

Inspector's Further Main Modifications to the South Gloucestershire Core Strategy: Representations on behalf of Bloor Homes & Barratt Developments

Respondent Number: 4012865
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Introduction

The representation contained within this document responds to the consultation on the proposed Further Main Modifications and Additional Modifications, as well as the invitation to comment on both the ONS household projections for the period 2011 – 2021 and the Secretary of State's intention to place an Order revoking the South West Regional Strategy. It outlines our objection to the proposed modifications, and contention that the plan, as drafted and now re-drafted, has still not been positively prepared, remains inflexible and is undoubtedly unsound because it is:

- unjustified, given the evidence base and reasonable alternatives available;
- ineffective, given the constraints on delivery on the larger sites and lack of provision for the release of additional sustainable sites; and
- inconsistent with national policy, including the draft NPPF which confirms that:

"Development plans must aim to achieve the objective of sustainable development. To this end, they should be consistent with the objectives, principles and policies set out in this Framework, including the presumption in favour of sustainable development. This means that plans should be prepared on the basis that objectively assessed development needs should be met, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole." (Paragraph 20).

Housing provision and 5 year land supply.

As highlighted previously, we have grave concerns about the plan making process the Council has gone through. We have reviewed the Further Main Modifications and Additional Modifications proposed and put forward the following reasons as to why they do not change our position, that the adoption of the core strategy, even therefore with the proposed modifications, would be unsound.

1. Early review of a plan does not make an unsound plan sound

The commitment, albeit qualified, to review the Core Strategy before 2021 demonstrates that the modifications proposed to the plan do not make it sound in the context of the NPPF. The NPPF (Paragraph 157 2nd bullet point) requires plans to be over a 15-year time horizon and be prepared on the identified need and the ability to deliver the homes and jobs needed in the area. The plan is unsound as it does not meet the NPPF plan-making requirements.

Nevertheless, we do appreciate the difficulty of addressing this deficiency now and if the Inspector is insistent with respect of a plan review, given the vacuum of a revoked regional strategy yet no duty to cooperate, we urge him to reconsider a requirement that the review takes place considerably earlier – before 2016. This will place pressure on the West of England LEP and local authorities to quickly rectify cross boundary issues and co-operation and thereby limit the impact of the Council's flawed approach. It also takes into consideration the timetable currently highlighted by the West of England LEP to produce interim findings on

the SHMA (Winter 2014) and Government expectations for more expeditious production and review of local plans.

Given our comments below, a required review pre-2016 also provides an immediate opportunity to redress through policy provisions the rolling 5 year housing land supply – including the current 5 year period from April 2013 – March 2018. Of course, this may not prevent s78 appeals in the very short term but will at least address the matter so that the historic and ongoing approach of undersupply in South Gloucestershire does not continue for the next 8 years.

2. Failure to make sufficient provision for housing

Despite the modifications proposed, the Core Strategy continues to make insufficient provision for market and affordable housing. The plan still fails to accord with NPPF paragraphs 47 - 1st bullet - and 158 which require the development plan to be prepared to meet the full need based on an up-to-date objectively assessed evidence base.

We understand that the CLG interim household projections (to 2021) show reduced household formation (from the 2008 projections) but, as highlighted in the note to the Inspector from Barton Willmore, this is despite increased population projections and is derived from trends over the last 5 years. Indeed, the reduced household formation rates are concentrated into the 25 – 34 year old age bracket and are reflective of the problems that the Government consistently refers to and has adopted a policy of “boosting supply” specifically to address. It highlights the lack of supply, lack of access to finance and problems of the ‘boxed in generation’ with the average age of first time buyers now approaching 40. This is not because there is a lack of demand but because of increasingly unaffordable house prices for first time buyers borne out of the “decades long failure to build enough homes” (Ministerial Statement 10 January 2013).

It would be a travesty of justice, and entirely contrary to the Government’s priority to address housing issues and gain economic benefits from housebuilding, if these interim household projections, reflecting embedded poor performance, were used now to suppress or cap housing provision.

