



The Planning Inspectorate

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# **Report to North Somerset Council**

**by Wendy J Burden BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Date 16 February 2018**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the North Somerset Sites and Policies Plan Part 2: Site Allocations Plan 2006-2026**

The Plan was submitted for examination on 24 February 2017

The examination hearings were held between 16 and 18 May 2017

File Ref: PINS/D0121/429/12

## **Abbreviations used in this report**

AA	Appropriate Assessment
AONB	Area of Outstanding Natural Beauty
DCLG	Department for Communities and Local Government
DtC	Duty to Co-operate
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
JSP	Joint Spatial Plan
LDS	Local Development Scheme
LGS	Local Green Space
LP	Local Plan
MM	Main Modification
NPPF	National Planning Policy Framework
NSC	North Somerset Council
NSRLP	North Somerset Replacement Local Plan
OAN	Objectively assessed need
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAP	Site Allocations Plan
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SRN	Strategic Road Network
WMS	Written Ministerial Statement

## **Non-Technical Summary**

This report concludes that the North Somerset Site Allocations Plan provides an appropriate basis for the planning of North Somerset, provided that a number of main modifications [MMs] are made to it. North Somerset Council (NSC) has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period from 18 September until 30 October 2017. In some cases I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Text relating to individual residential allocations within Schedule 1 is amended in response to issues raised by the Environment Agency, the Internal Drainage Board, Historic England, Natural England and National Grid.
- New residential allocations are added to Schedule 1 to provide land for some 821 dwellings.
- Schedule 1 is updated through the deletion of sites on which development has been completed and the addition of sites which have received planning permission.
- The allocations for employment land are amended with the overall total area changed and the deletion of Weston Gateway from Schedule 2.
- Policies SA4, SA5, and SA6 are deleted and a new policy SA4 is inserted to deal with the safeguarding of sites allocated for or in use for B1-B8 purposes in accord with national policy.
- Schedule 3 "Safeguarded employment sites" is deleted.
- Two sites in Schedule 4 for Local Green Space are deleted.
- Submitted Policy SA8 (new Policy SA6) is amended to deal with development affecting undesignated green space.
- In Schedule 5 a number of sites are deleted, including all locations identified as Strategic Open Space.

## Introduction

1. This report contains my assessment of the North Somerset Site Allocations Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The North Somerset Site Allocations Plan (SAP) submitted in February 2017 is the basis for my examination. It is the same document as was published for consultation in October 2016.

## Main Modifications

3. In accordance with section 20(7C) of the 2004 Act NSC requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1, MM2, MM3** etc, and are set out in full in the Appendix.
4. Following the examination hearings, NSC prepared a schedule of proposed MMs and carried out sustainability appraisal of them. The MM schedule [ED/45] was subject to public consultation for six weeks from 18 September to 30 October 2017. I have taken account of the consultation responses in coming to my conclusions in this report. I have made amendments to MM2 which have been published and on which I sought the views of interested parties. I have made some further amendments to the detailed wording of MM2 in the light of the comments received. No amendment significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.

## Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans as set out in ED42.
6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map.

7. These further changes to the policies map were published for consultation alongside the MMs [ED45a].
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, NSC will need to update the adopted policies map to include all the changes proposed in ED45a and the further changes published alongside the MMs.

## **Assessment of Duty to Co-operate**

9. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation. The Council has submitted a Duty to Co-operate Statement [ED/43].
10. NSC is part of the West of England Partnership (WEP) established in 2005 together with the other unitary authorities of Bristol, South Gloucestershire, and Bath and North East Somerset. Throughout the preparation of strategic plans, the WEP has acted as the focus for cross-boundary working on spatial planning, transport, housing, waste and economic development. The WEP has now been replaced by the West of England Local Enterprise Partnership (LEP). The LEP brings the authorities together with local businesses and education to provide the focus for continued joint working to support sustainable economic growth locally.
11. The proposals contained within the Site Allocations Plan are locally specific to NSC and have not required joint working. The plan allocates sites that contribute to delivering the policies of the North Somerset Core Strategy (CS), particularly the housing requirement and related needs for employment, community facilities and open space. It does not allocate sites whose development will have a significant effect on neighbouring areas. Policies and proposals for the extent and distribution of development and for transport infrastructure have already been adopted through the CS and the Sites and Policies Plan Part 1.
12. Cross-boundary issues relating to European sites are addressed in the Habitats Regulations Assessment (HRA). The HRA considers the impact on European sites, some of which are cross-boundary, but concludes that with the mitigation measures identified in the HRA there would not be likely significant effects on European sites.
13. All adjoining authorities have been consulted at each consultation stage in the production of the SAP in accordance with the Council's Statement of Community Involvement. No cross-boundary issues have been raised.
14. Overall I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

