

NEWPORT CITY COUNCIL LOCAL DEVELOPMENT PLAN EXAMINATION

HEARING SESSION 19: HOUSING

Prepared by Boyer Planning on behalf of Newbridge Estates Ltd (2072), Newbridge Construction (320), 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 Newport: 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. We have numerous and fundamental concerns over the Council's response to the matters arising and the approach generally being taken to housing supply. The Council have simply responded to the established shortfall by increasing reliance upon windfall sites which is entirely contrary to PPW and in particular 9.1.1 which seeks to ensure that Council's should "provide more housing of the right type and offer more choice".
5. The contribution of sites identified within the submission version of the LDP (December 2013) in Policy H1 has decreased by over 800 dwellings (including 541 at Llanwern (H47), 150 at Rodney Parade (H20 and H37)) and on sites that the Council have agreed were subject to constraints) yet these have simply been replaced by windfall sites that have recently been granted planning permission and by further increasing the windfall assumption.
6. Importantly the historic rate of windfall site completions during the UDP period is reflective of the failure of the UDP to deliver its strategy and of allocated housing sites. Rather it was reliant upon s78 appeal sites and employment land being redevelopment to partially meet housing requirements. Plainly, the only reason that windfalls were high was to meet the shortfall from the failed UDP sites strategy (which are precisely the same sites being relied upon now).
7. Furthermore the latest iteration of policy H1 remains at odds with the requirement of PPW para 9.2.3 requirement to identify sites that are 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. There remain a large element of sites that are subject to constraints, other sites with planning permission that have remained

unimplemented for some time and the location of allocations remains skewed towards the east of the city.

8. As stated by the Council, the LDP follows on precisely the same strategy as the UDP, yet it is plainly the case that the UDP failed to deliver its strategy or requirements:

1. it failed to achieve its strategy requirement by 546 dwellings despite it being the third largest City in Wales with significant market demand for deliverable sites;
2. it failed to deliver a five year supply on 12 years out of its 15 year period; and
3. its allocations failed to deliver over 3000 dwellings (as set out in our Table 3 for Hearing Session 2) such that there was a fundamental reliance upon deliverable sites being bought forward through s78 appeals and through opportunistic windfalls that arose as a result of redevelopment of employment sites.

9. The failure of the UDP can be attributed to a lack of planned growth in favour of incremental and piecemeal planning. Despite this the LDP relies upon precisely the same strategy and the same pool of sites to deliver its strategy for jobs and economic growth.

10. We consider that the aspiration for job growth and the approach to housing are entirely at odds with each other. The reliance upon windfall sites can only undermine the LDP strategy as it relies upon more employment sites being redeveloped for housing.

11. 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. We consider that the plan in its present form cannot be considered to meet the required tests of soundness.

12. 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 failure of identified sites to be delivered.

13. We respond directly to the Council's response to the matters arising questions in the following paragraphs and in the context of our earlier representations.

Hearing Session 2 Housing Provision Matters Arising

Review and update table in policy H1 of sites contributing to the identified overall housing supply of 11,622 units over the Plan period (ie identified requirement +12% flexibility allowance) in light of current evidence and points discussed during hearing.

14. We are concerned that the Council are now increasingly reliant upon windfall sites to meet the dLDP figure of 11,622. Their sole reason for doing so is that 'on reflection' they consider that their previous assumption was an 'underestimation' and they increase the figure by an arbitrary 20 dph. This argument is, of course, circular, because, as we shall argue below, the reliance upon windfall sites during the last plan period is only a reflection of the UDP's failure because of the weakness and rigidity of its allocated sites and strategy, the same sites and strategy, in large part, as are relied on to promote the LDP. The historic rate, therefore, should be seen as the result of a failed plan strategy, yet the Council now seek to 'write in' a continuation of such failure to the new Plan. The reasons for the 'reflection' and re-estimation are not articulated in the Council's Response Note but are, of course, the weaknesses exposed in the initial sessions of the Examination. Relying on more 'urban churn' is not an appropriate, plan led or sound response to the deficiencies of the evidence base. The obvious answer is to allocate more sites about which there is good evidence to support confidence.

15. As noted above, we are especially concerned that the supply of sites identified has reduced by around 800 dwellings on sites from the deposit version of the Plan(H1) yet this has been made up for by simply increasing reliance upon windfall sites. This in itself is reflective of the fact that there will continue to be an unplanned, ad hoc approach to provision which is an inherently uncertain and unsound basis upon which to operate. This is the opposite of a plan led approach and is therefore not in accord with national policy.

