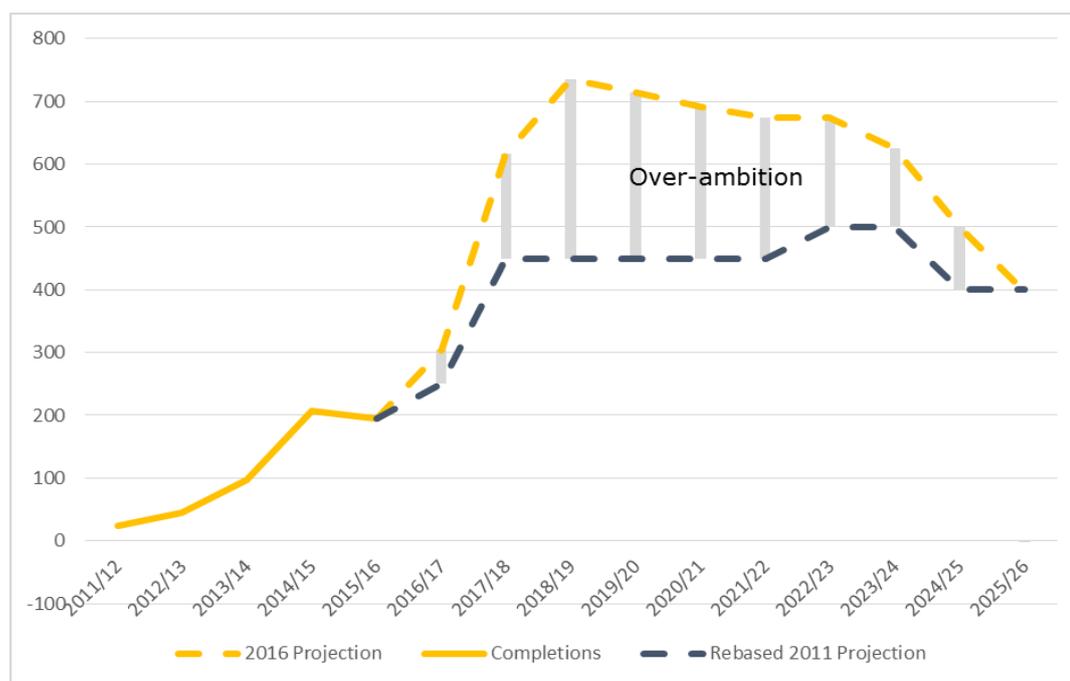
Figure 7.3 – Planned vs actual trajectory of Weston Villages



- 7.69 Figure 7.4 then presents the same chart only with the completions projected in 2011 rebased to 2016 to show what would now be expected to be achieved if the

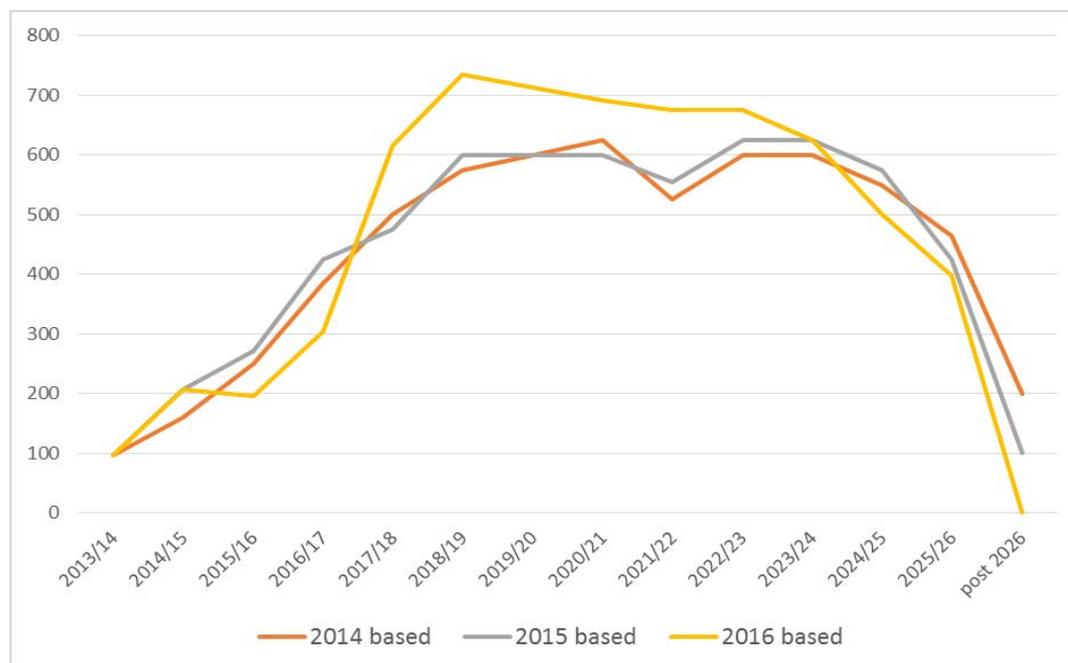
originally projected development rates occur. This shows that the now anticipated supply from Weston Villages is not only overly optimistic but significantly in excess of that previously planned and which was not achieved.

Figure 7.4 – Rebased delivery of Weston Villages



7.70 Furthermore, the Council have identified the delivery trajectory for Weston Villages in the three most recent five-year land supply statements. In the previous two statements, it was assumed that a proportion of the supply from Weston Villages would not be delivered within the plan period, but now even though fewer completions were achieved than predicted in 2015/16 the Council suddenly consider that all this Strategic Site will be delivered within the plan period. Indeed, the new trajectory identifies a much greater annual delivery rate than previously, including 735 dwellings in 2018/19 as compared to 575 or 600 in the previous statements despite the evident delays to site delivery. The Council have ignored the previous and ongoing failures to deliver in accordance with the hopelessly over-optimistic previous trajectories. It has perversely inflated the latest overly optimistic trajectory by accelerating its proposed delivery rate and concertinaing complete delivery of this strategic site within the plan period. This defies the evidence to date. Rather than accept that the current delays will translate throughout the plan period this latest trajectory is premised upon fantasy rather than any credible evidence base. This is displayed in Figure 7.5.

Figure 7.5 – Recent Weston Villages trajectories



- 7.71 It is common practice among developers and landowners to present overly optimistic delivery trajectories. Therefore, I would suggest that the monitoring report needs to be treated with some caution.
- 7.72 When the identified delivery rate of Weston Villages was queried at the recent examination, the Council identified that a recent development at Portishead had exceeded the anticipated delivery rate for Weston Villages and there was therefore evidence of localised delivery rates which would support this. However, the Council did not produce any evidence to support this claim. Indeed, the 2014 and 2015 Residential Land Surveys identify that 190 dwellings and 212 dwellings were completed in these years on large sites within Portishead which is significantly less than that proposed at Weston Villages. Therefore, the claim by the Council at the examination is not supported by any evidence.
- 7.73 The “5YLS evidence” indicates that up to 735 dwellings will be built in a single year at Weston Villages, with an average of 612 per annum over the five-year period. Inspector Pope concluded that the deliverable supply from this source should be reduced by 300 dwellings (which I assume reflects the Council’s current position). This would still equate to an annual average of 552. This compares to an average of 113 dwellings per annum achieved to date with a maximum of 207

in a single year. Whilst the delivery of this site is likely to gain momentum, the delivery of 388% of the average delivery rate achieved to date, is clearly so aspirational as to be wholly unrealistic.

- 7.74 I have set out my concerns with the JDRB's concerning approach to this supply and to the robustness of the previous projections for the site. These alone cast significant doubt on the "5YLS evidence". However, it is also useful to consider the components of the Weston Villages individually.
- 7.75 Weston Villages is broadly split into two 'Villages'; Locking Parklands and Winterstoke Village (also known as Haywood Village). Winterstoke Village is being developed by Persimmon Homes. Locking Parklands is being developed by St Modwens and Mead Realisations with part of the site being owned by North Somerset Council.