## Assessment of Soundness

### Background

15. The purpose of the SAP is to identify the detailed allocations required to deliver the North Somerset Core Strategy [CS]. It is for the SAP to allocate the sites required for residential development and for employment uses, and to include designations to safeguard or protect areas of Local Green Space, sites for community use and strategic gaps.
16. The CS Policy CS13 as approved by the Secretary of State in September 2015, sets out the overall minimum requirement for new residential development of some 20,985 dwellings in the period 2006- 2026. The broad indication of where the residential development requirement should be distributed across the hierarchy of settlements within North Somerset is set out in Policy CS14.
17. It is for the SAP *"to identify the new residential allocations necessary to deliver the CS requirement, taking into account the need to supply deliverable sites to ensure the Council can maintain a 5 year housing land supply"* [ID1; SD18].
18. Core Strategy Policy CS20 sets out the level of provision and broad distribution of economic development, and Policy CS19 deals with strategic gaps.
19. The CS commits NSC to a review of the CS by the end of 2018 to take account of the wider housing market area. NSC is working as one of the four West of England authorities together with South Gloucestershire, Bath and North East Somerset and Bristol City Councils. The four Councils are together producing a Joint Spatial Plan (JSP) to cover the period from 2016 to 2036. The Plan will identify the strategic priorities for the homes and jobs needed within the area. It is intended to submit the JSP for examination in March 2018 and that will provide the strategic guidance for the review and roll forward of the local plans for each of those areas. A new NSC local plan is being prepared in parallel with the emerging JSP to cover the period 2018-2036, and is intended for submission in Spring 2019. The strategic spatial context for the NSC local plan will be identified through the JSP.
20. In my examination of the SAP, I take into account the process of review which is currently being undertaken. It is most likely that the CS and the SAP will be largely superseded within the first two to three years after adoption of the SAP. In the circumstances where the SAP would have a very short lifespan following adoption, I take into account the potential for proposals in the SAP to be the subject of an early review. This is pertinent to the consideration of the housing land supply, to the designation of strategic gaps and local green space, and the definition of settlement boundaries.
21. These matters should most appropriately be revisited in the context of the requirement for housing and employment land which is being established through the JSP. The JSP will establish the new strategic policies for North Somerset. Any changes to the boundaries of strategic gaps, the designation of local green space or the definition of settlement boundaries required to implement those strategic policies should then be made through the emerging new Local Plan. For the SAP, I set out my recommendations in respect of the proposals for housing land supply, the policy in relation to the safeguarding of

employment sites, and the approach to be taken to strategic gaps and local green space in the report below.

## **Main Issues**

22. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified seven main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

### **Issue 1 – Is the SAP based on a sound process of sustainability appraisal (SA) which includes the testing of reasonable alternatives in the allocation of residential sites? Are the residential site allocations policies sound?**

#### *The Objectives*

23. The SAP must conform with the CS and has the specific purpose of identifying the sites and designations required to deliver the CS. It is not the purpose of the SAP to reconsider the objectives of the CS, or to review its strategy and policies. Nevertheless, the Strategic Environmental Assessment (SEA) Regulations<sup>1</sup> require the SAP to be the subject of an independent SA. The process of SA includes the identification of SEA objectives for the SA to test. SEA objectives are used to help show whether the objectives of the plan are beneficial for the environment, to compare the environmental effects of alternatives, or to suggest improvements.
24. For the scoping report for the SA [SD6] the framework objectives were reviewed and amended from those considered for earlier plans relating to the CS. The objective which related to the promotion of housing development has been deleted from the framework, and no clear explanation has been provided by NSC for abandoning that objective. In contrast, the objective to deliver a reasonable quantum of employment opportunities has been retained. Since the delivery of the housing requirement in the CS is fundamental to the purpose of the SAP, I am concerned that the recognition of this important role of the SAP has not been included within the SA framework objectives.
25. Nevertheless, although there is no housing objective identified within the scoping report for the SA, the objectives of the SAP flow from those in the CS. The first of the ten priority objectives of the CS is "*to deliver sustainable housing development across North Somerset to meet housing needs through the provision of a minimum of 20,985 new homes by 2026*". That priority objective flows through into the SAP for which the purpose is to identify the housing allocations which will deliver the requirement for 20,985 dwellings in the period 2006- 2026. The SAP does not seek to avoid that responsibility, and the selection and evaluation of the housing sites to fulfil that purpose is a

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<sup>1</sup> Environmental Assessment of Plans and Programmes Regulations 2004 – S.I. 2004 No. 1633

fundamental part of the SA work which has been carried out in the preparation of the SAP.

26. The SA objectives in the scoping report have been used to help determine whether sites should be allocated for residential use or whether an alternative option should be considered. I deal with the adequacy of the work which has been carried out in the evaluation of housing sites, and their deliverability later in the report. However, the lack of a specific housing objective for the SA has not interfered with the actual promotion of housing development through the SAP in accordance with the requirement of the CS, and its testing through the SA process. Furthermore, the deliverability of the allocations in the SAP have been rigorously tested through the examination process.
27. Since the process of SEA has been augmented through the examination of the SAP, I am satisfied that the promotion of residential allocations and their deliverability has been appropriately tested in the SAP. The lack of a specific housing delivery objective in the scoping report has not therefore resulted in any inadequacy in the overall SEA of the SAP.

#### *Assessment of reasonable alternatives*

28. The SA should identify, describe and evaluate the likely significant effects of implementing the plan and reasonable alternatives. Reasonable alternatives are the different options considered in developing the policies and must be sufficiently distinct to enable comparisons to be made of their different sustainability implications, be realistic and deliverable.
29. As a plan which must conform with the CS, there is constraint on the alternatives which may be considered for the SAP, since it is not for the SAP to consider any option which would not be in accord with the CS. The SEA Directive requires an assessment of the likely significant effects of implementing the plan compared with "*reasonable alternatives taking into account the objectives and the geographical scope of the plan*". Having regard to the purpose of the SAP, to identify the allocations required to deliver the CS, I find it satisfactory that the approach taken is to assess all the options for site allocations alongside the reasonable alternatives of not implementing the proposed option. These options are identified at para 4.6 of the SA and although very limited in scope, I find them to be adequate in the particular circumstances of the SAP.

