Policies, Sites and Places (PSP) Plan - Main Modifications Representations Form

12th June – 24th July 2017

The Main Modifications (including reference code) are available to view in on the consultation website at www.southglos.gov.uk/PSPmodifications

Representations should only be made on the **Main Modifications** and should be made using the form below. A guidance note for completing this form is available from: www.southglos.gov.uk/PSPmodifications. Completed forms should be returned to:

Email:	planningpolicy@southglos.gov.uk
Post:	**South Gloucestershire Council** **Department for Environment and Community Services** Strategic Planning Policy & Specialist Advice Team PO Box 1954 Bristol BS37 0DD

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

All representations must be received by no later than 24th July 2017 at 7pm.

Receipt of your representations will be acknowledged.

<u>Please note</u> that all representations must refer to the relevant Main modifications reference.

<u>PART ONE- YOUR DETAILS</u>

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<u>Should you wish to make more than one representation, please submit a separate form for each in Part Two below clearly stating which Main Modification you wish to comment on.</u>
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Your Details	**Your Agent's Details (If applicable)**
Reference No (if known*):	Reference No (if known*):
Title: Mr / Mrs / Miss / Ms / Dr / Other:	Title: ~~Mr~~ / Mrs / ~~Miss / Ms / Dr / Other~~:
Surname:	Surname: Hawkes
Forename:	Forename: Claire
Organisation / Company: Bloor Homes	Organisation / Company: Turley
Address: c/o Agent Postcode:	Address: 40 Queen Square Bristol Postcode: BS1 4QP
Contact No:	Contact No:
Email:	Email:

*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 REPRESENTATIONS

Please use a separate form for each representation.

Q1. To which main modifications does this representation relate?	
Main Modification Reference: **(e.g. MM14)**	MM16

For guidance on 'legal compliance' and 'soundness' please see the guidance note available from www.southglos.gov.uk/PSPmodifications.

Q2a. Do you consider the Main Modification is legally compliant

☑ **Yes** ☐ **No**

Q2b. Do you consider the Main Modification is sound?

☐ **Yes** ☐ **Yes, with minor changes** ☑ **No**

Q3. On what grounds do you consider the Main Modification is unsound? Is it because it is not:

☐ Positively Prepared?

☑ Justified?

☑ Effective?

☑ Consistent with National Policy?

Q4. Please set out what change(s) you consider necessary to make the Main 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.

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Q5. Please indicate which, if any, of the following you wish to be notified about.

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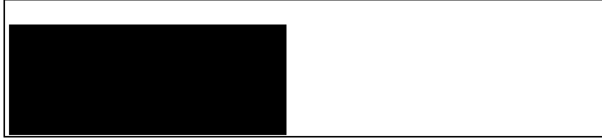
Please indicate as appropriate

Signature: 

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Main Modification Reference: **(e.g. MM14)**	MM24

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☑ **Yes** ☐ **No**

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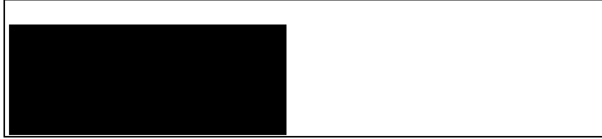
Signature: 

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Contact No:	Contact No: [redacted]
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PART TWO - YOUR REPRESENTATIONS

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Q1. To which main modifications does this representation relate?	
Main Modification Reference: **(e.g. MM14)**	MM7

For guidance on 'legal compliance' and 'soundness' please see the guidance note available from www.southglos.gov.uk/PSPmodifications.

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☑ **Yes** ☐ **No**

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☐ **Yes** ☐ **Yes, with minor changes** ☑ **No**

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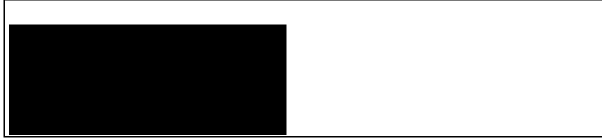
Signature: 

Date: 24.7.17

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Turley

24 July 2017
Delivered by email and post

Strategic Planning Policy and Specialist Advice Team,
South Gloucestershire Council,
Environment and Community Services Department,
PO Box 1954,
Bristol, BS37 0DD

Dear Sir/Madam.

