

REPRESENTATIONS TO SOUTH GLOUCESTERSHIRE COUNCIL
5 YEAR HOUSING LAND SUPPLY

These Representations are submitted by Barton Willmore on behalf of Barratt Bristol and David Wilson Homes (South West). They follow full and comprehensive Representations submitted throughout the preparation of the Core Strategy and active participation at the Examination in Public Hearing Sessions.

We recognise that this consultation relates to the new evidence prepared by BNP Paribas on behalf of South Gloucestershire Council. Nevertheless, there are other material changes in circumstances that we consider the Inspector should be aware of in determining the next appropriate stage of the Core Strategy Examination process.

Our Representations therefore cover the following issues:

- Evidence to support the overall housing provision;
- A review of the appropriate 5 year housing land supply figure;
- A critique of the BNP Paribas report;
- Recent statements by the Planning Minister stressing the importance of housing delivery to the social and economic success of the country; and
- Economic circumstances.

Overall Housing Provision

The Inspector has previously confirmed that he considered the provision of 28,355 new dwellings over the Plan Period 2006-2027 to be broadly appropriate. However, we have previously raised concerns over the conclusions of the preliminary Findings and Main Modifications (MOD1) which stated:

“The Council has increased provision but I am not certain that this will be adequate.” (para 7).

This statement was justified by a suggestion that the Inspectors concerns of under provision of housing were tempered by the impact of the ongoing recession on demand for housing.

This is however not relevant. The only guidance to establish the appropriate level of housing should be based on the requirement of the NPPF for housing numbers to be based on an objective assessment of need.

In addition, since the Hearing Sessions in relation to housing numbers, circumstances have progressed in the emerging Core Strategies of the other West of England authorities which have a material impact on how the South Gloucestershire Core Strategy should be determined.

North Somerset

Firstly, North Somerset Core Strategy Policies relating to housing provision have been subject to a legal challenge which resulted in the High Court issuing a Judgement on 7th March 2013 to remit a number of policies relating to housing numbers back to Examination. This is a result of the Inspector failing to give adequate or intelligible reasons for his conclusions that the figure made sufficient allowance for latent demand i.e. demand unrelated to the creation of new jobs and highlights the need for housing requirements to be based on a robust, credible and policy compliant evidence base.

B&NES

Secondly, the Inspector for the B&NES Core Strategy has provided a further note to the Council (21st June 2013) which provides further detail as to the evidence base he requires of B&NES Council to justify their housing numbers.

The South Gloucestershire Core Strategy was submitted to the Secretary of State for Independent Examination on 31st March 2011; B&NES submitted their Core Strategy to the

Secretary of State in May 2011. There is no material difference in the date the plans were submitted and therefore should be no difference in respect of how they are examined.

The Inspector for B&NES (Simon Emerson) has raised significant concerns over the Council's evidence on housing needs and specifically the failure of the Council to undertake a SHMA that assesses the needs of the wider area; rather than B&NES in isolation. On this basis, he concludes:

"I am unclear how the Council can realistically expect me to be able to find this SHMA as compliant with the NPPF. If it is not NPPF compliant, I cannot see how the new housing requirement which draws on this SHMA could be found sound" (ID/32, para 6).

Given the above findings of the B&NES Inspector, who also concludes that it is wrong that the SHMA undertaken by B&NES has not considered any unmet need from Bristol, it cannot be right for South Gloucestershire Council to be able to adopt their Core Strategy which has not done so either. He also recognises that each LPA deriving their own housing requirement without cooperation:

"appears to ignore what the NPPF requires – which is joint working and an HMA approach" (para 11).

This approach is not isolated to the Inspector for B&NES. The Inspector's initial Report for East Hampshire (November 2012), states at Paragraph 6:

"The framework requires Local Planning Authorities to ensure that their plans are based on adequate and up to date evidence and that they should have a clear understanding of housing needs in their area. To that end, Strategic Housing Market Assessments (SHMA) should be prepared to assess the full housing needs of a district... The last SHMA was produced in January 2008, over 4 years before the submission of the JCS for examination. Later assessments of need have been carried out but they do not provide an update on the full housing needs of the District. I consider this to be a serious short coming in the evidence base supporting the JCS and I do not see how I can properly consider whether the Plan meets objectively assessed needs without an up to date SHMA."

Similarly, the Inspector's initial note for the North West Leicestershire Core Strategy Examination (9th July 2013) states:

"Paragraph 182 of the Framework includes the requirement that Local Plans should be positively prepared

– i.e. based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.”

He continued by expressing concerns in the evidence base,

“...It is a requirement of the Framework (paragraph 159) that Council’s should prepare a SHMA to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. In the absence of an up-to-date SHMA, it will be difficult to conclude that the CS meets the framework’s soundness requirements that a Plan should be justified and consistent with national planning policy” (my emphasis).

South Gloucestershire Council has not undertaken:

- An NPPF compliant SHMA; or
- Any assessment of unmet housing from neighbouring authorities.

As such, it cannot be considered reasonable for the Inspector for South Gloucestershire Core Strategy to conclude that the Plan can be found to be Sound when it is based on a non-NPPF compliant evidence base; as has been confirmed under very similar circumstances by the Inspector in B&NES. For the South Gloucestershire Core Strategy Inspector to find the Plan to be Sound would be flawed (or irrational, which is one of the tests for judicial review) and could be subject to Judicial Review on these grounds.

With such a stance taken by other Inspectors it would be inconsistent and irrational and potentially subject to judicial review for the Inspector for South Gloucestershire Core Strategy to take a different and non NPPF-compliant approach to establishing the appropriate level of housing.

The successful legal challenge of the North Somerset Core Strategy has demonstrated the need for Inspectors to be robust and consistent in their consideration of Plans and the Evidence base.

We urge the Inspector to review the current approach taken to considering the housing requirement in order to ensure that the South Gloucestershire Core Strategy is robust, consistent with National Policy and able to withstand legal challenge if required. At present we are firmly of the view that the evidence presented to justify the housing needs of South Gloucestershire falls significantly short of the requirements of the NPPF and pays no consideration of any unmet housing needs of the neighbouring authorities.