#### *Assessment of residential site allocations*

30. The options for allocation of sites for residential development, employment uses and Local Green Space (LGS) have each been assessed according to relevant SA sub-objectives.
31. For the residential allocations, the assessment started with a 'call for sites' in 2014, followed by an initial sift to take out those sites subject to significant identified constraints such as non-previously developed Green Belt sites, sites within the Mendip Hills AONB and those sites wholly within Flood Zone 3b [SD7 para 4.8]. Some 214 sites were then assessed against selected SA framework objectives, in accordance with the Red, Amber, Green (RAG) rating system, using defined assessment criteria for each RAG rating. However, the scores achieved in the RAG rating were not the determining factor as to



whether a site should be allocated in the SAP, and the assessment in SD8 is not intended to be the definitive guide as to the most appropriate residential allocations.

32. The residential site assessment was carried out for each town, village and countryside site location with the RAG rating results detailed in the matrix in SD8. Sites with less favourable scores were considered further to assess whether potential difficulties could be avoided or mitigated. As a result some lower scoring sites have been allocated for residential development in the SAP with some sites which score more highly in the matrix not being allocated. In explanation for this apparent discrepancy, the Council indicates that in addition to the assessment against the SA sub-objectives, other factors were taken into account such as compatibility with policy, physical limitations and barriers to delivery. However the work undertaken to introduce the factors not included in the RAG criteria is not clearly set out in the evidence base to the submitted SAP.
33. The apparent inconsistency between the assessment matrix and the allocated sites appears greater when the review of the sustainability and settlement hierarchy of rural settlements [SD9] is taken into account. For the nine service villages required in the CS to deliver a minimum of 2,100 dwellings by 2026, there is little correlation between the RAG ratings of the settlement in terms of sustainability and the level of growth allocated to the settlement in the SAP.
34. The CS does not differentiate between the nine service villages which in strategic terms are at the same level within the settlement hierarchy. There is therefore no policy requirement for a service village which scores more highly on the RAG ratings to accommodate more development than a lower scoring village. Indeed, it is stated in SD9 that other technical studies would be used to determine the appropriate amount and location of new development and to ensure that it is adequately supported by infrastructure and services.
35. I find it to be reasonable that although a settlement may be judged to be relatively sustainable, there may not be suitable sites within that settlement to accommodate a particular number or percentage of the district housing requirement.
36. Some of the original site selection evidence lacked clarity but further information was provided at the hearings and additional work on site selection has been carried out as a result of my request to the Council to identify more deliverable sites for allocation in the SAP[ID4]. I deal with this matter under Issue 2. With the discussion at the hearings which provided some clarification of the selection process, and the additional work which has now been carried out, [*Site Allocations Plan: Further assessment of residential sites*] I am satisfied that there has been an adequate testing of reasonable alternatives and SA of the residential site selection for the SAP.
37. A number of the residential allocations in Schedule 1, including those now put forward as modifications, are subject to objections raised during the consultation on the SAP, enlarged upon at the hearings and in the consultation on the modifications. I have considered these objections against the tests of soundness in the NPPF.

38. Issues raised by the Environment Agency have been dealt with through modifications **MM4, MM22, MM23** within the text to Schedule 1. The modifications will ensure that flood risks are properly taken into account in accordance with national policy as these allocations are brought forward. The Internal Drainage Board had concerns relating to surface water management and flooding and these are addressed through **MM5** and **MM6**. With these modifications in place I am satisfied that the allocations accord with national policy in respect of the management of flood risks.
39. Historic England has not withdrawn its objection to proposals for Birnbeck Pier, but **MM7** introduces text to ensure that the importance of the heritage asset is recognised and taken fully into account in accordance with the requirements of the NPPF. Historic England would in addition be consulted on any development proposal.
40. **MM7** and **MM28** introduce text to address concerns raised by Natural England. I am satisfied that with these modifications in place, the allocations will comply with the requirement in NPPF para 109 to contribute to and enhance the natural environment.
41. Through **MM17** the allocation west of Engine Lane takes account of the proposals by National Grid for the site, and also identifies the location of the site within Coal Authority Low Risk Development Area. The modification provides clarity as to the constraints to development of this site.
42. With the modifications in place, I consider the proposed residential allocations, including those introduced through modifications to the SAP and to which I refer later in the report, to be soundly based. There is no basis on which I should seek the removal of any of the residential allocations on the grounds that its inclusion in the SAP would make the plan unsound. I include in this finding the site at Old Mill Road allocated in Schedule 1 and subject to MM23 referred to above. I make further reference to this site under Issue 5 (Employment) below.

#### *Designation of strategic gaps*

43. In the CS, Policy CS19 states that the Council will protect strategic gaps to help retain the separate identity, character and/or landscape setting of settlements and distinct parts of settlements. Broad locations for the strategic gaps are identified in the CS, which states that their boundaries are to be defined in the Sites and Policies Development Plan Document. In the SAP, Policy SA9 sets out the restrictions to development within the strategic gaps for which the boundaries are defined on the Policies Map.
44. The strategic gaps were not covered in the October 2016 SA of the SAP. However, the SA of the strategic gaps has now been carried out [CS/13 Appendix 1]. In addition to the late SA, a background paper [SD13] was produced in October 2016 which reviews the strategic gaps as defined in the Consultation Draft SAP using revised criteria. Having regard to the evidence now available which has reviewed and reassessed the definition of the strategic gaps, I am satisfied that adequate environmental information is available to meet the requirements for SEA of the strategic gaps. I address the policy justification for the strategic gaps in more detail under Issue 7.