REPRESENTAIONS TO THE POLICIES, SITES AND PLACES PLAN: MAIN MODIFICATIONS CONSULTATION (JUNE 2017)

This representation has been submitted by Turley on behalf of Bloor Homes who have interest at various sites within South Gloucestershire.

These comments are made in respect of the above consultation and relate to the potential effect of the proposed main modifications on the soundness and legal compliance of the emerging Policies Sites and Places Plan ('the Plan'). These comments relate solely to the Main Modifications and do not relate to other aspects of the Policies Sites and Places Plan.

Main Modification MM16 relating to draft Policy PSP20

This Policy relates to flood risk and surface water management. On behalf of our clients we object to the proposed changes relating to part "(i) a" of the draft Policy, and the proposed modifications to the accompanying paragraphs "paragraph 6.42" and "paragraphs 6.46".

Part (i) of this policy has, in these latest modifications, now been expanded to provide additional detail of the requirements for reduced surface water discharge on both previously developed land (part a) and greenfield sites (part b). It is the former to which we wish to object.

The proposed policy now states;

"*Development proposal(s) will be expected to:*

(i) reduce surface water discharge from the site by, wherever practicable and feasible on:

a) *previously developed land, by reducing post development runoff rates for events up to and including the 1 in 100 year return period, with an allowance for climate change, to that of a greenfield condition. A minimum requirement is for a 30% betterment of the existing situation condition;* "

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This requirement relating to previously developed land is not considered to be Justified in terms of the test of soundness required for these modifications. Provision of 30% betterment in relation to existing brownfield flows is considered acceptable, however the first part of the modification states that the run off rates must be reduced to the level of Greenfield flows. On some sites it is considered that reducing to Greenfield flows may be potentially a much larger betterment than 30% and is not a reasonable or proportionate requirement.

Furthermore, the policy wording is ambiguous, to detail that a reduction to Greenfield is required and then to state that 30% betterment is required could be interpreted as the 30% needing to be on top of that initial reduction to Greenfield levels. If this is the intention of the wording then this is considered a wholly excessive requirement, and potentially unfeasible for many brownfield sites. Clarification is required in relation to this policy as to what reduction is expected, and a caveat is needed to reflect the constraints that are common on brownfield land.

Previously developed land that is being re-developed is usually in an urban environment in built up areas. As a consequence these sites often have a small developable area with many constraints. There is often very limited space on the site for attenuation features more easily accommodated on greenfield sites. To reduce discharge rates to Greenfield flows, which would be considerably smaller considering the site areas involved, is essentially impractical on many sites. The attenuation sizes required for such flows would be so large that the available developable space would reduce, effectively making development more expensive and with less return.

It is therefore also considered that this policy fails to be Consistent with National Policy, specifically the requirements that planning should encourage the effective use of land by reusing land that has been previously developed (one of the Core Planning Principles at paragraph 17 of the NPPF). By imposing onerous obligations on previously developed sites this limits the developable area, increases the costs of the development and could potentially render sites unviable. Given that the spirit of national policy is very clear that brownfield sites should be used to accommodate development needs where possible, this main modification in its current form is considered unsound by nature of its excessive requirements to reduce flow rates to unfeasible levels. If unchanged this policy could inhibit urban regeneration.

It is therefore requested that this element of proposed Policy PSP20 be amended to state that; on brownfield sites a reduction in runoff rates to Greenfield levels is preferred, that a 30% target for betterment on the Brownfield flows would also be acceptable but to include a caveat that this will only be imposed if the drainage infrastructure can feasibly be accommodated on the site without limiting the developable area to a level where the viability of the scheme is impacted. This could be achieved by asking developers to provide justification where lower levels of betterment are considered appropriate.

