NEWPORT CITY COUNCIL
LOCAL DEVELOPMENT PLAN EXAMINATION

HEARING SESSION 3: HOUSING

Prepared by Boyer Planning on behalf of Newbridge Estates Ltd (2072), The John Family (321), Mr R.A.I. Herbert (1117) and Mrs H.E. Murray (1666)

Our clients interest

1. Our clients control land at five sites across the County: Cwrt Camlas, Rogerstone; Gloch Wen, Rhiwderin; Llwynhaid, Bettws; the Former Tredegar Park Golf Course; and, the Griffin, Bassaleg (the ‘Sites’). Matters relating to the Sites will be considered at subsequent hearing sessions, therefore only limited information regarding them is provided here for context for the representations submitted.

2. Our clients are all represented by RE Phillips and Partners who have instructed Boyer Planning to appear at these Hearing Sessions and accordingly, wish for their objections to Housing Land supply to be considered together as set out herein.

3. The sites within the control of our clients are genuinely available, viable and free from constraints. Subject to planning permission being granted these would contribute towards the housing land supply immediately (please note the Former Tredegar Park Golf Course benefits from Planning Permission and a Reserved Matters application for part of the site for 150 dwellings is to be submitted shortly). Importantly, they are located in settlements outside of the main urban area of Newport itself and would provide a housing opportunity for local communities, improving the range and choice of housing more generally within the overarching strategy.

Background to submitted Representations

4. Paragraph 64 (5) (b) of the Planning and Compensation Act 2004 requires that in order for an LDP to be adopted it must be sound and have regard to National Policy, other relevant policies and relevant guidance.

5. Our clients have submitted representations in response to the original Deposit LDP as well as the subsequent revision (hereafter referred to as the dLDP). These concerned inter alia the soundness of the dLDP approach to housing supply and delivery. For the reasons set out in those representations and which are amplified in this Hearing Statement, in this regard the dLDP cannot considered to be sound.

6. Our position is based on the key objectives of the Welsh Government in relation to housing, and we would particularly draw attention to the following which provide a clear context for consideration of this issue:

   i. it is one of the Welsh Government’s (‘WG’) key housing objectives to provide more housing of the right type and offer more choice and to ensure that all local communities have sufficient good quality housing for their needs. (our emphasis)

   ii. the Welsh Minister for Housing and Regeneration has stated that his “main priority as Minister must be to build homes”. Indeed, he is clear that he requires the private sector to build more homes and recognises that this will “meet growing housing need” and also “generate growth and jobs”. This in itself (matching jobs to housing) is a central objective of the dLDP itself.
iii. Planning Policy Wales section 9.2.3 is clear that in providing for the needs of residents, Local planning authorities must ensure that (our emphasis):

“sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan. This means that sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live”.

iv. In addition, the most recent updated to JHLAS guidance (November 2013) is clear that:

“Some sites have remained in category 2 for periods well in excess of 5 years. This may in some areas distort the agreed housing land availability figure. Where sites in category 2 remain undeveloped for more than 5 years there should be a presumption to reclassify such sites into category 3i. In situations where such sites are not reclassified there should be an explanation why they remain in category 2.”

7. In the first two years of the plan it is already the case that 514 too few dwellings have been built (compared to the annual requirement of 690), this is in addition to the shortfall of 546 dwellings in unmet need from the UDP period. This situation can only lead to a significantly increased residual housing requirement as many of the proposed allocated sites are subject to constraints and unrealistic rates of delivery.

8. Given the nature of Newport’s identified supply of land, and for the reasons given in our representations and this Hearing Statement, it is patently the case that the supply of housing land that is identified cannot achieve the level of requirements set. This is due firstly to the constrained nature of supply and secondly to the unrealistically high expectations of delivery during the plan period.

9. It follows that these constraints will significantly undermine the ability of the plan to achieve the key requirements national planning policy and its own strategy which seeks economic growth aligned to housing provision. Furthermore, for the reasons set out herein the identified supply cannot be considered to be representative of the needs of all communities within Newport.

10. The main consideration therefore will be identifying sites that comply with PPW and are readily available, deliverable and viable to ensure that there is robust supply of new housing land that can meet the requirements and objectives of the UDP.