**Issue 2 Does the SAP allocate sufficient land for residential development in order to deliver the requirement of the CS by 2026 in accordance with CS Policies CS13 and CS14?**

45. The CS requirement is for a minimum of 20,985 dwellings in the period from 2006 to 2026. The SAP as submitted identifies the potential for the development of 21,281 homes which includes a windfall allowance of 897 dwellings based on past rates. Completions to 31 March 2017 are agreed with the housing industry at 8,847 dwellings. This figure is updated in the October 2017 mid-year assessment to 9,187 completions. Against the annualised rate of 1,049 dwellings required to deliver the CS requirement of 20,985 dwellings, the shortfall in the delivery of dwellings since the start of the CS period is agreed at March 2017 to be some 2,692 dwellings [SCG/2]. As a result there is a residual requirement for some 12,138 dwellings to be completed in the remaining 9 years of the CS period.
46. It is the purpose of the SAP to identify the detailed allocations required to deliver this level of new housing. To deliver the residual requirement of 12,138 dwellings by the end of the CS period (2026) an annual average completion rate of some 1,348 dwellings would be required. However, from the evidence that I read and heard concerning the deliverability of the sites allocated in the SAP as submitted, I consider that the rate of delivery as expected by the Council at April 2017 [ED22,ED23, ED24, and ED25] is optimistic and unlikely to be achieved. It is for this reason that I sought additional sites to be allocated through modification to the SAP. I consider the main sources of housing land supply below.

*Weston Villages*

47. The potential for slippage in the delivery of the strategic sites at Weston Villages (Winterstoke Village and Parklands Village) was recognised by the Inspector in his report of November 2016[ED10]. A joint delivery trajectory is produced annually between the Council and the three major developers[ED/28], but evidence indicates that the sites would not be completed within the CS period.
48. Some 550 dwellings were expected to be delivered from the sites at Weston Villages from 2011 to 2014, with an annual rate of some 450 dwellings expected from 2014 onwards. However, the total number of dwellings completed from 2011-16 was 567 dwellings, a significant shortfall on the anticipated delivery rate. The Council's updated Schedule 1 [CD4a] indicates a capacity at April 2017 of more than 5,600 dwellings. To secure the completion of the remaining allocation for Weston Villages by 2026, the rate of development would need to be accelerated above the originally anticipated annual rate of 450 dwellings.
49. The Council's anticipated rates of completions from 2017 onwards [CD4a] indicate an acceleration in completion rates from 239 dwellings in 2017/18 to 410 dwellings in 2018/19, with a peak of 750 dwellings in 2021/22. I note that the forecast for 220 dwellings in 2016/17 agreed between the Council and developers has been exceeded with 268 completions in that year. Nevertheless, the evidence from the developers of the Weston Villages sites is that in addition to other constraints which act to restrain delivery, including

changes in ownerships, the local housing market would not support the high rates of delivery forecast in the Council's trajectory. Policy CS20 also requires the development at Weston villages to be employment led, which could act as a further constraint on delivery.

50. In the five years from 1 April 2017, the Council expects the Weston Villages to deliver more than 3,000 dwellings. This would be significantly in excess of the originally anticipated annual completion rate of 450 dwellings. In the particular circumstances at Weston Villages which has been put to me, an annual average completion rate of about 450 dwellings is more likely than the rate anticipated by the Council. With this average annual completion rate, the whole of the 5,600 dwelling capacity remaining at April 2017 would not be delivered in the remaining 9 years of the CS period. I therefore find that there is a high level of uncertainty as to whether the Weston Villages will deliver the level of housing anticipated in the SAP by 2026.
51. In the event of a reduced level of contribution from Weston Villages the achievement of 1,348 completions each year to meet the CS requirement would be less likely.

*Other allocated sites*

52. In addition to the uncertainty concerning the delivery of the strategic sites, a number of the other allocated sites are affected by technical issues relating to flood and surface water management. The need for a flood risk assessment (FRA) and surface water or flood management scheme is identified for some 20 sites in Schedule 1 of the SAP, which are expected to accommodate over 900 dwellings. The Environment Agency (EA) has indicated that it has no objection in principle to the development of the sites, although it cannot indicate the scale of works which might be required in mitigation, or whether they would be capable of delivery. Whilst the submission of a FRA is standard practice in a number of instances, the negotiation of an appropriate surface water or flood management scheme for each of these sites could add to the lead in times for the start of development, and the mitigation measures could affect viability which may also delay implementation.
53. Five sites have been carried forward from the North Somerset Replacement Local Plan (NSRLP) into the SAP. Although the sites have been re-assessed by the Council in the preparation of the SAP, they have been allocated for residential development for some 9 years without being implemented. Around 240 dwellings are expected to be delivered on these sites. In my judgement unless there is a change in circumstances relating to each site, there remains uncertainty as to delivery within the remaining nine years of the CS period.

*Other issues affecting supply*

54. In relation to the lapse rate in planning permissions for small consented sites, the Council maintains its position that a rate of 10% is appropriate but I repeat my view following the hearings that this appears optimistic for North Somerset. Other sources of supply expected to contribute towards the CS requirement include windfall sites, change of use from rural buildings, and empty homes.

55. However, the influence of the lapse rate, rural building conversion and the re-use of empty homes on the housing supply is insignificant when considered against the potential shortfall in delivery that could arise from delays in the development of the Weston Villages; the uncertainties concerning the allocated sites which require flood risk assessment; and the issues relating to undeveloped sites brought forward from the NSRLP.

*Other sources of housing land supply*

56. Provision is made through the CS (Policies CS28, CS31, CS32) for unallocated housing schemes to come forward outside the settlement boundaries of the towns and service villages. The intention of this provision is to enable increased flexibility and to reduce the risk of housing under-supply in the event of any delays to the delivery of the strategic housing sites. However, the Council identifies the boundaries of strategic gaps which are in many locations tightly drawn around the main settlements. As a result the strategic gap designation may limit the potential for new housing sites adjacent to the boundaries of a number of settlements.
57. In these circumstances, the potential for new sites to come forward adjacent to settlement boundaries may be more limited than was intended by the CS Policies. Furthermore, time is required to negotiate planning permission on unallocated sites outside the settlements. At this stage in the lifetime of the CS it is unlikely that such provision could compensate for any shortfall in the delivery of housing which may result from the issues identified above which affect the strategic sites and other land allocated in the SAP.

