

REPRESENTATIONS TO THE SOUTH GLOUCESTERSHIRE EXAMINATION **FEBRUARY 2013**

This information is provided on behalf of Beaupre Castle Developments Ltd and IAJ Devine to assist the Inspector with his approach to South Gloucestershire's housing land supply position, to be discussed at the additional hearing session arranged for 7th March 2013.

Q1. Whether the additional dwellings the Council has identified (594) are valid sites which are potentially deliverable in the first five years of the plan period and do not result in double counting of other sources e.g. windfall allowances.

Pegasus Group does not see any reason why the 594 dwellings should not be delivered within the first five years, however, if the Inspector is to take a view on whether 594 are enough to meet the shortfall in the five year housing land supply, the extent of that shortfall must first be established.

South Gloucestershire Council (SGC) has challenged the Inspector's approach to calculating the five year target, which has implications for the extent of the shortfall. Similarly, the Inspectors concern that there may be double counting of windfalls within the five year supply is confirmed by the revised trajectory; albeit not within the 594.

It is therefore vital that the additional hearing session addresses the following issues:

- 1) What is the housing target in South Gloucestershire for the next 5 years?

SGC has misunderstood the difference between a five year target and a five year supply and seeks to manage their annual/5-year housing target to match the level of supply. This conflicts with the NPPF, in particular the key aim to 'boost significantly' supply to ensure that LPAs plan to meet need for market and affordable housing. The NPPF buffer ensures that this need is met by frontloading supply. What SGC propose is effectively doing the opposite by back loading supply until later in the plan period.

SGC's proposed target takes no account of affordable and market need (SGC has not undertaken an up-to-date NPPF compliant SHMA). The Inspector recognises that housing need will not fully meet, hence the planned review by 2021. If SGC is then allowed to pick a 5 year target to match supply, it will not deliver enough houses to meet need.

As set out by the Main Modifications, the 5 year target should be a simple calculation involving the equal distribution of SGC's overall housing target across the plan period – in this case 28,355 across 21 years or 1,350dpa.

The table below takes account of completions to date and assumes that the residual target can be made up across the remaining plan period:

Housing Target	A	Overall target 2006-2027	28,355
Completions (net)	B	2006/07 - 2011/12	4,990
Residual Requirement	C	Residual requirement to 2027 (A - C)	23,365
	D	Residual requirement divided by remaining number of plan years (C ÷ 15)	1,558
	E	5 year requirement April 2012 - March 2017 (D x 5)	7,788
NPPF buffer	F	Add 20% to 5 year target	9,346
	G	Annualised 5 year target including NPPF buffer (F ÷ 5)	1,869
Predicted Supply	H	LPA predicted supply for April 2012 - March 2017	9,087
5 year shortfall/surplus	E	Predicted supply against 5 year target (H - F)	-259
Number of years supply	F	Predicted supply divided by annualised 5 year target (H ÷ G)	4.9

As discussed at Appendix 1, recent appeal decisions confirm that accrued shortfall to date (i.e. 2006-2012) should be made up in the first 5 years. By contrast, SGC has provided no evidence to demonstrate that their proposed method of 'managing' the 5 year target is supported by appeal decisions or accords with NPPF.

2) Is SGC double counting windfalls within the first 5 years?

Whilst we do not believe that the 594 dwellings double counts windfalls, SGCs updated housing trajectory has nevertheless revealed that there is significant double counting of windfalls.

SGC has included a 750 windfall allowance within the first 5 years. What was not clear before publication of the updated trajectory is that these are being added to 222 under construction and 440 not started (see table below).

Site name	2012/13	2013/14	2014/15	2015/16	2016/17	Total
Small sites less than 10 dwellings under construction	222					222
Small sites less than 10 dwellings not started		110	110	110	110	440
Small site windfalls		120	190	220	220	750
Total small sites	222	230	300	330	330	1,412

SGCs Matter 8 Position Statement (PSM8) states (paragraphs 5.1 and 5.2) that windfall completions have averaged almost 160 dwellings per annum in the last 22 years, however, it does not read as if garden land completions have been excluded from this figure. Since 2006 windfalls have averaged 250 dwellings per annum, however, after garden land completions are removed this is reduced to 180dpa.

The assumption that windfall completions will total 282dpa is not founded upon evidence. Due to the inclusion already of committed and under construction small sites, the additional windfall allowance results effectively in the double counting of windfall sites.

3) Are the Major sites bought forward now deliverable?

Pegasus has concerns that SGC has increased the 5 year housing provision for some of the larger sites, or have compressed the 5 year supply into 4 years. We have concerns about the following sites and welcome SGCs comments on their availability:

GHQ, Emersons Green - It is understood that significant archaeological remains dating from the Roman period have been discovered. This could not only delay the delivery of this site, rather than speed it up as now suggested by SGS, but also restrict the total number of dwellings that may be delivered both in the first 5 years.

Former Intier Site, Bitton - This is a complex contamination brownfield site that needs to be raised by 4 metres to avoid the risk of flooding, with potential for archaeological finds. There are a large number of constraints to be overcome and no planning application has been submitted: Starting on site in 2015 is considered very optimistic.

