The Planning Inspectorate

Report to North Somerset Council

by Jonathan Bore MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 8 November 2016

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO THE SOUNDNESS OF THE CONSEQUENTIAL CHANGES TO POLICIES CS6, CS14, CS19, CS28, CS30, CS31, CS32 and CS33 OF THE NORTH SOMERSET CORE STRATEGY

Document submitted for examination on 8 January 2016

Examination hearings held between 21 and 23 June 2016

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Glossary

CIL	Community Infrastructure Levy
DPD	Development Plan Document
The Framework	The National Planning Policy Framework
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
NP	Neighbourhood Plan
The Plan	The North Somerset Core Strategy
Remitted policies	Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32 and CS33 of the North Somerset Core Strategy 2012 that were remitted by the Court for further consideration
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SPD	Supplementary Planning Document
Submitted policies	Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32 and CS33 as revised by the Council and submitted for this Examination

Non-Technical Summary

The North Somerset Core Strategy was originally adopted by the North Somerset Council in April 2012 with a housing requirement of a minimum of 14,000 dwellings for the District between 2006 and 2026, as set out in Policy CS13. Following a legal challenge, Policy CS13 was remitted by the Court for reconsideration. Following further examination, the housing requirement was raised to a minimum of 20,985 dwellings. Policy CS13 has now been adopted with that housing requirement.

At the same time as remitting Policy CS13, the Court remitted a number of other policies for further consideration on the basis that any change to Policy CS13 could have consequential changes for those policies. They are Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32 and CS33.

The Council has proposed modifications to those policies and they – the "submitted policies" – are the subject of this report. They include changes to reflect the increased housing numbers, but are otherwise largely unchanged from the remitted policies.

The Council has specifically requested me to recommend any modifications necessary to make the policies sound and enable them to be adopted. These modifications were proposed by the Council and I have recommended their inclusion after considering the representations from other parties on these issues. This report concludes that, provided that the Main Modifications are made, the submitted policies will be sound and will provide an appropriate basis for the planning of the District.

The Main Modifications are explained in the body of this report and are set out in the Appendix. They can be summarised as:

- **MM01 – Policy CS14: Distribution of New Housing**. The minimum housing requirements are adjusted and rounded off, restrictive wording is removed, and an explanation is provided of the purpose of settlement boundaries and the circumstances in which development may be acceptable outside them.

- **MM02 – Policy CS28: Weston-super-Mare.** The housing requirement is adjusted and rounded off and expressed as a minimum, allowance is made for unallocated housing schemes of up to about 75 dwellings outside but adjoining the settlement boundary, and objectives are set for the town, to which development should have regard.

- **MM03 – Policy CS30: Weston Villages.** The reference to strategic gaps between the Weston Villages and Hutton and Locking is deleted, since any such gaps and their boundaries are to be defined in the Sites and Policies DPD, but a reference to green corridors is added.

- **MM04 – Policy CS31: Clevedon, Nailsea and Portishead.** The housing requirement is altered and rounded, restrictive wording is removed and the facility is provided to allow unallocated development outside but adjoining the settlement boundary of up to around 50 dwellings.

- **MM05 – Policy CS32: Service villages.** The modification allows for new development within the settlement boundary, and allows for unallocated sites to come forward adjoining the settlement boundary up to about 25

dwellings. The unduly restrictive criteria in the submitted policy are deleted and a clearer, bulleted set is introduced to help guide development.

- **MM06 – Policy CS33: Infill villages, smaller settlements and countryside.** The specific size restrictions and the references to community-led schemes and community and environmental benefits are removed.

Finally, a word of clarification. In this report, the term *'remitted policies'* is used to mean the versions of Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32 and CS33 of the North Somerset Core Strategy 2012 that were remitted by the Court for further consideration; the term *'submitted policies'* is used to mean the versions of those Policies as revised by the Council and submitted to this Examination, which are the subject of this report. *'Main Modifications'* are the changes needed to make the submitted policies sound. This is also explained in the Glossary.

Introduction

1. This report contains my assessment of the following submitted policies of the North Somerset Core Strategy in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended): Policy CS6: North Somerset's Green Belt; Policy CS14: Distribution of New Housing; Policy CS19: Strategic Gaps; Policy CS28: Weston-super-Mare; Policy CS30: Weston Villages; Policy CS31: Clevedon, Nailsea and Portishead; Policy CS32: Service villages; and Policy CS33: Infill villages, smaller settlements and countryside. The report considers whether these policies are sound, having particular regard to the overall Core Strategy and its adopted housing requirement, and to the National Planning Policy Framework; and whether the policies are compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.

2. The North Somerset Core Strategy was submitted for Examination in July 2011 and was adopted by the Council in April 2012. However, the adoption of the Core Strategy was challenged and the Court judged that Policy CS13, which set out the housing requirement, should be remitted to an earlier stage of the plan preparation process. The Court also remitted the policies which are now the subject of this report; these were confirmed as lawful, but it was considered that the re-examination of Policy CS13 could result in consequential alterations to them.

3. Following a further Examination into Policy CS13, a modification was made to that policy raising the housing requirement to a minimum of 20,985 homes (or 1,049 dwellings per annum). The Inspector at the time recognised the limitations of the evidence base but found Policy CS13, as modified, sound subject to there being a review in the short term based on an up-to-date full objectively assessed need for housing. Paragraph 3.190 of the Core Strategy contains a commitment to review Policy CS13 by the production of a joint development plan by the West of England authorities with adoption by the end of 2018. Policy CS13 was adopted following the Secretary of State's letter to the Council of 18 September 2015. Its housing requirement has the full weight of an adopted development plan policy.