Secondly, Paragraph 6.42 as proposed to be amended states;

"Development resulting in the replacement of permeable surfaces by impermeable ones can have adverse effects, such as increased risk of surface water flooding and pollution, silt deposition, alteration to hydrological regime, damage to watercourse habitats and river channel instability. Discharge volumes on developed sites can be up to 10 times greater than when the site was undeveloped. To meet existing discharge volumes, the difference between existing and proposed volumes of water should not be discharged off site. This volume is referred to as the Long Term Storage Volume. On previously developed land where it is not demonstrated to be practicable or feasible to achieve 30% betterment from the existing surface water discharge situation, the council as a minimum will expect no net increase in the amount of the surface water discharged as a result of the development. Development proposals will be

assessed to ensure that the individual or cumulative effect of water discharge does not increase the risk of flooding, or cause other adverse environmental effects, either locally or elsewhere."

On behalf of our clients we strongly object to this proposed modification. It is not disputed that discharge volumes from developed sites can be significantly larger than those from undeveloped sites and without proper mitigation can have detrimental effects downstream. However, preventing the difference between existing and proposed volumes of surface water from leaving the site is simply not practicable. When developing a semi-permeable surface (Greenfield site), and creating a developed, impermeable surface, it is inevitable that there will be a larger volume of water leaving the site. This is normally managed by restricting discharge rates to the levels stipulated above and attenuating the water on site, releasing that volume over time rather than all at once. This therefore acceptably mitigates the potential downstream impacts. This is the only feasible way to manage the increased volume of runoff.

The only way to prevent the additional volume of surface water from leaving the site is by infiltrating it into the ground. Unfortunately ground conditions or groundwater levels on many sites prevent this from happening, therefore surface water must be disposed of by draining to watercourses or sewers. Without infiltration it is impossible to prevent the additional volume of water leaving the site. It is not therefore considered that this proposed modification can be considered Justified and is not therefore sound given that it requires the increased discharge volumes to be infiltrated and this is simply unachievable on some sites. A reasonable alternative is to allow the water to be discharged in a manged way.

This proposed modification needs to be amended to reflect the reality that additional discharge volumes on many sites cannot be infiltrated. The modification should include a caveat that the difference between existing and proposed volumes of water should not be discharged off site if it is possible and reasonable to retain this water on site using suitable infiltration techniques based on specific infiltration testing and site constraints.

The final comment in relation to Main Modification 16 relates to the proposed amendments to paragraph 6.46. This paragraph is now proposed to state "*Surface Water Drainage Strategy based on SuDS principles, will be appropriate when in line with the requirements and checklists for Surface Water Drainage Strategies contained in the West of England Sustainable Drainage Developers Guide (March 2015) Part 1, Local Flood Risk Management Strategy (LFRMS) and also in line with the latest CIRIA guidance….*". We would like to request that reference to 'March 2015' is deleted or amended to say 'latest or current edition or 'subsequent superseding documents'. This is to ensure the text remains relevant as guidance changes and is required to ensure that the Plan meets the Soundness test of being Effective over the plan period.

Main Modification MM24 relating to draft Policy PSP42

Draft Policy PSP42 relates to the provision of self-build and custom house building. On behalf of our clients we wish to object to the main modifications to point 4 of this policy which is now proposed to be amended to read;

"The Council will also:

…..

> *4. require developers to supply at least 5% of the total dwellings on residential and mixed–use sites of over 100 dwellings, for sale to self and custom builders, on the following sequential basis:*
>
> *Firstly;*

A. As self and/or custom house building serviced plots (that meet the definition of self-build & custom housebuilding plots within the Housing and Planning Act 2016 as amended or any subsequent amendment).

Secondly; where it is demonstrated that it was not possible to deliver the self-build and/or custom housebuilding plots in accordance with A, above:

B. as shell homes."

The provision of self- build plots within the context of a wider site controlled by a developer is considered problematic. This proposed amendment to the policy is not considered sound by reason that it is not Justified. It is not the most appropriate strategy to encourage self build properties and is not based on evidence sufficiently proportionate to justify this requirement.

Firstly it is considered that the policy as proposed to be modified could have negative implications for the health and safety of operations on a construction site. Developers with large development sites who are required to provide self or custom build plots would be impacted by the presence of potentially numerous additional contractors working on these self build plots and compromising the carefully managed construction protocols being followed for the wider development site.

