

6 January 2017



Strategic Planning Policy & Specialist Advice Team
 Environment and Community Services Department
 PO Box 299
 Civic Centre
 Bristol
 BS15 0DR

Nick Matthews MTCP MRTPI



Embassy House
 Queens Avenue
 Bristol BS8 1SB

savills.com

VIA E-MAIL ONLY

Dear Sirs,

**POLICIES, SITES AND PLACES PLAN (MODIFICATIONS) – NOVEMBER 2016
 BARWOOD DEVELOPMENT SECURITIES LTD AND NORTH WEST THORNBURY LANDOWNERS
 CONSORTIUM (ID: 175/1)**

These representations have been prepared by Savills on behalf of Barwood Development Securities Ltd (Barwood) and the North West Thornbury Landowners Consortium (Representor ID: 175/1), in respect to the suggested modifications consultation on the Policies, Sites and Places Plan (PSP). Our client has an interest in land at North West Thornbury, which has been promoted through the PSP as a suitable location for residential development to meet the needs of South Gloucestershire in the short-medium term.

Our clients have previously raised a significant concern in respect to the Council's decision in June 2016 to exclude housing allocations from the PSP Plan. The Council have a significant, and increasing, shortfall in housing land supply to meet the housing requirements as set out in the adopted Core Strategy.

The Council have failed to publish an updated five housing land supply assessment since November 2015; with that assessment using a base date of April 2015. That assessment indicated that the Council believed at that time that they were able to demonstrate a 4.28 year supply; with a shortfall of 1,451 dwellings.

This assessment has not been updated, however, in light of completions achieved in 2015/16 (at 1,107 units), and the scale of the shortfall in 2015; it is anticipated that the shortfall of 1,451 dwellings has increased significantly.

The Council are seeking to rely on the emerging Joint Spatial Plan (JSP) and associated South Gloucestershire Local Plan (SGLP), to bring forward development to meet housing needs. The JSP is not intending on allocating sites for development, but rather will identify broad locations as 'Strategic Development Locations'. It will therefore be the SGLP which will bring forward the site allocations. However, the published timetables for the SGLP indicate that adoption will not take place until 2019.

The decision to remove site allocations from the PSP Plan, despite consulting upon housing allocations in November 2015, and the decision to delay allocations until the SGLP renders the Council unable to proactively address the current and pressing housing shortfall.



In the immediate term, this results in a sustained period where the Council are unable to demonstrate a five year housing land supply; from 2014-2019. Any opportunity to deliver housing within South Gloucestershire at the scale required to address the shortfall is therefore limited to applications made under paragraphs 14 and 49. This is clearly contrary to the intentions of the NPPF in producing a plan-led system.

The Council identified within the November 2015 consultation the process through which they would be seeking to allocate development sites to meet the five year housing land supply shortfall in the interim pending the JSP and SGLP adoption. In addition, the November 2015 consultation included a Call for Sites which alongside the Council's existing SHLAA, provided an opportunity to identify potential site allocations.

It is therefore not immediately clear why the Council have not proceeded to identify sites to meet the significant housing shortfall.

It is important to note that beyond assessing the PSP Plan's soundness for the purposes of the Framework, it is also necessary to consider the Council's compliance with their statutory obligations under the provisions of paragraph 39(2) of the Planning and Compulsory Purchase Act 2004 (the "2004 Act"), which requires that, in plan-making, local planning authorities "*must exercise the function with the objective of contributing to the achievement of sustainable development*".

The decision to withdraw site allocations to meet a demonstrably significant shortfall in housing land supply is contrary to the Council's obligations to deliver development plan documents with the objective of contributing to the achievement of sustainable development.

SM3: Landscape

The amended policy wording is inconsistent with the NPPF; in particular paragraph 113 in that it does not provide commensurate protection to landscapes.