11. Based on the above, we consider that the housing provision in its present form in the dLDP is contrary to the following tests of soundness:

- C2 in that it is not sufficiently robust or flexible to ensure compliance with national policy as set out in Planning Policy Wales;
- CE1 in that it does not flow logically from the proposed strategy of the plan in relation to aligning job growth with housing provision;
- CE2 in that it is not founded on a robust and credible base in terms of housing supply and delivery rates; and
CE4 in that it does not provide a reasonable level of flexibility to allow the plan to deal with continued failure of identified sites to be delivered.

12. We respond directly to the Hearing questions in the following paragraphs and in the context of our earlier representations.

1. Expected housing delivery rate

- What is the year-by-year trajectory of housing numbers (ie new units per annum) that the Plan seeks to deliver through the Plan period? Does the intended delivery rate vary during different phases of the Plan?

- What is the rationale for this delivery trajectory; and what evidence suggests that it is realistic?

- Does this trajectory fit with the phasing of development for individual allocated sites as set out in the Delivery and Implementation Table (pp133-136)? If not, why not? Does this undermine the consistency, coherence and effectiveness of the Plan?

13. We are concerned over the projected rates of delivery in the plan as a whole. Indeed, we believe that without credibility and robustness there is significant potential for major shortfalls during the plan period.

14. The Delivery and Implementation Table (pp133 to 136) must be updated with credible and robust rates of delivery, in its present form it simply serves to highlight the lack of progress to date. We believe that this can be particularly noted in relation to Llanwern (H1(47)), the School site (H1(19)), Woodland site (H1(55)) and the Eastern Expansion Area (H1(3)) between them the table indicates that they are to deliver 1239 dwellings by 2016 (requiring over 500 completions over the next two years).

15. Given the considerable proximity of the four sites (and the two proposed traveller allocations) they can only be logically considered as a single urban extension / direction of growth that will in effect create a new suburb on the eastern side of Newport that is expected to deliver 4213 dwellings during the plan period. Based on around 120 completions during the first three years of the plan there is a residual requirement for 341 houses to be completed each year (4093) on these four sites over the remaining 12 years of the plan from April 1st 2014.

16. No evidence has been presented to suggest that this level of growth is achievable in Newport in what is effect one location. In order to achieve 341 completions on the four sites, at least 9 house builders would need to be present and 3 housing associations delivering at full capacity from April 1st 2014. This simply lacks any credibility and would require additional house builders to enter the local market.

17. We believe that a far more robust level of growth is the two large sites peaking at 120 and 60 per annum as set out in the forecast over that has also been submitted by the HBF.
18. At the above rates, there would be 2125 completions over the plan period which would be 2075 short of the 4213 completions required in the plan.

19. It is important to note that the projections are based on the following considerations:

1. An optimistic view given the historic lack of delivery and lack of market interest in this part of Newport. In particular the fact that there has been no further interest from the volume house builders that operate locally. We are aware that there is a RM approval for St Modwens to develop 48 dwellings – we would expect RM applications of in the order of 200 to 300 dwellings on a site that is to deliver high rates of completions and consider that this very cautious application reflects the pessimistic market view of the prospects of the site;

2. Between 4 to 6 sales outlets (including affordable housing) across the sites delivering on average between 30 and 40 dwellings per annum (this is a generally accepted capacity of an outlet in South Wales);

3. An assumption that the traveller sites at the entrance to the EEA and in close proximity to the Woodland site, Ringland are removed as allocations (the site promoters of the EEA note that if it remains it will effectively blight the allocation over the course of the plan);

4. Historic delivery rates in Newport - Afon Village comprised 956 dwellings over the course of 10 years averaging some 95 completions per annum and similarly, development at Dyffryn / Celtic Horizons averaged around 95 dwellings per annum;

5. We note that with the present level of interest and issues surrounding both sites, the required level of 336 will be impossible to achieve over the next five years. If the level of completions averages at around 100 for that period, then in the remaining 7 years of the plan there will be a requirement for 504 per annum from the two sites. This would require

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<td>St Modwens RM</td>
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<td>Llanwern</td>
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<td>60</td>
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<td>EEA &amp; Woodland site, Ringland</td>
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<td>30</td>
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<tr>
<td><strong>Total</strong></td>
<td>15</td>
<td>45</td>
<td>60</td>
<td>70</td>
<td>128</td>
<td>180</td>
<td>187</td>
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<tr>
<td><strong>Cumulative Total</strong></td>
<td>15</td>
<td>60</td>
<td>120</td>
<td>190</td>
<td>318</td>
<td>498</td>
<td>685</td>
<td>865</td>
<td>1045</td>
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<td>280</td>
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<td>Shortfall</td>
<td>265</td>
<td>235</td>
<td>220</td>
<td>210</td>
<td>152</td>
<td>100</td>
<td>93</td>
<td>100</td>
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<tr>
<td><strong>Cumulative Shortfall</strong></td>
<td>265</td>
<td>500</td>
<td>720</td>
<td>930</td>
<td>1082</td>
<td>1182</td>
<td>1275</td>
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<td>1475</td>
<td>1575</td>
<td>1675</td>
<td>1775</td>
<td>1875</td>
<td>1975</td>
<td>2075</td>
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Table 1: Optimistic projections for Llanwern
an unprecedented level of sustained completions across the neighbouring sites and would require over 8 new housebuilders to operate within the area.

