



Town and Country Planning Act 1990
Planning and Compulsory Purchase Act 2004

Section 78 Appeal by Persimmon Homes Severn Valley

Land at Rectory Farm (North), Yatton

Five Year Housing Land Supply Proof of Evidence
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LPA: 23/P/0664/OUT
APP/D0121/W/24/3343144

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2	Decision notice site 4/715 - Land at Weston Rugby Club, Drove Road, Weston-super-Mare LPA ref: 21/P/3368/OUT	14th November 2022
3	Planning Officer Committee Report site 4/715 - Land at Weston Rugby Club, Drove Road, Weston-super-Mare LPA ref: 21/P/3368/OUT	
4	Weston Rugby Club - Weston Mercury Article	November 2023
5	Letter from Persimmon Homes	2 nd September 2024
6	Consultee correspondence from Natural England, Ecology Officer, Highways Officer, Tree Officer and LLFA – Land to North of Hanham Way, Nailsea, LPA ref: 23/P/2322/OUT	various

1 QUALIFICATIONS AND EXPERIENCE

1.1 Qualifications

- 1.1.1 My name is Nicholas Martin Paterson-Neild. I have a Bachelor of Arts Degree with Honours in Geography from the University of Southampton (1996) and a Master of Philosophy Environmental Planning and Development Post Graduate Degree with Distinction from the University of Reading (2000). I have 24 years' experience as a town planner. I am a Chartered Member of the Royal Town Planning Institute.

1.2 Experience

- 1.2.1 Stantec is one of the world's leading consultancies: planners, designers, engineers, scientists, and project managers, innovating together at the intersection of community, creativity, and client relationships. Balancing these priorities results in projects that advance the quality of life in communities across the globe. Barton Willmore, which became part of Stantec UK in April 2022, was formed as an architectural practice in the 1930s. It developed into a comprehensive planning, architectural, landscape and urban design practice in the 1970s to 1990s and has a strong track record in the design and implementation of major housing and mixed-use development.
- 1.2.2 I am a currently a Director, having been a Partner at the Reading Office of Barton Willmore from October 2019 to March 2022. I joined the company as Planner in April 2003, was a Senior Planner from October 2003 to April 2005, an Associate until 2012 and a Director until September 2019. I was previously employed as a Planning Officer between 2000 and 2003 in the Development Control Department at Surrey Heath Borough Council, where I represented the Council in the Appeal process as well as dealing with a varied caseload of planning applications and other statutory consents. I have subsequently given advice on a wide range of planning projects, including Section 78 Appeals heard by way of written representation, informal hearing and public inquiry throughout the country for both public and private sector clients.
- 1.2.3 I have also given evidence to Section 78 Appeal and Local Plan Inquiries and Local Plan, Core Strategy and Site Allocation Examinations in Public.
- 1.2.4 I have made myself aware of the planning policy background and relevant issues to this appeal. The evidence which I have prepared and provide for this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

2 INTRODUCTION

2.1 Introduction

2.1.1 My Proof of Evidence relates to an appeal by Persimmon Homes Severn Valley ('the Appellant') against the failure of North Somerset Council ('NSC') to determine a planning application for the proposed residential development of Land at Rectory Farm, Yatton (the 'Appeal Site').

2.1.2 The description of development is as follows:

“Outline planning application for the development of up to 190 homes (including 50% affordable homes), 0.13ha of land reserved for Class E uses, allotments, car parking, earthworks to facilitate sustainable drainage systems, open space and all other ancillary infrastructure and enabling works with means of access from Shiners Elms for consideration. All other matters (means of access from Chescombe Road, internal access, scale, layout, appearance and landscaping) reserved for subsequent approval” (LPA ref 23/P/0664/OUT)

2.1.3 The Council's Statement of Case confirms its putative reasons for refusal:

1. **The proposed development of up to 190 dwellings would deliver a scale of development that is contrary to the spatial strategy for the development plan, which permits sites of up to around 25 dwellings adjoining the settlement boundaries of service villages. The proposed development is therefore contrary to policies CS14 (Distribution of new housing) and CS32 (Service villages) of the North Somerset Core Strategy, and the Yatton Neighbourhood Plan.**
2. **Housing development should only be permitted in a 'High Probability' (3a) flood zone when it is necessary, and where it has been demonstrated through a flood risk sequential test that there are no 'reasonably available' sites in areas with a lower flood risk where the development can be provided. The applicant's Flood Risk Sequential Test assessment fails to demonstrate this, and the proposed development is therefore inappropriate in a 'High Probability' flood zone, which is contrary to Policy CS3 (Environmental impacts and flood risk management) of the North Somerset Core Strategy, paragraphs 165, 167 and 168 of the National Planning Policy Framework.**
3. **The proposal, on account of the lack of a safe access to the development and increased flooding to neighbouring properties during the 1 in 200 year plus climate change flood event, would fail to adequately mitigate against the risks of flooding, contrary to Policy CS3 (Environmental impacts and flood risk management) of the Core Strategy and paragraph 173 of the National Planning Policy Framework.**
4. **The proposed development, on account of the loss of a site safeguarded for a new primary school, would result in the potential for there to be insufficient primary school capacity in Yatton, to the detriment of the longer-term educational opportunities and well-being of primary school aged children in the village. As such, the proposal is contrary to Policy CS25 (Children, young people and higher education) of the Core Strategy and Policies DM1 (Flooding and drainage) and DM68 (Protection of sporting, cultural and community facilities) of the Sites and Policies Plan Part 1: Development Management Policies.**

- 2.1.4 The Council's Statement of Case accepts that it cannot demonstrate a four-year supply of deliverable housing sites and confirms that:

“It is accepted that the Council is unable to demonstrate the requisite four-year housing land supply at present. The most recently tested position stood at 3.5 years. Work is ongoing to produce an updated housing land supply position statement with a base date of April 2024. The full report will be published in due course.”

- 2.1.5 This Proof of Evidence specifically refers to NSC's failure to be able to demonstrate a four (or five) year land supply and provides a detailed overview of the extent of the shortfall. The consideration of the development proposal in terms of the overall planning balance is contained in the evidence of Ms Ventham.

3 THE DEVELOPMENT PLAN

- 3.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.1.2 The Development Plan currently comprises the following:
- Core Strategy (2006-2026) (adopted originally on 10th April 2012 and following a High Court Challenge 9 policies were remitted for re-examination and Policy CS13 was re-adopted on 18th September 2015 and further policies adopted on 10th January 2017);
 - Sites and policies plan part 1: Development Management Policies (2006-2026) (adopted 19th July 2016);
 - Sites and policies plan part 2: Site Allocations Plan (2006-2026) (adopted 10th April 2018);
 - Yatton Neighbourhood Plan (July 2019); and
 - West of England Joint Waste Core Strategy (2011).

3.2 Core Strategy (2006-2026)

- 3.1 The Core Strategy was initially adopted on 10th April 2012. Following a successful High Court challenge, nine policies were remitted for re-examination. On 18th September 2015, policy CS13 – Scale of new housing was re-adopted following consideration by the Secretary of State of the Inspector’s Report.
- 3.2 The remaining remitted policies were then re-examined. On 10th January 2017, the Council adopted the remaining remitted policies CS6, CS14, CS19, CS28, CS30, CS31, CS32 and CS33.
- 3.3 A Priority Objective of the Core Strategy (page 20) 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”. The Core Strategy sets out the broad long-term vision, objectives and strategic planning policies for North Somerset up to 2026. Vision 6 (Service Villages Vision – and includes Yatton) sets out that by 2026:
- “...the Service Villages will become thriving rural communities and a focal point for local housing needs, services and community facilities. They will become more self-contained in terms of providing jobs and serving the local and surrounding community for all their day-to-day needs, whilst protecting their individual character.”**
- 3.4 Policy CS13 (Scale of New Housing) indicates that a supply of deliverable and developable land will be identified to secure the delivery of a minimum of 20,985 dwellings within North Somerset 2006-2026. Importantly it confirms that **“The appropriate level of new homes will be reviewed by 2018.”**
- 3.5 Paragraph 3.180 identifies that the North Somerset housing requirement as set out in the April 2012 adopted Core Strategy (which had identified a housing requirement of 14,000 dwellings)

was successfully challenged in the High Court¹ and remitted back to the Planning Inspectorate for re-examination (**Appendix 1**). In her judgment, Robinson J concluded that the Inspector:

“...in his appraisal of the Council’s housing requirement figure of 14,000 he failed to give adequate or intelligible reasons for his conclusion that the figure made sufficient allowance for latent demand i.e. demand unrelated to the creation of new jobs. In consequence the adoption of Policy CS13 of the Core Strategy in reliance on the Inspector’s recommendation was unlawful.”

- 3.6 Policy CS13 was reconsidered by an Examination held between March 2014 and January 2015. The Inspector concluding in Paragraph 75 (**CD.F5**)², in relation to the now adopted policy CS13 that:

“The development of Policy CS13 does not comply with national guidance in that it is not based on a full objective assessment of housing need in the whole of the recognised HMA. However, I am satisfied that, provided that the housing requirement set out in the MD6/6(a) version of the Policy is sufficient, this difficulty can be overcome by embedding a commitment to an early review of the requirement into the Plan. The MD6/6(a) version does this.”

