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From the Inspector
North Somerset Site
Allocations Plan Examination

Our ref LDF 001801

To North Somerset Council

Date: 6 March 2017

Dear Sirs

Examination into the soundness of the North Somerset Site Allocations Plan

As you know, I have been appointed to hold the examination into the above Local Plan (LP).

From my initial review of the documents which have been sent to me, I wish to raise the following matters.

Scope and purpose of the Site Allocations Plan (SAP)

It is necessary for me to be clear as to the scope or purpose of the SAP (SD1) in order to judge whether or not it is a sound plan. The purpose of the Plan is set out in para 1.3 of its introduction, that is, to identify the detailed allocations required to deliver the recently adopted North Somerset Core Strategy (January 2017) (CS).

In relation to the delivery of housing land, the report to the Strategic Planning and Economic Development Policy and Scrutiny Panel of 24 January 2017 (SD18), states that "the principal task of the SAP is to identify the new residential allocations necessary to deliver the CS requirement, taking into account the need to supply deliverable sites to ensure the Council can maintain a 5 year housing land supply."

The basis for the housing requirement in the SAP

I note that a matter raised in response to consultation relates to the issue of whether or not the SAP can be found to be sound because it is not based on a housing requirement which is derived from "objectively assessed needs" for the authority's area, as paragraph 47 of the NPPF now requires.

Having regard to the findings of the High Court in *Gladman Developments Ltd. v Wokingham Borough Council* [2014] EWHC 2320 (Admin), and the Court of Appeal in *Oxted Residential Ltd v Tandridge DC* [2016] EWHC civ 414, I am satisfied that the

quantification of the need for housing is not a matter to be determined through the examination of the SAP. The housing need for North Somerset is established in the adopted North Somerset Core Strategy (CS) 2017. This is the housing requirement against which the examination will consider the soundness of the SAP as, "a development plan document dealing with the allocation of necessary housing until further steps are taken to identify whether additional housing is required" (NPPF para 66).

Allocated and omission sites

In relation to the housing and employment sites allocated in the SAP, I will consider them against the tests of soundness listed in para 182 of the NPPF. In relation to alternative or omission sites, my duty is to examine the soundness of the Plan and of the proposals for development which make up the Plan. I will not therefore consider the merits of any proposals for development which have been omitted from the Plan. In the event that in the course of the examination there appears to be a need for additional development sites in order to deliver the requirements of the CS, it will be a matter for me to raise with the Council to ascertain what it would propose in order to meet such a need.

Delivery of housing

I note that the SAP sets out the housing requirement at Table 1, using completion rates to 2015, and lists the allocated housing sites over 10 dwellings at Schedule 1. However, the SAP provides no indication of the timing for the likely delivery of the allocated sites, and in the absence of such information, it is not possible to determine whether the allocated sites would secure the delivery of housing in accordance with the requirement set out in the CS.

In order to assist in the examination of the soundness of the SAP, the Council is requested to produce a table which lists the allocated sites, identifies the planning status and expected capacity of each site, then identifies any past completions together with the expected rate of development for that site for each year to the end of the plan period. In producing this information, the Council should make it clear whether the lead in times and delivery rates are as agreed with the main developers for each site, and if not, what assumptions are being made in relation to lead in times and delivery rates for each of the sites.

In addition, can the Council please consider and respond to the following:

- How will the SAP make an appropriate contribution to the achievement of a 5 year HLS at adoption and throughout the lifetime of the plan?
- Having regard to the views of the Inspector following the examination of the CS, and the decisions taken by other Inspectors following recent housing appeals, should the assessment of the 5 year HLS be based on the Sedgefield methodology together with a 5% or 20% buffer?
- Should a trajectory be included in the SAP to demonstrate how residential development is expected to be delivered in accordance with the requirement in the CS?

Delivery of employment

Can the Council demonstrate how the SAP is expected to deliver the employment development required through Policy CS20 of the CS? In particular can evidence be

produced to indicate the rate of completions in the early part of the Plan period, and the dates for the future delivery of sites allocated in the SAP?

Habitats Regulations Assessment (HRA)

I note that Appendix 1 to the HRA (SD22) sets out the views of Natural England (NE) on its conclusions. It states that the Guidance on Development for the Mendips Bats Special Area of Conservation (SAC) was not completed, and that until the Guidance is confirmed by NE, confirmation cannot be given that the SAP will not have a likely significant effect on the SAC. Can the Council please provide an update on progress in relation to the Guidance?

Flood Risk Assessment

Some of the sites allocated for development in the SAP are indicated as being subject to risk of tidal/fluvial or surface water flooding. Has any flood risk assessment been undertaken for the Plan as a whole? Can the Council confirm that the Environment Agency is satisfied that the Plan would not contribute to any unacceptable increase in flood risk?

Hearings

I expect to hold hearings in the week beginning 15 May 2017. The hearings will continue into the following week if necessary. The timetable for the hearings, together with matters, issues and questions for discussion will be published at least 6 weeks prior to the start date of the hearings.

I have a list of some 20 respondents who have asked to appear at a hearing. However, any respondent to the consultation on the Publication Plan who considers that they have requested to appear should contact the Programme Officer prior to the 20 March 2017 confirming they wish to appear together with the ID number of the relevant representation. Any party who fails to register or confirm their wish to appear on or before that date will not be included in the programme for the hearings.

Target for response

In order to progress the examination in a timely fashion, I would request that the Council's response to this note be completed and published in the examination library on or before midday of the 21 March 2017.

Please let me know, through the Programme Officer, if you have any questions on the content of this letter.

Yours faithfully

Wendy Burden

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Inspector