4. Submitted Policies CS14, CS28, CS30 and CS31 contain the Council's proposed modifications to seek to accommodate the new housing requirement contained in Policy CS13, but otherwise their wording has not much changed from the remitted versions. These submitted policies are the subject of this report.

5. The starting point for the Examination is the assumption that the local authority has submitted what it considers to be a set of sound policies.

6. In accordance with section 20(7C) of the 2004 Act, the Council requested that I should make any modifications needed to rectify matters that make the submitted policies unsound or not legally compliant and thus incapable of being adopted. These Main Modifications are set out in the Appendix and are discussed in this report.

7. The Main Modifications that are necessary for soundness all relate to matters that were discussed at the Examination hearings. Following these discussions,

the Council prepared a schedule of proposed Main Modifications and this schedule has been subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report.

8. The 'Duty to Cooperate' does not apply to this Core Strategy, or to the policies which are the subject of this report, because the Plan was formally submitted before the relevant date set by legislation. Paragraph 25 of the Inspector's report on the Examination into Policy CS13 (Document CC/04) explains this is more detail. The matter was not disputed during the course of this Examination and it is not necessary to go further into the subject here.

Assessment of Soundness

Main Issues

9. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings, the main issues are as follows.

   - Soundness of process: whether the submitted policies have been prepared in accordance with a sound process; in particular, whether an appropriate approach was taken to sustainability appraisal and whether alternative strategies should have been investigated for the distribution of development

   - Soundness of content: whether the submitted policies are capable of delivering the housing requirement established in Policy CS13 of the adopted Core Strategy whilst remaining consistent with the Core Strategy's other policies, its overall strategy and with the National Planning Policy Framework.

Soundness of process

10. The Sustainability Appraisal which was prepared for the originally submitted Core Strategy (Document SD/07) assessed a range of housing delivery options in relation to Policy CS13 including a Regional Strategy (RS)-derived figure much higher than that now adopted in Policy CS13. It also assessed approaches towards the spatial strategy set out in Policy CS14. The original policies which contained the spatial strategy were therefore formulated through a process that included sustainability appraisal. The SA process was not found defective by the Inspector at that time. A further supplementary SA was produced during the formulation of modified Policy CS13 (Document RED/09) and that policy was found sound by the Inspector who examined it. During the course of the current Examination the Council prepared a Sustainability Appraisal Supplementary Report (Document CC/28). The consultation period for this document closed during the hearings.

11. The submitted policies with their increased housing requirement have not altered the essence of the spatial strategy of the originally submitted Core Strategy (see Paragraph 34) which was subject to adequate SA during the course of the plan's preparation. The spatial strategy remains in accordance with the Core Strategy's Priority Objectives and the National Planning Policy Framework. The Supplementary Appraisal Sustainability Report (CC/28)

highlights some potential effects arising from the increase in the housing numbers, notably the greater challenge to the objective towards greater self-containment at Weston-super-Mare and Nailsea, traffic movements, loss of agricultural land and tensions between the definition of settlement boundaries and the greater need for peripheral development to meet housing requirements. However, these identified effects fall far short of indicating that the spatial strategy embodied in the remitted policies would no longer be sound, effective, or consistent with the remainder of the plan.

12. Therefore SA had already been carried out in relation to the original Core Strategy and was still valid. National Planning Practice Guidance advises that modifications to the SA should be considered only where appropriate and proportionate to the level of change being made to the Local Plan. A change is likely to be significant if it substantially alters the Plan and/or is likely to give rise to significant effects. In this case the change has not significantly altered the plan spatially and the Council's response has been proportionate. It can be concluded that both in terms of numbers and distribution the spatial strategy and settlement hierarchy represented by the submitted policies have been properly evaluated through the process of SA.

13. The Sustainability Appraisal Supplementary Report rightly came to the conclusion that there was no reasonable alternative to the approach taken by the submitted policies. The Core Strategy is already half way through its plan period of 2006 to 2026 and a significant proportion of the housing requirement is already committed through the grant of planning permissions. The plan's strategy as established by the remitted policies has been followed by the Council for a number of years and it is worth recalling that those policies were not found unsound by the Court; they were considered perfectly lawful. It is neither reasonable nor realistic to think that, at this advanced stage in the life of the plan, alternatives might be devised to take the settlement strategy in a different direction. The additional housing provision required to reach the requirement is a small proportion of the total so any alternative strategy could only have an effect at the margin.

14. To conclude, the Council's approach to the preparation of the submitted policies has been sound. It was neither necessary nor appropriate to go through an exercise of evaluating reasonable alternatives at this stage.

Soundness of content

Housing provision

15. To be sound, the submitted policies must be capable of delivering the housing requirement set out in Policy CS13 of a minimum of 20,985 dwellings from 2006 to 2026. The policies must also play their part in helping to maintain a 5 year supply of housing land in the district. The purpose of considering housing supply in this Examination is to make sure that these aims can be achieved through the submitted policies. This report does not look in detail at sites, or go into detail on site availability, because that is the job of the forthcoming Site Allocations Plan. Rather, it looks at the broad issues concerning the achievement of the overall requirement and considers whether the policies are fit to deliver it.