Land west of A4018 – The land is within the HSE middle zone of the Avonmouth National Grid Gas Storage facility, where the HSE can direct call-in advise of any development over 30 dwellings. It was assumed that the matter would be resolved prior to the land coming forward post 2021, but it must be addressed now if it is to be relied upon to deliver homes in the next 5 years.

Conclusion

The 594 homes are probably deliverable in 5 years.

However, there is a significant double counting of windfall sites. If this is corrected, at least 920 homes, in addition to the 594, are required to meet need in the first 5 years.

If any of the above 3 major sites also cannot deliver, the shortfall must be added to the 920 figure.

Q2. The relative merits of various sites at a number of locations including (in no particular order) Thornbury, Yate/Chipping Sodbury, Severnside and the East and North Fringes. Factors to consider include the degree of coherence with the Plan's vision and spatial strategy, site capacity, deliverability, having regard to constraints including infrastructure provision and transport connections and how effectively the site could be assimilated into the existing settlement pattern.

There is a need to provide additional 920 homes within South Gloucestershire in order for the Core Strategy to be sound. A proportion of these homes can be delivered by land at north west Yate (south Of Engine Common). Please see site plan attached at Appendix 2.

Land around Engine Common was promoted as and considered by South Gloucestershire Council as an area of search for the Yate New Neighbourhood however, was not taken forward as part of the new neighbourhood as the level of housing proposed could be accommodated in one comprehensive development on adjacent land around Brimsham and Peg Hill.

Development in this location is therefore entirely in-keeping with the spatial strategy of the Core Strategy and the vision for Yate. Major improvements to transport, employment and sewerage infrastructure are planned for Yate in order to support the new neighbourhood, therefore additional development of around 100 homes in a location adjacent to the new neighbourhood would capitalise upon and help to fund the delivery of this infrastructure.

The Council's assessment of the broad area around Engine Common failed to recognise that land to the south of Engine Common, directly adjacent to north Yate and the proposed new neighbourhood does not suffer from many of the restrictions identified of the wider land around Engine Common.

Land at north west Yate has excellent credentials in terms of sustainability. It is located within walking distance of:

- Yate train station (which the Core Strategy proposes to upgrade);
- A significant number of business premises providing employment opportunities (which the Core Strategy proposes to upgrade and intensify);
- Community facilities including childcare centre, schools, Yate Outdoor Sports Complex and Yate Football Club; and
- Existing Public Rights of Way and cycle routes (including the Avon cycleway).

Sensitive design and masterplanning can easily overcome any concerns the Council has regarding noise from the adjacent railway line and industrial uses and could maximise links to both the town centre and wider countryside.

As a result of development in this location a great number of improvements may be delivered for the benefit of the wider existing and proposed community, including:

- Improved highway safety on Broad Lane which provides access to Brimsham Green School;
- Improved pedestrian across the railway line providing links between north west Yate/Engine Common and the proposed new facilities of the new neighbourhood;
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The site is deliverable within the next 5 years, potential constraints identified by South Gloucestershire Council (access, ecology, flooding and archaeology) can all be overcome.

Advice from a highways consultant has indicated that accompanied by appropriate works to the local highways network access may be gained to the site.

The site is not located within a flood zone (the flood zone is restricted to the eastern boundary along the railway), is not covered by any environmental designations and previous development within the area supports the fact that the site is deliverable.

As part of the preparation of a planning application supporting technical studies will be prepared to assess any archaeological and ecological constraints, and mitigation measures will be provided as appropriate.

Conclusion

The site represents a logical and proportionate extension to Engine Common/Yate which is entirely in-keeping with the overall spatial strategy and vision for Yate proposed by the Core Strategy.

A planning application can be prepared immediately and our client has already expressed an interest in meeting with South Gloucestershire Council to discuss the site.

APPENDIX 1

Shortfall to date

A key issue which requires further consideration is how SGC will deal with the accrued shortfall in supply to date (i.e between 2006 and 2012). This matter was discussed at the Matter 8 examination session (provision and distribution of housing).

SGC prepared a technical note which argued that the shortfall should be annualised across the remaining plan period (known as the residual approach). In taking this line of argument SGC relied upon the fact that there is no policy requirement to frontload any accrued shortfall and supported its case using an appeal decision issued in March 2011 at Williams Close.

The appeal decision at Williams Close was assessed against PSS3 therefore is considered irrelevant to the consideration of how to deal with accrued shortfall now, in the context of the NPPF.

Whilst the NPPF is silent on the matter of shortfalls, the fact that the NPPF buffer is added to the first five years would support the shortfall also being added to the first five years. Furthermore, post NPPF appeal decisions have all supported the accrued shortfall being made up within the first five years (known as the Sedgefield approach), this includes decisions taken by the Secretary of State.

