

**LAND NORTH OF RECTORY FARM, YATTON**  
**AMENDMENTS ARISING TO THE EVIDENCE OF MRS KATHRYN VENTHAM AS A**  
**CONSEQUENCE OF THE DECEMBER 2024 NPPF**

**Proof of Evidence of Mrs Kathryn Ventham**

<b>KV PARAGRAPH REFERENCE</b>	<b>CHANGE / CONSEQUENCE</b>	
<b><u>Section 6: The Development Plan</u></b>		
6.2.13		Change §77 to §78 and footnote 42 to footnote 39.
<b><u>Section 7: Other Material Considerations</u></b>		
7.1.5	-	Paragraph 11dii – the wording has been amended from a “clear” reason for refusing development; to a “strong” reason for refusing development. It is not considered that this makes any material difference to the Appellant’s case.
	-	With regard to footnote 8 – I note that the latest HDT results (December 2024) confirm the Council to be at 85% however as set out later in this table; there should now be no dispute that even using the Council’s own figures – a 5 year supply of housing cannot be demonstrated.
	-	In respect of paragraph 11dii and footnote 9 – following the evidence in chief and cross examination of Mr. Smith – there is no difference between the parties in respect of the suitability of Yatton as a settlement to accommodate further development; that the development of the site represents effective use of land; that the Appeal Scheme is capable of representing a well designed place and that there is a need for affordable housing both in Yatton and district wide.
7.1.7	-	As above, I do not consider that the change of the word ‘clear’ to ‘strong’ makes a material difference to the Appellant’s case.
7.1.9	-	The Council’s LHN figure has moved from 1,324 to 1,593 dpa – across a 15 year period, this would create a future housing need increasing from 19,860 new homes to 23,895 homes.
7.1.11	-	Change §38 to §39.
7.1.12	-	Change §41 to §42.
7.1.13	-	Change §47 to §48.

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7.1.14	- Change §60 to §61. I note that specific reference is made to the need to ensure that needs of groups with specific housing requirements are met and that land with permission is developed without unnecessary delay. Furthermore, the overall aim is to ensure that an areas identified housing need is met with an appropriate housing mix for the local community. I consider that this does not alter the Appellant’s case but serves to strengthen the Appellant’s view that housing need must be met in full including affordable housing.
7.1.15	- Not only should the local housing need figure be used to determine the minimum housing requirement, but any needs that cannot be met within neighbouring urban areas (such as Bristol for example) should be taken into account when establishing the level of housing to be planned for.  With regard to the new paragraph 63 – reference is made to establishing the size, type and tenure of housing needed for different groups in the community – including those who require affordable housing. The use of the word “community” could, in my view, require consideration at a level beyond District and down to individual settlements, which I consider is more likely to comprise a community.
7.1.7	- §78 requires that Local Planning Authorities should identify and annual update a supply of specific deliverable sites sufficient to provide a minimum of 5 years worth of housing against their requirement against the requisite housing requirement – in this case the local housing need (LHN) figure.  NSC are therefore required to ensure a minimum 5 year supply along with a 5% buffer to ensure choice and competition in the market for land.  §79 – the HDT results published in December 2024 confirm that delivery has fallen below 95% (at 85%) and therefore the Council are required to prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years.
7.1.19	- Change §102 to §103.
7.1.20	- Change §104 to §105.
7.1.21	- Change §108 - §117 to §109 - §118. Section 9 introduces the consideration of a “ <i>vision led solution to identify transport solutions that deliver well-designed, sustainable and popular places</i> ”. As highways / transport does not form a reason for refusal, it is not considered that makes a material difference to the assessment of the Appeal Scheme.
7.1.22	- Change §114 to 115 – whilst the wording of the wording of the bullet points has been altered – it is not considered that this makes a material difference to the assessment of the Appeal Scheme.

KV PARAGRAPH REFERENCE		CHANGE / CONSEQUENCE
7.1.23	-	Change §115 to §116 – it is not considered that the addition of “... <i>taking into account all reasonable future scenarios</i> ” makes a material difference to the assessment of the Appeal Scheme.
7.1.24	-	Change §116 to §117; and §113 to §118.
7.1.25	-	With regard to the Section 12 of the NPPF – the main change is the reduction in the emphasis on the word ‘beautiful’ – it is not considered that this makes a material difference to the assessment of the Appeal Scheme.
7.1.30	-	Change §165 to §170.
7.1.31	-	<p>Change §167 to §172.</p> <p>Former §168 is now paragraph §174 and is now preceded by: “<i>Within this context....</i>”. The context includes new paragraph which states:</p> <p><i>“A sequential risk-based approach should also be taken to individual applications in the areas known to be at risk now of in the future from any form of flooding”.</i></p> <p>I consider this is the approach which the Appellant has adopted in carrying out the Flood Risk Sequential Test (FRST).</p> <p>New §175 advises that the sequential test may not need carried out where “... <i>a site specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now or in the future (having regard to potential changes in flood risk)</i>”.</p> <p>Whilst I draw on the evidence of Mr Mirams to demonstrate that with the implementation of the drainage strategy, the site will not be at risk of flooding either now or in the future (having regard to potential changes in flood risk), I am mindful that on the matter of the need for the carrying out of a flood risk sequential test, mitigation measures should not be taken into consideration when determining whether or not a sequential test is required. As such, I do not consider that paragraph 175 is determinative for the Appeal Scheme.</p>
7.1.32	-	Change §169 to §177- the addition of the words “ <i>Having applied the sequential test..</i> ” at the start of the paragraph does not affect the assessment of the Appeal Scheme.
7.1.33	-	Change §170 to §178.
7.1.35	-	Change §173 to §181