Works on these self build plots cannot therefore be carried out concurrently with the works to the main sites and therefore the plots would have to be sold only once the main developer has completed on site and passed over the interests in the site. This would lead to delays in terms of handover of public areas of the development site to Management Companies, which would normally be anticipated to happen following completion of the last unit on the site. On these grounds it is considered that this policy cannot be considered Positively Prepared and does not therefore meet the required tests of soundness given that this onerous obligation disrupts the development process.

It is also considered that the provision of either self build or shell homes, as is proposed to be required by this policy given the proposed modification, would lead to unacceptable difficulties for the developer of the site during the planning and detailed design stages of the project. These modifications cannot be considered to be Justified as they require developers to seek consent for a scheme for which the detailed design of 5% of the units cannot be controlled.

The proposed modification to this policy is not considered to be Consistent with National Policy in that the complications as detailed above to the delivery of the wider development sites where self build plots are provided may hinder the rate of housing delivery. Having individual contractors working on parts of the development site may cause health and safety issues, the timing of the construction of the self build plots may impact on the ability of the developer to hand over the public areas of the site to a management company and ultimately may impact on the ability of the housebuilder to sell plots adjacent to the self build plots given the uncertainty about what will be delivered on those areas.

Furthermore this element of the policy is also considered unsound by reason of its conflict with national policy in that it conflicts with the requirement for the planning system to facilitate the economic role when delivering sustainable development (as set out at Paragraph 7 of the NPPF). The requirement for 5% of the available plots within sites of 100 units to be given over to either self and/or custom house building or shell homes may impact on the overall viability of the development given the loss of revenue for the developer from the dwellings they could have delivered on those plots. To keep the policy wording as is proposed to be amended places an undue constraint to the development of sites through this potential loss of revenue for developers.

Overall is not considered that the provision of either self/custom build plots or shell homes at a level of 5% of the total dwellings should be a mandatory requirement of all residential site of over 100 units. This element of the policy is not sound by reason of it not being Justified. When considered against the reasonable alternatives, it is clear that bringing land forward for custom build dwellings through the local plan process, or on Council owned sites (as is already provided for at points 1 and 2 of Policy PSP42) is a far more suitable mechanism to ensure delivery of this aspiration.

It is requested that the proposed policy be amended to reflect that the Council will support developers who bring forward self build plots but to remove the obligation to do so at a level of 5% on sites of 100 units or more.

Main Modification MM7 relating to draft Policy PSP6

This Policy relates to on site renewable and low carbon energy. On behalf of our clients we have consulted Briary Energy consultants for their advice on the proposed modifications to this policy and they have provided the following comments.

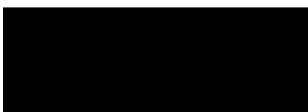
Modification MM7, requests a reduction in CO_2 emissions by at least a further 20% via renewable and/or low carbon energy generation sources, does not meet with the recommendations in the Deregulation Bill 2015. The Deregulation Bill states that Local Authorities should not set any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. It also states that a policy should not exceed the requirement to meet Code Level 4 in Energy, which is 19% improvement over Part L 2013.

A ‘fabric first’ approach would be our initial approach to any development, as this would take into account the issue of long term efficiency vs. short term energy generation. Solar PV, for instance, looses 3% efficiency in its first year from installation, and then a further 0.5% each year thereafter; meaning a loss of 7.5% efficiency over 10 years. Comparably, reduction in energy use via fabric, plus ‘fit and forget’ low carbon technologies, would result in minimal loss in performance over 10 years.

MM7 also states that the 20% reduction is to include unregulated energy use. We would contest that unregulated energy can only provide ball park figures based on an average household. There is no simple way of accounting for the human aspect of living in a house, and knowing the efficiency of occupant’s behaviour. Because of this, there are doubts to the accuracy of the unregulated calculation. Also, the unregulated assessment can typically increase expected energy use of a dwelling by 40%, resulting in developers significantly altering specifications, which in the majority of cases, leads to concerns over economical feasibilities of new dwellings.

I trust the information provided is satisfactory and I look forward to receiving your confirmation of receipt of this representation in due course. Should you require any additional information or want to discuss or clarify any matter, please do not hesitate to contact me

Yours sincerely



Claire Hawkes
Planner