- 3.7 The supporting text of the policy states that:

“3.181 A new joint Strategic Housing Market Area assessment for the wider housing market area was being carried out at the time that Policy CS13 was being examined. Until this work is completed the Council cannot move forward on the basis of a full objective assessment of housing need as required by the NPPF.

3.182 The provisions of this policy should therefore be seen as an interim position pending a review of housing requirements and provision which will be based on the findings of the new SHMA. The policy includes a specific reference to this review.”

- 3.8 The Core Strategy indicates that the intention of the Council was that a West of England Joint Strategic Planning Strategy (JSPS) (informed by a new SHMA) which would then allocate housing between the authorities and then the Council would be able to plan for a fully NPPF compliant housing provision, which would then require a Local Plan review to put such a requirement into effect. Paragraph 3.184 indicates that if for any reason the JSPS has not been finalised, the Council will “move ahead with a review of the document” and **“in either case the review will be completed by the end of 2018 with a replacement for this policy being adopted by that time.”** Furthermore Paragraph 3.190 confirms that:

“Policy CS13 is an interim position which will be reviewed through the duty to co-operate by the production of a joint development plan, the JSPS, by the West of England 66 authorities and with a replacement policy adopted by the end of 2018.”

- 3.9 Policy CS14 (Distribution of Housing) identifies Weston-super-Mare as the focus for residential development, including the strategic allocation at Weston Villages, and outside Weston, most additional development will take place at the towns of Clevedon, Nailsea and Portishead. Of specific relevance to this appeal is that the policy then indicates that:

¹ University of Bristol v North Somerset Council (CO/5259/2012) [2013] EWHC 231 (Admin) (**Appendix 1**)

² Inspector’s Report to North Somerset Council on the Examination into Policy CS13 and Supporting Text of North Somerset Council Core Strategy dated 11th March 2015 (**CD.F5**)

“At service villages there will be opportunities for small scale development of an appropriate scale either within or abutting settlement boundaries or through site allocations.”

- 3.10 Paragraph 3.197 confirms that in the rural areas the Core Strategy approach is “to support an appropriate level of small-scale growth which reflects the function and character of individual villages. Nine of the larger villages which support a wider range of facilities and act as a hub for surrounding areas are identified as Service Villages: this includes Yatton. Within and adjoining the settlement boundaries of the Service Villages small scale development may be appropriate subject to the criteria set out in Policy CS32. Proposals of a larger scale outside settlement boundaries must come forward as part of a formal site allocation with revision to the settlement boundary through the Local Plan or Neighbourhood Development Plan.”
- 3.11 Policy CS32 (Service Villages) states that new development “within or adjoining” the settlement boundaries of the Service Villages “which enhances the overall sustainability of the settlement” will be supported subject to a series of criteria. It also indicates that “Sites outside the settlement boundaries in excess of about 25 dwellings must be brought forward as allocations through Local Plans or Neighbourhood Plans.”

3.2 Yatton Neighbourhood Plan (2019)

- 3.2.1 The Yatton NP was Made on 23rd July 2019 and therefore is now over 5 years old. The NP allocates one previously developed site at 191-201 Mendip Road for residential development which has been developed for new homes and adjoins the appeal site.

3.3 Emerging North Somerset Local Plan 2039

- 3.3.1 NSC is currently in the process of preparing its new Local Plan.
- 3.3.2 NSC has undertaken a ‘Preferred Options’ consultation in spring 2022 and published its Pre-Submission Plan (regulation 19) for consultation from 27 November 2023 to 22 January 2024. The Council’s most recent Local Development Scheme sets out that the plan will be submitted to the Secretary of State in March 2024, with adoption scheduled for December 2024. However, given that the consultation on the pre-submission plan was approximately a month later than expected, it is anticipated that the plan will not be adopted before 2025. Consequently, there is a need for the plan period to be extended to 2040 to ensure a time horizon of 15 years from the point of adoption (which has now been accepted by the Council as set out below).
- 3.3.3 The pre-submission version of the plan sets out that the minimum number of new dwellings required in North Somerset over the plan period is informed by the evidence set out in ‘Reviewing the demographic evidence for North Somerset to establish local housing need’ (ORS 2023 and the October 2023 Addendum Report) and the Local Housing Needs Assessment (**CD.H10** and **CD.H11**). The North Somerset Housing Requirement was identified as 993 dwellings pa or 14,902 dwellings over the plan period. This figure is a lower figure than the Standard Method. The March 2024 Standard Method requirement (incorporating 2023 affordability ratios) would give a local housing need figure of 1,324dpa which would equate to a housing requirement of 19,860 homes over a 15-year period. Accordingly, the draft Local Plan fails to provide for some 4,958 homes identified by the local housing need.
- 3.3.4 Draft Policy SP8 identified 15,734 homes, of which 3,610 (or 23%) will be in villages and the rural area. The supporting text confirms sites have been identified predominantly at the larger more sustainable villages, but notes that further homes will come forward in addition:

“Across the villages and rural areas sites to accommodate 2,335 dwellings have been identified, predominantly at the larger more sustainable villages that have a range of services and facilities to support an appropriate amount of new development over the plan

period. Based on past trends it is forecast that a further 1,275 homes will come forward on small sites across these villages, smaller settlements and the rural areas.”

- 3.12 The draft Local Plan proposed three housing site allocations at Yatton, Land at North End (47 dwellings), Moor Road (60 dwellings), and Rectory Farm (100 dwellings): all three sites have planning permission and two of the sites were carried forward allocations from the Site Allocations Plan.
- 3.13 The March 2020 Local Development Scheme indicated a Regulation 18 consultation draft in January 2021 and a Regulation 19 pre-submission consultation in September 2021, with Examination in April 2022 and adoption January 2023.
- 3.14 The February 2021 Local Development Scheme (2021-24) indicated the Reg 18 consultation in November 2021 with Reg 19 pre-submission consultation in June 2022, Examination February 2023 and Adoption December 2023.
- 3.15 The current August 2023 LDS assumed a Local Plan Examination in July 2024 with an Inspector’s Report by October 2024 and adoption by December 2024. This represents around a year’s delay to the previous LDS and would mean adoption of a NPPF compliant housing requirement some 6 years later than required by the Core Strategy.
- 3.16 However, this is optimistic as the Council is preparing for a further consultation. In the Consultation Statement published in May 2024 (CD.G5) the Council has decided in light of the December 2023 NPPF to publish a new version of the plan for submission:

“Having considered the response to consultation and the guidance on transitional arrangements, the Council has decided to publish a new version of the plan for submission. This new Reg 19 Local Plan is being prepared in the context of the current December 2023 NPPF and is proposed to contain significant changes to the previous document. This will include a roll-forward of the plan period to 2025-2040 as well as other changes in response to feedback from the previous consultation and other issues. It is anticipated that consultation on the new Regulation 19 plan will commence in Summer 2024 with submission for examination in the Autumn.”

- 3.17 In a statement published on 31st July 2024 the Council confirmed that in light of the draft NPPF currently subject to consultation that there will be even further delay in the emerging Local Plan:

“A new pre-submission plan 2040 was agreed by the Executive Committee on 17 July 2024 for consultation. This was based on our local housing target and no strategic allocations in the green belt. It also responded to comments received through the previous regulation 19 consultation in 2023 as well as an amendment to the plan period to 2025-2040.

We will not be going ahead with our consultation on the pre-submission plan 2040 in September as we had originally planned. This is due to the launch of the consultation on the governments proposed planning reforms on 30 July.

We will now review our pre-submission plan and take into account the proposed reforms. We will be working to progress a revised plan as quickly as possible.”

West of England Spatial Development Strategy

- 3.18 Progress towards the preparation of a strategic plan has been set back by the withdrawal of the JSP. North Somerset Council approved the withdrawal of the JSP on 7th January 2020, quickly followed by neighbouring authorities which culminated in the formal withdrawal of the JSP from Examination in a letter dated 7th April 2020. This followed letters from the Examination Inspectors which they concluded that:

"...robust evidence has not been provided to demonstrate that the 12 SDLs proposed in the plan have been selected against reasonable alternatives on a robust, consistent and objective basis. Consequently, given that the SDLs are an integral part of the plan's spatial strategy, we cannot conclude that the spatial strategy is itself sound."

"We believe that the councils need to return to the plan preparation process and, with open minds, reconsider many fundamental elements of the JSP ... We remain of the view that withdrawal of the plan from examination is likely to be the most appropriate option."

- 3.19 Work in relation to the West of England Combined Authority (WECA) Spatial Development Strategy has now been halted and is not being progressed by WECA.

4 THE NEED FOR HOUSING

4.1 Housing Need

4.1.1 The overall thrust of the planning policy approach towards housing provision at a national level has been to boost significantly the supply of housing. This was articulated as far back as the 'Planning for Growth' Ministerial Statement (dated 23rd March 2011) which has a clear objective to drive forward economic growth and housing delivery. It recognises the need to **"...maintain a flexible and responsive supply of land for key sectors, including housing"** and acknowledges that the planning system is key in driving and delivering economic development and helping to unlock stalled development. The Planning for Growth Ministerial Statement requires Councils to:

"press ahead without delay in preparing up-to-date development plans and should use that opportunity to be proactive in driving and supporting the growth that this country needs" and to "...make every effort to identify and meet the housing, business and other development needs of their areas, and respond positively to wider opportunities for growth..."