Winterstoke Village

- 7.76 There are currently 341 dwellings subject to reserved matters permission and it is agreed that all of these could be delivered within 2 years.
- 7.77 The remainder of the outline permission (10/P/0756/OT2) is subject to a reserved matters application at present which was submitted in June 2016 but which has still not been approved. The Council assume that this will deliver from April 2018 and I do not intend to contest this as it is part of a phased development providing the application is approved in the coming months.
- 7.78 The Council also identify an outline application which has received resolution to grant but for which the S106 has not been agreed (12/P/1510/OT2) and which is not subject to a reserved matters application. This is assumed to deliver from April 2017. This is so aspirational as to be unrealistic as it still requires the S106 to be agreed, a reserved matters application to be prepared, submitted and determined and any pre-commencement works to be undertaken. By way of context, the average time, as identified in Table 7.2 for such a site to achieve completions even once it is determined is 190.8 weeks (or 3.7 years). Given that this is part of a phased development I accept that it is unlikely to take this long but nevertheless there is no way that the trajectory identified by the Council for this site could be achieved. I consider that even in a best-case scenario that the trajectory should be delayed by at least one year.

- 7.79 In addition, and perhaps more importantly than this detailed assessment of the delivery prospects of Winterstoke Village, the developer (Persimmon Homes) has provided a summary of the likely delivery of this site. The position of Persimmon Homes aligns precisely with the detailed assessment above.
- 7.80 The evidence provided by Persimmon Homes takes account of a number of particular constraints that apply to the development of this strategic site. Future phases of Winterstoke Village require significant enabling works in the form of a “super-pond” which is required to be dug and the earth moved to raise the developable land to provide appropriate flood mitigation prior to the delivery of Phase 2 of Winterstoke Village. Furthermore, there is a requirement in Policy CS20 of the North Somerset Core Strategy that residential developments in Weston-super-Mare provide 1.5 jobs per home. The development of these sites is therefore restricted until the required number of jobs have been delivered. The delivery rates in Weston-super-Mare are therefore not comparable with rates elsewhere.
- 7.81 Based on the preceding analysis I present an optimistic assessment of the delivery prospects of Winterstoke Village in Table 7.6 which accords with that provided by the developer. The trajectory provided by the Council in the “5YLS evidence” is struck through where I do not agree.

Table 7.6 – Winterstoke Village trajectory

Planning Application	Location	Current Status	2016 / 17	2017 / 18	2018 / 19	2019 / 20	2020 / 21	Total
10/P/0756/OT2	Winterstoke Village phase 1	Outline consent	0	0	100	100	42 39	242 239
13/P/0834/RM	Haywood Village sub area 1	Full consent	2	-	-	-	-	2
14/P/2723/RM	Haywood Village sub area 2	Full consent	125 200	76 1	-	-	-	201
15/P/2437/RM	Haywood Village sub area 3	Full consent	50 34	45 61	-	-	-	95
15/P/2570/RM	Haywood Village, local centre	Full consent	43 0	0 43	-	-	-	43
12/P/1510/OT2	Winterstoke remainder	Outline subject to S106	0	100 0	125 100	150 125	200 150	575 375
Total			220 236	221 105	225 200	250 225	242 189	1158 955

7.82 This alone reduces the deliverable supply from this 'Village' by 203 dwellings.

Locking Parklands

7.83 The Council's trajectory for Locking Parklands suggests that 2 developers could deliver up to 510 dwellings in a single year, with an average of 455 per annum from 2017 to 2021. In my professional experience, I have never experienced rates of this scale in a settlement of the size of Weston-super-Mare. Indeed, the site of a comparative scale with which I have most recent experience is the South East Trowbridge extension for 2,600 dwellings which is anticipated to deliver a maximum of 250 units per annum between multiple outlets.

7.84 A Report into the Delivery of Urban Extensions identifies that of the large sample of urban extensions considered the greatest number of completions achieved in any one year was 391 in Milton Keynes, although the average delivery rate on this site was only 338. Similarly, of the sample considered in the Start to Finish report the greatest number of completions in any one year was 620 at Cambourne although on this site the annual average delivery rate was only 239. However, these examples are at the very highest end of the spectrum with the vast majority of urban extensions delivering at most 250 units per annum based on my experience. Indeed, the Start to Finish report identifies that the average delivery rate is 161 per annum on large sites (over 500 dwellings) and the Urban Extensions Assessment of Delivery Rates report identifies at the end of page 1 that urban extensions usually deliver between 75 and 120 units per annum in Figure 8, although it recognises that this can be significantly exceeded in the south of England.

7.85 The Council assume that an average of 455 dwellings can be delivered per annum on this site. This is vastly in excess of that achieved on any other site nationally according to the above reports or on any site of which I have experience. This is even more aspirational when Locking Parklands is considered alongside Winterstoke Village which is expected to deliver in tandem.

7.86 Such aspirational rates may have been claimed elsewhere but they have simply never been achieved anywhere. As an example, the Northstowe development in Cambridge was projected to deliver 750-850 dwellings per annum but actually only delivered 250 per annum.

- 7.87 By reference to all comparative sites I would consider that Locking Parklands can deliver at most 250 units per annum especially when it is viewed alongside the neighbouring Winterstoke Village which itself is assumed to deliver over 200 dwellings annually in the same local market area. Nevertheless, I consider the individual components of this 'Village' below.
- 7.88 There is only one Reserved Matters permission at Locking Parklands with a remaining capacity for 168 dwellings. I agree with the trajectory for this site.
- 7.89 There are 2 sites which are subject to outline planning consent, neither of which had any reserved matters applications at 1st April 2016. It is understood that there have recently been reserved matters applications on at least one of these sites. The Council consider that both will achieve completions in mid-2017/18, within circa 6 months. This is despite the fact that it takes 2.3 years on average until the first completions are obtained on such sites.
- 7.90 At the Farleigh Fields inquiry, I conceded that one of these outline applications (which is subject to a reserved matters application) could deliver towards the end of 2017/18, but that the other application would not receive completions until 2018/19. These are very aspirational delivery timetables by reference to those achieved nationally and in North Somerset. However, I maintain this position.
- 7.91 The Locking Parklands sites cumulatively would deliver up to 310 dwellings per annum based on the above analysis. This is already significantly more than the maximum delivery rate that I would assume reasonable for such an urban extension (even without the competition arising from Winterstoke Village). However, for the purposes of this appeal I do not intend to contest these delivery rates any further.
- 7.92 The remainder of Locking Parklands is in the control of St Modwens (another developer), with the exception of a site which is not the subject of a planning application under the control of North Somerset Council (who are not a developer). St Modwens have provided evidence to the Council identifying concerns with the identified delivery rate.
- 7.93 The Council assume that these elements of the strategic site would deliver from April 2018. These sites are not subject to a planning application, and would be expected to gain an outline planning consent, before the S106 was agreed, a

reserved matters application was prepared, validated, determined and pre-commencement conditions discharged. On this basis, I would suggest that there is very little prospect of these sites delivering at all within the five-year period, especially while the currently consented sites continue to be built at aspirational rates. If, however, permission is granted and the sites can begin to be delivered towards the end of the five-year period, I would suggest that this supply would not be additional but would rather compromise the ability of the consented sites to deliver.

7.94 Based on the preceding analysis I present an optimistic assessment of the delivery prospects of Locking Parklands in Table 7.7. The trajectory provided by the Council in the “5YLS evidence” is struck through where I do not agree.