*Additional allocations as a result of modifications*

58. In view of the uncertainty as to the deliverability of sites allocated in the SAP to meet Policy CS13 by 2026, I asked the Council to undertake further work to identify additional sites for allocation in the SAP, with a focus on sites capable of delivery within the next five years to boost the land supply to meet unmet housing need [ID4]. To provide more certainty that the CS requirement for 20,985 dwellings would be delivered by 2026, I asked the Council to test the potential for additional allocated sites to accommodate up to 2,500 dwellings.
59. In response to my request for additional work, the Council has concentrated on assessing those sites which it considers to be capable of demonstrating the potential to be delivered within the next five years in order to boost the five year housing land supply. The Council has not considered sites which would be more appropriately addressed as part of the strategic development locations in the JSP, or sites put forward through the examination process as omission sites which are not within the development pipeline and demonstrably deliverable. As a result of this approach, the capacity of sites identified for allocation through modification to the SAP is significantly below the 2,500 which the Council was asked to test.
60. Clearly it is in the Council's interests to move forward expeditiously with the JSP and the new local plan. The JSP will establish an up to date OAN in accordance with Government policy, and together with the new LP, identify the housing land required to deliver that OAN. In the circumstances of the SAP, which will have a limited lifespan, I accept that it is appropriate for the Council to concentrate on seeking to boost the delivery of housing over the short

term, rather than using its resources to test strategic and longer term housing allocations for the SAP. With the process of review at an advanced stage, I am satisfied that there will be an opportunity for any shortfall in housing land supply in the later years of the CS period to 2026 to be remedied.

61. The Council's assessment of additional sites which would be deliverable within the next five years identifies land for some 821 dwellings[CD4]. Those sites are allocated through **MMs 10-16, 20, 21, 24-26, 30-35, and 38-41**. The sites have been subject to the same process of assessment as the sites allocated in the submitted SAP, and I have found them to be sound. Sites on which development has been completed since the submission of the SAP are deleted through **MM42**. Other sites are added to Schedule 1 to reflect a current planning permission (**MM8, 9, 29, 36, and 37**). For land at Cox's Green, Wrington (**MM34**) an appeal (ref APP/D0121/W/16/3166147) has been allowed for 59 dwellings. The Council should therefore correct the number of dwellings to be provided on this site in Schedule 1 to reflect the appeal decision.
62. The Council has indicated that the purpose of the SAP is to allocate the sites necessary to deliver the CS housing requirement and to ensure that the Council can maintain a 5 year housing land supply [ID1, SD18]. In addition, I was asked at the hearings to examine the issue of whether the SAP would deliver a five year housing land supply (HLS). I therefore considered the five year HLS in the examination of the SAP.

*Five year supply*

63. A five year housing land supply was not established through the CS, and it is clear from the judgement in Oxted Residential Ltd v Tandridge DC, that it is not for the SAP to rectify this position. Thus having regard to the judgement, I consider that it is not necessary for the SAP to demonstrate a five year supply at the time of adoption in order to be sound. Nevertheless, the Council has asked for me to consider the matter and I heard discussions on deliverability during the examination.
64. In the most recent update of housing land supply in October 2017 [ED53] the shortfall in the delivery of dwellings since the start of the CS period is some 2877 dwellings. The issue therefore arises as to whether the shortfall should be made up over the whole of the remainder of the plan period (Liverpool approach) or within the first five years after the adoption of the plan (Sedgefield approach). There is also the question of whether there should be an additional "buffer" of either 5% or 20% brought forward from later in the plan period to reflect the level of the shortfall in the delivery of dwellings.
65. In his report on the remitted policies of the CS in November 2016 [ED10], the Inspector considered that Sedgefield with a 5% buffer was appropriate based on the evidence he heard at the examination of past rates of delivery of housing.
66. As stated in my note of the 26 June 2017[ID4] I understand the Council's argument that the rate of delivery in the early part of the Plan period should not be measured against the figure in Policy CS13. The adopted housing requirement at the time was significantly lower, the Council largely met those lower figures, and there was a period of economic recession. However, the

adopted CS requirement is representative of the need for homes within North Somerset. With completions at 569 dwellings in 2015/16 and 852 dwellings in 2016-2017, there has not been any uplift in housing delivery to the level required to deliver the CS requirement since the publication of the Inspector's report on the CS. As a result I consider that a record of persistent under delivery is established and that a 20% buffer would be justified. This would provide added choice and flexibility in the market and increase the potential for housing need to be met.

67. Having regard to the level of the shortfall in housing provision and thus unmet housing need, I came to the view in my note to the Council[ID4] that it should seek to provide a five year supply which accords with Sedgefield and which would provide a 20% buffer. With this approach, sites to accommodate some 9,745 dwellings would need to be identified at October 2017, with an annual average delivery rate of 1949 dwellings.
68. The Council's latest calculation of five year housing land supply identifies land to accommodate some 9,753 dwellings at October 2017 [ED/53]. This would provide 5 years supply on the basis of Sedgefield with a 20% buffer. There is considerable dispute as to the deliverability within five years of the sites identified by the Council which constitute this supply. However, the rate at which sites are developed is to a large degree dependent on the commercial decisions of developers. The Council will clearly need to monitor the rate of delivery achieved by the development industry, and take account of any shortfalls in housing supply over the remaining period in which the policies of the CS provide the strategic framework for the provision of housing land supply.
69. I reach no conclusion as to whether a five year supply of housing land has been demonstrated, since it is not a soundness issue for the SAP. However, having regard to the role of the SAP as stated in paragraph 4.1 of the plan, I find that the plan provides a sufficient balance between immediately available sites and longer term opportunities for residential development, and makes a positive contribution to the achievement of a five year housing land supply.