KV PARAGRAPH REFERENCE	CHANGE / CONSEQUENCE
	- I note new §182 – this relates to the evidence of Mr Mirams.
7.1.36	- Change §180 – 182 to §192 – 193.
Section 7.2	- With regard to the aspects of the PPG that I deal within in my evidence in §7.2.1 - §7.2.10 – there have been no changes to these aspects.  I note that in the response to Question 80 of the Government response to the NPPF consultation, it is stated that <i>“After considering the comments received in relation reasonably available sites, we will shortly be updating planning practice guidance to clarify the definition of reasonably available sites that should be considered as part of the sequential test”</i> .  At the time of writing this addendum, the changes to the PPG have not been published however clearly this may have implications for evidence if they are published prior to any appeal decision.
7.2.9	- Change §164 to §178.
7.3.1	Add <i>“and December 2024 NPPF”</i> .
Section 7.4	- With regard to the emerging Local Plan, the transitional arrangements for the Plan are set out in Annex 1 of the December 2024 NPPF. The Council previously submitted the 24 <sup>th</sup> September 2024 press release to the Inquiry (ID17) identifying a further 2 rounds of consultation to meet the higher local housing need figures (i.e. Regulation 18 followed by Regulation 19). This was further confirmed in a similar press release dated 4 <sup>th</sup> December 2024 ( <b>Appendix 1</b> ). The Council’s previous housing target (14,902 homes) did not meet at least 80% of current local housing need and thus, it is not considered that the provisions of the transitional arrangements can be met.  Therefore as confirmed by the Council’s press statement of the 4 <sup>th</sup> December 2024, further sites will be needed to deliver a further 8,993 new homes (minimum) to meet its own local housing need (excluding any unmet need from adjoining authorities).
7.4.10	- Change §48 to §49.
Section 7.5	- The provisions of a 4 year housing land supply have been removed from the NPPF. The Council are therefore required to demonstrate a minimum 5 year housing land supply with a minimum 5% buffer to allow for choice and competition in the market place.
	- The updated Housing Land Supply position – taking the table from the signed Housing Land Supply SoCG is therefore set out overleaf:  The new SM is 1,593dpa, or 7,965 - 5 year requirement.

KV PARAGRAPH REFERENCE		CHANGE / CONSEQUENCE																																																							
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7.5.1		Delete “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)”. <i>(Note: The original text in the image contains a typo: "provisions in paragraph 226 apply".)</i>																																																							
7.5.2	-	§77 is replaced by §78.																																																							
7.5.4 / 7.5.5	-	Change footnote 42 to footnote 39.																																																							
7.5.6	-	Delete as §226 no longer exists.																																																							
7.5.7		Change “... 2 <sup>nd</sup> August 2023” to “4 <sup>th</sup> December 2024”.																																																							
7.5.8 (and elsewhere)	-	Delete all references to 4 year housing land supply.																																																							

<sup>[1]</sup> Updated to correct minor arithmetic error 2,191 minus 1,456 equals 735