16. We believe that paragraph 10.2 of the Council's response demonstrates the fundamental problem of the approach being taken. The Council need to demonstrate a sound strategy and robust supply of sites to meet national policy requirements yet the strategy is based on it being *"unrealistic to assume that no other housing sites other than those included in Policy H1 will contribute to the land supply or completions for the remaining 13 years of the plan period"*. The requirement to demonstrate a robust supply of land for housing is particularly pertinent in Newport where the UDP failed in its own requirements.

17. Indeed, considered against the backdrop of the UDP we believe that this approach can only undermine the strategy of the Plan and the objectives of the WG in PPW in meeting the needs of residents.

Correct/clarify Policy H1 table's column headings as discussed and simplify "dwellings under construction" table.

18. Having reviewed the evidence and position in relation to a number of sites we reiterate the following concerns.

1. H1 Mcreadys: the site may have been cleared some time ago but there is no sign of a commencement of construction on site and the significant pylons remain in place. As such we reiterate our original concerns;
2. H3 Llanwern Village: Given the proximity of H16 (i and ii) allocations and evidence submitted to the examination by the site promoters, limited reliance can be placed on this site in relation to either the JHLAS or the remaining period of the plan;
3. H15 Victoria Wharf: We reiterate our concerns that there is no evidence of delivery and an alternative use exists. We do not believe that reliance can be placed on this site;

4. H19 Hartridge High School: this is linked into the issue associated with H3;
5. H21, H24 H31 and H32 are all confirmed to be absent a signed s106 agreement;
6. H35 East Usk Yard: We continue to question the availability and capacity of the site (see para 26 below);
7. H47 Llanwern: We note that there has been a significant reduction in the number of dwellings that it is forecast to contribute during the plan period in H1 (by 541). We believe that this partially recognises the potential shortfall that is likely to exist. However, we are concerned that given the evidence in relation to the site the true shortfall could be significantly more;
8. H50 Herbert Road: We note the NRW objection in relation to this and absent a sound strategy for development then no reliance can be placed on this site;
9. H55 Woodland site: This site has the same issues as H3 and H19. However, of more fundamental concern is the site is a SINC and will require significant mitigation both on site and off site. In this regard, we believe that little reliance can be placed on the site. If it were proven to be deliverable, then we believe the maximum capacity of the site is around 150 dwellings, this would be based on potentially 2ha of on site mitigation and a development density of 30 dwellings per ha on the remaining 5.8ha;
10. H56, H57, H58, H59 and H60: These are double counted in the windfall allowance and should be discounted from one of the sources.

Assess and evidence implications of additional sites identified as commitments for extent of reliance on windfall sites (above 10 units) as a component of overall delivery, demonstrating no resulting “double counting” of units as new commitments and as part of the identified windfall component.

19. We note that the Council confirm (3.9 to 3.11 of their statement) that the double counting exists yet they consider it beneficial. In addition we note that the Council have now increased the reliance upon windfall sites to meet the requirement.
20. The supply of windfall sites in Newport is by definition finite, given the strategy of promoting job growth we consider that reliance upon identifying more sites for housing which are likely to rely upon loss of employment appears to be fundamentally at odds with the strategy of the plan. The LDP requires a robust approach towards delivery of housing not reliance upon employment sites being redeveloped to deliver housing requirements.
21. Yet absent a coherent and robust approach to allocating land for development, the LDP is fundamentally reliant upon windfall sites. We note:
 - the UDP strategy proved to be fundamentally reliant upon windfall sites being found to make up for the over optimistic and inflexible approach of the plan to allocated sites to deliver in particular the over reliance on H47 and brownfield sites in the City despite the concerns voiced by many objectors at the UDP inquiry informal hearings; in the absence of a flexible strategy within the plan itself, Newport persistently failed to maintain a 5 year

supply, with the result that provision has been made in large part through *ad hoc* planning applications and planning by appeal;

- The UDP's reliance upon windfall sites ultimately ended with a significant shortfall of dwellings and a number of planning appeals;
- The majority of H1 sites are themselves windfall sites that have become allocations (and remained unimplemented); and
- The LDP is already reliant upon windfall sites to deliver requirement, given the significant step change in completions necessary to fulfil the requirement we do not believe that this provides a sound, credible or robust means of achieving such a change. Rather, it is a recipe for history to repeat itself.

22. We consider that the strategy of the plan will be far more likely to be achieved by identifying land rather than relying upon more employment sites being redeveloped. In this regard; the failure can only be remedied by actually allocating additional sites for housing which will prevent reliance upon redevelopment of former employment sites.