4.1.2 The Building the homes we need Written Ministerial Statement dated 30th July 2024 confirms the Government's commitment to **"improve affordability, turbocharge growth and build the 1.5 million homes we have committed to deliver over the next five years"**, including reversing the December 2023 NPPF changes and mandating that the standard method is used as the basis of determining housing requirements in all circumstances and changing the standard method itself to plan for numbers of homes that are proportionate to the size of existing communities.

4.1.3 The purpose of the planning system is to contribute to the achievement of sustainable development including, inter alia, the provision of homes and supporting infrastructure in a sustainable manner (Paragraph 7). Paragraph 8 of the Framework recognises importantly that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). Paragraph 9 of the Framework notes that these objectives should be delivered through the preparation and implementation of plans and the application of policies in the Framework and that they are not criteria against which every decision can or should be judged.

4.1.4 Moreover, paragraph 10 of the Framework goes on to emphasise that at the heart of the Framework there is a presumption in favour of sustainable development. Paragraph 11 adds that this should apply in plan-making and decision taking. For decision taking this means:

"(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application area out-of-date, granting planning permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) **any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”**

4.1.5 Footnote 8 clarifies that out-of-date includes the situation where the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years. Paragraph 224 indicates that the policies of the December 2023 NPPF are material considerations and should be taken into account in dealing with applications from the day of its publication, Footnote 79 indicates that:

“As an exception to this, the policy contained in paragraph 76 and the related reference in footnote 8 of this Framework should only be taken into account as a material consideration when dealing with applications made on or after the date of publication of this version of the Framework.”

4.1.6 The application subject to this appeal was made prior to the date of the publication of the December 2023 NPPF.

4.1.7 Irrespective of this, as the NSC Development Plan is more than five years old the Council needs to demonstrate a deliverable housing land supply, however, the Council has now published for consultation an emerging local plan that has been subject to a Regulation 19 stage consultation from November 2023 to January 2024.

4.1.8 At face value this satisfies the requirements of NPPF Paragraph 226 in that it contains a proposals map and proposed allocations to meet housing need, and therefore the Council must demonstrate a four-year supply of specific deliverable sites in the context of this appeal in accordance with the provisions of Paragraph 77, and the supply to be demonstrated against standard method for calculating housing need where the strategic policies are more than 5 years old as per Footnote 42 of the NPPF. However, given that the Council has recently published a Statement (as referred to in my Paragraph 3.17) on 31st July 2024 that in light of the proposed planning reforms (including revised NPPF) that it will be preparing a revised Local Plan, this calls into question the reliance to be placed on whether the 4-year rule applies or not. Irrespective of this, I set out in my evidence the housing land supply position and note that both I and the Council agree that North Somerset is not able to demonstrate a 4 (or 5) year supply of deliverable housing in any event, though the magnitude of the shortfall is a material consideration and will affect the weight to be attributed to the shortfall in housing: weight will be addressed in Ms Ventham’s proof of evidence.

4.1.9 NPPF Paragraphs 60 to 84 deal with delivering a sufficient supply of homes. The Framework provides a clear and concise statement of Government policy on the matter of housing supply, as stated at paragraph 60 seeking **“significantly boosting the supply of homes”** and that it is **“important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed.”** Paragraph 60 was updated in December 2023, adding that **“the overall aim should be to meet as much of an area’s identified housing need as possible, including with an appropriate mix of housing types for the local community.”**

4.1.10 As confirmed in the Suffolk Coastal Supreme Court Judgment, where housing supply policies failed to meet the objectives set by the then Paragraph 47 of the 2012 NPPF, the Inspector in that case **“rightly recognised that they should be regarded as ‘out of date’ for the purposes of Paragraph 14.”** I also conclude in my evidence that the Council does not have a 4-year supply of deliverable housing sites (nor for that matter a 5-year supply).

4.1.11 Paragraph 74 advises that in the context of large sites, authorities should:

“make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites.”

4.1.12 Paragraph 75 of the Framework requires local planning authorities to monitor their deliverable land supply against their housing requirement, as set out in adopted strategic policies.

4.1.13 Paragraph 79 confirms that to maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below the local planning authority’s housing requirement over the previous three years, the following policy consequences should apply:

- a) Where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years;
- b) Where delivery falls below 85% of the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific deliverable sites as set out in paragraph 77 of the Framework, in addition to the requirement for an action plan; and
- c) Where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 8 of the Framework, in addition to the requirements for an action plan and 20% buffer.

4.1.14 The 2022 Housing Delivery Test measurement for NSC published in December 2023 is 90% and therefore the 20% buffer does not need to be included though an Action Plan must be produced. However, the most recent Action Plan was published in July 2022.

4.1.15 Paragraph 72 confirms with regard to windfalls that:

“Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.”

4.1.16 To support the Government’s objective of significantly boosting the supply of housing, it is important that a sufficient amount and variety of land can come forward where it is needed. Paragraph 15 of the Framework underlines the importance of the Plan led system:

“Succinct and up-to-date plans should provide a positive vision for the future of each area: a framework for meeting housing needs and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”

4.1.17 The Glossary of the NPPF defines the meaning of ‘Deliverable’ in the context of housing supply and highlights a firm and important distinction between non major development with planning permission and all sites with detailed permission on the one hand, and those sites with outline planning permission for major development and those allocated in Local Plans on the other:

“To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years (my emphasis added). In particular:

- a) **Sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).**
- b) **Where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”**

4.1.18 The Government has published for consultation a new draft NPPF. Whilst this has limited weight at the time of writing given its draft status, it signals a clear direction in terms of national policy with regard to housing delivery, and of course as I have already noted has led to the Council delaying and reviewing the content of its new Local Plan as the new proposed standard method housing number for North Somerset is 23,805 over a 15 year period, some 9,000 homes higher than the existing Local Plan draft housing figure proposed by the Council..

4.1.19 The draft NPPF confirms that, subject to its publication, all Council's will be required to demonstrate a 5 year supply of specific deliverable sites sufficient to provide for a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old and that this should include a buffer of 5% to ensure choice and competition in the market for land, or a buffer of 20% where there has been significant under delivery of housing the past 3 years measured against the HDT. Paragraph 224 confirms that for decision making the policies in the draft Framework are material considerations which should be taken into account in dealing with applications for the day of its publication. In the event that a decision is made on this appeal it would have implications for the extent of deliverable housing supply, as it will change the housing requirement for North Somerset. I will set out in section 6 the mathematical and policy implications for this change.

4.2 Planning Practice Guidance (PPG)

4.2.1 The Planning Practice Guidance (PPG) materialised in March 2014 and has been updated numerous times. The PPG provides further guidance on the application of national policy with regard to the assessment and consideration of the 5-year supply of housing:

“A 5 year supply is a supply of specific and deliverable sites sufficient to provide 5 years' worth of housing (and appropriate buffer) against a housing requirement set out in adopted strategic policies, or against a local housing need figure, using the standard method, as appropriate in accordance with paragraph 77 of the National Planning Policy Framework.

Where authorities meet the requirements of paragraph 226 of the National Planning Policy Framework, they only need to demonstrate a 4 year housing land supply (for decision making purposes only). References in this guidance to 5 year housing land supply in relation

to decision-making will need to be read as relating to 4 year housing land supply, where appropriate.³

4.2.2 The PPG confirms in the context of what constitutes a deliverable housing site in the context of plan making and decision taking that:

“In order to demonstrate 5 years’ worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions.⁴”

4.2.3 The PPG also clarifies that:

“Where the criteria under paragraph 226 are met, an authority will need to demonstrate a 4 year housing land supply with a 20% buffer, if appropriate, against their five year housing land supply requirement.⁵”

4.2.4 With reference to the definition of ‘Deliverable’ in the NPPF, the PPG amplifies this by confirming that:

“As well as sites which are considered to be deliverable in principle; this definition also sets out the sites which would require further evidence to be considered deliverable, namely those which:

- **Have outline planning permission for major development;**
- **Are allocated in a development plan;**
- **Have a grant of permission in principle; or**
- **Are identified on a brownfield register.**

Such evidence, to demonstrate deliverability, may include:

- **Current planning status - for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;**
- **Firm progress being made towards the submission of an application - or example, a written agreement between the local planning authority and the site developer(s) which confirms the developers’ delivery intentions and anticipated start and build-out rates;**
- **Firm progress with site assessment work; or**
- **Clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful**

³ Paragraph: 002 Reference ID: 68-002-20240205, Revision date: 05 Feb 2024

⁴ Paragraph 007, Reference ID: 68-007-20190722, Revision date: 22 July 2019

⁵ Paragraph: 056 Reference ID: 68-056-20240205, Revision date: 05 Feb 2024

participation in bids for large-scale infrastructure funding or other similar projects⁶.”

- 4.2.5 There has been much debate on lead in times and delivery rates. In their Insight report (November 2021), “Feeding the Pipeline” Lichfields, commissioned by the Land Promoters and Developers Federation (LPDF) and Home Builders Federation (HBF), have undertaken research into the pipeline of sites for housing set against what might be needed to achieve the Government target of 300,000 homes per annum across England. Lichfields advise:

“Increasing the number of ‘outlets’ – the active sites from which homes are completed – and doing so with a wide variety of different sites, is key to increasing output, with each housebuilder outlet delivering on average 45 homes each year.”