16. The Council states that the residual requirement – that is, the number of additional dwellings that need to be made provision for as a result of the increase in the housing requirement to 20,985, taking into account completions and commitments – was 1,715 dwellings using figures at the base date of April 2015. It adds that sufficient sites will be proposed as allocations in the forthcoming Site Allocations Plan to deliver that residual requirement. However, there are a number of factors that put the strategy at risk.

17. The distribution of development is weighted heavily towards Weston-super-Mare and Weston Villages. Submitted Policies CS14 and CS28 increase the minimum requirement by some 3,000 dwellings in comparison with the remitted policies, so delivery here is critical to the success of the spatial strategy and the delivery of the overall requirement. The emphasis in Weston-super-Mare is on regeneration. With the Council owning key sites and the Homes and Communities Agency involved, the probability is that the bulk of the overall housing requirement can be delivered within the plan period. But some of the sites in Weston-super-Mare will be complicated to develop, with demolition, piling and remediation involved in certain cases. There is potential for slippage, as is often the case with complicated urban sites.

18. Weston Villages also account for a substantial part of the District's housing requirement, with submitted Policies CS14 and CS30 now allocating 1,000 more dwellings to these locations compared with the remitted policies. The development trajectory is set out in Chart 3 of Document CC-CS/2 and in Document CC/24. The anticipated build rate grows rapidly in 2017-18 and continues at a high level throughout the remainder of the plan period. But there are risks to delivery at the anticipated rates from three potential factors. Firstly, there is the employment-led approach set out in Policy CS20 of 1.5 jobs per dwelling. The Council is taking various pragmatic measures such as flexibility over employment uses and contributions towards floorspace delivery to bring forward both housing and employment, as is evident from the Weston Villages SPD and other documentation and, at present, there is no strong evidence to show that the former is being held back by the latter. But the Council have accepted a lower target in the early stages with the anticipation that, to deliver the overall employment target of 1.5 jobs per dwelling, job provision will ratchet up later. It will be a challenge to raise employment provision to the planned level. Secondly, projects of this size inevitably encounter practical obstacles to implementation. Significant progress has been made towards infrastructure provision (as recorded in CC/27 of April 2016) but there is a lot more to do. Thirdly, build rates can vary according to the prevailing economic climate. Just a modest slippage in delivery against the indicated trajectory would diminish the contribution of this source towards the total requirement.

19. There is also uncertainty over planning permission lapse rates. The Council has applied a lapse rate of 9% to small site permissions which reflects the average lapse rate for the three years up to 2011, a figure derived from research for the 2011 Strategic Housing Land Availability Assessment. It has not applied a lapse rate to larger sites because it says the average lapse rate between 2006 and 2011 was 0.73% of the total dwelling stock. But some objectors argue that the lapse rate is higher – based on their calculations, around 2% on large sites and 24% based on historic rates on small sites. In reality neither

approach is especially reliable because the data from both calculations is derived from a short period which included both economic growth and recession and may not be indicative of future lapse rates, which could increase or decrease in response to economic prospects. The information supplied by the parties reinforces rather than dispels the uncertainty around this matter. There is a possibility that higher lapse rates than allowed for by the Council could occur in the next few years with a negative effect on housing supply if adequate flexibility is not built into the policies.

20. In addition, the Council factors in a number of old allocations that have not come forward for development; it says that these will be included as allocations in the Site Allocations Plan. There are 372 units on 9 sites that previously were allocated for development in the North Somerset Replacement Local Plan (2007). In the Examination the Council indicated that 8 of these sites were still considered suitable, totalling 332 units. The fact that proposals have not come forward suggests in certain cases either unwillingness to develop or impediments to development. Some sites now have development interest but others have active uses and there is no certainty that all these sites will come forward.

21. The Council also relies on draft allocations in the consultation draft of the Sites and Policies Plan, which includes sites in Weston-super-Mare and one site in north-west Nailsea. The expected contribution from these sites is substantial but, as with other old allocations there is potential for slippage. Moreover, some caution needs to be exercised regarding delivery from sites identified in the draft Site Allocations Plan, which at the time of writing is at an early stage in the process towards adoption.

22. The conclusion to be drawn from the foregoing is that, whilst there is no reason to anticipate the failure of the strategy, there is potential for slippage and under-delivery. The Council has been optimistic in its approach to the residual requirement that needs to be provided for through the Site Allocations Plan. The wording of the submitted policies is in many cases too restrictive to provide the flexibility necessary to ensure the delivery of sufficient homes.

23. The 5 year housing land supply was not interrogated in detail during the Examination, as this is not an Examination into a complete plan but concerns the spatial distribution of a previously-adopted housing requirement. However, the submitted policies should be capable of supporting the maintenance of a 5 year supply of deliverable land and there will be something of a gap before the Site Allocations Plan is adopted. I was specifically asked by Examination participants to give a view on the methodology for calculating the 5 year supply in the light of evidence before the Examination to assist the Council in the next stage of its work on the Site Allocations Plan. I did so, but the following comments come with a major qualification: the 5 year housing land supply position can change quite quickly and it is important that the Council keeps under continuous review all the information on the subject.

24. I reached the conclusion by the last day of the hearings that the appropriate methodology was the Sedgefield approach to the shortfall plus a buffer of 5% brought forward from later in the plan period. This was communicated to the Council and the parties then present, and was my view at the time based on

the evidence.

25. Regarding the Sedgefield approach, the plan period is already at its halfway point and the Weston Villages are shortly expected to make a significant contribution to housing supply. It is important that the under-supply that has arisen as a result of the increase in the housing requirement through modified Policy CS13 is remedied as soon as is practicable. The Sedgefield methodology, which corrects the accumulated backlog within the first 5 years, is therefore the appropriate approach.