The Inspector for B&NES, who was also Inspector for Bristol Core Strategy, confirmed that the adoption of the Bristol Core Strategy did not mean that there is no unmet housing need arising from the City, and that this should be considered and taken into account when considering the housing requirements of neighbouring authorities. This has not been considered in the South Gloucestershire Core Strategy evidence base. With such shortcomings in the evidence base there is a clear risk that if adopted in its current form, the Core Strategy could be susceptible to legal challenge.

West of England Partnership

Whilst there are clear shortcomings in the evidence prepared to date to justify the level of housing provided in South Gloucestershire, since the Inspector issued his Preliminary Findings, the West of England Partnership, comprising each of the four West of England Authorities, have prepared a West of England Strategic Housing Market Assessment Pre-Production Brief and Duty to Cooperate Schedule. Whilst we consider that the West of England Authorities should have been working together to produce this evidence at an earlier stage, there is now at least a framework for a true objective assessment of the housing needs in the West of England to take place. There is also a requirement upon the other West of England local authorities to prepare the evidence required to support the review of the Bristol Core Strategy; and future stages of examinations of the North Somerset and B&NES Core Strategy.

It is now therefore the appropriate time for the South Gloucestershire Core Strategy to be set aside to allow for a full and objective assessment of housing need across the strategic housing market area which covers the West of England to be undertaken with cooperation from all West of England Authorities. This would provide a sound and robust evidence base upon which the West of England Authorities can plan positively and cooperatively to address the housing needs within the area, in accordance with the requirements of the NPPF. Without such an approach, the opportunity for joint working with adjoining authorities would be lost and rather than adopting a cooperative approach to the distribution of housing across the West of England, any unmet needs from the other West of England authorities that could otherwise be met within South Gloucestershire would simply be ignored, exacerbating yet further the historic problems of under provision of housing in the West of England.

Establishing an Appropriate Housing Requirement

We have previously provided evidence to demonstrate that a target of 33,000 houses over the period 2006-2027 would be required in order to support the level of job growth targets that South Gloucestershire Council has committed to plan for. This figure was derived from an objective assessment of housing need. We reaffirm that this figure is based on a more robust

and objective assessment of housing needs than has been prepared by the Council; but we recognise that the Inspector for the B&NES Core Strategy Examination has come to the following conclusion (paragraph 3.12 of his Guidance Note and Questions for Pre-Hearing Statements ahead of the additional Hearing session to take place on 17th September 2013):

“Several representations invite me to come to conclusions about the housing requirement in the wider Bristol HMA based on evidence they provide. Notwithstanding the scale and complexity of such a task, it would not produce a compliant SHMA for the HMA since it would not have been produced in cooperation with neighbouring authorities.”

Whilst our previous position has been that the figure of 33,000 homes over the plan period should be adopted as an objective assessment of housing need, we cannot ignore the conclusions of the B&NES Inspector within the above statement and we therefore recognise the need for the overall housing figure to be based on an NPPF compliant West of England SHMA.

At present it is suggested that the Core Strategy be reviewed in 2021. Even if this review date were brought forward, an early review of the Core Strategy would not be an appropriate solution. The overall housing requirement of the plan has a significant impact on the five year land supply, and failure to address the full housing needs of South Gloucestershire within the emerging plan would only compound the historic shortfall of housing yet further.

The Core Strategy should set out a positive planning framework for a 15 year period, not a whole series of 5 year plans which consistently push the housing requirement back to be met in the next plan.

It is therefore imperative that the Core Strategy is founded on a robust housing requirement that is based on an NPPF compliant SHMA; and that the five year housing requirement reflects this target.

Method of Calculating 5 year Supply

Through the publication of the Main Modifications and Further Main Modifications to the Core Strategy, the Inspector has determined that the five year supply of housing be based upon the Liverpool (residual) approach to calculating five year supply. However, this is out of kilter with many recent appeal decisions, including the recent Engine Common Appeal Decision (8th April 2013), in which the Inspector concluded at paragraph 20 of his decision, (Appeal Ref: APP/P0119/A/12/ 2186546, Land Between Iron Acton Way and North Road, Engine Common, Yate, South Gloucestershire, BS37 7LG).

“There is a greater weight of evidence before me, including the findings of the Inspector who determined a mixed use development in Worcestershire (Ref. APP/H1840/A/12/2171339), to indicate that the ‘Sedgefield approach’ is more closely aligned with the need to boost significantly the supply of housing and remedy the unsatisfactory consequences that arise from a persistent under delivery of housing. I share the appellants concern that the Council is failing to adequately address the very substantial shortfall that accrued up to 2012.”

Furthermore, recently published guidance from the Planning Advisory Service (PAS), ‘Ten key principles for owning your housing number – finding your objectively assessed needs’, which is a Local Government Association publication, dated July 2013, concludes on p.14 that,

“the ‘Sedgefield approach’ is more closely aligned with the requirements of the NPPF and the need to boost significantly the supply of housing and remedy the unsatisfactory consequences of persistent under delivery”

This position is not specific to South Gloucestershire, there is a national trend towards the use of the Sedgefield approach over the Liverpool approach as the preferred method of calculating five year supply; and the method that is most closely aligned with the NPPF. This is illustrated by the appeal decision (24th August 2012) for Land between Station Road and Dudley Road, Honeybourne,

Worcestershire, (Appeal Ref: APP/H1840/A/12/2171339) which at paragraph 36 concluded,

“Recent pre-NPPF decisions by the SoS expressly approve 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. I cannot agree with the Council's use of the residual method. In my view the Sedgefield approach should be used for the reasons outlined."

Furthermore, at Land east of Daux Avenue, Billingshurst, West Sussex (Appeal Ref: APP/Z3825/A/12/2183078), the Inspector concluded at paragraphs 41 of his decision (18th April 2013) that:

"The Council argues that the shortfall in housing land supply should be made up over the lifetime of the development plan; the so called "residual approach" rather than use the so called "Sedgefield Approach" where the shortfall is addressed within five years. I come down strongly on the side of adopting the Sedgefield approach. In the first place, and most importantly of all, there is a need to address the housing shortfall as a matter of urgency. To postpone dealing fully with the problem would delay meeting the legitimate aspirations of households and communities to have the homes that they require."