- 4.2.6 Lichfields’ stark conclusion is that for every district in England a further 4-5 medium sites a year or 4-5 larger sites over the next 5 years (or 1-2 medium sites per annum or 1-2 large sites over the next 5 years and 12 or 13 smaller sites per annum) is needed to achieve Government policy on housing delivery over and above the usual number of permissions granted each year. With regard to the pipeline of developers and the rate of delivery they note that:

“Housebuilders in buoyant conditions may be able to increase build out rates from their existing pipelines, and this might be welcomed. However, it would still necessitate more implementable planning permissions coming through the system to both increase outlets (alongside those existing outlets delivering more quickly) as well as to top-up already short pipelines that would otherwise be exhausted more quickly. Quite simply, without adding more permissions, there is no business rationale for housebuilders to build-out from their pipelines more quickly as the risks associated with topping up their pipeline in time would not be compatible with business resilience.”

- 4.2.7 It is important to appreciate the changes to and evolution of the guidance contained in the PPG pertaining to what constitutes a deliverable site in the context of housing policy. The definition of deliverable in the original NPPF in 2012 made no distinction between sites with full or outline permission, footnote 11 stated:

“To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.”

- 4.2.8 The 2014 version of the PPG clarified that the grant of planning permission is not a prerequisite for a site being considered deliverable in terms of 5-year supply, but again the PPG did not distinguish between sites with outline and full planning permission:

“Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within 5 years.

⁶ Paragraph 007, Reference ID: 68-007-20190722, Revision date: 22 July 2019

However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the 5-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out. If there are no significant constraints (e.g infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a 5-year timeframe.

The size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years. Plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust 5-year housing supply.”

Paragraph: 031 Reference ID: 3-031-20140306, Revision date: 06 03 2014

4.2.9 The 2018 version of the PPG made reference to sites with outline permission and allocations, calling for clear evidence to be required:

“What constitutes a ‘deliverable site’ in the context of housing policy?

Annex 2 of the National Planning Policy Framework defines a deliverable site in terms of an assessment of the timescale for delivery and the planning status of the site. For sites with outline planning permission, permission in principle, allocated in a development plan or identified on a brownfield register, where clear evidence is required to demonstrate that housing completions will begin on site within 5 years, this evidence may include:

- **any progress being made towards the submission of an application;**
- **any progress with site assessment work; and**
- **any relevant information about site viability, ownership constraints or infrastructure provision.**

For example:

- **a statement of common ground between the local planning authority and the site developer(s) which confirms the developers’ delivery intentions and anticipated start and build-out rates.**
- **a hybrid planning permission for large sites which links to a planning performance agreement that sets out the timescale for conclusion of reserved matters applications and discharge of conditions.**

Paragraph: 036 Reference ID: 3-036-20180913, Revision date: 13 09 2018

4.2.10 It is evident that from 2012 to the present, Government policy, expressed both through the Framework and PPG, has materially changed in terms of the evidential requirements placed on Local Planning Authorities in considering what constitutes deliverable housing sites for the purposes of 5-year (or 4-year) supply of housing.

4.2.11 In the Bloor Homes Hanging Lane (CD.I7), Birmingham Secretary of State decision⁷ the Inspector concluded that in the context of the revised definition of deliverable:

“The significant change, in the second part of the definition, is that the presumption of deliverability is removed in respect of sites with outline planning permission, permission in principle, allocated in a development plan or identified on a brownfield register, in respect of which there is now a requirement for clear evidence that housing completions will begin within five years. As agreed by the parties this places the onus on the local planning authority to justify the inclusion of such sites in the 5YHLS.” (Paragraph 14.37)

4.2.12 The Hanging Lane Inspector summarised with reference to the two categories of sites referred to in the definition of deliverable in the NPPF (with reference to the St Modwen Judgment and Lord Gill’s Judgment in the Suffolk Coastal Supreme Court case):

“The essential consideration under both definitions is whether or not sites included in the 5YHLS will actually deliver housing within the 5 year period. In my view, that assessment is still to be made on the basis of realistic prospect and not on any greater burden of proof. As established in the St Modwen judgment (paragraph 38), that does not mean that for a site to be considered deliverable it must be certain or probable that the housing will in fact be delivered upon it. [8.27] In that paragraph, Lord Justice Lindblom refers to Lord Gill’s statement, in paragraph 78 in the Suffolk Coastal judgment, that the requirements set out in the NPPF reflect the futility of local authorities including sites in their 5YHLS which have no realistic prospect of being developed within five years.”

4.2.13 The Hanging Lane decision (CD.I7) (Paragraph 14.48) also references Paragraph 67 of the Woolpit decision (see case reference below) in the context of use of a base date for the purposes of assessing 5 year supply and the importance of such a cut-off date. Stating that supply should be assessed at the base date and that:

“This requires a clear cut-off date as including sites beyond that date skews the data by overinflating the supply without a corresponding adjustment of need. A site granted planning permission after 31 March should not, therefore, be included in the sites with permission categories within the 5YHLS. However, this does not mean that all information gathered after the cut-off date is irrelevant where, for example, this serves to confirm that assumptions made when deciding what should be in the supply were well founded.”

4.2.14 As LJ Lindblom confirmed in the Court of Appeal Judgment⁸ in East Bergholt (CD.J2) in December 2019 that:

“49. There is, in my view, no need to enlarge the court’s reasoning in St Modwen Developments Ltd.. What it demonstrates is that the whole exercise of assessing the “deliverability” of sites under the policy in paragraph 47 is replete with planning judgment and must always be sensitive to the facts (see paragraphs 27 to 30, 34, 41 to 43 and 51 of my judgment). And this may be said, in particular, of the question of “achievability” – whether there is a “realistic prospect” of housing being delivered on a site within five years. A “realistic

⁷ APP/P4605/W/18/3192918

⁸ R on the Application of East Bergholt Parish Council v Babergh District Council [2019] EWCA Civ 2200

prospect” is not a legal concept. It is a broad concept of policy, which gives ample scope for a decision-maker’s reasonable planning judgment on the likelihood of development proceeding on a site within five years – a predictive judgment on future events that are inevitably not certain. The court recognized the range of legitimate planning judgment available to the decision-maker when considering whether sites have a “realistic prospect” of development in the five-year period.”

4.2.15 The publication of the Framework in 2018, however, signalled a shift in the burden of proof in relation to deliverability, which is now on the Local Planning Authority in respect of major sites which do not have detailed planning permission. It is for the Council to provide that clear evidence of a realistic prospect of delivery for outline planning permissions and allocated sites.

4.2.16 In the Woolpit appeal decision⁹ (CD.I6), the Inspector concluded that:

“Sites with outline permission, or those sites that have been allocated, should only be considered deliverable where there is clear evidence that housing completions will begin on sites within five years. The onus is on the LPA to provide that clear evidence for outline planning permissions and allocated sites.” (Paragraph 65)

4.2.17 In the Sonning Common (CD.I4) appeal decision¹⁰, the Inspector, when considering the matter of deliverable supply and what should constitute ‘clear evidence’ he indicated that:

“This advice indicates to me the expectation that ‘clear evidence’ must be something cogent, as opposed to simply mere assertions. There must be strong evidence that a given site will in reality deliver housing in the timescale and in the numbers contended by the party concerned.

Clear evidence requires more than just being informed by landowners, agents or developers that sites will come forward, rather, that a realistic assessment of the factors concerning the delivery has been considered. This means not only are there planning matters that need to be considered but also the technical, legal and commercial/financial aspects of delivery assessed. Securing an email or completed pro-forma from a developer or agent does not in itself constitute ‘clear evidence’.”

4.2.18 The extent of the shortfall in the 5-year supply of deliverable housing has material significance for the weight to be given in the overall planning balance given the Hallam Judgment (CD.J5), (Hallam Land Management Ltd v Secretary of State for Communities And Local Government & Anor [2018] EWCA Civ 1808 (31 July 2018)). In relation to the materiality of a housing supply shortfall, Lindblom LJ opined:

“...in a case where the local planning authority is unable to demonstrate five years’ supply of housing land, the policy leaves to the decision-maker’s planning judgment the weight he gives to relevant restrictive policies. Logically, however, one would expect the weight given to such policies to be less if the shortfall in the housing land supply is large, and more if it is small. Other considerations will be relevant too: the nature of the restrictive policies themselves, the interests they are intended to protect, whether they find support in

⁹ Land on East Side of Green Road, Woolpit, Suffolk (APP/W3520/W/18/3194926)

¹⁰ APP/Q3115/W/20/3265861

policies of the NPPF, the implications of their being breached, and so forth.” (Paragraph 47)

4.2.19 Davis LJ added that in the context of the relevance of the shortfall:

“The reason is obvious and involves no excessive legalism at all. The extent (be it relatively large or relatively small) of any such shortfall will bear directly on the weight to be given to the benefits or disbenefits of the proposed development. That is borne out by the observations of Lindblom LJ in the Court of Appeal in paragraph 47 of Hopkins Homes. I agree also with the observations of Lang J in paragraphs 27 and 28 of her judgment in the Shropshire Council case and in particular with her statements that “...Inspectors generally will be required to make judgments about housing need and supply.” (Paragraph 83)

4.2.20 In the Brereton Heath (**CD.I13**) decision¹¹, the Inspector was presented with differing views on the extent of the shortfall in housing supply, ranging between 3.31 and 4.86 years. The Council in that case invited the Inspector to consider a mid-point or ‘middle ground’ of 4.48 years (a shortfall of 500 homes) a position the Inspector concluded was “not only significant but also gives rise for serious concern”. In the Appeal decision (**CD.I8**) (30th July 2021) at Old Crawley Road, Horsham¹², the Inspector included a detailed commentary on housing land supply matters relating to that case. In the context of a site with outline permission and evidence presented of a reserved matters anticipated to be submitted later in the year the Inspector noted that the delivery assumptions made by the landowner, noting in Paragraph 59:

“...the email correspondence relied upon falls short of the robust and practical supporting evidence referred to in the PPG. It does not reflect the challenges around gaining reserved matters approval, noting also that there is no evidence of pre-commencement conditions associated with the outline approval having been discharged. As such it is not clear this site will be able to deliver the 133 dwellings anticipated by the Council, though it appears reasonable to assume that development will have started on site.”