26. As regards the buffer, I came to the conclusion (having regard to Cotswold District Council v Secretary of State for Communities and Local Government and Fay and Son and Hannick Homes and Development Limited [2013] EWHC 3719 (Admin), and to the Planning Practice Guidance) that there is no record of persistent under-delivery in the District over the whole economic cycle. The Council's record of delivery (Document CC-CS/2, Chart 5) was acceptable during the period from 2000 until the recession beginning in 2008. The Joint Replacement Structure Plan required delivery of 14,900 dwellings, equating to 993 per annum. This was in fact almost the same as the number delivered. The number of homes delivered dropped significantly from 2008/9 and since then it has been well below the revised Core Strategy requirement of 1,049 dwellings per annum, but until quite recently the housing market and the wider economy were in severe recession. Moreover, the Council believed for much of this time that it was seeking to deliver against a lower target. Having regard to all the evidence over the economic cycle, I considered that there was no record of *persistent* under-delivery and a buffer of 5% is appropriate.

27. At April 2016, on the Council's calculation, there was a 5.12 year supply of deliverable housing land in the District based on a 5% buffer and the Sedgefield methodology. This was not tested at Examination but it is clear that there is a very small comfort margin and the 5 year supply could easily be jeopardised by adverse combinations of circumstances described above. For example, slippage at Weston Villages in the early stages would diminish the contribution of these sites to the 5 year supply of deliverable land, since the sites are expected to deliver 3,061 dwellings from April 2016 to April 2021 (CC-CS/2 Chart 4). Obviously it will be important for enough land to be allocated in the Site Allocations Plan (submitted in draft as Document CC/10). The difficulty is that there is an acknowledged shortfall in housing provision which needs to be addressed over the next 5 years and the Site Allocations Plan is some way from adoption. Moreover, it cannot be expected to identify or cover all the sites coming forward.

28. Although the submitted policies which are the subject of this report have been changed to take into account the increased housing requirement, their wording is otherwise largely unchanged and this is the main factor that makes them unsound in the circumstances. Policies relating to development in settlements are couched in restrictive terms and there is insistence on development within settlement boundaries, which the Council has indicated will not (on the whole) be changed within the life of the plan. This would make it very difficult in practice to meet the raised housing requirement. It is necessary therefore to introduce some additional flexibility into the submitted policies. This must be enough to give the plan greater resilience and ensure that the housing

requirement is met and a 5 year housing land supply is maintained, without substantially altering the nature of the spatial strategy embodied in the policies.

29. This will involve being more positive about sustainable development at each of the settlements, with less restrictive and more positive wording. It will also involve accepting a certain amount of development of an appropriate scale outside, but adjoining, the settlement boundaries which can come forward not only from plan-led site allocations but also through planning applications for sustainable housing development on unallocated sites. This is what in effect the Council is putting forward through its MMs. While this may be a challenging prospect for some, it will enable the local planning authority to maintain influence over the location of new housing development. If such flexibility is not built in to the plan, the outcome, less attractive from the Council's perspective, will be a series of appeal decisions based around housing land supply arguments, with a consequent loss of local planning authority control.

30. This report will now go on to look at the individual policies.

Policy CS6: North Somerset's Green Belt

31. The submitted policy is unchanged from the remitted version. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. This is not the preparation of a whole Local Plan, nor is it a review of the Local Plan; it is the resubmission of a small number of policies and it is clear that, subject to Main Modifications, the increased housing requirement of this plan can be satisfactorily accommodated through the submitted policies without requiring a review of the Green Belt. There are no exceptional circumstances to justify a Green Belt review in this context. For the future, it is intended to carry out a review of the Green Belt across the West of England as part of the process of producing the Joint Spatial Plan.

32. The policy states that the Green Belt boundaries will be unchanged during the plan period. That will not preclude any subsequent plan from reviewing those boundaries. Any subsequent local plan review, taken through the appropriate route to adoption, is capable of superseding the current plan and all the wording within it.

Policy CS14: Distribution of New Housing

33. The remitted policy contained the numbers of dwellings allocated to the various categories of settlement in the settlement hierarchy under the former Policy CS13 housing requirement of a minimum of 14,000. The submitted policy changes the number to reflect the change to 20,985 dwellings in adopted Policy CS13. **MM01** rounds those figures up or down to reflect the latest assessments of developable land and planning permissions, as shown in the following table. It does not reflect a change in the approach to the spatial strategy, nor does it alter the approach that would be taken to sustainable sites at settlements within the hierarchy.

Area	Net additional dwellings Original Core Strategy Policy CS14	Net additional dwellings Submitted Policy CS14	Net additional dwellings **As per modification MM01**
Weston urban area	3,458	6,459	6,300
Weston Villages	5,500	6,500	6,500
Clevedon, Nailsea and Portishead	3,715	4,976	5,100
Service Villages	805	1,861	2,100
Other settlements and countryside	522	1,189	985
Total	14,000	20,985	20,985

34. Despite the increase in the housing requirement, neither the submitted policies nor the main modifications have changed the spatial strategy. The increased housing requirement has been distributed among the towns and villages in such a way as to reflect and support the previously-identified hierarchy and support the Priority Objectives, notably concentration at Weston-super-Mare, enhancements and regeneration in North Somerset's towns and support for the existing Green Belt. Weston-super-Mare and Weston Villages continue to take the largest number of dwellings, which is right because this approach reflects the need to create more sustainable settlements in locations well served by a range of facilities and with a good choice of transport. A substantial increase in the number of dwellings is also allocated to the second tier settlements, with more of the growth arising from the revision to Policy CS13 going to Nailsea because it has fewer constraints than Clevedon and Portishead. Increases have also been allocated to Service Villages, but these villages are still allocated a considerably smaller proportion of the overall total. Again, this is right, because they are notably smaller with lower order facilities.

