

**SOUTH GLOUCESTERSHIRE COUNCIL:
Examination of the Policies, Sites & Places Plan**

Inspector: Louise Phillips MA (Cantab) MSc MRTPI

Programme Officer: Verity Britton **Email:** Programme.Officer@southglocs.gov.uk

Dear Mr Lane,

**MODIFICATIONS TO THE POLICIES, SITES AND PLACES PLAN (PSPP):
POST HEARING ADVICE.**

1. Following my note of the final hearing session (Doc. E28), I write to provide advice about the further modifications which I consider are necessary to make the PSPP sound. I have taken account of all the written and oral representations made about the plan; and considered the additional information submitted by the Council after the hearings closed (Document E29). Thus the changes suggested in this advisory letter would be in addition to, or separate from, any changes previously discussed.
2. My final conclusions regarding the soundness and legal compliance of the PSPP will be set out in my report to be completed once the proposed main modifications have been consulted upon. Therefore, my findings below might alter if any different evidence comes to light as a result of that process. My views are given now without prejudice to the conclusions that I might reach in my report. The report will also address the other main issues that arose during the examination but which are not covered here.

PSP4: Designated Local Green Spaces

3. 590 areas were nominated to the Council as potential Local Green Spaces (LGS) as defined in paragraph 76 of the National Planning Policy Framework (the Framework). It is proposed to designate approximately 276 of these in the PSPP while the remainder have been rejected at this stage. Of the spaces proposed to be designated, only 25 are subject to an outstanding landowner objection (Document E25).
4. The Council's extensive documentation on this matter demonstrates that it went to considerable lengths to inform landowners about the criteria for, and consequences of, designating a space. Overall, the consultation process has been successful in enabling landowners to respond to the nomination; and it was made clear that an LGS designation would restrict future development on the land (Document E27, page 4). Furthermore, in light of the number of spaces that the Council was required to assess, the process by which the evidence submitted by nominators was only systematically challenged if an objection was lodged, was proportionate, pragmatic and ultimately sound.
5. However, in the majority of cases where a landowner objection remains, the Council's engagement with that objection is not commensurate with the significance of the designation. Its principal conclusion in respect of whether a site should be designated or not is provided in Document GS1 in the column entitled "*Is the space suitable for designation, with reason*". The conclusion is essentially a summary of whether the site meets the established criteria for designation, but, in none of the cases where a landowner objects,

is any reference made to that objection. Thus it is not clear how this has been taken into account in reaching the final conclusion.

6. Some of the landowner objections do lack detail, but several refer to the site being adequately protected already by other designations (including AONB, Green Belt or Common Land); and/or that the site would form part of an extensive tract of land when taken together with other spaces proposed nearby, such as in Tomarton. Document GS1 does not address these points at all.
7. Document E25 provides further reasoning but, while technically correct, the fact that "*existing designations do not prevent the space being designated*" does not equate to an assessment of whether there would be any additional local benefit in LGS designation as required by the Planning Practice Guidance (PPG), paragraphs 010-011. Similarly, the standard conclusion that "*the space is not a blanket designation as each space has been justified and assessed on its own merit*" does not address the cumulative effect of several adjacent designations.
8. Therefore, I am not satisfied that the Council's conclusions in respect of the spaces with an outstanding landowner objection are sufficiently robust that their designation in the PSPP would be justified. My concerns are compounded by the fact that where a landowner's objection specifies that he has future development ambitions for a space, it has been automatically rejected by the Council at this stage without any assessment of whether development is either likely or desirable.
9. The owners of the sites where an objection remains do not specify any particular development ambitions, but it is clear that some are concerned about the additional restrictions and bureaucracy a LGS designation would impose. In the case of LGS1210 Charlton Common, the landowner is essentially concerned that the designation could restrict future development opportunities on the wider site. Whilst the Council has explained in detail that this should not be the case, it should nonetheless apply its designation criteria consistently.
10. Where spaces have not been proposed as LGS in the PSPP due to the potential for future development, the Council intends to review them through the preparation of the new Local Plan. It will conduct a thorough assessment of the merit of a LGS designation, taking account of the need to find land for housing and other uses. Given the present shortfall in the Council's housing land supply, this is a sound approach.
11. In view of my concerns about the robustness of the Council's conclusions in respect of the spaces with an outstanding landowner objection, they should also be subject to this impending review. Consequently, to achieve soundness by way of justification, Appendix 2 of the PSPP should be amended to exclude the relevant spaces, and the changes to the policies map should be updated accordingly. A reference should be added to the supporting text to policy PSP4 to explain when and how the sites rejected at this stage will be reviewed.