Table 7.7 – Locking Parklands trajectory

Planning Application	Location	Current Status	2016 / 17	2017 / 18	2018 / 19	2019 / 20	2020 / 21	Total
13/P/0997/OT2	Locking Parklands future phases	Outline consent	0 0	60 0	125 125	125 125	125 125	435 375
15/P/1777/RM	Locking Parklands Phase 3	Full consent	34	60	60	14	-	168
12/P/1266/OT2	Locking Parklands, south of Churchlands Way and Wolverhill Road	Outline consent	0 0	25 25	125 125	125 125	125 125	400 375
	Locking Parklands NSC	No current consent	0 0	0 0	100 0	100 0	100 0	300 0
	Locking Parklands residual	No current consent	0 0	0 0	100 0	100 0	100 0	300 0
Total			34 34	145 85	510 310	464 264	450 250	1603 943

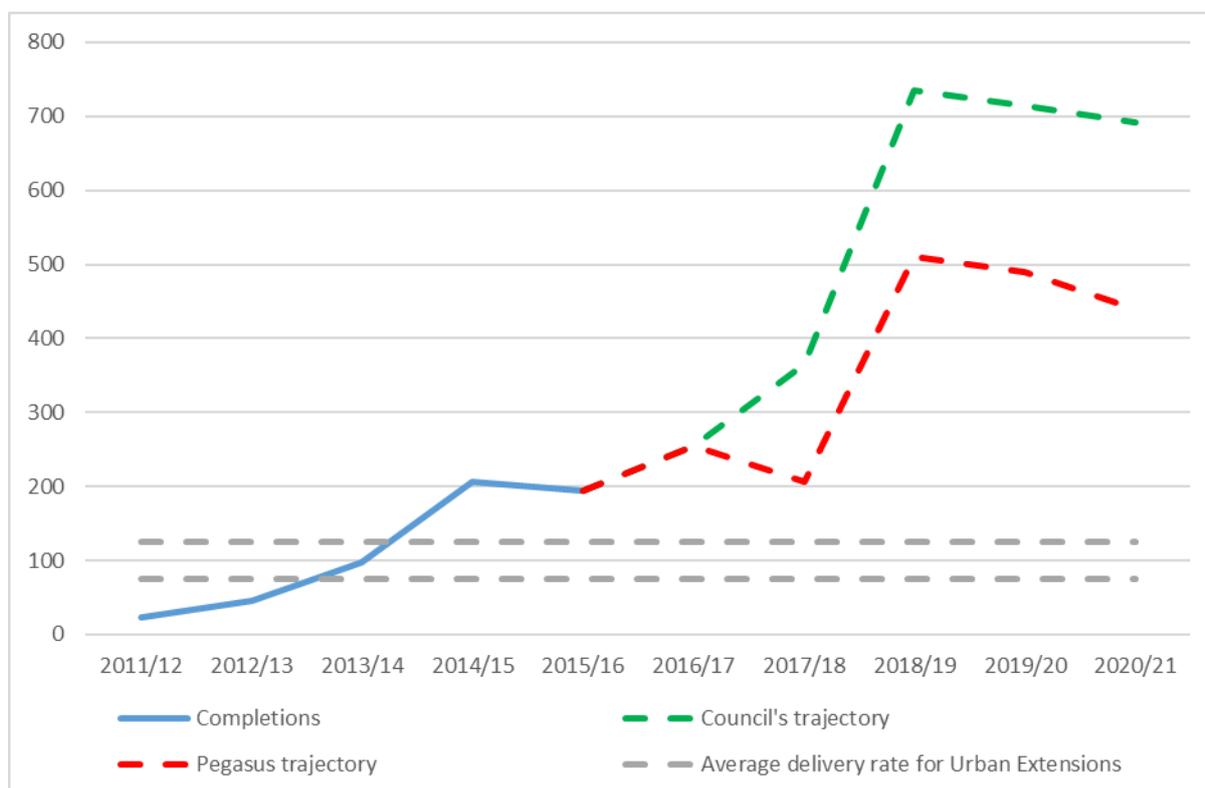
7.95 An optimistic but achievable assessment of the delivery prospects of Locking Parklands reduces the deliverable supply identified by the Council by 660 dwellings.

7.96 It is useful to compare how my assessment of the delivery compares with the Council's. The delivery rates are presented in Table 7.8 and the trajectories are provided in Figure 7.2.

Table 7.8 – Weston Villages delivery rates

Assessment	2016/17	2017/18	2018/19	2019/20	2020/21	Total
Council's assessment	254	366	735	714	692	2,761
Pegasus Group's assessment	254	206	510	489	439	1,898

Figure 7.2 – Weston Villages trajectory



7.97 Table 7.8 and Figure 7.2 demonstrate that my assessment assumes an annual delivery rate significantly more than that which occurs nationally on urban extensions (as identified in the Urban Extensions Assessment of Delivery Rates report). This takes account of the current status of sites and the cumulative delivery rates as well as evidence provided by the respective developers. However, the Council's assessment does not take account of these but simply reflects the developer's previous ambitions for delivery without any realism.

- 7.98 Inspector Richards at the Sandford inquiry agreed with the above evidence which identifies that the delivery rates for Strategic Sites are overly optimistic. Inspector Bore also concluded that "...there are risks to delivery at the anticipated rates...". On the basis of the findings of both of these Inspectors, the submissions of the respective developers, an analysis of comparative delivery rates elsewhere, and a realistic allowance for lead-in times (including an acceptance that sites which are not subject to implementable permissions cannot have commenced development) it is clear that the deliverable supply identified by the Council is unrealistic.
- 7.99 However, Inspector Pope at the Banwell inquiry identified that "in the absence of any compelling evidence to the contrary, such as correspondence with those involved in developing these sites...there is greater force in the LPA's argument." Nevertheless, Inspector Pope still dismissed 300 dwellings from the deliverable supply, based on the evidence before him which he identified was not compelling and excluded correspondence with developers. The necessary compelling evidence including correspondence with the developers was available to Inspector Richards and so his conclusions should be afforded greater weight, such that the reduction to the deliverable supply is significantly greater than the 300 units adopted by Inspector Pope. Based on the preceding analysis, it is necessary to reduce the deliverable supply by 863 dwellings to accord with the NPPF.

Local Plan Allocations

- 7.100 The Council identified a supply of 259 dwellings from Local Plan allocations without permission at the Farleigh Fields inquiry. However, in the schedule appended to the letter of 21st March 2017 they now identify a supply of 239. The difference arises as the Council no longer include the allocation of the Farm, Portishead in the deliverable supply even though they argued that this was deliverable at the Farleigh Fields inquiry (during the same week that the letter was submitted).
- 7.101 All of these sites have now been allocated for 9 years without any progress. The delivery of these sites must be doubtful given the length of time which they have been allocated without progress having been made. There would need to be very strong evidence from the Council to indicate that these sites now form a reliable source of supply in the short-term. However, in many instances the Council rely

on the fact that these sites were considered suitable for residential development and no other information.

7.102 In the following paragraphs, I consider a number of such allocations where I consider that these do not accord with the deliverability tests of footnote 11.

7.103 **Orchard House, Ebdon Road, Weston-super-Mare** – this allocation has also not been progressed for 9 years. The Council identify that the landowner needs to purchase land to secure access to the site and therefore the site is subject to a ransom strip and cannot be considered available now as required by footnote 11 of the NPPF as there are ownership constraints which have not yet been resolved. I therefore discount 11 units from the deliverable supply.

7.104 **Westacres Caravan Park, West Wick, Weston-super-Mare** – this site is currently in use as a caravan touring site and for caravan storage, and even though the site may be suitable for development in principle, it is not currently available. The information previously provided by the Council identified that the landowner had been trying to secure a developer for over a year, and there is no evidence that this marketing has been successful. The site is now subject to probate. This again results in the site not being available now.

7.105 I can confirm that a developer has tried to buy this site, but has identified that owing to the viability of the current use that the asking price would render any residential development unviable. The development of the site is therefore also considered to be unachievable. I therefore discount 100 dwellings from the deliverable supply.

7.106 **Land to the east and west of Wemberham Lane, Yatton** – during the examination of the remitted policies, Persimmon Homes identified that they owned half of this site and that there was no prospect of it delivering within five years although it will be delivered in the longer term. I have spoken with Persimmon Homes and they confirm that this is the case.

7.107 There are also known drainage issues which would need to be resolved before development could commence. I therefore discount 24 dwellings from the deliverable supply.