He continues to note at paragraph 42, that:

"at appeal the Secretary of State and Inspectors have expressed support for the Sedgefield approach. To adopt the Sedgefield appeal in this case is to be consistent with the approach taken by others at appeal."

In South Gloucestershire there is an incontestable and severe shortfall in housing, which has occurred every year without fail since 2001. The proposition to delay addressing this shortfall yet further would only exacerbate the issues arising from the shortage of housing, putting more stress on the housing needs of the less wealthy and more vulnerable groups within South Gloucestershire.

Moreover, it is entirely inconsistent for the Core Strategy to adopt the residual method of planning for the five year requirement when there is such firm guidance both by Inspectors and by the Secretary of State that the five year requirement should be based on the Sedgefield approach.

The consequence of the Core Strategy planning for the five year requirement based on the residual approach is that as soon as the Core Strategy is adopted it would not be able to demonstrate a 5 year supply of land for housing. As such, paragraph 49 of the NPPF would apply – the policies within the plan would be immediately out of date; and as a consequence the Council would be vulnerable to planning appeals on these grounds. It must surely be

wrong to proceed to adopt a Core Strategy in the knowledge that its policies are defective from the outset.

In addition, the Core Strategy should not be capable of being found to be sound without a demonstrable five year supply of land. It should not be possible to find a plan sound without a five year supply of housing and the Council has previously made it clear that it would not favour such an approach.

It is therefore imperative that Further Modifications are made to the Core Strategy to identify a robust and achievable supply of housing sufficient to meet the five year requirement (plus the already accepted 20% buffer), based on the Sedgefield approach.

On this basis, we contest that the Council's stated 5 year land supply requirement should not be 9,660, as quoted by the Council (based on an overall target of 28,355, with a buffer of 20%, and based on the Liverpool approach), but should be a minimum requirement of 11,740 (based on an overall requirement of 28,355). This exceeds the stated total identified deliverable supply 2013 to 2018, of 10,393 dwellings, as referred to within the table on page 2 of the letter from Mr Conroy, dated 7th June 2013.

As such, even taking the housing land supply suggested within the BNP Paribas Report at face value, and notwithstanding the concerns we have relating to many of the sources of supply that the report relies upon, there is a shortfall of over 1,000 dwellings. As such, additional sites are required to meet the five year housing land requirement.

Five Year Housing Land Supply

In April 2013, the Inspector at the Engine Common Appeal (Ref: APP/P0119/A/12/2186546) concluded, following hearing evidence from both the Appellants and South Gloucestershire Council, that the Council could not demonstrate a 5 year supply of land for housing.

At paragraph 30, the Inspector concluded,

"With much of the evidence on deliverability tested under cross-examination, I have reached the view that the Council is being overly-optimistic regarding the number of dwellings that it anticipates would be provided within the next five years. The number of new homes that are likely to be delivered would, in all likelihood, be very much lower than the quantum the Council requires under the provisions of the CS PMM. The Council does not therefore have five years worth of housing against its preferred

housing requirement. As a consequence, paragraph 49 of 'the Framework' is engaged."

The inability of the Council to be able to demonstrate a 5 year supply of land for housing was then accepted by the Council at the subsequent appeal by Bloor Homes in respect of their appeal for land north of Morton Way, Thornbury (Planning Inspectorate Reference: APP/P0119/A/12/2189213).

This is confirmed within paragraph 5.1 of Mr Conroy's Rebuttal Proof for the above appeal, which stated:

"The appellants suggest that there is a need to re-examine the 5 year housing land supply position at this inquiry. South Gloucestershire Council considers that no purpose is served in the context of this s78 appeal in examining the land supply position. The Council accepts that it does not have a five year supply and that this site is needed to make a contribution to the 5 year supply of deliverable sites. This site can only contribute a finite amount of units. Therefore it is completely unnecessary to examine the land supply position when no point is taken on this by the Council."

With this background, it is unintelligible for the Council now to assert that it can demonstrate a 5 year supply of land for housing as there have been no material changes to the housing land supply since these appeal decisions have been issued.

BNP Paribas Report

The Council rely solely on the report by BNP Paribas report to justify a different position to that previously accepted by both the Inspector at the recent s.78 Inquiries and the Council themselves. We have a number of criticisms of the report prepared by BNP Paribas which undermine the credibility of the report and consequently mean that it is misguided and unsound for the Council to rely on this piece of work to justify their changed position.

Inconsistent approach

An inconsistent approach has been adopted between the assumptions of the overall housing requirements and the BNP Paribas report.

At paragraph 3.1 of the BNP Paribas report, the report recognises that:

“it is also a generally accepted view that there is considerable pent up demand for well-located family accommodation linked to a current undersupply in the Greater Bristol Region.”

We do not dispute this fact; it is only logical that such pent up demand exists when the levels of housing completions in South Gloucestershire Council have consistently fallen below the annual requirement every year since 2001. What is surprising is that the Council has made no allowance for meeting any of the unmet housing needs arising from the adjoining authorities, or to address this pent-up demand by planning to address this shortfall within the next five years (under the Sedgefield approach), but still rely on this pent up demand to justify why they consider the housing completion rates are set to increase.

Economic circumstances

There is also an inconsistency between the assumptions on the economic circumstances and its effect on housing requirements.

The comments from the Inspector at paragraph 7 of his Preliminary Findings, indicated that he was not certain that the level of housing proposed would be adequate; but that his doubts were tempered by the prolonged recession, borrowing difficulties and the confidence of purchasers to generate the level of demand associated with higher levels of provision.

This is at odds the optimistic assumptions regarding the completion rates within the BNP Paribas Report.

The Plan covers the period to 2027. In this time there are likely to be fluctuations in the economic circumstances. However, the NPPF makes no reference to basing housing figures on the economy's performance but purely states that it should be based on an objective assessment of need.

The optimistic assumptions of BNP Paribas also attempt to dismiss the factual Trading Statements from the major national house builders that show over recent years a national average of about 29 dwelling per outlet per annum has been achieved (as confirmed in the Picket Peace Appeal Decision, App Ref: APP/X3025/A/10/2140962). Whilst this is perhaps lower than could be expected projecting forward (discussed below), it provides some factual context to the over optimistic views taken by BNP Paribas in their assessment.