*Conclusions on the delivery of the CS housing requirement*

70. With the additional housing allocations introduced through modifications, the overall provision of housing land at October 2017 is calculated to be capable of accommodating some 23,080 dwellings [ED53]. This figure is some 2,095 dwellings above the Policy CS13 housing requirement, and on the Council's assessment, includes land to accommodate over 9,700 dwellings which is available for development within five years.
71. In terms of the housing land provision to meet the requirements of the Core Strategy to 2026, whilst there may be uncertainty as to the delivery of the strategic and some allocated sites at the rates expected by the Councils, there is headroom within the allocated supply which could provide compensation for any under delivery on these sites. This is a matter which will require close monitoring by the Council.
72. With the modifications to the housing land allocations I consider that the provisions in the SAP for the supply of housing land are sufficient to deliver

the strategy of the CS as set out in Policy CS13 and CS14 in the interim period prior to the adoption of the JSP and the new LP.

**Issue 3 Should the SAP make specific site allocations for particular groups of people such as specialist housing for the elderly?**

73. Policies within the CS provide for the delivery of specialist housing including special needs housing for groups such as older people. The primary policies to deliver the CS objectives are provided within the Sites and Policies Plan Part 1 (Development Management Policies), in which Policies DM40-43 provide the detailed guidance for meeting the needs of older and vulnerable people, including C2 uses such as residential care homes.
74. The adopted policy framework within these documents provides support to the delivery of specialist housing, provision of which can be sought within larger housing schemes as well as those targeted at a specific form of specialist housing provision. There is no evidence to support the view that providers of specialist housing are not able to compete in the market for housing sites. In these circumstances I find there is no requirement for the SAP to make specific site allocations to accommodate particular groups of people in order for the plan to meet the tests of soundness.

**Issue 4 Does the SAP provide for the distribution and delivery of employment land as required in CS Policy CS20 and are Policies SA4, SA5 and SA6 in accordance with Government policy in relation to the safeguarding of employment sites?**

*Distribution and delivery*

75. Policy CS20 seeks to provide at least 10,100 additional employment opportunities in the period 2006-2026, including around 114 ha of land for B1, B2 and B8 uses. The focus is on employment led growth at Weston-super-Mare to address existing imbalances. Limited opportunities are identified at the towns of Clevedon, Nailsea and Portishead where new employment development is generally limited to land allocations remaining from the NSRLP. Elsewhere economic activity appropriate to the scale of the settlement is sought.
76. The CS makes no link between the number of jobs being sought and the amount of employment land to be allocated. Clearly there are uncertainties inherent in the monitoring of the number of job opportunities which are provided within new economic development. Employment densities change over time, and vary significantly between different business uses. In the case of speculative development where the occupier is unknown, there can be no precise calculation of the number of jobs which a particular level of floorspace would provide. Nevertheless, the Council estimates that employment growth has been around 500 jobs each year from 2006 to 2016[CS/10], leaving just over 50% of the additional employment opportunities to be provided in the second half of the CS period.
77. The SAP is modified by **MM44** to correct errors in the size of sites and changes in the proportion of the site at Gordano Gate allocated for employment. The modified SAP identifies allocations for some 83.01 ha of employment land. In



the first half of the CS period [CS/10] some 5,000 jobs have been provided, and around 76.5 ha of B Class employment land has been developed. Whilst some of the completions have been on allocated sites, it is not clear what proportion has been provided through the redevelopment of existing employment or business uses. However, when the allocations in the SAP are considered alongside the level of completions to 2016, the CS requirement for 114 ha is clearly met.

78. The Council deletes Weston Gateway from Schedule 2 (**MM43**) and the 1.2 ha site is more appropriately allocated for residential development as "Land at Wilson Gardens/Scot Elm Drive" in Schedule 1 (**MM13**). This has no significant effect on the ability of the SAP to meet the requirements of the CS for employment land. The level of employment land allocation in the SAP is therefore appropriate and accords with the objectives of Policy CS20.
79. In terms of the distribution of the employment allocations, a comparison indicates some discrepancies between the proportions allocated to settlements in the indicative allocations identified in para 3.258 of the CS, and those allocated in Schedule 2 of the SAP [HS/3/2]. However, the comparison does not include the distribution of completions since 2006. Furthermore the distribution set out in the CS is not prescriptive. The distribution proposed in the SAP directs employment development to the main areas of population growth and accords with the aim of focussing employment development at Weston-super-Mare and in the Weston Villages. It does therefore generally accord with the objectives of Policy CS20.

*Safeguarding employment sites*

80. Employment policies SA4, SA5 and SA6 as submitted are unduly complex and provide little flexibility in terms of the change in use of land or premises either allocated for, or in use as, Class B1, B2 or B8 development. As a result the policies are not in accord with the economic policies of the NPPF. Modification **MM2** provides for the deletion of employment policies SA4, SA5 and SA6 and their replacement by a new policy SA4. I considered the wording put forward by the Council in the published modifications [ED45] and published some amendments for further comment by interested parties [ID-6]. Having considered those comments, together with the views of the Council, I have made some further minor amendments. New policy SA4 as identified in **MM2** will support the delivery of CS Policy CS20 in relation to the safeguarding of land for B1- B8 uses in N Somerset whilst ensuring that where there is no reasonable prospect of a site being used for those purposes, alternative uses of land or buildings will be permitted in accordance with paragraph 22 of the NPPF.
81. There is some uncertainty as to the deliverability of allocations brought forward from the NSRLP and which are allocated in Schedule 2. Employment sites which are carried forward from the NSRLP have been the subject of review by the Council prior to allocation in the SAP [SD11], but a number have been available for some time without being developed for employment purposes.
82. With new Policy SA4 in place, there is sufficient flexibility in the SAP to enable sites which are not suited for employment purposes to be brought forward for