35. However, as discussed in Paragraph 28 above, the wording of the submitted policy is not sound because it would be an impediment to the achievement of the housing requirement. It refers to most development outside Weston taking place *in* Clevedon, Nailsea and Portishead, and smaller scale development *in* service villages, within settlement boundaries or through site allocations. This highlights the tension between the need to increase housing supply to meet the requirement and the restrictions imposed by the settlement boundaries. The policy would especially work against sustainable smaller sites coming forward adjacent to the settlement boundary. **MM01** achieves greater flexibility in housing supply by removing some of the restrictive wording. It refers to development of a suitable scale taking place *at* these settlements.

36. MM01 also contains a useful explanation of the purpose of settlement boundaries and allows for development on unallocated sites outside but abutting settlement boundaries in particular categories of settlement subject to certain size limitations.

37. The provision contained within MM01 regarding development outside settlement boundaries is essential to ensure that the appropriate amount of housing is delivered. Moreover, the approximate limits to such developments contained within **MM02** (policy CS28: Weston super Mare), **MM04** (Policy CS31: Clevedon, Nailsea and Portishead) and **MM05** (Policy CS32: Service Villages) of about 75, 50 and 25 dwellings respectively are justified. It is true that some schemes in excess of these figures have in the past been granted permission on sites in Yatton and elsewhere, but the Council is perfectly within its rights, in the interests of the proper planning of the area, to put a figure on the maximum size for individual developments on unallocated sites that it considers compatible with the settlement hierarchy and spatial strategy. The policy wording will enable additional housing land to be brought forward on smaller sites immediately adjacent to settlements, which will improve the flexibility of the plan and reduce the risk of housing under-supply whilst remaining consistent with the spatial strategy. The word "abutting" is appropriate because it is normally in the interests of good planning and design to ensure that new development adjoins and integrates with the settlement and does not intrude excessively into open countryside.

38. The size limitations have the advantage of providing greater certainty, and they are approximate so can be flexed in accordance with local circumstances. Larger unallocated developments would present a significant risk to the spatial strategy. It is entirely appropriate in accordance with the plan-led system that larger sites should be brought forward in local plan or neighbourhood plan allocations.

39. The categorisation of service and infill villages has been the subject of analysis by the Council in "Assessing the Sustainability and Settlement Hierarchy of Rural Settlements in North Somerset" (Doc CC/15) and the hierarchy is set out in Vision 6 and Vision 7 of the Plan. Settlements vary widely, the identification of a settlement hierarchy inevitably raises issues of consistency, and studies such as CC/15 are often criticised for reductionist analysis. Nonetheless, CC/15 does contain a substantial amount of survey data and it is clear from evidence and on the ground that the classification is a reasonable reflection of the size and range of services of the various settlements.

40. Yatton is served by rail, it is a large service village, and a substantial amount of housing development is under way. On the other hand it is clear from any inspection that Yatton is substantially smaller and of a lower order in terms of services than Clevedon, Portishead and Nailsea, which are small towns. It is appropriately categorised. Policy CS32 as modified by MM05 allows for development on unallocated sites adjoining but beyond the settlement boundary of up to 25 dwellings and larger sites may be allocated as appropriate so the categorisation of Yatton as a Service Village does not prevent sustainable development from coming forward on suitable sites. The reasons for this modification are set out in paragraphs 67 to 70 of this report.

41. Sandford is not included as a Service Village primarily on access to key

services within the village: neighbouring Winscombe has a wider range. The Council's evidence base is not defective, and the categorisation is not unreasonable. Whilst arguments can be made that the wider group of villages in the locality together contain a broader range of facilities, the fact is that neither the re-categorisation of Sandford as a Service Village, nor the relaxation of Policy CS33 to allow more development there, are required to make the policy sound.

42. The policy states that priority will be given to the re-use of previously-developed land. This does not represent a sequential approach; it is in step with the Framework, which indicates that planning policies should encourage the re-use of such land. As regards the remainder of this part of the policy, it is not necessary to require compliance with other policies of the plan, because the plan is read as a whole, but the inclusion of this sentence does not make the policy unsound. It is not necessary for the policy to require contributions towards rail infrastructure or to include additional wording in respect of drainage; delivery policy is set out in Core Strategy Policy CS34.

43. The projected housing trajectory which was included at paragraph 3.197 of the reasoned justification has apparently been omitted from the modified version. Whilst it is not a matter of soundness to include such a table, it would be a useful addition to the plan.

44. The policy as proposed to be modified would provide an appropriate degree of flexibility to enable the housing requirements of the plan to be met within an appropriate settlement hierarchy. MM01 is required to make the policy sound.

Policy CS19: Strategic Gaps

45. It is not proposed to change this policy from the remitted version. The plan does not set the boundaries of strategic gaps; that is the job of the subsequent Sites and Policies DPD. The reference in Policy CS30 to strategic gaps between Weston Villages and Hutton and Locking is dealt with under that policy (see paragraph 52). There is no need to revisit Policy CS19 to accommodate the housing requirement of the Plan.

