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**NORTH SOMERSET CORE STRATEGY
EXAMINATION OF REMITTED POLICIES: North Somerset Council Core Strategy–
Policy CS13.**

Comments on NSC's Position Statement

1.1 This document has been prepared by Ian Jewson Planning Ltd (IJP) on behalf of Mead Realisations and the Manor Farm Landowners Consortium in response to the position statement dated 28th February 2014 submitted by North Somerset Council (NSC). A representative of IJP will be attending the hearing sessions scheduled for 18th, 19th and 20th March 2014 and therefore as far as possible the issues raised in this response have been summarised.

Q: Is the Core Strategy prepared within an appropriate strategic context?

1.2 The Council suggest that '*it would be wholly inappropriate for the outcome of the re-examination process to conflict with the extant policies*' and clarifies it's position with reference to documents RED/04 and RED/12. However, their approach simply appears to be dictated by its strategic objective of reducing commuting and furthermore ignores the need for cross boundary working between neighbouring Local Authorities to meet housing and economic needs. The plan therefore cannot be considered to be based on an 'objective' assessment of need.

1.3 Irrespective of whether some local plan policies are extant government policy now requires the Council to significantly boost the supply of housing and this context is significant in relation to the context of the re-examination. In the absence of any other independently tested housing requirement regard should be given to the only other appropriate strategic context provided by the dRSS spatial strategy figure. Whilst a revoked document the evidence based which supports it remains a material consideration.

1.4 Paragraph 159 of the NPPF is clear that local planning authorities must prepare a SHMA to assess their full housing needs. The preparation of a revised SHMAA will enable the Core Strategy to be considered against the strategic West of

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England context. However, until this is available it seems inappropriate to adopt the plan based on a housing figure which is likely to result in under supply and issues of affordability. Clearly, The SHMA should be prepared in the context of the Housing Market Area and based on the most up to- date evidence available.

- 1.5 The West of England SHMA (2009) identified an annual requirement for 1,400 dwellings the district between 2006 and 2026; a housing requirement of 28,000 over the Core Strategy plan period. Paragraph 24 of the Council's Statement for Consultation states that the 2009 SHMA "remains the current SHMA for the purposes of the re-assessment of the remitted policies" although this seems at odds with their latest findings. It is noted that work has started on a review to the West of England SHMA although regrettably the findings from this review are not expected to be available until 2015 and will therefore not inform the current assessment of remitted policies.
- 1.6 When considering all of the above it is considered that the plan has yet to demonstrate that it has been prepared in accordance with National guidance and under an appropriate strategic context.

Q: Is the assessment made by the Core Strategy consistent with national policy?

- 1.7 The Council state that '*The re-examination process needs to balance the fact that the Core Strategy was prepared and examined prior to the publication of the NPPF,*'. However if the plan is to be found sound it must be consistent with all aspects of the NPPF. In particular this will require the plan to significantly boost the supply of housing and objectively assess the full housing need.
- 1.8 In summary the Core Strategy is not consistent with national policy as:
- The Sustainability Appraisal does not reflect the Council's latest changes and omits to assess higher growth options
 - It is not based on an NPPF-compliant SHMA;

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- The modelling that the Core Strategy is based upon does not provide an objective assessment of housing needs;
- The proposed housing requirement takes no account of unmet requirements from neighbouring authorities as required by paragraph 182 of the NPPF.
- The Council's preferred housing requirement of 17,130 is portrayed in document RED/04 as an objectively assessed requirement. However, it is clear from this document that 17,130 is an unnecessarily constrained figure. The correct approach, as required by the NPPF, would be to first calculate objectively assessed needs, then consider whether those needs and unmet needs of neighbouring authorities can be met in a way which is consistent with achieving sustainable development.

Q: Does the selected approach amount to a SHMA as required by the NPPF?

- 1.9 The Council have confirmed that the evidence base for the adopted Core Strategy was the 2009 SHMA (prepared in accordance with PPS3 and best practice guidance at the time). However, In March 2012 the appropriate approach was amended by the NPPF so that plans prepared and submitted after that date need to be supported by a SHMA prepared in accordance with the new guidance. NSC acknowledge that their approach is not based on a fully NPPF-compliant SHMA.
- 1.10 The 2009 West of England SHMAA is clearly out of date and only considers affordable housing rather than overall housing demand. The updated SHMA is at a very early stage and is not expected to produce any meaningful outcomes until at least 2015. At this stage it is not possible for NSC to identify the '*full housing need*' as required by paragraph 159 of the NPPF.
- 1.11 In defence of their position the Council state that the Judgment required the re-examination of the district housing requirement, not the preparation of a new SHMA. However, this fails to address the fundamental problem which is that that

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the plan as drafted is not based on robust evidence and therefore the Council are unable to confirm whether or not the full, objectively assessed need will be met.

Q: Does the selected methodology provide a full, objective assessment of market and affordable housing in the housing market area as required by the NPPF?

- 1.12 The Council rely on an out of date SHMA and the Edge Analytics report (RED/05) to identify a full objective assessment of housing needs. However, this is fundamentally flawed as it only considers North Somerset and not the wider West of England Housing Market Area.
- 1.13 Whilst a new West of England SHMA is being prepared and will provide an appropriate the evidence base it is not acceptable to simply use it for a review as part of a roll-forward of the Core Strategy to 2036.
- 1.14 NSC's consultation statement (RED/04) sets out how the Core Strategy addressed the balance of homes and jobs. Whilst the proposed employment-led approach remains an extant element of the adopted Core Strategy and was not challenged by the judicial review it is clearly relevant to Policy CS13 and the method by which the Council arrive at an overall housing requirement through the re-opened examination. It is not sufficient for NSC to rely on the fact that the employment strategy cannot be altered. The question should simply be whether Policy CS13 will meet housing need through the plan period.
- 1.15 Of relevance to the re-opened examination is the High Court Judgment in the recent Hunston case: Hunston Properties Ltd v Secretary of State for CLG and St Albans City and District Council [2013] EWHC 2678 (Admin). Issued on the 5 September, the case concerned a High Court challenge under Section 288 Town and Country Planning Act 1990.
- 1.16 The Judge concluded in relation to objectively assessing need that *"The proper course involved assessing need, then identifying the unfulfilled need*

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having regard to the supply of specific deliverable sites over the relevant period. Once that had been done it was necessary next to decide whether fulfilling the need in fact demonstrates (in common with the other factors relied on in support of the development) together clearly outweighed the identified harm to the Green Belt that would be caused by the proposed development. Those of course are matters of planning judgment and are for an inspector not me.” (paragraph 30)

- 1.17 The Judgement is particularly significant for Planning Authorities such as North Somerset which experiences significant housing pressure from in migration. It also highlights that there are many different factors which must be considered when identifying a housing requirement figure before it can legitimately be argued that it represents full objectively assessed need. At the current time NSC’s approach to identifying need fails to properly consider all aspects of latent demand nor does it assess through the sustainability appraisal the likely consequences of under supplying housing.