KV		CHANGE / CONSEQUENCE
PARAGRAPH REFERENCE		
<b>Section 8: Main Issue 1 / Reason for Refusal 1</b>		
8.1.8	-	Change §33 to §34.
8.1.9	-	Change §61 to §62.
<b>Section 9: Main Issue 2 / Reason for Refusal 2</b>		
9.6.3 / 9.6.14 / 9.5.15	-	Change references to §168 to §174.
<b>Section 13: Main Issue 5 / Planning Balance</b>		
13.1.6	-	Using the local housing need figures; the Council's housing land supply position is 3.07 years (a shortfall of 3,223 homes) and the Appellant's is 2.33 years (a shortfall of 4,473 homes).
13.9.4	-	<p>Taking account of amendments to this paragraph already made in my rebuttal evidence (in bold and also strike through); and now further to the publication of the December 2024 NPPF (revisions highlighted) – paragraph 13.9.4 should now read:</p> <p><b>Based on the evidence of Mr Paterson-Neild, the shortfall in supply against the 4 year requirement (using the Council's own calculations) amounts to 156 dwellings (the shortfall would be 1,480 homes if the calculation were based on 5 years) amounts to 1,526 dwellings; and 2,730 is 4,473 homes against a 5 year requirement.</b> Under the Council's own calculations, they cannot demonstrate a <b>4 5</b> year supply of housing (and arguably now this should be 5 years) even factoring in those sites which they considered are sequential preferable and capable of delivering in the same timeframe as the Appeal Scheme. If the Appeal Site were allowed; a shortfall would remain <b>in both a 4 year and 5 year scenario</b> given that the Appellant's scheme will deliver in years 3 - 5. The logical and only conclusions which can be reached is that even if the Council's conclusions on the identified sites being sequentially preferable were accepted, there are insufficient sequentially preferable sites to the Appeal Site which can come forward within <b>4 or 5</b> years (the timeframe for the delivery of the Appeal Site) to meet current need based on the Council's own calculations given all 1,648 dwellings on allegedly sequentially preferable sites are already factored into their supply calculations. Again this is unsurprising given the draft plan proposed the allocation of sites at risk of flooding – clearly acknowledging that future (and current) housing need cannot be met on sites completely clear from flood risk. However clearly in such a situation, the focus should be on sites which are defended (such as the Appeal Site). <b>This paragraph will however be reviewed further in rebuttal evidence upon completion of the evidence of Mr Paterson-Neild which will set out the Appellant's position on 4 and 5 year supply.</b></p>

KV		CHANGE / CONSEQUENCE
PARAGRAPH REFERENCE		
13.12.1 / 13.13.2	-	Change “clear” to “strong”.

**Rebuttal Evidence of Mrs Kathryn Ventham**

KV		CHANGE / CONSEQUENCE
PARAGRAPH REFERENCE		
<b>Section 2: Housing Land Supply</b>		
2.1.3		Change 2.94 years supply to 2.33 years supply.
2.1.6		Based on the signed Housing Land Supply SoCG, it is anticipated that the Council’s position is now 3.07 years (a shortfall of 3,223 homes) as opposed to 3.88 years. The Appellant’s position is a shortfall of 4,473 homes (2.33 years supply).
<b>Section 3: Flood Risk Sequential Test</b>		
3.1.4	-	At the Inquiry, the Council submitted ID17 which demonstrated 2 further stages of consultation (i.e. Regulation 18 and then Regulation 19) to meet the new local housing need figure (in excess of 8,000 homes over and above the previous Regulation 19 Plan excluding any consideration of unmet need from adjoining authorities). I note that this figure is now just shy of 9,000 homes.
3.1.5	-	The Council will be unable to benefit from the transitional arrangements in §234 of the NPPF as their previous Regulation 19 Plan did not meet at least 80% of current local housing need and not did it consider the implications of any unmet need from adjoining authorities – and thus this plan cannot be resurrected unaltered. Therefore whilst the NPPF may have moved on, my views on the consequences of the current plan review position as set out in paragraph 3.1.5 have not changed.
3.1.6	-	Change §48 to §49
3.2.1	-	A further updated §13.9.4 is dealt with now through the amendments to the main evidence and therefore §3.2.1 of my rebuttal evidence can be deleted.

**SUMMARY**

Following the publication of the December 2024 NPPF, having considered the above revisions to my evidence, I conclude as follows:

1. With regard to the application and carrying out of the flood risk sequential test; new paragraph 175 does not have any implications for the appeal site and a flood risk sequential test is still required. It may be that subsequent PPG revisions affect the way in which “reasonably available sites” are assessed and this may require further submissions should these changes be published prior to this appeal decision. As already trailed in the first week of the Inquiry, the same may be the case if the Court of Appeal judgement in the Mead Realisations case is handed down.
2. The Council are now required to demonstrate a minimum 5 year housing land supply against the current local housing need figure.
3. Using the figures in the signed Statement of Common Ground, it should be a matter of common ground that the Council cannot demonstrate a 5 year housing land supply and that the dispute is solely about the extent of the shortfall (NSC – 3.07 years and a shortfall of 3,223 homes; Appellant – 2.33 years and a shortfall of 4,473 homes).
4. The Council will not be able to “benefit” from the transitional arrangements under paragraph 234(a) as the level of housing need in the now stalled Regulation 19 Plan (14,902 homes across 15 years) is only 62.3% of current local housing need (23,895). Thus this plan cannot be resurrected unaltered as further sites are required to deliver the additional 8,993 homes (and a significantly revised / new evidence base will be required) and the Council themselves, in their press statements, have committed to a further 2 rounds of consultation.
5. This therefore goes to the consequences of any conclusions reached in respect of the flood risk sequential test and whether this is passed. Even with the inclusion of the Appeal Site in the calculations, the Council would still require the delivery of a further 3,033 new homes to meet a minimum 5 year housing land supply. Thus in a scenario where it is accepted that the site benefits from nationally maintained flood defences and that there is an agreed drainage / flood mitigation strategy in place; the consequences of any failure of the sequential test (which I do not consider to be the case) should not weigh heavily in the planning balance.