other uses. Whether or not there is a reasonable prospect of the development of an allocation, or of the long term continuation in use of a site for employment purposes is a matter which needs to be assessed on the basis of detailed evidence in accordance with the employment policies of the development plan as a whole. Such an assessment would be most appropriate through the planning application process when the particular circumstances of the case could be thoroughly evaluated, having regard to modified Policy SA4. In these circumstances I am satisfied that the sites identified in Schedule 2 are appropriately allocated and the SAP is sound in this regard.

83. In dealing with residential allocations I referred to the site at Old Mill Road Portishead. This is listed in Schedule 1, residential allocations, but is currently in primarily employment use. I consider that it has been demonstrated that there is a significant demand for employment uses on this site, and that its loss to residential uses could be detrimental to the local economy. This is particularly the case in Portishead where the opportunities for new employment sites are limited.
84. In the submitted SAP, the site was identified to accommodate 20 dwellings. As modified in **MM23**, no figure is now provided for the residential element of any redevelopment scheme, and additional wording states that "no net loss of employment capacity will be supported". I consider that the modification provides recognition of the importance of this site to the local economy in terms of the provision of employment uses. The amount of housing to be accommodated on the site will depend on the provision of the existing level of employment capacity within any redevelopment scheme. As the Council prepares the new LP, it may wish to reconsider whether the site should remain within a schedule of residential allocations.
85. Modification **MM46** deletes Schedule 3 of the submitted SAP. This sought to safeguard existing employment sites. Safeguarding of these sites in accordance with national policy is now secured through Policy SA4.

*Conclusion on the delivery of CS Policy CS20 and the safeguarding of employment sites*

86. With the main modifications I consider that the provisions in the SAP for the distribution and delivery of B1-B8 employment land are sufficient to deliver the requirements of CS Policy CS20 in the interim period prior to the adoption of the JSP and the new LP. The new Policy SA4 provides for the safeguarding of B1-B8 employment sites in accordance with national policies.

**Issue 5 To what extent does the SAP provide for any requirement for new or improved transport infrastructure?**

87. Although Highways England states in its representation that there is "little or no strategic transport evidence underpinning the site allocations" in the SAP, the SAP has been prepared in the context of the distribution of development in the adopted CS to which no strategic highways objection was raised. In terms of the impact on the strategic road network (SRN), the strategy is to improve self-containment within Weston-super-Mare by linking new housing growth to employment growth. In addition, by allocating housing near to Junctions 20 and 19, notably Nailsea and Yatton, the strategy spreads demand across the motorway access points and thus lessens the impact on the SRN. In these

circumstances I am satisfied that there is no requirement for the SAP to provide for new or improved transport infrastructure in relation to the strategic road network.

88. In terms of the local highway network, the Council has carried out extensive modelling of site specific and cumulative impacts resulting from the allocations in the SAP. A package of infrastructure improvements required to facilitate the development of Winterstoke Village and Parklands Village has been identified and this is being used to secure developer contributions. A package of measures has been identified to improve the infrastructure in Yatton High Street which is being funded by development, and a spreadsheet model for Nailsea has been updated and is being used to develop a mitigation package for Nailsea. I am therefore satisfied that in terms of the local highway network, requirements for new or improved transport infrastructure as a result of the proposals in the SAP are being met.

**Issue 6 To what extent are Policies SA7, SA8, SA9 and SA10 together with the associated allocations identified in Schedules 3, 4 and 5 to the SAP as submitted justified? Policy SA7 (Policy SA5 in modified SAP) and Schedule 4 Local Green Space**

89. Policy CS9 sets out the green infrastructure priorities for North Somerset. It does not refer specifically to the designation of Local Green Space (LGS) but the CS confirms at para 3.139 that the list of priorities is not exhaustive. Following the introduction in 2012 of the LGS designation in the NPPF, the Council investigated the potential for LGS designations in the Sites and Policies Plan Consultation Draft. A large number of sites for LGS were subsequently put forward in responses to public consultation, and these have been assessed by the Council.
90. The NPPF refers to LGS as green areas for "special protection" which are of "particular importance" to local communities. The designation as LGS would rule out new development except in "very special circumstances" which sets an equivalent test for development as for land which is designated as Green Belt. Furthermore, identifying land for LGS should be consistent with the planning of sustainable development and "complement investment in sufficient homes, jobs and other services". NPPF para 77 also makes it clear that LGS designation "will not be appropriate for most green areas or open space."
91. It is clear from the guidance in the NPPF that LGS designation should be used with care, bearing in mind that such designations are expected to endure beyond the plan period. The designation should only be used where the green space is demonstrably special to the local community, and NPPF paragraph 7 lists the criteria against which such designations should be judged.
92. The Council's assessment of the potential sites for LGS has followed the guidance in the NPPF and in the PPG[SD12]. Although a large number of sites have been designated, having regard to the additional provision of housing land which has now been provided through modifications, I am satisfied that the designations are generally consistent with the planning of sustainable development as required by the NPPF. There are just two deletions from the LGS schedule as set out below.