Policy CS28: Weston-super-Mare

46. The submitted policy increases the overall number of homes for Weston-super-Mare and Weston Villages together to 10,914. However, Policy CS28 does not reflect the concept of a minimum housing requirement as set out in Policy CS14 and it talks about focusing new development *in* the town. This does not recognise the reality that much of the growth will be at Weston Villages outside the current urban area and that other sustainable sites could come forward to help meet the substantially increased housing requirement. Moreover, the policy requires development to meet a set of wide ranging criteria which, self-evidently, not every development can meet, particularly during a period of substantial housing expansion. These are unnecessarily restrictive. The policy as submitted is therefore not sound.

47. **MM02** raises the overall number of homes in Weston-super-Mare including Weston Villages to 12,800. The evidence indicates that the town and its extensions are capable of accommodating this increased housing requirement,

subject to the concerns expressed in Paragraphs 28 and 29 which point to the need for greater flexibility in the Plan. In this regard, MM02 expresses the housing figure as a minimum, refers to development at rather than in the town, and sets out objectives for the town to which development should have regard, rather than a set of requirements for every development. It also allows for housing sites adjoining the settlement boundary but indicates that those in excess of about 75 dwellings must be brought forward as allocations. These changes make the policy more realistic and flexible.

48. The appropriateness of the limitation in MM02 of about 75 dwellings imposed on unallocated sites outside the settlement boundary is discussed in Paragraph 37 above. The limit will allow modest developments to come forward to assist in meeting the housing requirements. It does not put a brake on larger schemes but recognises that, in a plan-led system, it is appropriate for such sites to be brought forward as allocations. It would ensure that the larger sites had the benefit of full assessment and public involvement through the plan-making process. The Council says it has selected the figure on the basis that it is appropriate in relation to the size of the settlement. The approach provides an appropriate balance between encouraging growth and maintaining the role of the plan-led system. Those landowners or developers who have larger sites have a clear route for taking them forward (if they are appropriate) in future local plan documents.

49. There is nothing unsound in the Council resisting strategic development east of the M5 as part of its spatial plan for the area.

50. MM02 is required to make the policy sound.

Policy CS30: Weston Villages

51. The submitted policy indicates that about 6,500 new homes will be accommodated at Weston Villages, an increase from the 5,500 homes referred to in the remitted policy. The Council has demonstrated the ability of the site to accommodate this scale of development. This is a policy in which the Council does not wish to set the requirement as a "minimum", preferring the word "about". In the context of large strategic allocations of a finite nature, defined by masterplans, this is reasonable.

52. The submitted policy makes it a requirement of the Weston Villages development to have strategic gaps between the Weston Villages and Hutton and Locking to protect their character and identity. The Council also proposes a modification to add a reference to green corridors. It is entirely sound for the Council, in the interests of the proper planning of the Weston Villages developments, to seek the provision of green corridors as part of the overall masterplan to contain the spread of the development and provide visual relief and green infrastructure within reach of the new residents. The actual extent of the green corridors has been identified in the Weston Villages SPD Masterplan. The picture is different as regards strategic gaps. According to Policy CS19, these will be identified through the Sites and Policies Development Plan Document, so the reference to the gaps in Policy CS30 should be deleted, but the explanatory text may refer to the intention to define such gaps in the forthcoming Sites and Policies DPD. **MM03** incorporates these changes.

53. It is not the role of this report to judge whether extensions to Weston Villages outside the masterplan development area are appropriate; that is a matter that should be raised with the Council in respect of the Site Allocations Plan or any future plan review but it is not necessary to change either Policy CS30 or indeed Policy CS33 below to facilitate it or to make the policies sound.

54. Whilst the Council has demonstrated a flexible approach towards employment provision in relation to its requirement for 1.5 jobs per dwelling, it is reasonable to continue to require 37.7 ha of B class employment land within the allocated employment sites rather than simply employment land, which might include a range of uses other than business.

55. It is reasonable to include a reference to a Junction 21 relief road or alternative given the scale of the development, even if the precise details are not known at this stage; this is included in the Joint Local Transport Plan (2011).

56. It is not necessary to include additional policy wording to protect the motte and bailey adjacent to Locking Head Farm, which is a scheduled monument, or the Grade II listed Locking Farmhouse, because Policy CS5 protects heritage assets and there is no need to repeat the requirement in individual policies.

57. The Council should give consideration to updating the reasoned justification to this policy, notably by ensuring consistency of approach with the policy and by deleting the references to RPG10. This is not however a main modification.

58. MM03 is required to make the policy sound.

Policy CS31: Clevedon, Nailsea and Portishead

59. Remitted Policy CS31 indicates that provision will be made for 454 houses at Clevedon, 210 at Nailsea and 3,051 at Portishead. This is changed by the submitted policy to 812, 917 and 3,247 respectively. The changes in respect of Clevedon and Portishead largely reflect existing commitments so the largest change is at Nailsea.

60. Unfortunately the policy wording does not reflect the way that the District's overall housing requirement in CS13 is expressed as a minimum. Moreover the wording of the submitted policy is too restrictive. It allows for development "within the settlement boundaries" at Clevedon, Nailsea and Portishead, and it allows for mixed use schemes adjacent to the boundary in Nailsea where it meets identified local needs, is supported by the community and changes to the settlement boundary have been addressed in a separate DPD. There are further caveats: development (even within the boundary) should increase self-containment, ensure the availability of jobs for the town and catchment and improve the town's role as a service centre. There are other difficulties with the policy wording. It is not clear what is meant by community support; it is generally acknowledged that housing development, even where sustainable, does not necessarily attract local support. Similarly there is a lack of clarity about what constitutes local need and the position regarding wider market need. It is unlikely that all developments would be able to meet the requirements of Policy CS31; instead, these requirements would be likely to act as a brake on housing development contrary to the Framework's objective

of boosting the supply of housing.