Assumptions on the rates of completions

In Representations made at previous stages of the Core Strategy Examination on behalf of many of the national house builders, we have confirmed that the house building industry view is that a base figure of 40 units per outlet per annum is appropriate for all sites. This includes affordable housing.

BNP Paribas suggest that a figure of 40 units per outlet is overly cautious. In actual fact it is the view of Barratt that this figure is at the top end of what they can deliver and, if anything, is too optimistic. From a detailed and site specific assessment of the likely completions to be achieved by some of the other national house builders with land interests in South Gloucestershire, in some instances they envisage that taking an optimistic view, they could achieve slightly higher rates of completions, of 50 dpa, including affordable housing. Nevertheless, generally it is still considered that 40dpa is a realistic and robust average rate of completions per outlet, per annum. This is because:

- For those outlets with more than one outlet (eg. Peg Hill, Yate and Park Farm, Thornbury) it is inevitable the two brands will be in competition with each other due to the degree of cross over between the two products. We would therefore expect some dilution in sales - It is not as simple as saying two outlets will deliver 2 x 40 units. This effect will be more marked at sites with multiple sales outlets;
- An outlet takes time to get up and running with site establishment, infrastructure provision, show house completions, marketing launch and building houses to sell. In practice, we would not expect a house builder to deliver 40 units per outlet in year 1; and
- We would expect to see a tail off in sales as the site nears completion. Again, adopting a flat rate of 40 units per annum assumes sales will continue at their peak right up until the sale of the final unit which is unrealistic.

Windfalls

We retain our previous objection relating to the windfall allowance for small sites creating double counting when coupled with the existing assumptions made regarding completions on small sites. The result of this is that there is a heavy reliance on the completion of small sites within the next 5 years; some 1,387 dwellings over the next five years.

It is unfeasible to suggest that all existing permissions on small sites will be built out in the next 5 years as well as new windfalls which are expected to gain permission and be built out within the same 5 year period. There is always a stock of small sites with permission, it is only logical that not all sites granted permission will be built out in the same year. This should be reflected within the housing trajectory.

In addition to such a high reliance on windfalls on small sites, the BNP Paribas Report introduces another source of supply of housing, from large windfall sites. We do not consider the inclusion of such an allowance to be justified. There is already an allowance made within the housing trajectory for SHLAA sites. Paragraph 47 of the NPPF requires that the supply of sites making up the five year land supply:

“should be specific deliverable sites, which Footnote 11 specifies should mean that sites are available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.”

On this basis, there is no justification to include a windfall allowance for large sites.

Lack of justification

Section 5 of the BNP Paribas Report suggests that their assessment of the housing requirements should carry more weight than the Council’s previous trajectory as:

“house builders are reluctant when in an arms length negotiation to be entirely open taking either a cautious or optimistic approach dependant upon their negotiating stance as they seek to maximise their position” (para 5.9).

This statement is without any justification and undermines the credibility of any of the report by BNP Paribas. Firstly, South Gloucestershire Council has previously based their housing trajectories on the figures projected by developers. Consistently, the level of housing

completions has fallen significantly short of the projected level of completions. This is demonstrated by the housing trajectories in the previous years of South Gloucestershire's Annual Monitoring Reports, which have repeatedly projected increasing housing completions in future years; but have consistently failed to achieve these rates and have merely put back the higher rates of housing completions in the trajectory year on year.

This demonstrates that far from the Council and/or developers taking a cautious approach about rates of completions that can be expected from developments, they have in fact been consistently overly optimistic and have fallen significantly short of the required level of provision.

We presented a strong case within our submission relating to the Additional Housing sites in January 2013, on behalf of many of the major national house builders, that concluded that the Council was being overly optimistic in its expectations on the completion rates on many of the sites within the housing trajectory. The BNP Paribas Report further compounds this over optimism and directly conflicts with the recently published PAS guidance, 'Ten Principles for owning your housing number – finding your objectively assessed needs', which states:

"it is important that assumptions relating to development rates i.e. number built per site/sales outlet per annum are in line with current realistic completion rates and that the development industry agree with them. In addition it is important to allow long enough lead in times between sites getting permission and delivering houses" (paragraph 4, page 13 – our emphasis).

The assumptions made within the BNP Paribas report does not appear to be based on any intelligence or past trends relating to the necessary time required:

- to achieve planning permission;
- to discharge conditions;
- lead in time to starting on site;
- to opening the show home complex; and
- to achieve first legal completions.

Furthermore, there is no robust assessment of the likely number of outlets that could be achieved by any one site, or the impact that increasing the number of outlets in one location may have on the sales rates of each outlet. It also dismisses the low levels of completions seen at a national level by all of the major national house builders.

Critically, the development industry does not agree with the overly optimistic approach taken by BNP Paribas for the Council. Furthermore, it seems that the Council does not agree with

the assumptions made by BNP Paribas – if they did then surely the original housing trajectory prepared by the Council would have reflected this.

Many of the major national have provided evidence to allow us to review the schedule prepared by BNP Paribas and provide their comments on the predicted rates of completions. This is attached in full at Appendix A and shows that the house building industry has a significantly different view of likely completions to that of BNP Paribas; and illustrates that the current Core Strategy does not enable the Council to demonstrate a 5 year supply of land for housing.

Conclusion

We maintain that the figure of 33,000 homes over the period 2006-2027 (which was derived from an objective assessment of housing needs undertaken by Barton Willmore) is still required to meet South Gloucestershire Council's own housing requirements.

Recent decisions from Planning Inspectors in the Examination of other Core Strategies demonstrate that it is not sufficient for a local authority such as South Gloucestershire to only focus the objective assessment of its housing requirements within its own boundaries; but rather they should also consider unmet need from neighbouring authorities; and should be based on an NPPF compliant SHMA.

As such, we consider that the Core Strategy should plan for at least 33,000 new homes over the plan period, but is more likely to be in the region of 40,000 when taking account of any unmet housing needs of neighbouring authorities.

Whatever the requirement becomes when taking account of the unmet needs of neighbouring authorities, the current figure of 28,355 is not NPPF compliant and should not be found sound.

We also consider that given recent appeal decisions and guidance from the Planning Advisory Service, the five year land supply for the Core Strategy must be based on the Sedgefield approach, otherwise it would be vulnerable to legal challenge. The housing land supply therefore needs to be reviewed to address this higher requirement.