7.108 Those sites for which I do not agree with the assessment of the Council are identified in Table 7.9.

Table 7.9 – Contribution from Local Plan allocations

	Council's assessment	Pegasus assessment	Difference
Orchard House	12	0	-12
Land to the east and west of Wemberham Lane	24	0	-24
Westacres Caravan Park	130	0	-130
Other uncontested sites	73	73	0
Total	239	73	-166

7.109 Inspector Richards considered that the delivery rates from such sites was overly optimistic based on the preceding evidence. Inspector Bore reached a similar conclusion identifying that the "...fact that proposals have not come forward suggests in certain cases either unwillingness to develop or impediments to development...there is no certainty that all these sites will come forward."

7.110 However, Inspector Pope concluded that the evidence before him did not clearly indicate that these allocations could not come forward. The preceding evidence replicates that available to Inspector Richards, and so his conclusions should carry more weight. It is therefore necessary to reduce the deliverable supply by 166 dwellings.

Emerging Allocations

7.111 The Council identify a supply of 1,756 dwellings from sites which are proposed in the emerging Site Allocations Plan.

7.112 Given that the Site Allocations Plan has not yet been examined and that many of the sites are subject to unresolved objections, the weight to be afforded to these is limited currently in accordance with paragraph 216 of the NPPF. Through the course of the examination it is likely that a number of these allocations will be found to be unsound based on the existing objections and as such will not be able to be relied upon to deliver.

- 7.113 Emerging allocations have been excluded from the deliverable supply in many appeal decisions because they cannot be afforded significant weight. Examples include the decision at Land off Chartist Way, Staunton, Gloucestershire (APP/P1615/A/14/2228466) where the Inspector noted in paragraph 43 that for sites without either a planning permission or an adopted allocation “it is far from self-evident that these sites can be considered deliverable as of now. It seems to me that the burden of showing why they should be counted rests very much with the Council”.
- 7.114 The Inspector noted that some of the emerging allocations could be consistent with the existing policy in paragraph 44, but that the realism of their deliverability within five years needs to be assessed. In paragraph 47, the Inspector concluded that all emerging allocations that are inconsistent with the existing policies cannot be considered available for development.
- 7.115 Similar conclusions have been reached in paragraph 21 of the decision at Land off Beech Way, Littledean, Gloucestershire (APP/P1615/W/15/3005762) where the Inspector discounted any sites subject to an emerging allocation unless they are subject to a planning permission.
- 7.116 Indeed, Mr Justice Stuart Smith in the judgment of the High Court in *Wainhomes v SoS for Communities & Local Government & Others* [2013] EWHC 597 (Admin) indicated that “...in the absence of site specific evidence, the only safe assumption is that not all such sites are deliverable.”
- 7.117 Inspector Bore has also expressed concern regarding the deliverability of these sites in paragraph 21 of his final report on the examination of the consequential changes to the remitted policies of the Core Strategy.
- 7.118 Given the uncertainty of each of these sites, they should not be relied upon to deliver prior to the Inspectors Report on the Site Allocations Plan. It is likely that a proportion of these will be found to be sound but until the examination has been completed this proportion is entirely unknown. However, as part of the examination of the Plan it will be necessary to test the five-year housing land supply position with these sites included to ensure that there is an adequate supply post-adoption.

7.119 If all the emerging allocations are found to be sound and the Site Allocations Plan is adopted in the autumn of 2017, then the earliest that a plan-led outline planning application is likely to be approved is October 2017 (although this would require that applications were already before the Council which they are currently not). Assuming the average lead-in times identified in Table 7.2 then it would then take 190.8 weeks (or 3.7 years) until the first completions would be achieved after March 2021 and beyond the five-year period. Therefore, on average the emerging allocations would contribute very little if anything to the five-year supply even if they were currently subject to applications which were rapidly determined following the examination of the Site Allocations Plan and this in itself was not subject to any delays. However, it is possible that some of these may deliver early (with a corresponding number delivering later than the average). This would suggest that a very small proportion of these sites may be able to be delivered within the 5 years but given that it is unknown which sites will even be found sound.

7.120 Indeed, the vast majority of the proposed allocations which are not currently subject of a planning application are assumed to deliver more rapidly than the average currently experienced across North Somerset. This underlines the fragility of the deliverable supply once again. This is presented in Table 7.10. This assumes that all sites will be subject to a planning application which will be validated on 19th April 2017 (the date of writing) which is the very best case scenario. It also assumes (as a rule of thumb) that sites of 50 or more dwellings will be subject to an outline application, whereas sites below this will be subject to a full planning application.

Table 7.10 - expected completions on sites not currently subject to a planning application (on the basis that an application will be validated on 19th April 2017)

Site	When the Council assume first completions will be achieved	When the first completions would be achieved based on averages	Optimism of the Council's assessment (in years)
The Farm	01/04/2019	10/06/2019	Optimistic by 0.1 years
Bridge Farm	01/10/2019	31/07/2022	Optimistic by 2.8 years
Orchard House	01/04/2019	10/06/2019	Optimistic by 0.1 years
Westacres Caravan	01/04/2017	31/07/2022	Optimistic by 5.3

Site	When the Council assume first completions will be achieved	When the first completions would be achieved based on averages	Optimism of the Council's assessment (in years)
Park			years
Land to the east and west of Wemberham Lane	01/04/2020	10/06/2019	Pessimistic by 0.9 years
Millcross site	01/04/2019	31/07/2022	Optimistic by 3.3 years
Land north of Churchill Avenue	01/04/2019	10/06/2019	Optimistic by 0.1 years
Land at West End	01/04/2020	10/06/2019	Pessimistic by 0.9 years
Land at Engine Lane	01/04/2017	31/07/2022	Optimistic by 5.3 years
Trendlewood Way	01/04/2017	10/06/2019	Optimistic by 2.1 years
Land south of the Uplands	01/04/2019	31/07/2022	Optimistic by 3.3 years
North West Nailsea	01/04/2018	31/07/2022	Optimistic by 4.3 years
Land south of Downside	01/04/2019	10/06/2019	Optimistic by 0.1 years
Land to the west of Winterstoke Road	01/04/2019	31/07/2022	Optimistic by 3.3 years
Land to the rear of Locking Road	01/04/2017	10/06/2019	Optimistic by 2.1 years
Station Approach	01/04/2019	31/07/2022	Optimistic by 3.3 years
Mead Vale Shopping Centre	01/04/2019	10/06/2019	Optimistic by 0.1 years
Gas Works	01/04/2021	31/07/2022	Optimistic by 1.3 years
Land at Bridgwater Road	01/04/2019	31/07/2022	Optimistic by 3.3 years
Land south of Herluin Way	01/10/2018	31/07/2022	Optimistic by 3.8 years
Former Bournville School	01/04/2019	10/06/2019	Optimistic by 0.1 years
Former Sweat FA site	01/04/2019	10/06/2019	Optimistic by 0.1 years
Walliscote Place	01/04/2018	31/07/2022	Optimistic by 4.3 years
Former TJ Hughes Store	01/04/2017	10/06/2019	Optimistic by 2.1 years

Site	When the Council assume first completions will be achieved	When the first completions would be achieved based on averages	Optimism of the Council's assessment (in years)
Dolphin Square	01/04/2019	31/07/2022	Optimistic by 3.3 years
Yatton Station	01/04/2019	10/06/2019	Optimistic by 0.1 years
Lynton House Hotel	01/04/2020	10/06/2019	Pessimistic by 0.9 years

7.121 Nevertheless, the contribution from this source of supply should be maximised through the identification of additional sites, especially those which are already subject to a planning application (as these stand a prospect of early delivery).

7.122 In the following paragraphs, I set out those sites which are subject to significant levels of objection and those which would not meet the criteria of footnote 11 even if they were allocated. There are other sites which would not be deliverable prior to the adoption of the Site Allocations Plan but these are not detailed here.

7.123 **Millcross Site, Clevedon** – the Town Council have objected to this site as they are seeking to retain this site for a new hospital. The Council identify that the new hospital is no longer required or financially viable. However, the NHS have identified that the site is currently subject to operational requirements and it cannot therefore be considered to be available now.