61. Given the considerable increase in the housing requirement allocated to these towns and the need for greater flexibility discussed in this report, the policy needs to avoid setting so many hurdles that are not only difficult to achieve but are capable of misinterpretation, and it needs to allow the opportunity for sustainable housing development of an appropriate size to come forward outside the settlement boundaries. Nailsea Town Council and some others point out the need to provide a better range of homes in the town to encourage a more balanced community to develop. This is an important objective but its achievement is likely to be impeded by the policy wording as submitted.

62. **MM04** updates the housing requirements with a proposed 700 homes at Clevedon, 1,100 at Nailsea and 3,300 at Portishead, and indicates that it is a minimum delivery figure. It allows for housing development within and adjoining the settlement boundaries subject to a number of relevant considerations including design, scale and infrastructure. The local support requirement is omitted and the issue of local housing need is changed to require a broad range of housing types to meet all requirements. Residential proposals in excess of about 50 dwellings outside the settlement boundary should be brought forward as allocations. These limits are discussed in Paragraph 37 but the amount indicated is reasonable, proportionate to the size of the settlements and their infrastructure, and important as a means of ensuring that the spatial strategy is not jeopardised by large schemes brought forward outside the plan-led process. The supporting text needs to be brought into line with the policy by making it clear that the 50 dwelling limit applies to development beyond, not inside, the settlement boundary. This change is included within MM04**.** The reference to "development of an appropriate scale" relates to design rather than size of development, and is acceptable. The words "enhance overall sustainability" are perhaps superfluous given the approach in the Framework and the Council should either consider omitting them or adding some explanation in the reasoned justification, but they do not make the policy unsound.

63. MM04 also removes the indicative number of jobs from the policy, instead indicating that employment uses should be appropriate in scale to the role and function of the town in accordance with Core Strategy CS20, with support for the regeneration of previously developed land.

64. Nailsea might or might not have a greater capacity than 1,100 dwellings but the figure is expressed as a minimum so the flexibility exists to bring forward other sustainable proposals. The policy as modified does not preclude sites coming forward through the plan process or smaller sites abutting the settlement boundary being brought forward as planning applications.

65. It is not appropriate to review the extent of Green Belt around Nailsea as part of the work on the submitted policies since those policies (subject to the MMs) deliver a sound spatial strategy and are likely to meet the development needs of the District. The exceptional circumstances do not exist for a review in this context. The opportunity will exist to review the Green Belt through a future plan review.

66. MM04 is required to make the policy sound.

Policy CS32: Service Villages

67. The submitted policy allows for small scale development appropriate to the size and character of the village, and allows residential development within settlement boundaries. Development providing local benefits and supported by the local community that cannot be accommodated within settlement boundaries must be brought forward as an allocation.

68. Given that modified Policy CS14 increases the housing requirement in service villages from 805 to a minimum of 1,861, and that there are questions over the ability of the existing commitments within the District to deliver both the overall and the 5 year requirement, this very restrictive approach is unsound because it would act as an impediment to the achievement of the housing requirement. Moreover, there are other difficulties with the submitted policy. It would not be appropriate, and would be potentially unlawful, to seek undefined "local benefits"; the term is imprecise and if these did not relate fairly to the development they would not meet the legal tests in the CIL Regulations. Comments regarding community support are as discussed in Paragraph 60 above. It is evident that, as it stands, this is a policy which would generally restrict housing development to a few small sites within the settlements. Additional flexibility is required in order to bring forward housing land to meet the requirement.

69. Neither significant restrictions on housing development, nor substantial amounts of additional housing, represent a sound or balanced approach towards settlements which contain a range of services and facilities but which are, in essence, still villages. Service villages are quite capable of handling, without harm, a range of smaller schemes within or adjoining their settlement boundaries, designed in keeping with their surroundings. There will be opportunities to make a contribution to the overall housing requirement whilst meeting some local needs and helping to support local facilities. There is no reason why development of a relatively modest scale adjoining settlement boundaries should threaten the character of the villages. However, larger-scale schemes, or substantial cumulative growth, would be more likely to alter the character of the villages, place undue burdens on infrastructure and the road network, and threaten the spatial strategy; it is not without reason that these concerns have been raised by a number of communities.

70. **MM05** strikes the right balance by supporting new development within or adjoining the settlement boundaries, whilst ensuring that the form, design and scale of development respects the local character and reinforces local distinctiveness, has regard to housing requirements and does not have significant adverse impacts on infrastructure. It also aims to limit cumulative impacts and indicates that sites in excess of about 25 dwellings outside the settlement boundaries must be brought forward as allocations. This is neither too restrictive nor too liberal; it is a sound modification that allows the service villages to contribute more to the overall requirement whilst avoiding development of an excessive scale with the negative impacts described above. MM05 is required to make the policy sound.

Policy CS33: Infill villages, smaller settlements and countryside

71. Submitted Policy CS33 allows for development within the infill villages of one or two dwellings as infill, or small-scale community-led residential redevelopment with environmental and community benefits. It also allows for affordable housing and small scale sympathetic employment development.