In relation to the assumptions on five year housing land supply, it is incorrect to include an allowance for windfalls on unidentified large sites; as should the double counting of windfalls on small sites be removed. This results in a significant shortfall in the Council's five year supply.

BNP Paribas have also taken an overly optimistic view of the future economic conditions and the high levels of housing completions that this could result in. This is at odds with the Inspector's view that economic circumstances mean that demand for housing is low. The BNP Paribas Report also dismisses the Trading Statements from the major national house builders. This has resulted in the BNP Paribas report providing an overly optimistic and unrealistic view of the likely levels of completions in the next five year period. Taking these issues into account and the flaws in the BNP Paribas report highlighted in throughout our representations, we are firmly of the view that the Council cannot demonstrate a five year supply of land for housing

and it would therefore be unsound to adopt the plan without identifying additional sites to meet this requirement.

Our concerns are however more deep rooted than just in relation to the lack of a five year land supply. With the submitted Core Strategy and evidence base still not being compliant with national policy it seems there is no other option than for the Core Strategy to be put to one side to allow for a West of England wide SHMA to be undertaken that provides the NPPF compliant objective assessment of housing need required to ensure that the plan can be found sound and not be susceptible to Judicial Review.

APPENDIX A

	RLS Ref	Site	13/14	14/15	15/16	16/17	17/18	Commentary
BNP Paribas	0008, 0008g	Charlton Hayes	169	200	250	250	250	<p>Planning Position Outline planning permission granted (2008), with a Deed of Variation approved in Dec 2010 to address viability concerns regarding the site and ensuring the scheme is NPPF compliant. Succession of reserved matters applications submitted to date, all determined by SGC in a timely manner and thereafter implemented. Masterplans for phases 2 and 3 also submitted under conditions attached to the outline, thereafter design codes and reserved matters applications for those phases can be submitted.</p> <p>Market Delivery Position A now established scheme in a good volume market area. In addition to existing trading by Bovis with two different outlets for houses and a flats scheme, there are further outlets with David Wilson Homes, Barratt, in addition Bellway has now achieved reserved matters along with a second outlet for Barratt. Affordable housing is provided in addition at 25% of the total numbers. I would not expect this scheme in this location at this time to bear more than four strong outlets building family housing and at 40 market units per annum. The indications are that Bovis are seeking 5 outlets with a wider mix with the affordable provision in addition. I note that Bovis indicated in March 2013 that they intend construction for 300 unit sales per annum by the period 2014/15. This is more than likely speculating on an improving market.</p>
Barton Willmore	0008, 0008g	Charlton Hayes	160	160	160	160	160	<p>Barton Willmore Analysis There are inconsistencies between the BNP Paribas assessment of the market delivery and the figures assumed for this site. BNP Paribas suggest that the site would not bear more than four outlets, yet base their assumptions on completions on 5 outlets. We consider that 4 outlets, each delivering a maximum of 40 dwellings per annum is a realistic assumption.</p> <p>We consider BNP Paribas estimate of completions over the next 5 years should be reduced by a minimum of 319 dwellings.</p>

BNP Paribas	0011	East of Coldharbour Lane	0	81	213	213	123	<p>Planning Position</p> <p>Concept statement to guide development of this site already approved and extensive pre-application discussions are underway regarding the submission of a planning application Autumn 2013 for both the market and extra-care elements of the proposed scheme. Site constraints are already known and factored into the emerging scheme with SGC project team in place to deal with the submission and timely approval through the planning process. Likely approval in place (with parallel processed s106) agreement March/April 2014.</p> <p>A feature of this site is the requirement to relocate car park 20 associated with the adjoining UWE campus, work to commence relocation of this car park is due to commence in association with the development of the UWE/Bristol Rovers stadium.</p> <p>Market Delivery Position</p> <p>Recently Purchased by Taylor Wimpey. The scheme has 261 extra care apartments for the elderly, a significant proportion of which are intended to be taken by the local authorities in both Bristol and South Gloucestershire. This block of development will be built in the first phase with a hybrid application (Full on part) and hence the weighted delivery of this element after the period 14/15. Consents will likely be achieved by this date and given a suitable lead in period for development it is expected at the very least that 81 units within the extra care scheme will be taken up by Bristol and South Gloucestershire Council before March 2015 and the balance over the next 24 months. I would further expect the remaining development of 400 units (which are aimed at an entirely different market) to support two outlets, or 40 market sales each with the addition of the affordable at 35%, equating to a take up rate of 123 market and affordable units per annum in addition to the balance of the extra care at 90 units per annum.</p>
Barton Willmore	0011	East of Coldharbour Lane	0	20	40-60	40-60	40-60	<p>Barton Willmore Analysis</p> <p>BNP Paribas base their assumption on a scheme involving a large extra care scheme. We understand that Taylor Wimpey is still in the process of designing the scheme. At present there is no certainty that the scheme will include such an extra care scheme. Without inclusion of the extra care scheme, the total number and the number</p>

									<p>of units delivered by the development in the next 5 years would be significantly lower the BNP Paribas report suggests. Taylor Wimpey have provided written confirmation that they expect 200 units to be completed on the site in the next five years.</p> <p>We consider BNP Paribas estimate of completions over the next 5 years should be reduced by a minimum of 430-580 dwellings.</p>
BNP Paribas	0021/0021a	Land at Harry Stoke, Gifford	35	94	141	141	141	141	<p>Planning Position Outline planning permission granted (2007), with a Deed of Variation approved in Dec 2010 to address viability concerns regarding the site and ensuring the scheme is NPPF compliant. SGC have already agreed a deed of Variation to allow construction and vehicular access from the Ring Road to enable the construction of the first phase of the Stoke Gifford Transport link, kickstarting the development. A Geographic Detailed Masterplan for the first 5 phases was approved on 29th September 2011 as well as the site wide Design Codes approved on 20th March 2012 allowing for the timely approval of all subsequent reserved matters approvals. The new licence from natural England was also issued on 20 April 2012 and runs until after the five year period to 2018. Reserved matters approval for 166 dwellings approved and commenced resulting in completions of 35 units in 13/14.</p> <p>Market Delivery position This again is a good volume housing location close to the motorway and rail network links. Crest will start a single sales outlet this year given a first phase scheme of 166 units. I would expect Crest to then introduce further house builder outlets as the scheme establishes. Affordable commitments start at 15% then increase to 28% and later rising to 33%. Later phases of development will depend on area infrastructure costs being met to include removal of above ground power lines. These arrangements are yet to be concluded but are fairly typical viability negotiations for larger infrastructure led schemes at this time. I would envisage no significant further increase in outlets on this site above 3 outlets in year 2015/16 as I would normally expect in a good housing location and on a volume site, given further land adjacent at East of Harry Stoke (and in effect within this same expansion point) will likely</p>