PSP9: Health Impact Assessments

12. The PPG (paragraph 004, ID53-004-20140306) states that "*Local authority planners **should consider** consulting the Director of Public Health on any planning applications...that are likely to have a significant impact on the health and wellbeing of the local population or particular groups within it...A health impact assessment **may be** a useful tool to use where there are expected to be significant impacts*" (my emphasis).
13. However, Policy PSP9 requires the submission of a HIA for all Very Major Developments in the absence of any apparent evidence that they are likely to have a significant impact on the health or wellbeing of the local population. This is not justified and, consequently, the supporting text should be amended to explain why all such developments are likely to have a significant impact. Alternatively, the first paragraph of the policy should be amended so that applicants for very major development proposals are required to consult the Director of Public Health to ascertain whether a HIA is required and, if so, at what level of detail. The HIA should then be carried out and complied with accordingly.
14. PSP9 intends to go beyond the general expectation in Chapter 8 of the Framework that planning will promote healthy communities by means such as ensuring access to an appropriate range of services and facilities. The PPG (see above) and the examples referred to by the Council confirm that HIA can have a useful purpose at the planning application stage. I am therefore satisfied that the aim of the policy is sound.
15. However, it relies upon a forthcoming "Planning Advisory Note" for guidance as to how an HIA should be undertaken and its findings implemented. In the absence of this document, it is not clear how an applicant should respond to the requirements of the policy and it is therefore not effective. I understand that this document might not be produced for 12 months and so the policy should be amended to contain sufficient information itself. This might be by cross-reference to existing national guidelines and best practice.
16. Further, for clarity and effectiveness, the second and third paragraphs of the policy should be amended so that there can be no doubt about whether they are intended to apply only to very major development proposals, or more generally.

PSP16: Parking Standards

17. The Written Ministerial Statement (WMS) of Sir Eric Pickles (then Secretary of State), dated 25 March 2015, amended national planning policy to "*further support the provision of car parking spaces*". Consequently, "*local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network*". This is a high test.
18. Through Policy PSP16, the Council proposes to impose minimum car parking standards for residential developments; and maximum car parking standards for non-residential developments. Car ownership in South Gloucestershire is significantly higher than the national average (Census 2011) and the Council

has observed problematic on-street parking in certain areas. The Government's desire to ensure adequate parking provision is plain in the WMS and, therefore, I consider that this part of the policy is consistent with national policy and otherwise sound.

19. However, the imposition of maximum parking standards for non-residential development is contrary to the Government's clear position in the WMS, that *"maximum parking standards...lead to blocked and congested streets and pavement parking"*. Therefore, to be sound, the policy would need to meet the high test set out above.
20. Census data shows that in South Gloucestershire, 12% more people travel to work by car or van than the national average. A significant proportion of these journeys are relatively short, which might make it easier for people to switch to alternative modes of transport; and the Council is pursuing various proposals designed to encourage this. The aim to promote sustainable transport is consistent with national policy in Chapter 4 of the Framework, but this is separate from the question of whether the imposition of maximum car parking standards is necessary to manage the local road network. In this respect, the Council has referred in its Statement to several studies which support its position that limiting the supply of parking will reduce car use. However, the studies all pre-date the WMS, which states that *"arbitrarily restricting new off-street parking spaces does not reduce car use, it just leads to parking misery"*.
21. The evidence concerning the state of the local road network comprises vehicle speed and traffic count data prepared by the Department for Transport. However, I have no analysis of the vehicle speed data and, of the various spreadsheets, some indicate that the situation in South Gloucestershire is worse than the national average, while others suggest that it is rather better. The map presented at Table CGN0202, for example, shows that the average (flow-weighted) vehicle speeds during the weekday morning peak are between 20-29.9mph on locally managed A-roads. This is the fourth fastest category recorded and it applies to many other parts of the Country. In some areas, the situation is significantly worse.
22. The traffic count data presented after the close of the hearings does indicate that traffic growth since 1991 has been higher than the national average in South Gloucestershire. However, the link between this traffic increase and problematic congestion is not clearly shown. Overall, therefore, I am not convinced that there is a clear and compelling justification for the imposition of maximum car parking standards for non-residential developments. Thus, clause 2 of the policy should be omitted along with Schedule B, and the supporting text should be updated accordingly.