7.124 There are also objections regarding the loss of open space and land ownership. These objections will be discussed through the examination of the Site Allocations Plan.

7.125 The site is also within Tidal Flood Zone 3 and does not benefit from the tidal flood defences along the coast of Clevedon. This will need to be suitably addressed by any development and until appropriate mitigation has been identified the site cannot be considered suitable. It will also require that both the sequential and exception tests are satisfied.

7.126 These concerns can largely be addressed through the examination of the Site Allocations Plan but this would necessitate a sequential and exceptions test, as well as consideration of the other outstanding objections. Even if this were

achieved, the site would still be subject to the continuing operational requirements of the NHS and so would not be deliverable in accordance with footnote 11 of the NPPF.

7.127 **Land north of Churchill Avenue, Clevedon** – the Town Council have objected to this proposed allocation and are seeking to allocate this site as Local Green Space. This is a significant objection and the site cannot be considered until this is resolved one way or the other.

7.128 The site is also within Tidal Flood Zone 3 which will need to be suitably addressed by any development and until appropriate mitigation has been identified the site cannot be considered suitable.

7.129 These concerns can be addressed through the examination of the Site Allocations Plan but this would necessitate a sequential and exceptions test as a minimum. Without this, the site should not be allocated and it should not be included in the deliverable supply.

7.130 **Land at Engine Lane, Nailsea** – this site is not currently subject to a planning application. Based on the average lead-in times identified in Table 7.2 and assuming that a development of this magnitude (183 dwellings) would be subject to an outline application, the first completions would not be expected until October 2022. This means that even if the objections are addressed there is very little prospect that this site would deliver within five years. However, the Council assume that it will deliver from April 2017 which is simply unrealistic.

7.131 **Land south of the Uplands, Nailsea** - the proposed allocation is also subject to a range of objections including in relation to access, landscape and amenity. It is also proposed for designation as a Local Green Space.

7.132 A planning application on this site has previously been refused owing to unsuitable access. Since this time the access has worsened owing to the development of additional properties adjacent to the site and either side of the proposed access. The site cannot therefore be considered to be suitable now as required by footnote 11 to the NPPF.

7.133 A suitable access arrangement would need to be identified through the examination in order for this site to be allocated and to be considered deliverable.

- 7.134 **North West Nailsea** - this site has numerous landowners which may compromise the availability of the site as well as a range of constraints which mean the site is not suitable now including pylons which need to be relocated or put underground in order to serve the proposed Hinckley Point C, the need to relocate sports pitches, TPO's, and a bat consultation zone. Whilst these constraints may be able to be addressed in the longer term the site is not suitable now and the time it would take to mitigate these would mean that there is very little prospect that this could deliver within 5 years.
- 7.135 Indeed, this site was subject to detailed discussion during the course of the examination with participants identifying the constraint in relation to the relocation of Pylons. The agent acting for the site identified that there are opportunities to work around these constraints but this may have implications for the number of units achieved. The relocation of the pylons will have significant consequences for the development of this site and without a strategy for how this will be achieved and the resulting impact on housing delivery, this site cannot be considered to be available or achievable at present.
- 7.136 **Land to the rear of Locking Road, Weston-super-Mare** – Pegasus Group previously represented this site and can confirm that the client intends to retain the current use, namely as a business park. The site is therefore unavailable. The site is also within Tidal Flood Zone 3 which will need to be suitably addressed by any development and until appropriate mitigation has been identified the site cannot be considered suitable.
- 7.137 **Station Approach, Weston-super-Mare** – this site currently comprises the car park for Weston-super-Mare railway station which will need to be relocated prior to development. The Council identified at the Sandford inquiry that parts of this site were not currently in use and so could come forward more rapidly. However, there are no parts of the proposed allocation which are not in use (all parts are in use as a car park for the Station except for the south-eastern corner which is in private use for storing cars). In any case, the proposed allocation will be complex to develop and will require the provision of a new school. This would extend the lead-in time even further beyond the five-year period. The site is also partially within Tidal Flood Zone 3 and this will need to be addressed before its suitability can be assessed. Furthermore, improvement works have also recently been

permitted to the car park, which would suggest that the operator does not intend to release the site for alternative uses imminently.

- 7.138 **Mead Vale Shopping Centre** – this site is currently in commercial use with a pub, a post office, a general foods store, a bike shop, a car shop, a furnishes and a hairdresser. It cannot currently be considered to be available in terms of the NPPG. It is also subject to tidal flooding and a sequential and exceptions test.
- 7.139 **Land south of Herluin Way (Avoncrest site), Weston-super-Mare** – the Environment Agency have identified that part of this site was used as a land-fill site for commercial industrial waste which could prevent residential development. Until and unless these concerns have been addressed the site must be considered unsuitable.
- 7.140 Furthermore, the site is not subject to any planning application. As above, even if the site was subject to an application it would be unlikely to deliver within five years, especially given the extensive remediation which is likely to be required.
- 7.141 **Moor Road, Yatton** – this site is subject to an undetermined planning application which is subject to extensive objections including the Tree Officer and Sport England, as well as other statutory consultees raising significant concerns regarding design and the natural environment.
- 7.142 **Lynton House Hotel, Madeira Road, Weston-super-Mare** – this application for the change of use of a hotel to 41 flats was granted on appeal in November 2010 with a condition such that works must have commenced by 2nd November 2013. By this time no works had taken place and the site was still being marketed to potential developers.
- 7.143 A subsequent application was submitted in late 2013 but was withdrawn as the S106 contributions could not be agreed. The Council now rely on an anticipated application as being evidence of the deliverability of this site. Such an application was received in May 2016 but this was subsequently refused permission. Therefore, there remains no implementable permission and the proposals for the site are unable to be progressed at present. Indeed, based on the refused and withdrawn applications it is unlikely that development will be forthcoming any time soon. Nevertheless, the landowner has submitted a revised application which has yet to be determined.

7.144 The Council also suggested that this site is under development, but this cannot be the case as it is not subject to an implementable planning permission. Indeed, following a site visit on 15th July 2016 and a further site visit on 24th November 2016, I can confirm that this is not the case.

7.145 In accordance with the NPPG (3-020) “consideration should also be given to the delivery record of developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.” In this case, there is a clear record of unimplemented or unsuccessful applications and the delivery prospects of this site need to be viewed in this context.

7.146 The site does not have an implementable permission and a recent application has been refused. Based on the historic performance this should not be relied upon and the site is unavailable in terms of the NPPG. Nevertheless, I do not seek to contest this site at present as the new application may be deliverable. However, the new application is for 40 units rather than the 41 identified by the Council and so I reduce the deliverable supply by 1 dwelling.

7.147 Many of these emerging allocations are subject to unresolved objections which may result in them being unsuitable for development; some are currently unavailable; and there is very little prospect of a significant proportion of these being developed within 5 years given that they are not anticipated to be adopted until the autumn of 2017. Nevertheless, adopting an optimistic approach for the purposes of this appeal I do not intend to contest the inclusion of those emerging allocations for which I have not identified site specific issues and/or objections above. The comparative assessments of the contributions from this source of supply are identified in Table 7.11.

Table 7.11 – Contribution from emerging allocations

	Council’s assessment	Pegasus assessment	Difference
Millcross site	70	0	-70
Land north of Churchill Avenue	44	0	-44
Land at Engine Lane	183	0	-183
Land south of the Uplands	50	0	-50
North West Nailsea	150	0	-150

	Council's assessment	Pegasus assessment	Difference
Land to the rear of Locking Road	24	0	-24
Station Approach	200	0	-200
Mead Vale	40	0	-40
Land south of Herluin Way	250	0	-250
Moor Road	60	0	-60
Lynton House Hotel	41	40	-1
Other uncontested sites	645	645	0
Total	1,757	685	-1,072

7.148 Inspector Richards agreed that “the Site Allocations Plan is at a relatively early stage and carries little weight at present” and that “it is unsafe to include such sites in the assessment at present” and therefore the contested sites were not deliverable. Inspector Pope concluded that “sites should not be discounted merely because of objections and the inclusion of allocations appears to have been carefully researched by the LPA.” However, through the examination of the Site Allocations Plan these sites can become eligible for inclusion (other than those identified in Table 7.11).