72. It is reasonable for the policy to take a more tightly controlled approach towards infill villages; they are less well served by community and transport infrastructure and their small size means that larger scale residential development is much more likely to be out of character and more likely to erode their identity, as well as harming the spatial strategy. For these reasons, and given the important relationship between the settlements and the surrounding countryside, the requirement for development to be confined within settlement boundaries is sound in respect of infill villages.

73. However, as with some other policies, Policy CS33 is unnecessarily restrictive towards development within such villages and likely to create unnecessary impediments to sustainable development. The villages take different forms and there will be many sustainable development and redevelopment opportunities which do not fit into the category of infill comprising one or two dwellings. These can be brought forward by the market and do not need to be community-led, which in any case is not a clearly defined term. In addition, it is unclear what the requirement for environmental and community "benefits" would entail in practice and demands for such benefits could be in conflict with the legal requirements of the CIL regulations if they were unnecessary for the development to go ahead.

74. The policy requires additional flexibility and clarity to enable sustainable development to be brought forward. Such development should support the villages and contribute to meeting local and wider housing needs without harming the character of the villages, the countryside and the spatial strategy. **MM06** achieves this. It requires new housing development (not "redevelopment" as in the published modification, which was a typographical error) to respect the scale and character of infill villages, have regard to local needs, and avoid significant adverse impacts on services and infrastructure, but it removes the specific size restrictions and the references to community-led schemes, and community and environmental benefits. Unlike MMs 02, 04 and 05 it does not allow for residential development beyond settlement boundaries other than rural exception sites for affordable housing and, in certain circumstances, community facilities, but for the reasons given in Paragraph 72 this is a sound approach. The requirement for size, type, tenure and range of housing to "have regard to" local needs is acceptable; it would be difficult for the Plan to define them since they can vary over time but it is perfectly reasonable to expect developers to discuss the mix with the Council when formulating proposals.

75. In respect of smaller settlements and the countryside, the text is clarified but is basically unchanged in meaning from earlier versions. It allows for replacement dwellings, residential conversions and subdivisions and dwellings for essential rural workers. This is acceptable as a means of conserving the character of the countryside. The Plan must be read as a whole and the policies, as proposed to be modified, allow for development opportunities up to

a certain size adjoining the settlement boundaries of Weston-super-Mare, Clevedon, Portishead and Nailsea, and the service villages; and they also allow for local plan and neighbourhood plan allocations to be made beyond settlement boundaries above these limits.

76. Policy CS33 is consistent with the Framework as regards affordable housing in the Green Belt. Paragraph 89 of the Framework says that the construction of new buildings is inappropriate in the Green Belt, but exceptions to this include limited affordable housing for local community needs under policies set out in the local plan. Hence such development can be an exception in the Green Belt if local plan policies allow for it. Policy CS33 chooses not to allow for it but adequate provision is made for affordable housing within settlement boundaries and on rural exception sites. This is an acceptable and sound approach.

77. MM06 is required to make the Plan sound.

Consistency with the National Planning Policy Framework

78. Submitted policies CS14, CS28, CS30, CS31, CS32 and CS33 are not consistent with the Framework. Their restrictive wording indicates that they are not positively prepared, and they are likely to hinder the Framework objective of delivering the housing requirement and boosting significantly the supply of housing. The main modifications ensure that they are framed in a more positive manner and provide the policies with enough flexibility to help deliver the housing requirement.

Conclusion on the submitted policies and main modifications

79. The submitted policies with the exception of Policies CS6 and CS19 are not sound for the reasons given. The main modifications listed in the Appendix are necessary to make the policies sound.

Assessment of Legal Compliance

80. My examination of the compliance of submitted Policies with the legal requirements is summarised in the table below. I conclude that the Policies meet them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Core Strategy has long been included in the LDS. The examination of the remitted policies is referred to in the latest version of the LDS approved on 20 October 2015.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in March 2015 and consultation has been compliant with the requirements therein, including the consultation on the proposed 'main modification' changes (MMs).
Sustainability Appraisal (SA)	Sustainability Appraisal was prepared for the originally submitted Core Strategy which assessed a

	range of housing delivery options and approaches towards the spatial strategy. A supplementary SA was produced during the formulation of modified Policy CS13 (Document RED/09) and that policy was found sound by the Inspector who examined it. During the course of the Examination the Council prepared a further Sustainability Appraisal Supplementary Report (Document CC/28) in respect of the currently submitted policies. This is adequate.
Appropriate Assessment (AA)	The North Somerset Core Strategy was adopted in April 2012 and was subject to a high level HRA assessment, which was later updated to take account of the increased housing requirement in policy CS13 of 20,985 dwellings for 2006-2026.
National Policy	The submitted policies comply with national policy except where modifications are recommended.
2004 Act (as amended) and 2012 Regulations.	The submitted policies comply with the Act and the Regulations.

Overall Conclusion and Recommendation

1. **The Council's submitted policies with the exception of Policies CS6 and CS19 have deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of those policies as they stand, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been discussed in the main issues set out above.**

2. **The Council has requested that I recommend main modifications to make those policies sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix, the submitted policies satisfy the requirements of Section 20(5) of the 2004 Act and meet the criteria for soundness in the National Planning Policy Framework.**

Jonathan Bore

Inspector

This report is accompanied by the Appendix containing the Main Modifications.

APPENDIX

SCHEDULE OF MAIN MODIFICATIONS