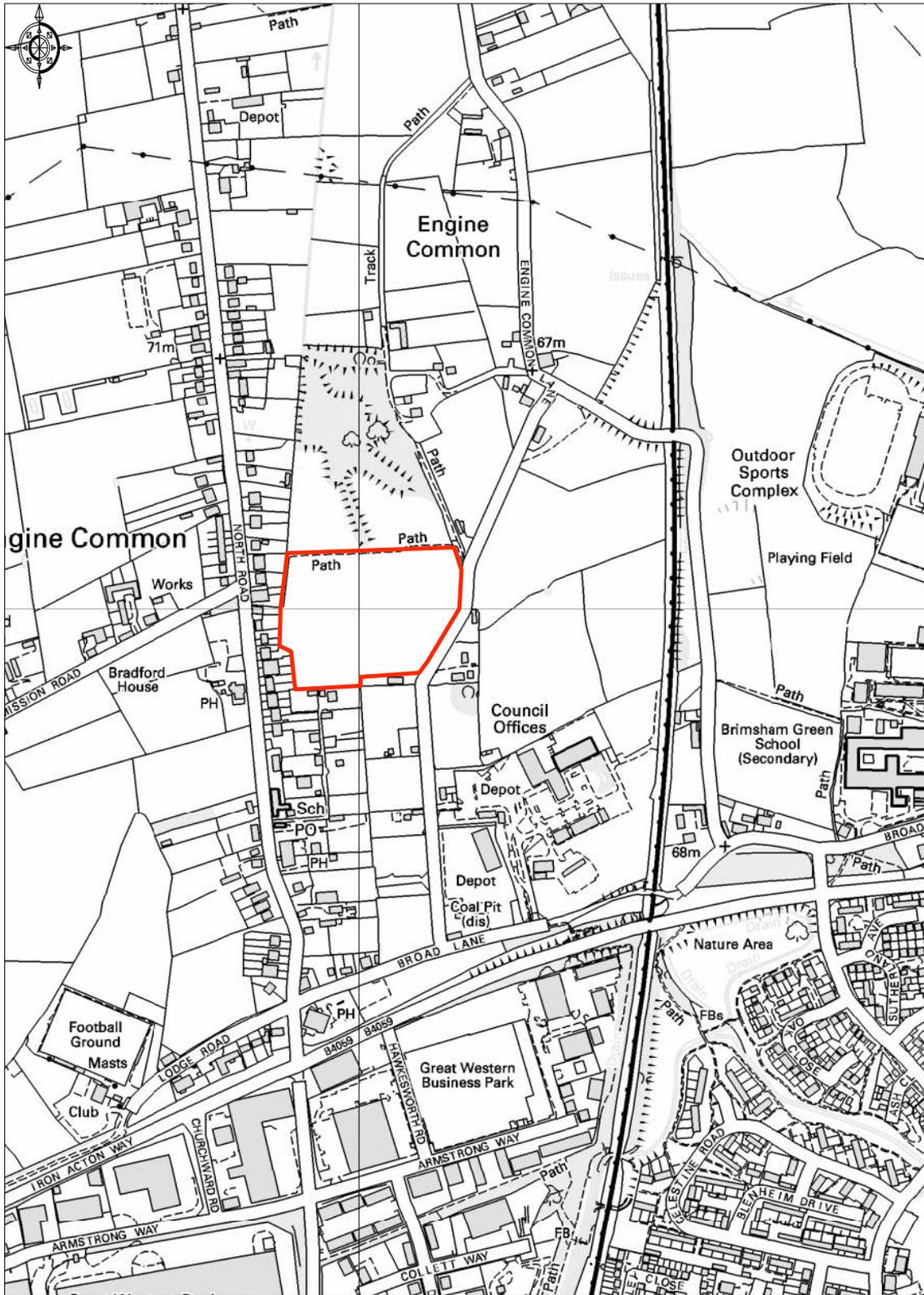
As the Inspector of an appeal in Honeybourne, Wychavon, (Ref: 2171339) at August 2012 states:

“The council was unaware of any post NPPF decision which followed the residual approach. Recent pre-NPPF decisions by the Secretary of State expressly approved the Sedgefield approach at Andover and Moreton in Marsh. In my view it is inconsistent with Planning for Growth and the NPPF paragraph 47 to meet any housing shortfall by spreading it over the whole plan period. Clearly, it is better to meet the shortfall sooner rather than later. Moreover, if the buffers are brought forward into the first 5 years as in the NPPF, so also should the shortfall.” (Paragraph 36 of the Inspectors report).

If SGC fail to deal with the accrued shortfall to date properly as part of the Core Strategy, there is real potential that even after adoption of the Core Strategy, SGC's housing land supply may be successfully challenged at appeal.

Based on a total target of 28,355, between, 2006 and 2027 (which the Inspector believes will meet the vast majority of need), 1,350 dwellings should be delivered per annum across the 21 year plan period. Between 2006 and 2012, 8,100 dwellings should therefore have been delivered; this compares to 4,990 completions, resulting in a shortfall of 3,110. This is a significant shortfall and represents historic unmet need.

APPENDIX 2



Land to the East of North Road,
Engine Common,
Yate

Site Location Plan

IAJ Devine / Beaupre Castle Developments Ltd

www.pegasuspg.co.uk
Team DW/CEL
8th February 2013
1:7,500 @A4