The criteria set out in SM3 in relation to the consideration of harm to the landscape, utilises the same test as set out at paragraph 116 of the Framework which relates to the AONB, National Parks etc. It is clearly not appropriate to provide commensurate protection to undesignated landscapes to those identified in the Framework as requiring the highest possible protection.

The requirement to demonstrate "*no other reasonable alternative proposals*" is un-implementable. There is no detail given as to where an applicant is required to 'search' for alternative proposals, and clearly the evidence base to support this would be substantial.

The directing of development to areas which cause the least harm to landscape is for the plan-making process, not the development management process. It is inappropriate for the Council to seek to place this requirement upon applicants. In addition to being inconsistent with the Framework, this element of the policy would also be ineffective in practice, contrary to paragraph 182.

It is also not clear within the policy wording the distinction between landscape and locally valued landscape; which, as confirmed by Inspectors' and subsequently within the Courts, are not interchangeable, with a significant bar set that the enhanced protection afforded to valued landscapes requires some 'remarkable' character beyond being generally valued by the local community.

SM25: Heritage Assets and the Historic Environment

The policy as currently drafted fails to accord with paragraphs 133 and 134 of the Framework which clearly set the tests which must be applied when considering development affecting heritage assets, and the commensurate response depending upon the degree of harm identified. The policy must be amended to ensure compliance with the NPPF.

SM54: Custom Build Dwellings

The amended policy wording provides no further certainty in respect to the ability to deliver the proposed policy requirement of 5% custom build on sites above 100 dwellings. There remains a concern that the Viability Assessment underpinning the PSP Plan assumes a neutral development cost to the developer complying with this policy.

Our clients continue to object to the Council's decision to exclude site allocations from the PSP Plan; with this contrary to the aspirations of the NPPF in delivering housing to meet identified needs and the principle of a plan-led system. Given the timelines anticipated in respect to the JSP and SGLP, the continued shortfall of housing is a significant concern in respect to the soundness of the PSP Plan, and the Council's exercise of their statutory functions under s39(2).

In addition, we have identified a number of policies which require amendment to ensure that they are consistent with the Framework, and are able to provide an effective development management process.

Yours sincerely,



Nick Matthews MTCP MRTPI
Director

Enc: Representation Form

Suggested Modifications - Proposed Submission Policies, Sites and Places (PSP) Plan June 2016

The Council is inviting comments on the Suggested Modifications to the submitted Policies, Sites and Places Plan (PSP Plan). The suggestions cover policies, supporting text, Local Green Space designations and the Policies Map.

All comments received by 7pm on the 6th January 2017 will be passed to the Inspector for consideration as part of the examination process.

The Suggested Modifications (including reference code) are available to view in this document:

- [Suggested Modifications \(November 2016\) to the Policies Sites and Places Plan Proposed Submission \(June 2016\) \(OS1\)](#)

Further details can be found in the following documents:

- [Appendix I – Suggested Modifications PSP Plan \(November 2016\) \(OS1a\)](#),
- [Appendix II - Suggested Modifications Local Green Space Designation \(November 2016\) \(OS1b\)](#), and
- [Appendix III Suggested Modifications \(November 2016\) to Policies Map Changes \(June 2016\) \(OS1c\)](#)

All these documents can be viewed online at: www.southglos.gov.uk/PSPsubmission

Making Comments

All comments should be made using this response form below. A [guidance note](#) for completing this form is available from: www.southglos.gov.uk/PSPsubmission. Completed forms should be submitted to the Council using the contact details below.

Email:	planningLDF@southglos.gov.uk
Post:	Strategic Planning Policy & Specialist Advice Team Environment and Community Services Department PO Box 299 Civic Centre Bristol BS15 0DR

If you have any questions regarding this invitation to make comment or would like any further information, please contact the Strategic Planning Policy & Specialist Advice Team on 01454 863464.

Comments should only be submitted once i.e. by email or by post.

All comments must be received by no later than 7.00pm on 6th January 2016.

Receipt of your response will be acknowledged.

Please note that all comments must refer to the relevant suggested modifications reference, local green space reference or policy map.