93. One site at Brookfield Walk is deleted from the LGS schedule through **MM47**. The designation of this site as LGS is not appropriate since the site is already in the Green Belt and therefore enjoys a significant level of protection.
94. A further modification **MM54** to the LGS schedule is the deletion of the "May Day" field at Claverham. This site has been considered by the Examiner of the Claverham Neighbourhood Plan. The Examiner considered detailed evidence and information relating to the proposed designation as LGS and came to the view that there is not sufficient evidence that the site is demonstrably special to the local community in terms of access rights and the longevity of community events that have taken place. As a result of the Examiner's recommendation the site has been deleted from the Neighbourhood Plan as a LGS.
95. I agree with the Examiner's view. The site is in private ownership and the Examiner states that the community has only been permitted to use the field relatively recently (2013-2016). There is no guarantee that this use will be continued into the future and without any other access rights, it does not comply with the strict tests which are required by the NPPF for the designation of LGS.

#### *Conclusions on LGS*

96. Although there are a significant number of sites allocated in the SAP as LGS, the Council has applied the national criteria in their assessment and consequent designation of the sites. Whilst the aim of designation is to provide long term protection, there will be an opportunity to review the designations and to ensure that they remain consistent with the planning of sustainable development in the light of the new strategy which is being brought forward in the JSP.
97. With the modifications to the Schedule of LGS I am satisfied that the SAP is sound in this respect.

#### *Policy SA8 (Policy SA6 in modified SAP) Undesignated Green Space*

98. Submitted Policy SA8 would become Policy SA6 as modified with the background text in **MM3**. The modification allows for development which affects undesignated green spaces, subject to criteria against which proposals would be assessed. The policy as modified therefore complies with Government policy.

#### *Strategic Gaps and Policy SA9*

99. There is no reference to strategic gaps in the NPPF or in PPG which would provide any national policy basis or advice on their designation or the detailed definition of their boundaries. However, the provision of strategic gaps has its policy base within CS Policy CS19, and their broad locations are identified in paragraph 3.243 of the CS. The relevance and need for the designations was questioned by objectors, but as the purpose of the SAP is to deliver the CS policies, it is appropriate for the SAP to identify the detailed boundaries for the strategic gaps. The strategic gaps identified on the SAP Policies Map generally accord with the broad locations listed in para 3.243 of the CS. The Council has followed a reasonable set of criteria in the review of the strategic gaps [SD13]

in order to define the boundaries, including the avoidance of any overlap with the Green Belt.

100. The principle and broad locations of the strategic gaps are established in the CS and that document cannot be amended through modifications to the SAP. The Council has put forward some modifications to the boundaries as submitted in the SAP. **MM52** extends the strategic gap south and south east of Oaktree Park to further protect the separation of Oaktree Park and Locking in accordance with CS Policy 19; and **MM53** excludes from the strategic gap land north of Oldmixon Road which has planning permission for residential development. These modifications ensure that the boundaries are coherent and justified, and that the CS policy is delivered.

*Conclusion on strategic gaps*

101. There is no national policy for the provision of strategic gaps, or encouragement in Government policy to have such designations. In these circumstances the emerging JSP and new Local Plan would provide the opportunity for the Council to reconsider the principle of continuing with this designation. However, in so far as the SAP is required to deliver and accord with the CS, it is sound in this regard.

*Policy SA10 (Policy SA8 in modified SAP) and Schedule 5*

102. Policy SA10 allocates and safeguards land for community use in Schedule 5 (which becomes Schedule 4 in the modified SAP). Sites identified in Schedule 5 are subject to Policy DM68 of the Sites and Policies Plan Part 1.
103. Schedule 5 is subject to **MMs 48-50**. **MM48** updates the SAP by deleting the primary school at Winterstoke Village West which is now constructed and open. In **MM49** the reference to allotments in the allocation at Mendip Road, Yatton is now deleted and the site is safeguarded for cemetery use to more accurately reflect its likely future use. **MM50** deletes the allocation for a community hall where the land is in private ownership and there is no funding or other provision made for such a development. In addition it deletes nine locations identified as Strategic Open Space, which have been carried forward from the NSRLP. There is no basis in policy, at either national or local level for the retention of these sites in Schedule 5 and therefore the deletions are necessary to the soundness of the SAP.

**Issue 7: Are the settlement boundaries appropriately defined?**

104. Although it is stated in the SAP, para 4.12, that the settlement boundaries have been reviewed as part of the SAP and remain fit for purpose, no evidence of the Council's work has been submitted to the examination.
105. The Council has indicated that settlement boundaries would be reviewed as part of the work on the new LP. In these circumstances I make no recommendation for that work to be undertaken in the context of the SAP. However, it would be logical for the new residential allocations within the SAP to be included within the settlement boundaries on the Policies Map in the new LP.

106. **MM51** amends the settlement boundary of Sandford to that shown on the NSRLP. This in itself does not raise a soundness issue.

## Public Sector Equality Duty

107. The SAP is the subject of an Equality Impact Assessment (EqIA) [SD15] carried out by the Council. The EqIA indicates that the policies of the SAP are likely to have a neutral or beneficial impact on the equality groups within the district. I have no reason to disagree with this conclusion.

## Assessment of Legal Compliance

108. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Site Allocations Plan has been prepared in accordance with the Council's LDS October 2015.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in March 2015. Consultation on the Site Allocations Plan and the MMs has complied with its requirements.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	The Habitats Regulations AA Screening Report October 2016 sets out why AA is not necessary. Natural England supports this.
Climate change	The Site Allocations Plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
National Policy	The Site Allocations Plan complies with national policy except where indicated and MMs are recommended.
2004 Act (as amended) and 2012 Regulations.	The Site Allocations Plan complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

109. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

110. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the North Somerset Council Sites and Policies Plan Part 2: Site Allocations Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Wendy Burden*

Inspector

This report is accompanied by an Appendix containing the Main Modifications.