4.2.21 With regard to a site benefitting from outline planning permission, but with no reserved matters application having been lodged and no evidence of progress towards such an application, the Inspector noted in Paragraph 60 that **“the reliance on the previous delivery rates in earlier phases of development as in indicator of future performance is not a sound basis for evidencing the deliverability of this Category B site.”** In concluding in the Horsham decision, a 5-year supply of 4.3 years, the Inspector opined:

“The implications of not having a five-year supply of housing land are of great significance in as the most important policies for determining the application are deemed to be out of date for the purposes of paragraph 11 d).”

¹¹ APP/R0660/A/13/2192192

¹² APP/Z3825/W/21/3266503

5 THE HOUSING REQUIREMENT

- 5.1.1 The Strategic policies in the adopted Core Strategy which include the housing requirement for the plan are over five years old and are 'out of date'. The policies have not been reviewed and found not to require updating. The Council is therefore required to "identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply" as per paragraph 77 of the National Planning Policy Framework (NPPF).
- 5.1.2 Paragraph 77 of the NPPF further sets out that in relation to housing supply, "The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old".
- 5.1.3 Footnote 42 of the NPPF confirms that "Where local housing need is used as the basis for assessing whether a five-year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance".
- 5.1.4 The housing requirement for NSC should therefore be the local housing need calculated in accordance with the Standard Method as set out by footnote 42 of the NPPF.
- 5.1.5 Paragraph 226 of the NPPF states that:
- "From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need."**
- 5.1.6 NSC has an emerging local plan that has been subject to a Regulation 19 stage consultation from November 2023 to January 2024. This contained a policies map and proposed allocations towards meeting housing need. **At face value, it is therefore considered that NSC need to provide a minimum of four years' worth of housing against its requirement though this could be called into question given the 31st July 2024 Council statement that in light of the current consultation on national planning reforms being undertaken by the Government that it will be preparing a revised Local Plan.**
- 5.1.7 The fifth annual Housing Delivery Test (HDT) results were published by DLUC on the 19th December 2023 and comprised the 2022 measurement. For North Somerset, this showed that 90% of the housing delivery required over the previous 3 years was delivered. The Council is therefore required to publish an Action Plan to assess the causes of under-delivery and identify actions to increase delivery in future years but is not required to add a buffer to its identified supply of deliverable sites.
- 5.1.8 The period for consideration of the 5-year supply is the period from April 2024 to March 2029.
- 5.1.9 The March 2024 Standard Method requirement (incorporating 2023 affordability ratios) would give a local housing need figure of 1,324dpa which would equate to a housing requirement of

19,860 homes over a 15-year period. The five-year requirement for the period April 2024 – March 2029 is therefore 6,620dpa.

Table 1 – Standard Method Housing Requirement

SM based on PPG Feb 2019 (with 2023 ratios) 2024-2034	
North Somerset	Housing need (pa)
Step 1: Baseline	
Average household growth 2024 -2034 (2014-based household projection)	962
Step 2: An adjustment to take account of affordability	
2023 Median affordability ratio (workplace based)	10.01
Market signals uplift (number)	362
Market signals uplift (%)	38%
Uncapped local housing need (baseline + market signals uplift)	1,324
Step 3: Capping the level of any increase	
Adopted Local Plan number	1,049
Adoption date of Local Plan	2015
Plan adopted in last 5 years?	No
Cap applied?	No
Step 4: Cities and urban centres uplift (35%)	
Uplift applied?	No
Local housing need according to standard methodology =	1,324

5.2 Past Delivery

- 5.2.1 The scale of the challenge faced by the Council in seeking to address this requirement is illustrated by the Residential Land Survey and Housing Land Supply Position Report April 2024 (**CD.H20 and H21**). This confirms the previous completions per annum back to 1981-82. It is noteworthy that the Council has only once achieved its per annum housing requirement of 1,324 dwellings in any previous year in the last 43 years, in 2007-08 (at the peak of the economic cycle before the financial crisis) of 1,474 dwellings. On average during the plan period from 2006, the Council has achieved completions of 834dpa (63%) of the current housing requirement: lower than the historic average of 891dpa over the last 43 years. Moreover, to achieve the Core Strategy housing requirement, 5,966 dwellings or 2,983dpa would need to be delivered over the remaining 2 years of the plan period to 2026.
- 5.2.2 Paragraph 4.5 of the Council's Statement of Case confirmed that it did not have a 5 or 4-year supply of deliverable housing and that the most recently tested position [on appeal] stood at 3.5 years.
- 5.2.3 The Council has not published an updated Action Plan in response to the December 2023 HDT results, but the most recently published North Somerset Housing Delivery Test Action Plan July 2022 (**CD.H7**) includes a table of past performance (using the Housing Delivery Test (HDT) methodology and applying it to past years prior to the introduction of the HDT). This

demonstrates persistent failure to achieve the required delivery in any of the years back to 2010/11 (ranging from 53% to the now 90% below the required rate of delivery).

5.2.4 The Action Plan reports the delivery record against the Core Strategy housing requirement from the period 2006-2020 (prior to the Council reverting to the Standard Methodology in the current reporting year). Since 2008/09 the Council has failed to achieve its annual delivery requirement in each year: this represents 16 consecutive years of shortfall.

5.2.5 The Council's Action Plan acknowledges several factors which have led to under delivery. These include delays in the plan making process, an increase in the housing requirement, the pandemic, lack of resources, complexity of sites and that delivery at the Weston Villages has not been as originally anticipated:

“Over 30% of the overall Core Strategy housing requirement is being delivered at the strategic development area of Weston Villages. A supplementary planning document containing a masterplan was produced to guide the development. The first completions within this area were recorded in 2011, and delivery has seen peaks and troughs since.”

5.2.6 The Council's Housing Requirement Paper dated April 2021 (CD.H4) in support of the emerging Local Plan confirms that:

“1,339 dwellings per year is a very challenging target. The adopted Core Strategy housing requirement equates to 1,049 dwellings per year. Recent performance has fallen short of this target every year since 2008/09.”

5.2.7 The policies which are most important for determining the application are out of date (as per paragraph 11 of the NPPF). In the next section of my evidence, I will analyse and set out the Appellant's position on the supply position, establishing the Appellant's view of the extent of the five (and four) year housing supply shortfall.

6 THE HOUSING SUPPLY

- 6.1.1 The Council published a Residential Land Survey and Housing Land Supply Position Report dated April 2024 in August 2024, covering the five-year period April 2024 to March 2029.
- 6.1.2 There have been several recent appeal decisions in North Somerset which have interrogated the housing land supply position. The Inspector for the appeal decision for Land at Moor Road, Yatton (3285343) (**CD.I9**) dated 27th April 2022 concluded that the Council cannot demonstrate a deliverable five-year housing land supply. In the Rectory Farm, Yatton appeal decision (3286677) (**CD.I11**) dated 15th June 2022, the Inspector concluded that NSC could demonstrate a housing land supply equivalent to 3.2 years. In the appeal decision for Farleigh Farm and 54 and 56 Farleigh Road, Backwell (3285624) (**CD.I12**) published on 22nd June 2022 the Inspector concluded that the Council had a 3.5-year supply of housing land. More recently, in the appeal decision dated 20th June 2023, for Lynchmead Farm (3313624) (**CD.I2**) the Inspector stated that there is a lack of five-year housing land supply and referred to the supply figure of 3.5 years given in the Farleigh Farm decision. The appeal decision dated 5th March 2024 for the Woodspring, Worle (3326999) (**CD.I5**) does not assess the housing land supply position in detail but states the district has “3.2 to 3.5 years housing supply”.
- 6.1.3 There is another ongoing planning appeal in North Somerset (ref APP/D0121/W/23/3344142) on Land North of Mulberry Road, Congresbury which is being heard by Public Inquiry starting on 3rd September 2024.
- 6.1.4 The Council has provided a Housing Land Supply Data Table, which is a spreadsheet detailing each major site which will form part of the Council’s supply in a colour coded table, and I have used this in my analysis of the housing land supply position.