PSP37: Internal Space and Accessibility Standards for Dwellings

23. PSP37 would require all new market and affordable housing to be built to the nationally described (minimum internal) space standards (NDSS) and accessibility standard M4(2). 8% of affordable units would also be required to meet wheelchair standard M4(3) where the Council was responsible for allocating them to a particular person.

24. The WMS is clear that these standards should only be required if they address a clearly evidenced need, and where their impact on viability has been considered. Further, the Housing Standards Review Consultation, August 2013, which preceded the WMS, was clear that each standard would carry with it a rigorous needs test. Local authorities should only adopt standards that are strictly necessary and justifiable and should not default to adopting them all because they are nice to have (paragraph 31). Clearly, the Government's aim for the optional technical standards goes beyond reducing the proliferation of local standards. Therefore, as with parking standards, the bar is set high in terms of the evidence required to justify this policy.
25. Having regard to the evidence set out in Documents V1, V2 and S2, and in the absence of anything substantive to the contrary, I am satisfied that the imposition of the relevant standards would not pose a significant risk to the viability of development. Turning to the need for the standards, affordable homes in the Council area are largely occupied at capacity (93% over the last 9 quarters). It is therefore important that each room is large enough to be used for its intended purpose. For example, bedrooms will most likely be used as bedrooms, rather than as spare rooms or studies. On the basis that affordable housing in the area also accommodates a disproportionate number of disabled people (S2, Appendix 8), I am satisfied that it would be justified to apply both the NDSS and M4(2) standards to this tenure. The evidence presented in paragraphs 3.50-3.53 of the Wider Bristol SHMA, November 2015, similarly justifies the M4(3) requirements of the policy.
26. Turning to market housing, there is some evidence to suggest that significantly more properties in the private rented sector are occupied at or over capacity than in the owner occupied sector – approximately 50% as against 15% nationally (S2, Table 4). This sector represents almost 15% of the market in South Gloucestershire and is larger than the social rented sector. 43% of private tenants also tend to occupy newer homes. Therefore, the arguments for providing larger dwellings to meet the need of these tenants are similar to those above.
27. However, in the rest of the market sector, purchasers have greater freedom to choose a property which meets their needs. Some might choose a 3-bedroomed house with smaller rooms rather than a 2-bedroomed house with larger ones. In this context, the evidence presented in Document S2 concerning the link between living space and well-being is not related to any local problem. Moreover, there is no evidence to suggest that the existing housing stock in South Gloucestershire is particularly small; and, while Appendix 5 of S2 demonstrates that some of the newly built market units do not meet the NDSS, it is in no way indicative of a systemic problem. It shows that in some, but not all, recent schemes, an unspecified number of 2-3 bedroom units were built below the NDSS. On the other hand, it shows that others exceeded the standard.
28. The demographic forecasts for South Gloucestershire, as set out in S2, Appendix 8, indicate that the characteristics of the population in respect of old age and poor health/disability broadly reflect the national picture. The exception is that growth in the population aged 85 years and over is expected to be by 135% as against 118% nationally. The evidence in Appendix 8 also suggests that the vast majority of the existing housing stock nationally does not meet the mandatory M4(1) standard for visitable dwellings, let alone the

M4(2) standard for accessible dwellings. Whilst this data is not locally specific, the suggestion that there is a shortage of existing dwellings which could be adapted to be fully accessible carries some weight (S2, paragraph 5.9).