7.149 Based on the evidence provided above which is consistent with that provided to Inspector Richards, it is clear that emerging allocations are unlikely to contribute many homes during the five-year period in any case; that many of these are unlikely to be allocated or delivered at all; and that many do not accord with the provisions of footnote 11. It is therefore necessary to delete 928 dwellings from the deliverable supply even if these sites are allocated (without a sequential and exceptions test).

Small Site Windfalls

7.150 The Council make an allowance for 212 dwellings on small site windfalls. I do not seek to contest this figure.

Change of Use of Rural Buildings

7.151 Paragraph 47 of the NPPF requires that local planning authorities “...identify and update annually a supply of specific deliverable sites...”. It also identifies in

paragraph 48 that an allowance for windfall sites may be permissible where there is evidence that these "...will continue to provide a reliable source of supply."

7.152 The Council's allowance for the Change of Use of Rural Buildings does not relate to specific sites and so it is presumed to be an additional windfall allowance to that identified above.

7.153 The Council identify that a total of 71 dwellings have been granted under permitted development rights for the change of use of agricultural dwellings in the last 2 years. Based on this they assume that an average of 36 per annum will contribute to the deliverable supply, providing a total of 180 dwellings.

7.154 A proportion of the dwellings now granted under permitted development rights would have previously been approved subject to full planning permission. This source of supply is not new and accordingly it will have been included in the existing small site windfall allowance. However, it is acknowledged that the permitted development rights which now exist may have increased the contribution from this source of supply.

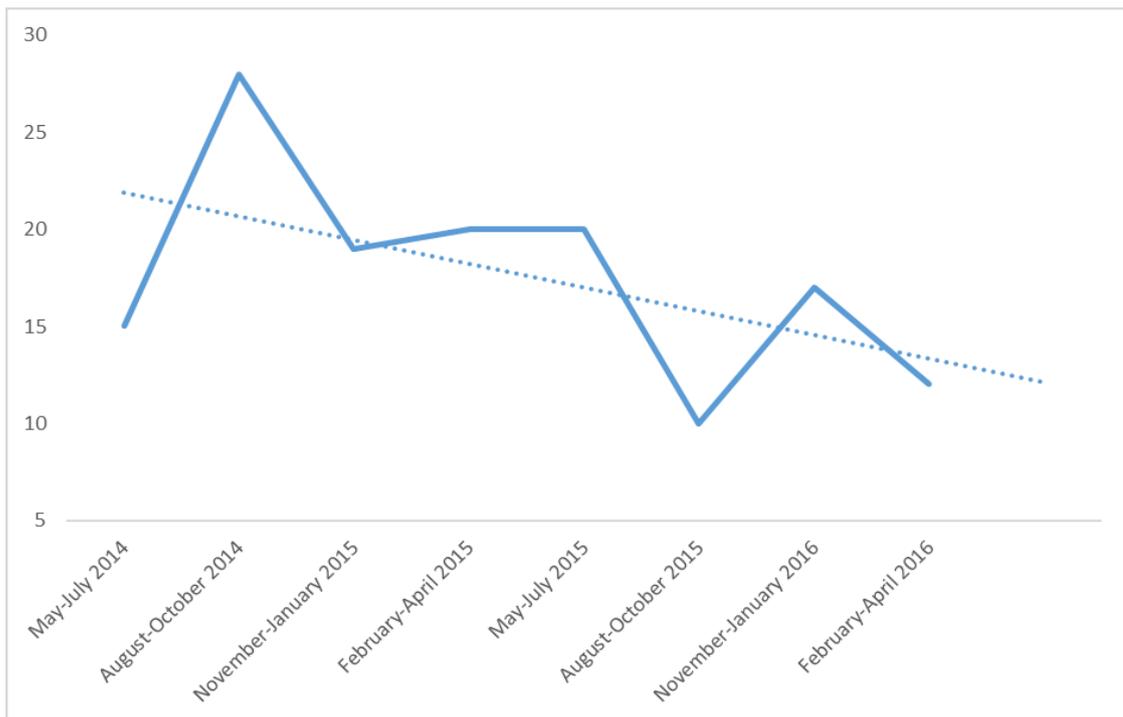
7.155 In order to establish the effect of these permitted development rights on the supply it is necessary to consider the difference between what would have occurred in any case and what is happening now. There is no such consideration of this within the Council's evidence and all that can be established is that not all of the 71 dwellings that were granted in the previous 2 years will be additional to the supply which would have occurred in any case.

7.156 The majority of agricultural buildings with potential for conversion are likely to have taken advantage of the permitted development rights, and it would be expected that the supply from this source would now be in decline.

7.157 Furthermore, it has been established in a recent High Court Judgment (*Hibbitt and Another vs Secretary of State for Communities and Local Government and Rushcliffe Borough Council [2016] EWHC 2853 (Admin)*) that the necessary works to change many agricultural buildings into dwellings would not fall within the definition of a conversion and that therefore these would not be eligible for prior approval. This judgment therefore narrows the definition of agricultural conversions under permitted development rights, which will serve to further constrain the potential supply from this source.

7.158 I have assessed the number of dwellings subject to applications which have been approved for the change of use of agricultural buildings in North Somerset in Figure 7.3 below.

Figure 7.3 – Dwellings subject to validated applications for permitted development of the change of use of agricultural buildings



7.159 This demonstrates that the number of dwellings subject to applications are steadily decreasing and accordingly it would be expected that the contribution from this source of supply would continue to decline. Indeed, in 2014/15 there were applications for 82 dwellings whilst in 2015/16 there were applications for only 59. On average the number of dwellings subject to applications are decreasing by 5 per quarter.

7.160 In 2015/16 there were 59 dwellings subject to such applications and so assuming this trend continues, there would be expected to be 39 in 2016/17, 19 in 2017/18 and none thereafter.

7.161 Of the applications determined by the Council to date, only 74 of 142 dwellings have been granted consent. This equates to 52%. Assuming that the same proportion of consents are granted in the future, then this would equate to 20 approvals in 2016/17 and 10 approvals in 2017/18. Based on these broad

assumptions which seek to reflect current trends it would be expected that circa 30 dwellings would gain consent as compared to the Council's assumption that 180 would. However, it must be acknowledged that neither approach is statistically robust owing to the small sample size available.

7.162 The Council's approach assumes a constant rate of approvals, despite this intuitively feeling wrong because it relates to a finite supply of structures and is contrary to the current evidence. The approach outlined above assumes a linear decline in the number of approvals, but the gradient of this decline is entirely dependent upon the small sample size; it could over or under-estimate the actual number of approvals.

7.163 The Council then assume, that of the 180 dwellings that they assume will gain consent, all of these will deliver by 2021. This will include 36 which will have only gained consent in 2020/21 according to the Council. This approach is clearly very optimistic and is at odds with the lapse rate which they accept applies to other small sites (and to agricultural buildings which already have consent which are a component of the consented small sites). There is no explanation for this inconsistent approach.

7.164 I have identified that the correct lapse rate for small sites should be 24%. However, it becomes very difficult to apply lapse rates to sites which do not yet have consent. As an example, for those sites which are assumed to gain consent in 2020/21, these will not lapse by 2021 but equally will not deliver in their entirety. The correct approach to dealing with this would be to establish an annual implementation rate (as opposed to lapse rate) based on past performance, but the Council have not presented figures which would enable this to be undertaken. In the absence of this, and given the relatively small contribution from this source of supply the lapse rates will be used as a proxy, although this will serve to over-estimate the actual delivery.

7.165 In Table 7.12 below, I present the lapse rates of the Council (9%) and the robust lapse rates (24%) and apply these to the assumed number of consents. These figures are overly optimistic as they firstly assume that this does not double count the small sites windfall allowance at all and secondly assume that all sites which do not lapse will be completed.