6.2 Large Sites with Detailed Permission

- 6.2.1 The Council has listed 30 large sites with detailed permission in its April 2024 Capacity spreadsheet which it asserts will contribute to the 5-year supply.
- 6.2.2 Sites which do not involve major development and have planning permission, and all sites with detailed planning permission should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within 5 years. In a Section 78 appeal the onus falls to the Appellant to demonstrate such clear evidence that such sites will not be capable of delivery within 5 years. The majority of these detailed consents are under construction, and I do not dispute their inclusion in the housing land supply.
- 6.2.3 Following the above assessment, it is considered that large sites with detailed permission are likely to contribute 1278 units towards the overall supply. This is a reduction from my 2022 analysis in the Farleigh Appeal which suggested a contribution of 1799 towards the overall supply. This is largely because many sites have now been completed, with a limited number of new sites with detailed permission, resulting in an overall reduction in the stock of large site permissions.

6.3 Large Sites with Outline Permission

- 6.3.1 The Council has listed 8 large sites with outline permission in its April 2024 Capacity spreadsheet. Of these, some 4 sites have reserved matters applications under consideration, and this demonstrates progress in respect of delivery, one further site has RM approval for the majority of the site (Land at Farleigh Farm).
- 6.3.2 Sites with outline permission, or those sites that have been allocated, should only be considered deliverable where there is clear evidence that housing completions will begin on sites within five

years. The onus is on the Local Planning Authority to provide that clear evidence for outline planning permissions and allocated sites.

4/715 - Land at Weston Rugby Club, Drove Road, Weston-super-Mare

- 6.3.3 This site relates to a Hybrid application: full consent for offices, medical services, club house and changing facilities, and outline consent for residential and flexible E use classes, which was approved on 14th November 2022 (LPA ref: 21/P/3368/OUT). Phase 2 is in outline form and comprises three blocks of residential development to the west and south of the pitch. The first reserved matters application must be submitted by 14th November 2025 with 10 years for the submission of all reserved matters applications. The decision notice is attached at my **Appendix 2**. An NMA was approved in January of this year (ref 23/P/2712/NMA) in respect of changes to building and parking and transformer positions, inclusion of CAMHS facility. The planning officer report to the Committee (**Appendix 3**) confirms that phase 1 including the new rugby club and medical facilities will be in place prior to the residential development coming forward (page 8 refers). According to a land registry check the site is within multiple ownerships, including NSC.
- 6.3.4 An article in the Weston Mercury confirms that Phase 1 is expected to be completed by Q2 of 2026 and that Phase 2, the residential phase, and is subject to further details to be submitted at a later date. (**Appendix 4**).
- 6.3.5 The housing land supply evidence of the Council (**CD.H27 and H28**) to the ongoing Congresbury appeal includes an email from the agent representing the site to indicate a reserved matters application is intended to be submitted next year, with a delivery rate of 60 units per annum (para 58 refers). However, when one reads the correspondence in the Appendix (pages 3-5), it is clear that the timescale for delivery was advanced by the Council, inviting the agent to confirm or propose an alternative timeframe. The agent from StudioHIVE Architects states that following discussion with his client (Trustees of WSM RFC) that **“we feel your assumed timeline is what we are aiming for: A reserved matters application for the remaining residential-led plots around Weston-Super-Mare Rugby Club grounds by November 2025.”**
- 6.3.6 It is important to recognise that the Trustees are not a residential land developer, and no evidence is available which identifies a residential developer’s confirmation of the timescale for the preparation of a RM application. Even assuming an application made by the end of 2025, with an approval during 2026, this may not be implemented immediately, not least as there are a number of pre-commencement conditions to address. These notably include condition 36, which requires that prior to the approval of the reserved matters for each residential phase, a strategy to explore and secure funding options for the provision of grant-funded affordable housing at the site where viable, including an updated viability report addendum or other written evidence demonstrating whether it is viable to deliver affordable housing on the site. No reserved matters application has been submitted and given the phasing arrangements for the site there is a lack of clear evidence of delivery. Moreover condition 6 requires approval of a construction and development works phasing programme.
- 6.3.7 The response from StudioHIVE Architects does not give a clear and definitive position on the phasing and delivery of the residential development, simply that what was put to them by the Council is what they are “aiming for”. As outlined in the Sonning Common appeal, clear evidence requires more than just being informed by landowners, agents or developers that sites will come forward, rather, that a realistic assessment of the factors concerning the delivery has been considered. This means not only are there planning matters that need to be considered but also the technical, legal and commercial/financial aspects of delivery assessed. Securing an email or completed pro-forma from a developer or agent does not in itself constitute ‘clear evidence’.
- 6.3.8 As this is a Category B site, the Council are required to provide evidence to demonstrate the deliverability of the site. I do not consider that clear evidence has been provided to demonstrate firm progress to justify completions within 5 years, and therefore consider the site should be removed from the supply – **Remove 182 dwellings**.

4/602 - Mead Vale Shopping Centre, Nightingale Close, Worle, Weston-super-Mare

- 6.3.9 This site was allocated in the Site Allocations Local Plan for 40 dwellings. An Outline planning application was submitted in October 2020 (LPA ref: 20/P/2446/OUT). The planning application had been under consideration for some time. It is evident from the application correspondence that viability of the proposal had been an issue but planning permission was granted on 13th December 2022 for 29 homes. To date no reserved matters application has been submitted (required by 13th December 2025).
- 6.3.10 No reliance can be placed on the delivery of the proposal, not least as this remains only an outline proposal and would still have to be subject to detailed design and approval of reserved matters and discharge of all relevant conditions prior to implementation. There is no clear evidence of delivery within 5 years, and no firm details of progress towards the preparation of such an application. I therefore conclude that 29 dwellings should be removed from the supply– **Remove 29 dwellings**

4/720 - Land off Anson Road, Kewstoke

- 6.3.11 Outline planning permission (LPA ref: 21/P/3529/OUT) was granted for 70 dwellings on 18th October 2023, and reserved matters are required to be submitted by 18th October 2026. No planning conditions have yet been discharged and a RM application has not been submitted. There is no clear evidence of delivery within 5 years, and no firm details of progress towards the preparation of such an application. I therefore conclude that 70 dwellings should be removed from the supply– **Remove 70 dwellings**

4/717 - Land at Farleigh Farm, Backwell

- 6.3.12 This site was granted planning permission (LPA ref: 21/P/1766/OUT) on appeal on 22nd June 2022, and reserved matters approval (LPA ref: 23/P/2508/REM) for 90 dwellings approved on 15th April 2024. This is being delivered by my client. I take no issue with 90 dwellings coming forward in the 5-year period. The remainder of the site is 6 self-build properties. To date no reserved matters application has been submitted for these six plots and therefore no reliance can be placed on their delivery in the 5-year period. I therefore conclude that 6 dwellings should be removed from the supply– **Remove 6 dwellings**
- 6.3.13 Following the above assessment, it is considered that large sites with outline permission are likely to contribute 223 units towards the overall supply, A reduction of 287 dwellings from the Council's assessment.

6.4 Weston Villages

- 6.4.1 The Weston Villages form a significant component of the Council's housing land supply. Core Strategy Policy CS20 allocated the Weston Villages for around 6,500 dwellings and a range of other infrastructure, including provision at least 37.7 ha of B Use Class employment land located within allocated employment sites, mixed use development areas and at local and district centres. Importantly delivery of new homes is linked to new jobs growth:

“Development will be employment-led and should provide for 1.5 jobs per dwelling over the plan period. Detailed mechanisms for delivering employment led development including the quantum, thresholds and phased release of land in each village will be determined through a combination of masterplanning, a Supplementary Planning Document, and through a Section 106 planning agreement that would accompany any such approval for development at each village.”
(Policy CS20)

- 6.4.2 It is further explained in Paragraph 4.57 of the Core Strategy:

“As part of the detailed delivery mechanisms applied through the employment led approach, residential development will be released in 250 unit tranches with each tranche being supported with necessary employment provision. This will be subject to a review mechanism to ensure adequate employment is being provided to balance the residential and will form part of a planning condition attached to any planning approval.”

- 6.4.3 In her report to the Council in 2018 (CD.F9), the Site Allocations Part 2 Inspector warned of the risk of reliance and delivery assumptions made in respect of the Weston Villages, noting that the Core Strategy Inspector identified potential for slippage in the delivery of the strategic sites at Weston Villages (Winterstoke Village and Parklands Village) in his report of November 2016. She noted that:

“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...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 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.”

- 6.4.4 As at 31st March 2024, a total of 2,426 completions have been achieved at the Weston Villages. This is significantly less than predicted by the Council in the Site Allocations Examination. The Site Allocations Inspector concluded:

“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.”

- 6.4.5 However, the JSP has been withdrawn and North Somerset is no longer taking part in a strategic plan process and is making slow progress with its delayed Local Plan review. This underscores the challenge facing the Council, in the context of an aspirational level of delivery at the Weston Villages which has simply not materialised. Two previous Local Plan Inspectors had the foresight to raise concern about delivery and their concerns have unfortunately come to pass.
- 6.4.6 I now turn to my analysis of the position on housing supply for each part of the Weston Villages as identified in the Council’s Housing Trajectory.
- 6.4.7 Sites that have been allocated, should only be considered deliverable where there is clear evidence that housing completions will begin on sites within five years. The onus is on the Local Planning Authority to provide that clear evidence for outline planning permissions and allocated sites.
- 6.4.8 The assessment of the current position on housing supply for each part of the Weston Villages as identified in the Council’s April 2024 assessment is set out below.