20. There is plainly a major reliance upon these sites in providing around 38% of new housing in the plan – yet the lack of progress or market interest at Llanwern plainly indicates this is not an attractive location particularly for families from the north and western side of Newport. We consider that there does not exist capacity for the combined sites to deliver 4213 dwellings in 12 years, rather some 2000 dwellings will fall outside of the plan period.

2. Evidence that the Plan’s sites will deliver.

• What evidence demonstrates that the Plan’s allocated sites can be relied upon to deliver the right mix and numbers of units through the Plan period (ie in accordance with the delivery rates sought)?

• What assessment has been undertaken of likely development trajectories for each allocated site, taking into account factors such as:
  • land condition and remediation/site preparation requirements;
  • site infrastructure requirements;
  • acquisition, scheme design and approval process;
  • developer’s sales expectations and construction/completion rate intentions, where a developer is in place?

• A high proportion of the housing anticipated to be delivered is on sites already having planning permission. What development progress has been achieved to date on each of these sites? Does this provide confidence that housing at an appropriate rate will be delivered on these sites?

21. We set out in our Hearing Statement in relation to Session 2 a list of sites that we believe are subject to constraints. These sites have historically failed to deliver and continuation of this would result in significant shortfalls during the plan period.

• What evidence is available to demonstrate that a 5 year housing land supply can be maintained, given the housing delivery rate sought by the plan and the heavy reliance on sites which are already available for development?

22. We consider that on adoption of the plan, the practical implications of supply and delivery problems will lead to a land supply of less than 4 years.

23. We note that the land supply figure within the 2013 JHLAS SoCG is 3375. There are a number of sites that are likely to fall out based on the latest WG guidance in relation to sites that have been on the schedule for over 5 years. The latest policy letter (November 2013) provides a step change in the context against which housing sites must be considered and will have a practical impact upon the supply of land for housing. Accordingly, we believe that this requires an appropriate response in the JHLAS process and gives far greater weight to para 7.4.1 of TAN 1. The letter states:
“Some sites have remained in category 2 for periods well in excess of 5 years. This may in some areas distort the agreed housing land availability figure. Where sites in category 2 remain undeveloped for more than 5 years there should be a presumption to reclassify such sites into category 3i. In situations where such sites are not reclassified there should be an explanation why they remain in category 2.”

24. In addition we consider that there should be a more realistic assessment of the contribution that the sites at Llanwern will make, based on the continued slow progress, lack of market interest and delivery issues associated with the presence of Gypsy sites.

25. Based on the above, the land supply is likely to decrease by around 600 dwellings. We note that there are sites subject to s106 that may be brought back in that may contribute around 300 dwellings (in particular at Novelis / Alcan). As such optimistically there may be around a supply of 3075 dwellings against a five year requirement of between 3670 and 3880. We consider the implications of this in relation to land supply in the following table:

<table>
<thead>
<tr>
<th>LDP Provision 2011 – 2026 (15 years)</th>
<th>Completions 2001 – 2013 (2 years)</th>
<th>Remainder April 2013 – April 2026 (13 years)</th>
<th>5 Year requirement</th>
<th>Total Annual building requirement</th>
<th>Total land available including small sites</th>
<th>Total land supply</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>a</td>
<td>b</td>
<td>c</td>
<td>d=c/13*5</td>
<td>e=d/5</td>
<td>g=f/e</td>
</tr>
<tr>
<td>10350</td>
<td>809</td>
<td>9,541</td>
<td>3670</td>
<td>734</td>
<td>3055</td>
<td>4.1</td>
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<tr>
<td>10350 plus 546 unmet need from UDP =10896</td>
<td>809</td>
<td>10,087</td>
<td>3880</td>
<td>776</td>
<td>3055</td>
<td>3.9</td>
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</table>

Table 2: Boyer Planning land supply estimation on adoption of the Plan

- **What flexibility measures are built into the Plan to enable an appropriate response if allocated sites fail to deliver housing at the anticipated rate?**

26. Despite the Council’s indication that there is a 12% flexibility allowance it is plainly the case that one cannot be considered to exist in practice. Indeed, there are potential shortfalls of up to 3,000 dwellings from the Council’s identified requirement and its own 12% flexibility allowance (11622).