29. However, through the HSR, the Government did consider integrating all the various standards into the Building Regulations. It chose not to do this (paragraph 24) and the local evidence with which I am presented does not justify the requirement for every new market unit across the Council area to meet the relevant standards. The Council might consider whether there is a case for adopting a more targeted policy of this nature in its new Local Plan, but PSP37 is not justified. To make it sound, the standards for market housing should be omitted. The Council should consider whether the viability of affordable schemes would be prejudiced if the standard were to be imposed upon this tenure alone, but the evidence suggests that it would not.

PSP42: Custom Build Dwellings

30. The Housing and Planning Act 2016 amended the Self-build and Custom Housebuilding Act 2015 to include a single definition of "self-build and custom housebuilding". The definition "*does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person*". This would exclude "shell homes" as referred to in paragraphs 8.46 and 8.53 of the PSPP.

31. Clause 4 of the policy would permit developers of relevant sites to provide for self or custom housebuilding either as serviced plots or shell homes on equal terms. This high level of flexibility is likely to compromise the delivery of serviced plots which would meet the definition in the Act. Such a departure from legislation has not been justified. However, some degree of flexibility is necessary to support the growth of this relatively new industry. This could be achieved by a tiered approach along the lines suggested in proposed paragraph 8.53a. Serviced plots should be the default position, followed by shell-homes and then full reversion to the developer standard product according to circumstance. The policy and supporting text should be redrafted accordingly.

32. For clarity and effectiveness, the policy title and wording should be amended to refer consistently to "self-build and custom housebuilding". This term, along with the terms 'serviced plot' and 'shell home' should be defined by reference to the Acts. Further, the reference in proposed paragraph 8.53a to plots being serviced "early in the delivery programme" should be amended to require them to be serviced within a specified period. This would provide greater certainty of delivery and be consistent with the definitions introduced by Section 9(4)(b) of the Housing and Planning Act 2016.

PSP46: Oldbury New Nuclear Build

33. This policy represents the Council's ambition to lead and manage a complex and significant development on behalf of its communities. Having taken advice from a neighbouring authority with experience of a similar development, it seeks to provide a detailed policy framework for the scheme upfront. This is a prudent aim, and Document E11 demonstrates that

informed professionals have sought to identify the issues likely to arise, as well as some potential solutions to them.

34. The themes and issues set out in the relevant table will be helpful to the scheme promoter in understanding the matters for consideration. Their inclusion within PSP46 is justified and otherwise sound. However, the Council accepts that the associated delivery objectives are not evidence-based. Paragraph 4.2 of Document E11 states that "*at this early stage, it would not be appropriate to state definitively the matters that will have an overriding influence on the final design of the scheme*"; and the Council has confirmed that the objectives are intended as a starting point rather than a prescribed solution.
35. Therefore, the requirement in paragraphs 3 and 4 of the policy that the objectives should be achieved/delivered is not justified. Moreover, the suggested amendment to permit compliance with the objectives or a "reasonable alternative" does not overcome the fact that the former are not ready for inclusion within a development plan. Nor would a policy of this type be particularly beneficial or effective.
36. The Council is concerned about undermining the work which has already been done towards addressing the issues the scheme is likely to present. I see no reason why this should happen because the delivery objectives do indeed provide a useful starting point for consideration. Consequently, while the policy and supporting text should be amended to exclude the objectives and related references, it should also be updated to clarify the process for addressing the themes and issues at the appropriate time. This should cover the production of evidence; the role of the Council and project promoter; and the need to produce further policy and/or supplementary guidance.

Finally

37. The purpose of the advice above is to identify the matters where it is necessary for the Council to consider further modifications to make the PSPP sound. I am not inviting comments from the Council or anyone else upon the content of this letter and no further evidence or justification will be accepted at this stage. However, if there are any points of fact or clarification that the Council wishes me to address, it should let me know as soon as possible via the Programme Officer.
38. Otherwise, my advice should inform the full schedule of main modifications which the Council is already preparing. In finalising this document, the Council should review whether there are any consequential changes arising from the modifications to ensure that the plan will read coherently. In order to programme the remainder of the examination efficiently, it would be helpful to know approximately how long the Council will require to act upon the advice in this letter and to finalise the main modifications for public consultation.

Louise Phillips

INSPECTOR

17 March 2017.