Table 7.12 – estimated contribution from the conversion of agricultural buildings

	Council's lapse rate (9%)	Pegasus lapse rate (24%)
180 units consented (Council's case)	164	137
30 units consented (Pegasus case)	27	23

7.166 In summary, I consider that the contribution from this source of supply is likely to be at most be 23 dwellings (albeit acknowledging that the necessary evidence has not been provided by the Council to generate a more robust figure). However, these 23 dwellings may already be included in the small site windfall allowance. Therefore, the likely contribution from this source of supply is between 0 and 23 dwellings. In order to limit the extent of the potential disagreement I accept that this source of supply could deliver 23 dwellings within the five-year period.

7.167 Inspector Pope identified that the Council' evidence on this matter was more convincing than that presented by Alder King at the Banwell appeal. I would agree with Inspector Pope, as Alder King applied a random 20% reduction justified only on the basis that this was their feeling and did not provide any evidence in support. However, that is not to say that the contribution of this source of supply is robust but merely that the evidence before Inspector Pope was not sufficient to justify an alternative view. The above evidence, however, now provides the necessary detail to demonstrate that the supply of this source of housing is rapidly declining and this must be factored into the five-year land supply analysis.

7.168 The above evidence (with a now corrected calculation error) was presented to Inspector Richards. However, he did not conclude on this in his report as presumably he did not consider it necessary given the significant shortfall in land supply which was evident in any case.

7.169 The comparative assessments of the contributions from this source of supply are identified in Table 7.13.

Table 7.13 – Contribution from the Change of Use of Rural Buildings

	Council's assessment	Pegasus assessment	Difference
Change of use of rural buildings	180	23	-157

Empty Homes

7.170 The Council include a figure of 112 units for empty homes contributing towards the five-year supply and justify this on the basis of the NPPG. The NPPG (3-039) supports the inclusion of empty homes only where this is “robustly evidenced by the local planning authority at the independent examination of the draft Local Plan”. This issue was not discussed at all during any of the Local Plan examinations in North Somerset. It is therefore not appropriate to include this as a source of supply.

7.171 During the course of the Banwell inquiry, the Council’s witness accepted that there is no evidence to justify the inclusion of this allowance.

7.172 It is agreed that the empty homes allowance was contained in the “5YLS evidence” which was made available to Inspector Bore. However, Inspector Bore did not raise this as a matter for submissions; he did not identify it as a matter for discussion; and he explicitly identified that he was not undertaking a detailed S78 style examination of the deliverable supply. In such circumstances, it is clear that even if Inspector Bore had noticed that the Council relied upon such an allowance, he did not receive the necessary evidence to examine this and chose not to. As a result, the empty homes allowance has not been robustly tested and cannot be included in the deliverable supply.

7.173 Indeed, Inspector Pope dismissed this as a source of supply in the Banwell decision, and this has been accepted by the Council in all of the subsequent appeals.

7.174 The term ‘empty homes’ firstly needs to be clarified. There are a range of properties which will be empty for various reasons. These generally fall into 3 categories: those which are periodically vacant (such as holiday homes, homes for weekly commuters etc); those which are subject to short-term vacancies (as houses change hands); and those which are subject to long-term vacancies.

7.175 Empty homes arise as a result of the open market which allows homeowners to use their properties as they wish, and they are an inevitable component of the dwelling stock. Periodic vacancies meet a particular market demand and will continue into the future. Short-term vacancies are a symptom of housing market churn and cannot be avoided while people continue to buy and sell houses. The only category of vacant properties that can be actively addressed are the long-term vacancies, and it is this category which is targeted by the Empty Property Delivery Plan.

7.176 Long-term vacancies arise for a number of reasons, and the Empty Homes in England report (Empty Homes National Campaigning Charity, 2016) identifies that the most common reasons include:

“Someone has inherited a property (perhaps jointly with other people) and is taking a long time to decide what is best to do with the property;

A landlord previously rented out a property and it needs a lot of repair work before it can be let again; and the landlord is undecided about what to do, or putting off the work, sometimes related to time and/or money constraints;

People or companies have bought properties to redevelop and, for a variety of reasons, including the pressure of other commitments and/or financial constraints, are taking a long time to complete the works or they have stalled;

People are holding a property empty hoping for a rise in its market value and a corresponding capital gain before seeking to sell it. Added to which, some people have unrealistic expectations of the price their property could fetch given the local market conditions.”

7.177 In all of these cases, there is an intention to restore the property to active use and so this would be expected to happen in any case. However, each of these reasons will equally apply to newly arising vacant properties, and so those long-term vacancies which are return to active use will be offset by newly arising vacant properties. The assumption that long-term vacancies will significantly reduce, requires that all inheritors have already decided what to do with the inherited property; and that all tenants do not allow properties to fall into a state of disrepair; and that all redevelopers do not have restricted resource or finance; and that capital appreciation ceases. These are unrealistic assumptions, and the

result is that a number of long-term vacancies will persist regardless of the action taken by local planning authorities.

- 7.178 Given the capital appreciation which currently exists, it is likely that homeowners will retain their existing properties for as long as possible (where these are not in active use) to maximise their profits, which is likely to increase the number of long-term vacancies. For example, it is identified in the Housing White Paper that in the South East of England capital appreciation was greater than the average household income; the same is likely to be true of the South West.
- 7.179 Even where there is the desire to sell long-term vacant properties, this is often financially unviable. I have first-hand experience of being tied into a fixed term mortgage, with prohibitive early repayment charges such that it would be cheaper to retain the now empty property rather than sell it, even without capital appreciation. As is often the case in leasehold properties, the lease forbids sub-letting and so the property will remain empty until the mortgage expires as it would be financially unviable to do otherwise.
- 7.180 Whilst the Empty Property Delivery Plan is to be welcomed as it may reduce the period over which long-term vacancies remain vacant, such long-term vacancies will continue to exist. The future trajectory of the number of long-term vacancies is impossible to predict but there are pressures in both directions, with better advice being provided through the Empty Property Delivery Strategy to reduce the number, but increased financial incentives (through capital appreciation) with the potential to increase the number. It is generally accepted that the number of long-term vacancies will remain broadly constant in other local planning authorities, and accordingly no allowance is made for these in the deliverable supply. However, North Somerset Council seek to rely upon a reduction in the number of such properties despite the greater financial incentives which exist for retaining such vacant properties. Such an approach may be appropriate in areas where there is a particularly high level of long-term vacancies, as positive action by the Council (or prevailing market conditions) which have a small percentage effect could have the effect of returning a significant number of properties to use.
- 7.181 However, North Somerset has one of the lowest levels of long-term vacancies nationally. Indeed, it has the seventh lowest rate of long-term vacancies of the 326 districts/unitary authorities in England, with only 223 long-term vacancies.

This equates to 0.24% of properties being long-term vacant in North Somerset, as compared to 0.86% nationally. With such low levels of long-term vacancies in North Somerset, even if this source of supply had been robustly tested through the examination of the Core Strategy, the realism of any (let alone a significant) reduction of the number of long-term vacancies in North Somerset is highly questionable.

7.182 The comparative assessment of delivery from this source of supply is set out in Table 7.14.

Table 7.14 – Contribution from empty homes

	Council's original assessment	Pegasus assessment	Difference
Empty Homes	112	0	-112

Conclusions on the deliverable supply

7.183 Based on all of the preceding analysis, I set out the comparative assessments of the deliverable supply in Table 7.15 below. Those sources of supply for which I do not intend to contest the position of the Council are highlighted in orange.