**Implications for LDP and required change to make sound**

27. Given the fundamental problems with the land supply identified and shortfall that it will result in. Indeed, in its present form the housing supply is not based on credible or robust evidence and lacks the flexibility to deal with the large number of constrained sites not being implemented.
28. Based on the above considerations, it is our view that the housing provision table on page 64 of the LDP is not accurate and is not likely to provide the numbers of dwellings envisaged. We note our estimations of supply as follows (compared to the NCC position):

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<thead>
<tr>
<th></th>
<th>NCC</th>
<th>Boyer Planning</th>
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<tbody>
<tr>
<td>Housing Requirement</td>
<td>10355</td>
<td>10,901 additional dwellings including unmet need from UDP of 546</td>
</tr>
<tr>
<td>Completions to date (2011 to 2013)</td>
<td>809</td>
<td>809</td>
</tr>
<tr>
<td>Site which have begun construction and have &gt;1 unit under construction</td>
<td>4252</td>
<td>2445</td>
</tr>
<tr>
<td>Land Bank</td>
<td>2793</td>
<td>1606</td>
</tr>
<tr>
<td>LDP provision from Housing Allocations</td>
<td>2064</td>
<td>1502</td>
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<tr>
<td>Subject to S106</td>
<td>424</td>
<td>213</td>
</tr>
<tr>
<td>Windfall sites (above 10)</td>
<td>1013</td>
<td>1013</td>
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<tr>
<td>Small Sites (below 10)</td>
<td>513</td>
<td>513</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>11622</strong></td>
<td><strong>8101</strong></td>
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*Table 3: Boyer Planning land supply estimation on adoption of the Plan*

29. As noted in table 3, we have significant concerns over a significant amount of the Council’s proposed allocation. In particular:

   i. Llanwern (comprising sites H3, H19, H47 and H55) cannot be relied upon to deliver 4148 dwellings during the plan period. Rather there is likely to be a shortfall of around 2000 dwellings (as set out in table 2) based on more realistic delivery rates;

   ii. In addition there are significant doubts over up to up to a further c.1500 dwellings being able to contribute towards the requirement. This includes reliance on sites that have been objected to by NRW, sites that have remained unimplemented for a considerable time due to constraints and economic viability.

30. It is therefore plainly the case that this cannot be achieved through increasing capacities on sites that are already at capacity and / or subject to constraints. It must be on new and small scale allocations that are readily available and deliverable and would ensure consistency of land supply upon adoption.

31. Furthermore a robust and credible flexibility allowance must be provided. Given the reliance upon brownfield sites it is appropriate to raise the allowance to 20% - a level that other Authorities have considered appropriate. However, the flexibility allowance must be comprised of readily available and deliverable sites whether they are greenfield or brownfield. This is vital to ensure that growth strategy is implemented.

32. Accordingly we set out below the changes required to make the plan sound.
Required Changes

1. The identification of an additional 2000 dwellings as a matter of priority due to the inflated rate of delivery expected at Llanwern (proposed allocations H3, H19, H47 and H55); The identified sites need to be readily available and deliverable, allow for an appropriate geographic spread (related to existing communities) and that would contribute towards a better mix of dwellings and locations in line with PPW.

2. In view of the considerable uncertainties in relation to up to 1500 of the constrained allocations (excluding the Llanwern sites as set out table 4 of our statement in relation to Hearing Session 2) that have historically remained unimplemented, the flexibility allowance should be increased to 20% (as has been considered appropriate in other Local Authorities);

3. The following sites would comply with the overall strategy of the plan and should be allocated to contribute towards the requirement:
   - Increase the capacity of the former Tredegar Park Golf Course (H12) to provide 200 dwellings (an additional 50);
   - Land at Gloch Wen, Rhiwderin c. 200 dwellings;
   - Cwrt Camlas, Rogerstone c 35 dwellings;
   - Land at Llwynhaid, Bettws c. 200 dwellings; and
   - Land at the Griffin, Basseleg c. 80 dwellings.

Boyer Planning
20th March 2014