4/558a-c - Weston Villages - Locking Parklands

- 6.4.9 Full planning permission was granted for a total of 250 units in March 2010 and November 2012 (LPA refs: 09/P/1614/F and 12/P/0760/F). Outline planning permission was granted for 1,200 units in July 2015 (LPA ref: 13/P/0997/OT2). From the outline permission, a total of 5 applications for reserved matters have now been approved:
- 168 dwellings approved April 2016 (LPA ref: 15/P/1777/RM - Phase 3)
 - 15 dwellings approved December 2018 (LPA ref: 17/P/5631/RM – Phase 12)
 - 27 dwellings approved October 2019 (LPA ref: 18/P/2925/RM – Parcel 12A) – St Modwen
 - 99 dwellings approved September 2019 (LPA ref: 19/P/0032/RM – Phase 5) – St Modwen
 - 124 dwellings approved July 2022 (LPA ref: 21/P/3241/RM – Phase 4) – Curo Homes
- 6.4.10 To date, there are 433 dwellings of the 1,200 approved through the outline permission which have full reserved matters approval. When added to the 250 dwellings approved through the two earlier full planning applications, a total of 683 dwellings now have detailed planning permission, out of the 1,450 in total. The Council’s Capacity spreadsheet indicates that 564 dwellings have been completed previously, Therefore, as of April 2024, there were 119 dwellings with reserved matters approval that had not been completed. The trajectory states that 83 of these were under construction at April 2024.
- 6.4.11 All dwellings with reserved matters approval will therefore be completed in the near future.
- 6.4.12 At present, there are no other units which have detailed consent. All reserved matters applications for the outline consent (LPA ref: 13/P/0997/OT2) have to be submitted by 17 July 2027.
- 6.4.13 With the expected delivery of the remaining 119 dwellings with RM approval, that leaves a further 767 which do not have detailed planning permission. Of these, the Council’s trajectory assumes a further 555 dwellings (an average of 111dpa) will be delivered in the period to 2029.
- 6.4.14 The housing land supply evidence of the Council (**CD.H27 and H28**) to the ongoing Congresbury appeal includes in Paragraph 100 reference to a reserved matters application

recently submitted for 229 dwellings by Vistry for Phases 8 and 10. An exchange of emails from Vistry and the Council (page 18 refers) confirms an application made by Vistry and Homes England on 15th August 2024: this has yet to be validated or uploaded onto the Council's website. I accept that the submission of this RM provides sufficient evidence of firm progress towards delivery of this next phase. As the number of dwellings is 229, these are capable of being delivered in the 5-year period.

- 6.4.15 However, the Council assumes a further 207 dwellings will be delivered in the 5-year period despite producing no clear evidence of the progress towards submission of a RM application. There is no clear evidence of the delivery or progress towards further reserved matters applications for the remaining 207 units consented by the outline planning permission for the site, and so this figure is not included – **Remove 207 dwellings**

4/558d - Weston Villages - Land south of Churchland Way

- 6.4.16 Outline planning permission was granted in April 2015 (LPA ref: 12/P/1266/OT2) for 1,150 dwellings (ref: 4/558d). Since this approval, five applications for reserved matters approval have been granted consent:

- 223 dwellings approved September 2018 (LPA ref: 17/P/5586/RM) - Taylor Wimpey
- 136 dwellings approved October 2019 (LPA ref: 18/P/5209/RM) - Taylor Wimpey
- 150 dwellings approved May 2019 (LPA ref: 18/P/5231/RM) - Bellway Homes
- 77 dwellings approved August 2021 (LPA ref: 20/P/3081/RM) - Mead Realisations
- 95 dwellings approved May 2024 (LPA ref: 23/P/1376/RM – Phase 4a) – Wain Homes (Severn Valley)

- 6.4.17 Therefore, a total of 681 dwellings of the 1,150 approved at outline stage have detailed consent.

- 6.4.18 The Council's Capacity spreadsheet indicates that 370 dwellings have been completed previously. Therefore, as of April 2024, there were 311 dwellings with reserved matters approval that had not been completed. The trajectory states that 79 of these were under construction as of April 2023.

- 6.4.19 All dwellings with reserved matters approval will therefore be completed in the near future. At present, there are no other units which have detailed consent. All reserved matters applications have to be submitted by 8 April 2025.

- 6.4.20 However, the Council assumes a further 154 dwellings will be delivered in the 5-year period despite producing no clear evidence of the delivery of progress towards submission of a RM application on any other part of the site. There is no clear evidence of the delivery or progress towards further reserved matters applications for the remaining units consented by the outline planning permission for the site, and so this figure is not included – **Remove 154 dwellings**

4/558e - Weston Villages - Parklands, South of Locking Head Drove

- 6.4.21 Outline planning permission was granted in January 2018 for 700 dwellings (LPA ref: 16/P/2758/RG4). Reserved matters consent was granted in August 2022 for 425 units (LPA ref: 21/P/1220/RM). The conditions on the reserved matters consent have been discharged and the first 13 completions occurred prior to April 2024.

- 6.4.22 The Council assumes delivery of 300 dwellings within the five-year supply period at an average rate of 60dpa and all these have detailed consent. The Council places no reliance on any other dwellings on this site in the 5-year period. I agree with the Council's assessment on this site.

4/558f - Weston Villages - Parklands, Moss Land

- 6.4.23 Outline planning permission was granted in January 2018 for 300 units (LPA ref: 16/P/1881/OT2) and reserved matters consent was granted in January 2020 for 248 units (LPA ref: 19/P/1563/RM).
- 6.4.24 The Council's Capacity spreadsheet indicates that 179 dwellings have been completed previously. Therefore, as of April 2023, there were 69 dwellings with reserved matters approval that had not been completed. The trajectory states that 27 of these were under construction at April 2024. All dwellings with reserved matters approval will therefore be completed in the near future. I agree with the Council's assessment on this site.

4/558g - Weston Villages - Parklands, Mead Fields, South of Wolverhill Road

- 6.4.25 There is an outline planning permission for this site which was approved in October 2017 (LPA ref: 16/P/2744/OT2) for 250 dwellings. One reserved matters application has been submitted in connection with this consent, and 88 dwellings were approved in February 2020 (LPA ref: 19/P/2662/RM) with Taylor Wimpey as the developer.
- 6.4.26 The Council's Capacity spreadsheet indicates that 86 dwellings have been completed previously. Therefore, as of April 2023, there were 2 dwellings with reserved matters approval that had not been completed. The trajectory states that both of these were under construction at April 2024. At present, there are no other units which have detailed consent, and the Council assumes the residual site capacity will be delivered beyond the 5-year period. I agree with the Council's assessment on this site.

4/568 - Weston Villages - Winterstoke, Haywood Village

- 6.4.27 Outline planning permission was granted in August 2012 for 900 dwellings at Phase 1 of Haywood Village (LPA ref: 10/P/0756/OT2). A total of six reserved matters applications have been approved totalling 898 dwellings.
- 269 units approved November 2013 (LPA ref: 13/P/0834/RM) Parcels H6, H8, H9, and H10
 - 251 units approved June 2015 (LPA ref: 14/P/2723/RM) Parcels H5, H7, and H11
 - 95 units approved April 2016 (LPA ref: 15/P/2437/RM) Parcel H2
 - 43 units approved April 2016 (LPA ref: 15/P/2570/RM) Parcel 10B
 - 240 units approved March 2017 (LPA ref: 16/P/1842/RM) Parcels H1, H3, and H4
- 6.4.28 Outline planning permission was subsequently granted in January 2018 for 1,650 dwellings at Phase 2 of Haywood Village (LPA ref: 12/P/1510/OT2). To date four reserved matters applications have been approved on this site, totalling 936 dwellings.
- 54 units approved July 2019 (LPA ref: 18/P/2337/RM) Parcel H19
 - 375 units approved February 2020 (LPA ref: 18/P/2867/RM) Parcels H14 and H15
 - 300 units approved November 2021 (LPA ref: 20/P/2026/RM) Parcels H18 (A and B)
 - 207 units approved September 2023 (LPA ref: 22/P/2427/RM) Parcel H16
- 6.4.29 As such, there are a total of 2,550 dwellings with outline permission and 1,834 units with reserved matters approval. The Council's trajectory states that 1,214 units have been previously

completed. The residual capacity is 714 dwellings, of which 620 dwellings have detailed consent and 55 of these were under construction at April 2024.

- 6.4.30 Documentary evidence which has been provided by the Council in the Housing Land Supply evidence (para 120-129) and Appendix (page 22) to the Congresbury Appeal (**CD.H27 and H28**) which contains an email from Persimmon Homes stating that subject to market conditions a further 403 dwellings will be completed by September 2026. The Council's approach is to then pro rata this expected rate beyond the next 2 and a half years for the remaining 5-year period at a rate of 160dpa. However, this assumes 800 dwellings despite the fact that only 620 have detailed consent. The letter from Persimmon Homes (**Appendix 5**) confirms completions over the 7 years to 2023 (an average of 98dpa) though this was at a lower average of 67dpa in the period 2019-2023. The letter identifies the consistent shortages in materials and labour over recent years and that since 2018 the local market has changed given the range of developers active in the local area and given the company is now focussed on build quality which has an impact on build rates and that 2018 specifically achieved a higher completion rate due to the delivery of the local centre with a different sales mix to those phases now being brought forward.
- 6.4.31 Importantly, the letter explains the context around the correspondence from Persimmon Homes referred to by the Council in the Congresbury Appeal. In May 2024 the company had been at that time pursuing a variation to the S106 to accelerate delivery of housing in response to interest at that time from a PRS fund, however that transaction ultimately did not occur and the S106 modifications were eventually not pursued. As a consequence, the delivery assumptions have been updated to reflect this position which indicates expected delivery (across Persimmon and Charles Church outlets) of 428 dwellings in the 5-year period at an average of 86dpa which is reflective of past average delivery rates. The Council's position must therefore be reduced by 372 dwellings in the 5-year period – **Remove 372 dwellings**.