									come on line by 2016/2017 equally absorbing the likely demand.
Barton Willmore	0021/0021a	Land at Harry Stoke, Gifford	35	80	120	120	120	120	<p>Barton Willmore Analysis Development has commenced on part of the site. We accept the projected level of completions in the first year, and agree that the maximum number of outlets is likely to be 3. The assumptions regarding the completions per outlet are considered overly optimistic (maximum of 3 outlets, each of 40dpa).</p> <p>We consider BNP Paribas estimate of completions over the next 5 years should be reduced by a minimum of 77 dwellings.</p>
BNP Paribas	0035	South of Douglas Road, Kingswood	0	0	80	95	95	95	<p>Planning Position A full planning application for this site was approved by SGC in June 2011 subject to the completion of a S106 agreement. Since that time the agreement has been negotiated to address viability concerns and the council has positively re-negotiated trigger points for the payment of obligations, ensure compliance with the NPPF. The pre-commencement conditions associated with this full application are limited in extent.</p> <p>Market Delivery Position Short distance from Kingswood retail centre this site will suit apartments as well as family accommodation and approximately 50% of the scheme is for apartments. I would expect to see two outlets - one for apartments and one for houses. While there is a resolution to grant consent the scheme is not ready to commence and I would therefore be cautious and judge that first sales be reasonably expected in the period 2015/16. Given an apartment outlet at circa 20 market sales per annum rising to 30 and a housing outlet at 40 market sales per annum, I have applied 25% affordable as likely additional delivery.</p>
Barton Willmore	0035	South of Douglas Road, Kingswood	0	0	40	80	80	80	<p>Barton Willmore Analysis The project architect has advised that there are difficulties preparing the site for development. On this basis we do not expect development to commence prior to 2015/16. We accept that there may be two outlets, each with a maximum of 40 dpa.</p>

								We consider BNP Paribas estimate of completions over the next 5 years should be reduced by a minimum of 70 dwellings .
BNP Paribas	0036a	Emersons Green	54	265	300	350	350	<p>Planning Position Gateway planning permission approved with s106 agreement January 2013. GHQ planning application resolution to approve in place, s106 signed by all parties, currently awaiting completion. Full planning permission granted for the first phase of infrastructure. Pre-application discussions underway for the first phases of development, with submission of reserved matters applications for approx 500 houses due June/July 2013. All conditions have either been discharged or currently awaiting completion of the S106 before being formally discharged. Work commencing on first phase infrastructure 10th June 2013 and first show homes to be completed Nov 2013.</p> <p>Market Delivery Position The consortium of house builders that includes Taylor Wimpey, Persimmon, David Wilson Homes, Linden and Barratt are intending to begin this major volume housing expansion in North East Bristol. This scheme I have judged will deliver sales starting in early 2014. Affordable levels range from the Gateway area at 25% to 28.5% on the wider site. This has been traditionally a strong selling location for the volume house builders and I see no reason for the appeal of the location to change given the current climate. I would forecast an initial rate based upon 5 outlets at 40 market units with the addition on average of some 65 affordable units per annum or an annual run rate for the early part of the scheme of in excess of 265 units. I would expect that rate to climb with the establishment of the scheme in this location and the potential to introduce further differing outlets, and while not at the historic levels of in excess of 500/annum given the wider competition in the North Bristol area, I would expect this location to do well as it will compete principally on price, such that I estimate levels at 350 per annum when fully established.</p>
	0036b	Gateway Site, Emersons Green						
Barton Willmore	0036a	Emersons Green	0	180-200	280-300	280-300	320-350	<p>Barton Willmore Analysis Views of the likely level of completions differ between house builders. Taylor Wimpey has the most optimistic view of the likely</p>

	0036b	Gateway Site, Emersons Green						number of completions. The delivery trajectory that they have provided covers the whole of the Emerson's Green site and accounts for up to 6-7 separate outlets being operated and have assumed a maximum of 50 units per outlet per annum. Barratt and David Wilson Homes will have 2 outlets and believe that 40 dpa per outlet is realistic. We consider BNP Paribas estimate of completions over the next 5 years should be reduced by a minimum of 119 - 259 dwellings.
BNP Paribas	0128	Intier Site, Bitton	0	0	0	0	0	Planning Position Concept statement to guide development of this site already approved and discussions have taken place over a number of years regarding potential development schemes. No applications submitted to date. Market Delivery Position I am concerned given the nature of the site and its likely lack of appeal to the current development land market, given its challenges to achieve viability as a contaminated brown field site within a flood area. Without a significant rise in house prices to aid viability there is a risk that this scheme will not deliver any housing in the medium term. I am of the opinion that it would not be prudent therefore to project housing delivery from this site.
Barton Willmore	0128	Intier Site, Bitton	0	0	0	0	0	Barton Willmore Analysis We agree that there is no certainty that this site would deliver any units in the next 5 year period and therefore should not make a contribution to the 5 year land supply.
BNP Paribas	0132	North of Park Farm, Thornbury	0	125	125	125	125	Planning Position Outline planning application approved Dec 2012 with an associated s106 agreement following extensive community/stakeholder engagement. First reserved matters application submitted May 2013 for 127 units, due to be approved July 2013 with commencement of this phase following approval of a relocated balancing pond. Limited pre-commencement conditions as issues resolved through the proactive project management of the outline planning application.