PART ONE- YOUR DETAILS

Please be aware that anonymous forms cannot be included and that in order for you to submit your form you **must** include your details below.

The information collected as part this consultation will also be used by the Council in accordance with the data protection principles in the Data Protection Act 1998. The purposes for collecting this data are: to assist in plan making; and to contact you, if necessary, regarding the planning consultation process. Some of the data may be made public as it will form part of the evidence base used to inform the creation of planning policy documents. The above purposes may require public disclosure of any data received on the response form, in accordance with the Freedom of Information Act 2000.

Should you wish to make more than one comment, please submit a separate form for each in Part Two below clearly stating which suggested modification, Local Green Space Designation or Policy Map change you wish to comment on. (N.B. You only need to complete Part One (Your Details) once)

In circumstances where there are individuals/ groups/ organisations who share a similar view as to how the plan should change, it would be helpful if individuals/ groups/ organisations make a single response. It would also be useful if the group/ organisation state how many people the submission is representing and how the comment was authorised.

Your Details	Your Agent's Details (If applicable)
Reference No (if known*): 175/1	Reference No (if known*):
Title: Mr / Mrs / Miss / Ms / Dr / Other:	Title: Mr / Mrs / Miss / Ms / Dr / Other:
Surname:	Surname: Matthews
Forename:	Forename: Nick
Organisation / Company: Barwood Development Securities and North West Thornbury Landowners Consortium	Organisation / Company: Savills
Address: BDSL Ltd [REDACTED] [REDACTED] [REDACTED]	Address: Embassy House Queens Avenue Bristol
Postcode: [REDACTED]	Postcode: BS8 1SB
Contact No:	Contact No: [REDACTED]
Email:	Email: [REDACTED]

*If you have been contacted by post, you will find your reference number at the top of the letter under 'Our Ref'

PART TWO - YOUR COMMENTS

Please use a separate form for each comment made.

Q1. To which suggested modifications does this comment relate?	
Suggested Modification - Policy Reference: (e.g. SM14)	SM3, SM25, SM29 and SM54
Suggested Modification Local Green Space Reference: (e.g. LGS1234)	
Suggested Modification - Policy Map Reference: (e.g. MAP14)	

For guidance on 'legal compliance' and 'soundness' please see the guidance note available from www.southglos.gov.uk/PSPsubmission .
Q2a. Do you consider the suggested modification is legally compliant <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Q2b. Do you consider the suggested modification is sound? <input type="checkbox"/> Yes <input type="checkbox"/> Yes, with minor changes <input checked="" type="checkbox"/> No

Q3. On what grounds do you consider the modification is <u>unsound</u>? Is it because it is <u>not</u>:
<input checked="" type="checkbox"/> Positively Prepared?
<input checked="" type="checkbox"/> Justified?
<input checked="" type="checkbox"/> Effective?
<input checked="" type="checkbox"/> Consistent with National Policy?

Q4. Please set out what change(s) you consider necessary to make the suggested modification legally compliant or sound. Please be as precise as possible.
Your suggested change should have regard to the test you have identified at Q3 above where this relates to soundness. You should state why this change will make the Policies, Sites and Places Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.
<p>Please see attached letter.</p>
<p style="text-align: right;"><i>Please continue on a separate sheet if necessary</i></p>

Q5. Do you consider it necessary to participate at the oral part of the examination?

- No, I do not wish to participate at the oral examination
- Yes, I wish to participate at the oral examination

Q6. If you wish to participate, please outline why you feel it is necessary to participate at the oral part of the examination.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Please continue on a separate sheet if necessary

Q7. Please indicate which, if any, of the following you wish to be notified about.

- the publication of the recommendations of the independent Inspector
- the adoption of the Plan

Please indicate as appropriate

Signature:

[Redacted Signature]

Date:

06.01.2016

Thank you for your time to complete and return this comment form.
Please keep a copy for future reference.

All comment must be received by no later than 7.00pm on 6th January 2016.