
South Gloucestershire Policies, Site and Places Plan Examination Pre-hearing Statement: Question 1

On behalf of:

Barratt Homes with land interests at Blackberry Park, Frampton Cotterell

Bloor Homes with land interests at East Thornbury

Hall and Woodhouse with land interests at the Griffin, Warmley

January 2017

1.0 INTRODUCTION

1.1 This pre-hearing statement has been prepared by Barton Willmore on behalf of the following:

- Barratt Homes with land interests at Blackberry Park (previously referred to as Woodlands Farm), Frampton Cotterell;
- Bloor Homes with land interests at East Thornbury; and
- Hall and Woodhouse with land interests at the Griffin, Warmley;

1.2 The above parties have no shared interest, but as requested by the Inspector, a single response is provided on behalf of the organisations listed above and is not site specific, but responds to Issue 1, Question 1 on which we have been invited to respond.

Issue 1: In light of the acknowledged shortfall in the Council's 5 year housing land supply when measured against the requirement in the Core Strategy, can the PSPP be 'sound' in the absence of non-strategic housing allocations?

QUESTION 1 (a) The Council decided to alter the scope of the PSPP to exclude non-strategic housing allocations. Is there anything either in law or in policy that would prevent it doing this?

1.3 The PSPP does not contain any new non-strategic housing allocations to assist in the implementation of the Core Strategy, as was its role when a draft of the PSPP was first published in June 2014. These non-strategic housing allocations are necessary to make the plan sound and which would also assist in addressing the shortfall in housing land supply that has arisen since the adoption of the Core Strategy.

1.4 Relevant national policy on plan-making is set out in the NPPF, and is highlighted below. Consistency with national policy is one of the tests of soundness that Plans have to comply with, in order to be found sound.

Plan-led

1.5 The NPPF promotes a plan-led approach and one of the core principles (para 17) requires that planning is "genuinely plan-led".

- 1.6 The approach that is being taken by South Gloucestershire Council in its PSPP is not genuinely plan-led as it has opted not to make any additional non-strategic housing allocations which would also help address the housing supply shortfall as part of a planned approach to future housing. Instead, the Council will find itself confronted by a number of speculative applications, founded on a five year supply argument, not necessarily in the most sustainable locations, which may be difficult to resist.
- 1.7 The Council has known since June 2015 (the date of the Charfield appeal decision) that it did not have a five year supply. This was 18 months ago and it will be at least 2 years before a new South Gloucestershire Local Plan is adopted. That will amount to 3.5 years without an up to date plan in place and potentially, planning by appeal until the situation is rectified. This is not genuinely plan-led and therefore, the PSPP is not consistent with para 17 of the NPPF and therefore is not sound.

Plans kept up to date

- 1.8 There are numerous references in the NPPF regarding the need to keep plans up to date – see paras 12 (achieving sustainable development), Core Principle 1 (para 17), para 49 (housing supply), and para 157 (plan making).
- 1.9 By virtue of the Charfield appeal (June 2015) and para 49 of the NPPF, housing policies in the South Gloucestershire Core Strategy and PSPP (if adopted) are / will be out of date. The PSPP provides the perfect opportunity to address the five year supply position, as the Council recognised that back in November 2015 when it consulted on a methodology for addressing the five year supply position and invited consultees to submit potential housing sites.
- 1.10 The draft PSPP (as a component of the suite of South Gloucestershire's 'Local Plan' documents) is not up to date and therefore is inconsistent with NPPF paragraphs 12, 17, 49 and 157. Therefore, the PSPP is not sound.

Housing supply and delivery

- 1.11 Para 157 of the NPPF states that:

“Crucially, Local Plans should:

- plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework.

- Allocate sites to promote development and flexible use of land, bringing forward new land where necessary....”