Hence, the plan is not positively prepared and does not reflect the evidence base. The Core Strategy must look to provide further flexibility to facilitate higher levels of growth to meet housing and economic growth and improve housing affordability. It is unacceptable to continue to suppress housing delivery in this way and create housing land supply constraints from day one, contradicting the aims and objectives of sustainable development as set out in the NPPF. The proposed housing requirement, upon which the housing strategy is based remains unsound.

3. Failure to demonstrate a deliverable 5 year housing land supply

Irrespective of the modifications proposed, the Core Strategy fails to demonstrate the delivery of a continuous five-year supply of housing, particularly with reference to the first 5-year period. This starting situation has been highlighted by the s78 appeal decision in respect of Engine Common, Yate (APP/PO1919/A/12/2186546). The decision issued 8 April 2013 considers the supply under the Core Strategy and concludes a shortfall. Nothing has occurred since that decision that would significantly improve the rolling 5 year supply.

The Council continues to fail to plan positively and reflect the presumption in favour of sustainable development in its decision making, constantly falling back on unduly optimistic assumptions about viability, the way in which the housing market operates and delivery rates.

This was highlighted at the examination hearing on 7th March when South Gloucestershire's Policy Officer wrongly took a realistic assessment of delivery rates as a statement of intent from the housebuilder to 'cap' housing provision. The underlying issue is that the Council has not identified a sufficiently large portfolio of sites to facilitate a market where overall annual delivery can be increased above current rates. There remains an inherent failure to boost supply.

The addition of one site (Morton Way North - MM15 and MM26) does not make the plan sound and is an entirely insufficient response to addressing the 5-year land supply shortfall. The plan therefore fails under paragraph 47 – 2nd bullet which requires LPAs to *"identify and update annually a supply of specific deliverable sites to provide 5 years worth of housing against their housing requirement"*, with an additional 20% buffer in the case of South Gloucestershire - a recognised under performing authority.

The provision of an insufficient supply of housing land historically has resulted in under-delivery, and unless this situation is addressed by increasing the supply, performance will not be improved. This outcome is contrary to the Framework's explicit aim of achieving positive growth and an issue clearly referenced in the ministerial statement of 10 January 2013 as follows: *"decades-long refusal to release enough land for development."* and *"the failure of past governments to provide enough land for housing"* hence this Government will *"persuade local authorities to make more land available so that more homes can be built and the price of new homes comes down"*.

4. Failure to provide sufficient deliverable sites

In addition, the plan fails the soundness tests because it is ineffective, particularly because of the unreasonable over reliance on the delivery of a small number of large-scale strategic sites.

Whilst introducing a further site, there is now, within the Core Strategy, even greater expectation that the strategic sites and urban capacity will deliver quickly and efficiently. During the course of the examination period, most of these sites have been effectively 'on hold' and have not progressed to planning applications. The Council has not been proactive or positive in determining applications before it and the expectations for delivery are even more unrealistic than before – when the matter was discussed last summer.

There is now only 13 years of the plan period left and not one significant planning permission granted in respect of the strategic new neighbourhoods (accepting that there is permission for a small part of the Yate site). Assuming, at best a further two years to achieve first housing completions, the trajectory is unrealistic and unachievable.

The Council's approach (CS5) of adopting large –scale urban extensions controlled by a very small number of developers / landowners serves to ensure that there is a restricted supply of land and is in breach of paragraph 47 2nd bullet point which requires there to be 'choice and competition in the market for land'.

In short, there is absolutely no evidence to support such high levels of delivery from too few strategic sites within the plan period. Consequently, there is an explicit need for more planning permissions, such as that at Thornbury, this is essential to improve and boost supply. The addition of another strategic site, even if through early review, is essential to address the ongoing 5 year supply issues that are now clearly inherent even within the modified Core Strategy.