Table 7.15 – Comparison of deliverable supply

	Council's assessment of the deliverable supply	Pegasus Group's assessment of the deliverable supply
Small sites with consent	473	384
Marine Hill House	9	9
Royal Pier	17	17
Clevedon Hall Estate	24	24
Clevedon Hall North Field	18	18
Highcliffe Hotel	14	14
110 High Street	15	15
Sycamore House	30	30
Severn Paper Mill	117	117
St Josephs RC School	11	11
Harbour Crescent	22	22
Marine View Land	118	118
Land off Milton Hill/Milbury Gardens	12	12
Land adjacent Plum Tree Farm	8	8
Weston Court	26	26
Brimbleworth Farm	14	14

	Council's assessment of the deliverable supply	Pegasus Group's assessment of the deliverable supply
85-89 Bristol Road Lower	10	10
Dorville Hotel	20	20
Bayside Hotel	15	15
Atlantic Road South	23	23
Ebdon Court	65	65
Land to the rear of Wellsea Grove	34	34
1 Kew Road	14	14
Lawrence Court	14	14
Oxford Plasma Technology	51	0
Land off Arnolds Way	150	150
Barley Wood	20	20
Burwalls	11	11
Redwood Lodge	124	124
Barrow Hospital	35	35
Land off Elm Walk	14	14
Land at Scot Elm Drive	72	72
Land at Western Trade Centre	10	10
The Chestnuts	24	24
Royal Pier Hotel	63	63
Land at North End	120	120
Arnolds Way Phase 2	150	123
Land at Says Lane	43	43
Land at Pudding Pie Lane East	141	101
Land at Venus Street	14	14
Land off Cobthorn Way	38	38
Bleadon Quarry	42	0
Upper floors, Coates House	25	0
Former Royal Oak	10	0
Land at Summer Lane	89	89
Wentwood Drive	50	0
Moor Lane, Backwell	65	65
Land north of A368, Sandford	117	0
Pudding Pie Lane West	35	35
Woodborough Farm	175	30
Land east of Wolverhill Road	44	0
Land at Wrington Lane	50	0
Land at Tickenham Garden Centre	32	0
Large sites with consent	2,464	1,831
Winterstoke Village Phase 1	242	239
Haywood Village sub area 1	2	2
Haywood Village sub area 2	201	201
Haywood Village sub area 3	95	95
Haywood Village local centre	43	43
Winterstoke remainder	575	375

	Council's assessment of the deliverable supply	Pegasus Group's assessment of the deliverable supply
Locking Parklands future phases	435	375
Locking Parklands phase 3	168	168
Locking Parklands, south of Churchlands Way and Wolverhill Road	400	400
Locking Parklands NSC	300	0
Locking Parklands residual	300	0
Strategic sites	2,761	1,898
The Farm	0	0
Bridge Farm	73	73
Orchard House	12	0
Westacres Caravan Park	130	0
Land to the east and west of Wemberham Lane	24	0
Local plan allocations	239	73
Millcross site	70	0
Land north of Churchill Avenue	44	0
Nailsea Police Station	40	40
Land at West End	20	20
Land at Engine Lane	183	0
Trendlewood Way	30	30
Land south of the Uplands	50	0
Land at Station Road	0	0
North West Nailsea	150	0
South west of Severn Paper Mill	70	70
Land south of Downside	23	23
Land to the west of Winterstoke Road	70	70
Land to the rear of Locking Road	24	0
Station Approach	200	0
Mead Vale Shopping Centre	40	0
Land at Bridgwater Road	70	70
Land south of Herluin Way	250	0
Former Bournville School	45	45
Former Sweat FA site	45	45
Former Ashcombe Public House	0	0
Walliscote Place	70	70
Former TJ Hughes Store	18	18
Former Weston Library and adjacent BT building	23	23
Dolphin Square	100	100
Yatton Station	21	21
Moor Road	60	0
Lynton House Hotel	41	40
Emerging allocations	1,991	338

	Council's assessment of the deliverable supply	Pegasus Group's assessment of the deliverable supply
Small site windfall allowance	212	212
Change of use from rural buildings	180	23
Empty homes	112	0
TOTAL	8,198	5,106

7.184 The rate of delivery that equates to a deliverable supply of 5,106, namely 1,021 dwellings per annum, provides a far more robust assessment and still provides for an uplift on past rates of growth which averaged 800 dwellings per annum from 2006 to 2016. It can therefore be considered optimistic.

8. IMPLICATIONS OF THE HOUSING WHITE PAPER

- 8.1 The Housing White Paper was published on 7th February 2017. This sets out a series of proposals for future changes to the NPPF as well as other regulatory change which has yet to be enacted. As a result, this does not change the basis upon which the five-year land supply is to be calculated. Nevertheless, it is useful to draw reference to the proposals where they are relevant to the five-year land supply to provide some context as to the potential future direction of travel.
- 8.2 The Housing White Paper proposes that local planning authorities will have the opportunity to prepare a housing land supply assessment jointly with stakeholders which will then need to be agreed with the Planning Inspectorate. Where this is undertaken the five-year housing requirement will be increased by an additional 10%. For those authorities which do not choose to take this option, the guidance and policies will remain unchanged from that which currently exists.
- 8.3 In North Somerset, it is clearly the case that a joint assessment has not been prepared. Even if this were the case, then with the application of an additional 10% buffer, the Council's position would be reduced. However, in the absence of joint assessment the guidance and policies of the NPPF continue to apply.
- 8.4 The Housing White Paper also introduces a Housing Delivery Test, such that from November 2017, where delivery has been less than 85% of the housing requirement over the previous 3 years, this will necessitate the application of a 20% buffer (as compared to the 5% buffer). In North Somerset, the average delivery over the previous 3 years (2013 to 2016) has been 668 dwellings per annum as compared to the housing requirement for 1,049 dwellings. This equates to 64% of the housing requirement which would therefore necessitate the application of the 20% buffer, as already supported by Inspector Richards and Inspector Pope. This not only supports the findings of these Inspectors but also underlines the fact that a 20% buffer would still be required in North Somerset even if greater levels of delivery had been achieved.
- 8.5 The Housing White Paper remains a consultation document with proposals that have yet to be refined and considered. The existing version of the NPPF and NPPG remain the context in which this appeal needs to be determined. However, this proof of evidence has been prepared in the context of the NPPF and NPPG but is also consistent with the proposals of the Housing White Paper.

9. CONCLUSIONS ON HOUSING LAND SUPPLY

9.1 Based on the preceding analysis the five-year land supply positions of the Council and myself are set out in Table 9.1. These scenarios reflect national policy which necessitates the application of the Sedgefield approach (unless all sustainable sites have been included and if there are insufficient sites joint work has been undertaken with neighbouring authorities to pick up the shortfall) and the application of a 20% buffer.

Table 9.1: Respective land supply positions

	Council's position	Pegasus Group position
Five-year requirement	9,293	
Deliverable supply	8,198	5,106
Number of years' supply	4.41	2.75
Shortfall	-1,095	-4,187

9.2 Based on the position of either party (with the application of the correct approach and buffer) there is a significant five-year land supply shortfall of at least 1,095 dwellings even on the Council's figures. As set out throughout this evidence, this includes ineligible sources of supply; assumes unrealistic delivery rates; and includes sites which do not accord with footnote 11 of the NPPF or national guidance. The result is that the five-year land supply position will actually be much lower.

9.3 In order to address this, the Council will need to include a sufficient number of sustainable sites to restore a five-year land supply. However, given the size of the shortfall it is very unlikely that this will be able to be achieved. This would then require that North Somerset works with neighbouring authorities to address this shortfall as identified in the NPPG (3-035). Once all sustainable sites within North Somerset are identified as allocations, and sites in neighbouring authorities are included, it is still unlikely that a five-year land supply will be able to be demonstrated. However, all of this would be required to justify the application of the Liverpool approach in accordance with national policy and guidance.

9.4 Furthermore, the housing land supply can only be assessed against the adopted housing requirement for the purposes of this examination. However, it must be

acknowledged that this housing requirement does not represent the objectively assessed need (as required by the NPPF) and that once the JSP is adopted the housing requirement will be significantly increased with corresponding adverse effects on the five-year supply. It should therefore be a priority to ensure that the supply is in place now to stand a prospect of being able to demonstrate a five-year supply in the imminent future (following adoption of the JSP).

- 9.5 However, the Council is unable to demonstrate a five-year land supply even against the adopted housing requirement and this will continue to have severe adverse consequences for households across the plan period.