								<p>Market Delivery Position his is in a popular housing location, albeit with more limited likely take up, restricting the number of outlets to two. A balancing pond requires relocating creating an abnormal delay in my opinion. First sales after the first quarter of 2014. I believe the scheme would be suitable for two sales outlets at 40 market sales per annum with the addition of the affordable at 35%. This is an attractive housing location with little immediate competition.</p>
Barton Willmore	0132	North of Park Farm, Thornbury	0	60	80	80	80	<p>Barton Willmore Analysis Outline planning permission was secured in March 2013 (not December 2012).</p> <p>Barratt anticipate RM approval in October 2013 at the earliest (not July 2013).</p> <p>The planning permission is currently the subject of a JR. An Oral Hearing is due to take place in September.</p> <p>There are a large number of pre-commencement conditions which Barratt are still working through.</p> <p>Barratt do not expect to be in a position to exercise their option until the end of the calendar year.</p> <p>Barratt do not expect 1st completions until Q3 of 2014 at the earliest.</p> <p>There will be competition from the Bloor Homes site close to the site which could affect sales.</p> <p>Barratt are prevented for commencement of Phase 4 (110 units) until the proposed bus link is in place. This will be provided as part of the redevelopment of the Alexandra Way Care Home site which is due to close in the next few years. SGC are unable to provide Barratt with a precise date.</p> <p>We consider BNP Paribas estimate of completions over the next 5 years should be reduced by a minimum of 200 dwellings.</p>

BNP Paribas	0133/ 0133a	New Neighbourhood & Peg Hill Site	0	60	245	245	245	<p>Planning Position Land north of Peg Hill granted outline permission Oct 2012 in advance of the adoption of the Core Strategy, constitutes the first phase of development. Reserved matters application submitted and due to be determined by SGC July/Aug 2013.</p> <p>An outline application for the remainder of the allocation submitted by Heron Land June 2012 and is due to be determined July 2013 following extensive engagement with the community and stakeholders. S106 being parallel processed alongside the planning application with the first reserved matters anticipated Oct 2013.</p> <p>Wessex Water have also agreed to extend the number of dwellings that can be built out before the extension of the Frome Valley Relief Sewer is in place to 750, accommodating the majority of the 5-yr supply identified up to 2017/18.</p> <p>Market Delivery Position This is an established volume housing area. I believe the Peg Hill element with Barratt and David Wilson Homes is 3 months ahead of the remainder of the North Yate New Neighbourhood land, with outline consent for the Heron element of the scheme likely in July and reserved matters some 3 month later, suggesting first sales after the first quarter 2014. This scheme as a whole will bear a minimum of 4 outlets in my opinion (potentially more with potential to bring extra care or apartment blocks forward early) when established and in my view including the affordable sum of no less than 245 units per annum when Peg Hill and the New Neighbourhood are both fully trading.</p>
Barton Willmore	0133/ 0133a	New Neighbourhood &	0	20	120	160	160	<p>Barton Willmore Analysis There is no certainty that the application for North Yate New Neighbourhood will go to Committee in August. The case officer has confirmed that there are still significant areas of disagreement between Heron and SGC in relation to some of the s106 contributions sought. Allowing at least 2 months for the application to go to Committee and for the finalisation of the s106, it is unlikely to be completed before October 2013, following which Heron will need to sell parcels of the site, with each developer then submitting</p>

								<p>their own reserved matters applications. With submission of reserved matters by the end of 2013; 3 months for determination; and 9 months from approval of reserved matters to first legal completions, we do not expect completions before December 2014. We expect a maximum of 4 outlets (plus 2 at Peg Hill), each of 40dpa.</p>
		Peg Hill Site	0	60	80	80	15	<p>Peg Hill was granted Reserved Matters in July 2013 for 235 dwellings. Barratt has to finalise purchase of the site which they expect to complete towards the end of this calendar year. The aim is to start on site in the beginning of 2014, with completions expected to reach a peak of 80dpa (2 outlets, each of 40dpa).</p> <p>We consider BNP Paribas estimate of completions at North Yate over the next 5 years should be reduced by a minimum of 100 dwellings.</p>
BNP Paribas	0134a	New Neighbourhood – Cribbs/ Patchway (West of A4018)	0	0	60	125	125	<p>Planning Position SGC endorsed an SPD document to cover the Cribbs/Patchway allocation as a material consideration in the determination of any planning application to promote and guide the comprehensive development of the area, through the process of extensive community and stakeholder engagement.</p> <p>Multi-disciplinary project team in place to facilitate development of this site and regular landowner liaison is established to develop a collaboration/landowner agreement.</p> <p>Outline application likely end of 2013, but extensive work is being undertaken to facilitate the submission, determination mid 2014, with reserved matters approval in place approx Sept 2014</p> <p>Market Delivery Position Skanska have not yet submitted an application and in my view their scheme is unlikely to start selling units until mid to end 2015/2016 period. Given the scheme at South Airfield will likely already be trading and further area at Filton Airfield adjacent coming on stream at a similar time I would judge only two additional outlets at 40 units each per annum plus the affordable at 35% would be able to readily compete.</p>

Barton Willmore	0134a	New Neighbourhood – Cribbs/ Patchway (West of A4018)	0	0	0	60	110	<p>Turley Associates/Barton Willmore Analysis</p> <p>Although there is not yet a planning application submitted, subject to progress being made with this in line with expectations above and confirmation that the site should be released from the Green Belt by the Core Strategy then delivery starting in delivery in 2016/17 is realistic, this reflects the expectations on the nearby Persimmon Homes sites which is far more progressed and will only deliver 4 units in the 2015/16 period, overall completions from two outlets are also reduced to account for local competition.</p> <p>We consider BNP Paribas estimate of completions over the next 5 years should be reduced by a minimum of 140 dwellings.</p>
BNP Paribas	0134b	New Neighbourhood – Cribbs/ Patchway (South of Airfield)	0	90	185	185	185	<p>Planning Position</p> <p>SGC endorsed an SPD document to cover the Cribbs/Patchway allocation as a material consideration in the determination of any planning application to promote and guide the comprehensive development of the area, through the process of extensive community and stakeholder engagement.</p> <p>Multi-disciplinary project team in place to facilitate development of this site and regular landowner liaison is established to develop a collaboration/landowner agreement.</p> <p>An Outline planning application submitted by Persimmon Homes for 1100 dwellings which is being parallel processed alongside the S106 agreement, likely August decision date with Reserved matters approvals in place by the end of 13/14.</p> <p>Market Delivery Position</p> <p>Redrow, Persimmon and Ashfield Land control what will likely be the first phase of the Cribbs/Patchway group of sites. Given a likely August committee date for phase 1 (1,100 units +) then first sales will not be likely until after a reserved matters consent by end of the 2013/14 period. There is a HA holding objection which will likely create this delay, albeit the EA objection has now been resolved and there is more certainty. I would estimate initially 3 outlets doing circa 40 market plots plus affordable at 35% but this would be</p>