5. Revocation of the RSS – implications

Whilst the Inspector has already confirmed that the duty to co-operate does not apply to this local plan, the delay in determining the correct approach to housing requirements and supply means that this plan is now already 7 years on from its start date, with 13 years left to run.

A co-operation vacuum has been left by the revocation of the RSS and lack of consideration and acceptance of the tested evidence in the draft RSS. It is acknowledged by SGC that there has been no cooperation in respect of the strategic priorities which are set out at paragraph 156 of the NPPF, other than the limited consultation with Bristol in connection with retail development at Cribbs Causeway. There has been no attempt to agree a joint approach to housing provision across the West of England region and no proactive approach to addressing acute shortfalls, issues of migration and affordability.

This places even more weight on the need for earlier review than 2021. At this point in time the plan will have been given weight for 15 years with no proactive and positive consideration of cross-boundary issues. The examination highlighted the problems that this has caused, and will continue to cause, in respect of planning for housing, community and retail infrastructure and transport infrastructure. A review local plan could be in place by 2016.

In the meantime, the plan will continue to fall short of the requirements set out in the NPPF. Hence, the revocation of the RSS and with it regional housing targets only serves to place even greater weight on the duty to co-operate. Whilst housing targets were previously imposed under the RSS, the duty to co-operate forms now forms a key legal test in plan making with the Government requiring LPAs either to prepare cross boundary plans or to 'settle' cross boundary matters (such as accommodating additional growth) via the duty to co-operate. It is clear that South Gloucestershire has failed in its duty to co-operate and take a positive approach to housing provision and plan making in light of regional need.

6. Approach to green belt

It is clear and, we believe accepted, that the approach to Green Belt has failed the tests of the NPPF, paragraphs 84 - 86. Again this is another indicator that the plan cannot be considered sound in its totality, i.e. covering the period to 2029. A proper and full approach should be put in place as a matter of urgency, again supporting review before 2016.

Despite the extensive evidence put to the Council in respect of the potential impacts of development at Warmley it is clear that the Sustainability Appraisal still fails to take this evidence into consideration. This is entirely contrary to the Council's consultation policies which make a commitment to careful consideration of responses made. The summarised sustainability reasons for dismissal are entirely unjustified.

It is entirely wrong for the Council to state in the SA Report 2013 that the alternative sites are unsustainable. The Inspector has not come to this conclusion and irrespective of whether this plan continues to adoption request tat the Inspector reconfirms his criticism of the inadequate approach to Green Belt review, lack of opportunities considered/seized and identifies many of the relative merits of development at Warmley.

In this context we disagree with the assessment matrices and the clear bias inherent within the assessment. For example, the assessment still states that the proposed development is "divided from existing communities to the west by the Avon Ring Road" – completely ignoring the significant communities already east of the Rig Road at Warmley, Oldland and Emersons. Many of the negative effects suggested by the submitted SA have been addressed in our previous representations but it is clear that the Council continues to use the SA to seek to

retrospectively support it's strategy rather than identifying the most sustainable alternative available. This fails to meet legal and policy tests.

Conclusion

In conclusion, the proposed modifications fail to address many fundamental issues and the plan remains unsound. The Core Strategy as modified fails to meet the requirements of the NPPF, is not consistent with national policy, and is neither positively prepared, nor justified by the evidence. It fails to identify the most appropriate strategy when considered against alternatives, makes no attempt to significantly boost housing supply as required by Government and there is an over-reliance on strategic sites many of which are already encountering issues of deliverability.

There remains a requirement to assess and meet objectively assessed need and to demonstrate a deliverable strategy to meet that need. Further site allocations are needed to address the housing provision and supply issues and comply with the NPPF objectives to significantly boost the supply of housing and ensure that there is competition in the market for land – from the beginning of the plan period.

We remain concerned that if the Council continues to pursue the Core Strategy with the proposed modifications it will remain unsound and as such will be vulnerable to challenge, including through the development control process, and fail to deliver the development necessary to meet social and economic objectives.