- 1.12 And Core Principle 3 (para 17) states that “Every effort should be made objectively to identify and then meet the housing, business and other development”.
- 1.13 One of the key tests of soundness is that to be effective, “the plan should be deliverable over its period” (NPPF, para 182). The South Gloucestershire Core Strategy has proved that is it not deliverable, and the PSPP has the opportunity to rectify this position.
- 1.14 To be considered deliverable, the NPPF states that “sites should be available now, offer a suitable location for development now and be achievable with a realistic prospect of being delivered on the site within five years, and in particular that development of the site is viable” (footnote 11 to para 47, page 12).
- 1.15 There was much debate at the South Gloucestershire Core Strategy Examination regarding the housing requirement for South Gloucestershire. Whilst the Inspector managed to increase the requirement from 21,500 homes in the submission Core Strategy to 28,355 dwellings following the Examination, he noted that the degree of reliance that could be placed on this figure was uncertain (as it was not based on a NPPF compliant SHMA – see Inspector’s Report para 84). He therefore concluded this should be treated as a minimum level of housing provision to be made (Inspector’s Report para 83).
- 1.16 The Core Strategy covers the period 2006 – 2027 and was adopted on 11th December 2013 but by June 2015, the Core Strategy was found to be out of date because it did not have a five year supply of housing land, as per the Charfield appeal. So not only is the South Gloucestershire Core Strategy planning for the 28,355 dwellings as a minimum amount, it has not been achieving the required annual rates of delivery which compounds the problem of undersupply.
- 1.17 Policy CS15 (Distribution of Housing) states:
- “Between 2006 – 2027...a supply of deliverable and developable land will be identified to secure the delivery of a minimum of 28,355 homes in accordance with a plan, monitor and manage approach...”
- 1.18 Policy CS15 specifically states that it will secure the delivery of the South Gloucestershire housing requirement via a plan, monitor and manage approach. The Core Strategy and PSPP (which make up a key part of the South Gloucestershire development plan) comprise the ‘plan’ element; from a ‘monitoring’ point of view, the Council acknowledges it has not

been meeting its annual requirements for housing delivery and does not have a five year supply of deliverable sites and therefore, the only outstanding policy requirement of this part of CS15 is to 'manage' this outcome and to correct it – in this case, address the housing shortfall. In order to implement policy CS15, the plan, monitor and manage approach needs to be applied. The PSPP is the right place to apply the 'manage' element in the implementation of CS15.

- 1.19 Whilst the scope of the PSPP has been altered in the many versions of the LDS (or Local Plan Delivery Programme as it is now known), the scope that has remained constant is the provision of an implementation framework for regeneration and neighbourhood plans. The role of the PSPP was to assist in the implementation of the Core Strategy and in order to implement policy CS15, the PSPP has a role to play in addressing the housing supply shortfall in fulfilling its implementation role in the LDS. Further detail on this is set out in our response to question 1 (c) below.

QUESTION 1 (b) The Council has stated that if the PSPP must make housing allocations in order to be found sound, it will withdraw it from the examination. Is there anything either in law or in policy to prevent it doing this? If not, would there be any positive consequences of the withdrawal of the plan?

- 1.20 We acknowledge that the Council has the power to withdraw the PSPP at any time during the plan preparation process.

QUESTION 1 (c) With specific reference to the Oxted Residential Judgement (Doc. E1), can my assessment of whether the PSPP is sound take account of matters outside its present scope i.e. the absence of non-strategic housing allocations?

- 1.21 First of all, we would like to draw out the differences between this case (ie the production of the PSPP which does not address the housing supply shortfall as well as non-strategic housing allocations in South Gloucestershire) and the Oxted Residential case which includes:

- The point of challenge in the South Gloucestershire case is not with the objectively assessed housing need or housing requirement in the Core Strategy but the relationship between policy CS15 and its implementation in the PSPP – which falls within the general role of the PSPP as set out in the LDS.

- The commitment in the Core Strategy and in the PSPP Issues and Options to addressing non-strategic housing matters set out as follows:

“PSP DPD – This will contain non-strategic site allocations, for example town centre boundaries, any changes to village settlement boundaries...” (para 1.6 of the adopted Core Strategy).

- 1.22 In para 1.3 of the Draft PSP DPD (June 2014), it states:

“To support the delivery of the Core Strategy, the PSP Plan will set out and comprise:

Part 1 – Development management policies

.....