								subject to competition from the neighbouring Filton Airfield and Cribbs West site after 12 months and thus would be unlikely to increase as the scheme establishes itself but more than likely revert back to two outlets.
Barton Willmore	0134b	New Neighbourhood – Cribbs/ Patchway (South of Airfield)	0	0	4	63	104	<p>Turley Associates/Barton Willmore Analysis</p> <p>Despite the submission of a comprehensive planning application for the majority of this area, there is no planning permission in place and there are therefore still barriers to overcome before development can commence. Persimmon Homes and Ashfield Land are working with the Council to try and resolve all outstanding matters to allow planning permission to be granted and commencement of development. Persimmon homes has confirmed that they expect development to commence in January 2015, but with significant infrastructure works, consider first legal completions in 2015/16. The development trajectory expected from the operating company is included, which is based on two outlets. Persimmon Homes do not currently anticipate more than two outlets on the element of the site that they control. No delivery from the Redrow Homes element has been allowed for as there is to date no planning application for residential development on this land, and access issues over the Common Land to the East remain to be resolved.</p> <p>We consider BNP Paribas estimate of completions over the next 5 years should be reduced by a minimum of 474 dwellings.</p>
BNP Paribas	0134c	New Neighbourhood – Cribbs/ Patchway (Filton Airfield)	0	0	60	125	125	<p>Planning Position</p> <p>SGC endorsed an SPD document to cover the Cribbs/Patchway allocation as a material consideration in the determination of any planning application to promote and guide the comprehensive development of the area, through the process of extensive community and stakeholder engagement.</p> <p>Multi-disciplinary project team in place to facilitate development of this site and regular landowner liaison is established to develop a collaboration/landowner agreement.</p> <p>Pre-application discussions have taken place with the new developer</p>

								<p>partners for the site to bring forward a hybrid (part full/outline) application by the end of 2013.</p> <p>Market Delivery Position AE/Bridgehouse Capital Ltd have not yet submitted an application and in my view their scheme is unlikely to start selling units until mid way through the 2015/2016 period by which time the South of the Airfield site will be well underway and there will be competing pressure on take up. Given the established scheme at South Airfield and further area at West A4018 adjacent I would judge only two additional outlets at 40 units each per annum would be able to readily compete from this scheme along with the addition of 35% Affordable.</p>
Barton Willmore	0135c	New Neighbourhood – Cribbs/ Patchway (Filton Airfield)	0	0	0	60	110	<p>Turley Associates/Barton Willmore Analysis Despite an endorsed SPD there is not clarity about the delivery of a planning application by Bridgehouse Capital. The delivery of first dwellings and the subsequent rate of delivery should be adjusted to take account of this and the position with other more advanced sites that make up the CPNN.</p> <p>We consider BNP Paribas estimate of completions over the next 5 years should be reduced by a minimum of 140 dwellings.</p>
BNP Paribas	0135	New Neighbourhood – East of Harry Stoke	0	0	0	185	185	<p>Planning Position SGC endorsed an SPD document to cover the East Harry Stoke allocation as a material consideration in the determination of any planning application to promote and guide the comprehensive development of the area, through the process of extensive community and stakeholder engagement.</p> <p>Multi-disciplinary project team in place to facilitate development of this site and regular landowner liaison is established to develop a collaboration/landowner agreement.</p> <p>Planning application for construction of the Stoke Gifford Transport Link submitted May 2013, with an anticipated determination date of Sept 2013.</p>

								<p>Pre-application discussions have taken place with the developer partners for the site to bring forward an outline application by the end of 2013.</p> <p>Market Delivery Position The earliest probable delivery of housing will be in the period 2016/2017, but this will then compete with the neighbouring residential development land at Harry Stoke which will be in full flow and also controlled by Crest. As a result I would not expect more than an additional three outlets plus affordable delivery at 35% to compete in this similar location in its initial phase.</p>
Barton Willmore	0135	New Neighbourhood – East of Harry Stoke	0	0	0	120	120	<p>Barton Willmore Analysis We agree that the completions are not likely to be achieved on this site until 2016/17 at the earliest; and that the site would accommodate a maximum of three outlets, given the proximity of the Harry Stoke site. Completions should be calculated based on an average of 40 units per outlet per annum.</p> <p>We consider BNP Paribas estimate of completions over the next 5 years should be reduced by a minimum of 130 dwellings.</p>
BNP Paribas	0151	North or Morton Way, Thornbury	0	40	125	125	10	<p>Planning Position Appeal has been granted (with associated S106 agreement) for up to 300 units in May 2013 following SGC decision to allocate the site as part of the emerging Core Strategy. As part of the application full planning permission was secured for the first phase comprising 109 dwellings.</p> <p>Market Delivery Position The earliest that sales might accrue for this site would be mid to late 2014 given that the first phase of development already has full planning permission. This site would warrant two outlets in this location and a take up with 35% Affordable at some 125 units per annum. I note that the applicant forecast only 130 completions within 5 years and this appears cautious given the location and levels of competition likely from mainly the second hand market. Given my opinions of likely market take up I can only surmise that the house builder was relying on cautious and historic levels of take</p>

								up and this would have been contingent when considering the viability exercise for the Section 106 package.
Barton Willmore	0151	North or Morton Way, Thornbury	0	40	40	40	40	<p>Barton Willmore Analysis</p> <p>Development is currently projected to start at the end of 2013 meaning that first completions aren't expected to be seen until the monitoring year 2014/2015. Bloor Homes will operate from one sales unit on the site and will achieved up to around 40 completions (including affordable housing) from that outlet per annum.</p> <p>We consider BNP Paribas estimate of completions over the next 5 years should be reduced by a minimum of 140 dwellings.</p>