Weston Villages Summary

- 6.4.32 Following the above assessment, it is considered that the Weston Villages are likely to contribute 1,458 units towards the overall supply, rather than the 2,191 dwellings assumed by the Council, **a reduction of 733 dwellings**.

6.5 Site Allocations

- 6.5.1 Sites that have been allocated should only be considered deliverable where there is clear evidence that housing completions will begin on sites within five years. The onus is on the Local Planning Authority to provide that clear evidence for outline planning permissions and allocated sites.
- 6.5.2 The Council has listed 3 sites which are the subject of an allocation in the adopted Development and to which it relies on delivery in the 5-year period. I consider each in turn below.

4/605 – Millcross Site, Clevedon

- 6.5.3 No planning application has been made for this allocated site (identified in the Local Plan for 60 homes), which is owned by Alliance Homes, and which was purchased from NHS Property by North Somerset Council in a back-to-back deal with Alliance Homes. The Council indicates that this has been subject to pre-application discussions and that the delivery of 50 dwellings is informed by the developer.
- 6.5.4 The only documentary evidence which has been provided by the Council to support this is in the Housing Land Supply evidence (para 143) and Appendix (page 23) to the Congresbury Appeal (**CD.H27 and H28**) which contains an email from Alliance Homes indicating a planning application winter 2024, approval by winter 2025, a start on site in spring 2026 and practical completion by spring 2028. However, the email also states a **“local architect currently working with us on capacity sketches and recruitment of full design team to submit**

planning application.” This suggests proposal remain embryonic and this is evidenced by the comment that the capacity of 50 homes is “estimated” at this stage. A flood risk assessment, sequential and exception test will be required for the site and sufficient space allowed for maintenance of watercourses and surface water drainage facilities (Site Allocations, Schedule 1 page 40 refers). Given the longstanding nature of this allocated site, the lack of a planning application, nor clear evidence of progress towards its submission (such as an agreed PPA) other than a brief email timeline, I do not consider that any reliance can be placed on the delivery of new homes on this site. I therefore conclude that 50 dwellings should be removed from the supply– **Remove 50 dwellings**

4/596 - North West Nailsea

- 6.5.5 An outline planning application (LPA ref: 23/P/2322/OUT) for up to 150 dwellings was validated on 17 November 2023. This was submitted by the Vistry Group. This application is undetermined and consultation responses are ongoing and the application is subject to a significant range of outstanding objections from statutory consultees.
- 6.5.6 The consultation responses (attached at **Appendix 6**) received from Natural England (Objection as it will “**Damage or destroy the features of Nailsea, Tickenham and Kenn Moors Site of Special Scientific Interest (SSSI)**”, Ecology Officer (HRA and bat mitigation), Highways (a range of concerns including the need for revised transport assessment and revised access proposals, Tree Officer (concern with lack of a full arboriculture report and tree protection plan and specifically concern with respect to impact of drainage basins and roads on trees and impact on a veteran oak), and LLFA (objection given the assessment of climate change risks and associated sea level rise does not use the most up to date information and no consideration of a breach of flood defences) either object to the application and/or request additional information prior to determination.
- 6.5.7 The only documentary evidence which has been provided by the Council to support this is in the Housing Land Supply evidence (para 147-150) to the Congresbury Appeal (**CD.H27 and H28**) where the Council asserts only matters of technical detail are remaining to be worked through. However, there are therefore significant issues to resolve before the outline application can be determined. Amended plans were submitted in May 2024 and a Transport Technical Note in August 2024. Further responses are awaited from consultees.
- 6.5.8 In addition, in the pre-submission version of the Local Plan 2039 this allocation has been reduced from 450 dwellings to 225 dwellings due to flood risk mapping updates which indicates a larger area of the site is at risk of flooding. The site which is subject to the outline planning application is partly on land that has now been excluded from the allocation.
- 6.5.9 It is considered it will be some time until this application is determined. Should the outline application be approved, reserved matters and discharge of conditions applications will be required. This site has been discounted from the supply as it is not considered that there is clear evidence that this will come forward within the five-year period.
- 6.5.10 I therefore conclude that 150 dwellings should be removed from the supply– **Remove 150 dwellings**

4/647 - Former Bournville School site, Selworthy Road, Weston-super-Mare

- 6.5.11 The Council indicates that Alliance Homes is the now the owner and that detailed pre-application work has been undertaken. This site was allocated in the Site Allocations Local Plan for 45 homes (Schedule 1 Page 37 of the Site Allocations Local Plan refers), though the Council now assumes 28 dwellings due to flood considerations. The site requires the preparation of a flood risk assessment, sequential and exception test.
- 6.5.12 The only documentary evidence which has been provided by the Council to support this is in the Housing Land Supply evidence (para 151-155) and Appendix (page 23) to the Congresbury

Appeal (**CD.H27 and H28**) which contains an email from Alliance Homes. This refers to a planning application in autumn 2024, approval by autumn 2025 and start on site in spring 2026 with completion by 2027.

- 6.5.13 The first email explains that the scheme has been stalled by discussions with the Environment Agency and that **“we think we have a scheme which works technically (in flood terms) but are currently awaiting sign off from the Environment Agency...”** The second email from 15th August 2024 from Alliance Homes confirms EA approval has been obtained (Appendix page 31). This does not however confirm that the sequential test has been addressed. No planning application has been made on this site. Despite the emails and outline timeline provided by the developer, there is no clear evidence of delivery within 5 years. I therefore conclude that 28 dwellings should be removed from the supply – **Remove 28 dwellings**
- 6.5.14 Following the above assessment, it is considered that the 3 site allocations which do not have a planning permission will not result in delivery of dwellings in the 5-year supply period, a reduction of 228 dwellings from the Council’s assessment.

6.6 Stock of Small sites and Windfall Allowance

- 6.6.1 The Council’s housing trajectory includes a windfall allowance of 173 dwellings per annum in each of the five years for a total of 865 dwellings: no list is provided of the actual sites. The Council does not include a separate stock of small sites to avoid double counting and I agree with this approach. The Residential Land Survey and Housing Land Supply Position Report April 2024 contains details of the small site windfall completions over the period 2006-24 which averages 173dpa: this is the rate used in their 5-year supply. The Council also confirms that the stock of small sites with planning permission is 492, of which 238 are under construction. I accept that the Council’s windfall/small site allowance is evidenced and can be included in the 5-year supply.

6.7 Housing Supply Summary

6.7.1 In summary, following the analysis above, it is considered that the deliverable housing land supply is 3,892 dwellings.

Table 2 – Summary and Comparison of Housing Land Supply Position

North Somerset Housing Land Supply Table	North Somerset	Appellant	Difference	North Somerset	Appellant
5 year Standard Method Requirement	6620	6620		8332	8332
	Current Standard Method			New Draft Standard Method	
Category of Site					
Large Sites with detailed permission	1278	1278	0	1278	1278
Large Sites with outline permission	510	223	287	510	223
Sites with a resolution to grant consent	68	68	0	68	68
Weston Villages	2191	1458	733	2191	1458
Site Allocations	228	0	228	228	0
Windfall Allowance	865	865	0	865	865
Total Supply	5140	3892		5140	3892
Shortfall	-1480	-2728		-3192	-4440
Years Supply	3.88	2.94		3.08	2.34

7 CONCLUSION

- 7.1.1 The five-year requirement for the period April 2024 – March 2029 is 6,620dpa.
- 7.1.2 Following the assessment set out in the previous sections of my evidence, it is considered that the Council can demonstrate 2.94 years supply of deliverable housing sites under the current standard method. This is a significant reduction from the figures of between 3.2 and 3.5 years given by Inspectors in the most recent appeal decisions and below the 5-year or 4-year requirement (over a 5-year period).
- 7.1.3 The impact of the draft proposed standard method is very significant and would contract the position materially further to 3.08 years on the Council's supply basis or 2.34 years deliverable supply on my evidence.
- 7.1.4 The magnitude of this shortfall cannot be underestimated. It is much more than a mathematical equation and affects the real supply of housing to those who need it, in particular those in need of affordable housing. The overarching thrust of the NPPF is to ensure the delivery of new homes to meet real need as highlighted in Paragraph 7, where the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of new homes, and supporting infrastructure in a sustainable manner.
- 7.1.5 It is for the council to provide that clear evidence of a realistic prospect of delivery for outline planning permissions and allocated sites without planning permission, yet it has failed to do so.
- 7.1.6 I regard this shortfall as both serious and significant in the context of current national policy, and chronic under provision when considered in the context of the draft NPPF.