Part 2 – Sites and Places:

- This part of the Plan brings together community led aspirations for how local communities want to see their areas grow and respond to pressures and challenges over the plan period (2013-2027). At the time the Core Strategy was prepared, the Council gave an undertaking to local communities that through the PSP Plan it would address non-strategic matters, including the ambitions for some villages to have limited housing growth, to review site designations and allocations, and to capture local community aspirations as they relate to the use and management of land. This section of the Plan presents this work to date”.

- 1.23 At the outset of the PSPP process and in subsequent versions of the emerging plan, South Gloucestershire set out to address non-strategic site allocations in the PSPP. This has not been done. In April 2016, at the end of the 3 year PSPP preparation process, the Council announced that it would no longer be pursuing any new housing allocations in the PSPP. 3 months later, in June 2016, the Council published the pre-submission draft of the PSPP (without any new housing allocations) and at the same time reviewed the Local Plan Delivery Programme (LDPD) to reflect this position. This change in scope came very late on in the process of preparing the DPD and the LDPD was retrofitted to fit with what the Council had opted to do at this late stage, rather than setting out in advance what they intended to do.

- 1.24 One of the key reasons given by the Council for not proceeding with additional housing allocations is that the West of England Joint Spatial Plan (JSP) is underway and the JSP will address long term strategic housing provision for the city-region, including South Gloucestershire. However, we note that the JSP will not allocate land for housing. This will be a task for subsequent Local Plans and the timetable for the adoption of the South Gloucestershire new Local Plan is the end of 2018. This means a new Local Plan process from start to finish of less than 2 years. Given the complexities of plan making and also

the Council's recent performance in plan-making, this programme is very optimistic. Even if it is successful in meeting this programme, this means a further period of 2 years without up to date housing policies in South Gloucestershire. In reality, it is likely to be more than 2 years.

- 1.25 Whilst the application of the Liverpool or Sedgefield approach to housing land supply is regularly contested, South Gloucestershire is of the view that the Liverpool approach is appropriate in their circumstances. We do not comment on that view here but we note that the Council's latest AMR (covering the period 1st April 2015 – 31st March 2016) identifies the housing shortfall to be addressed over the next 5 years to be 960 dwellings. The AMR finds the total housing shortfall so far (i.e. at April 2016) to be 1,404 dwellings. Therefore, even as a minimum, the PSPP could begin to address the 960 dwellings which would go some way to addressing the shortfall that began to emerge very soon after the Core Strategy was adopted, and will potentially only get worse over the next 2 plus years before the situation is addressed comprehensively through the Local Plan review.
- 1.26 When the Inspector into the South Gloucestershire Core Strategy considered raising the housing requirement further, delivery rates were recognised as a limiting factor. For every year that South Gloucestershire falls further behind in meeting its housing requirements, the more difficult it becomes to address the shortfall and achieve much higher delivery rates in the new Local Plan. Therefore, in line with the scope of the PSPP and national policy in the NPPF regarding the plan led approach to development, keeping plans up to date, and making sure plans are deliverable over their period, and consistent with the plan, monitor manage approach to housing provision set out in policy CS15, in order to be found sound, the PSPP should include non-strategic housing allocations, and address the housing supply shortfall.
- 1.27 South Gloucestershire has already invited additional sites to be put forward and could now identify land for 960 dwellings, putting this through a sustainability appraisal and going out to further consultation on the selected sites. It ought to be possible to undertake this process relatively quickly, with the Examination resuming in the autumn just dealing with these outstanding housing land matters, and adoption before the end of 2017. This would enable an immediate planned response in implementing policy CS15 via the PSPP.
- 1.28 As the Council have pointed out, they are working on the JSP and they have already identified future growth options. Locations that are locally supported or locations that are consistent with the adopted Core Strategy and emerging JSP could be identified, with a view to bridging the housing shortfall and helping preferred sites to come on stream

sooner, rather than simply waiting for the emerging strategy to be surpassed by less sustainable locations promoted in speculative applications that are not necessarily consistent with the existing or emerging spatial strategy.

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