Check and produce evidence confirming flood zone DAM status of all sites relied on to deliver the Plan's housing requirement and demonstrating full compliance with TAN 15 concerning permitting highly vulnerable development and development justification requirements for zones C2 and C1.

23. We would welcome clarification on the methodology used in the preparation of background document SD86. In this regard a number of sites are identified within the January 2012 report as being C2 (appendix F, page 100 of the URS Scott Wilson Strategic Flood Consequences Report).

Review deliverability evidence in relation to H1(35) East Usk Yard and whether site should be relied on to contribute to housing provision within the Plan period.

24. We are extremely concerned over the inclusion of this site for the following reasons:

1. elements of the site are long and narrow with large parts that are no wider than 20 metres. This would not be physically capable of supporting an appropriate buffer, an access road, pavement, a building and garden area. Rather properties would in effect "back on" to the Cardiff to Paddington Railway Line;
2. the site is being used for storage and there is no firm indication of when it will be available for development. Such a site if deliverable would be a windfall site;
3. we note that at the Marlborough Road scheme there exists a planted buffer of around 10 metres. If this was incorporated into the site it would sterilise a significant amount of the site;
4. if it becomes available, based on the Marlborough Road scheme, we would consider that capacity would be much less than 100 due to the site constraints and would likely be around 20 to 30 dwellings.

25. Based on the existing use, we consider that no reliance can be placed on this site, rather if its present use ceases then it would be considered as a windfall site subject to a detailed master plan exercise to determine capacity and overcome the constraints.

Hearing Session 3: Housing Delivery

Amend and update delivery and implementation table in Chapter 13 of Plan so as to provide consistent “read across” with tables to table H1, clarifying in Plan text that table is for broad summary indicative purposes.

Provide evidence to demonstrate that the identified housing land supply is sufficient to deliver housing through the Plan period at a rate consistent with the employment growth based household forecasts on which the Plan is founded.

26. We are unsure which view of delivery forms the basis for the Council’s approach. For instance, in relation to the first five years (including completions between 2011 and 2013) there are a number of different versions:

- table at 8.1: 3,200 dwellings (2011 to 2016)
- Appendix 5: 2,411 dwellings (2011 to 2016)
- Appendix 6: 2,395 dwellings (2011 to 2016)
- 2013 JHLAS SoCG: 1,950 dwellings (2011 to 2016)
- Monitoring target: 2,008 dwellings (2011 to 2016)

27. Given that we are already three years into that period we would expect a far more accurate and consistent view to be had and for it to be evidenced.

28. We note that there are further inconsistencies between H1 and each of these sources in terms of the total number of dwellings assumed to be available.

29. We are very concerned at the lack of consistency particularly in light of the massive step change that is required in the final two years of the 5 year period to 2016. In this regard we note:

- there are only detailed RM’s for 354 dwellings at Llanwern which is intended to be the core of delivery and needs to be (along with the other allocations in the area) delivering over 300 dwellings per annum from April 2014;
- the main source of sites presently coming forward are windfall sites (including Panasonic);
- delivery is reliant upon precisely the same source of land that has historically failed to deliver the UDP strategy and the Council’s reliance upon windfall sites has simply increased.

30. Indeed, in order for the Plan to achieve 1,782 completions (as set out in the table at 8.1) between April 1st 2014 and 30th March 2016 we would expect there to be a large number of new applications lodged with the Council given lead in times for development and significantly more dwellings under construction. Indeed, we would expect a considerable element of these to already be under construction or about to be started. This is not the case.

31. Accordingly little reliance can be placed on these estimations of delivery.

Provide further information on sites where there have been delays in completing s106 obligation discussions, to show why these sites can be relied upon as delivering part of the Plan's housing requirement.

32. We note that the Council confirm that there are 184 dwellings that have no planning permission and cannot be relied upon to form part of the committed supply. These will be windfall sites if planning permission is granted. These sites are:

- H21 – 10 dwellings, application submitted 2011;
- H24 - 24 dwellings, application submitted 2011;
- H31 – 10 dwellings, application submitted 2008; and
- H32 – 140 dwellings, application submitted 2009

Provide revisited housing land supply trajectories, in light of revised policy H1 tables and evidence on sites coming forward, to demonstrate a 5 year land supply maintained throughout the Plan period (provide calculations with and without windfalls).

33. We note that none of the Council's projections take into account latest evidence and guidance from the WG. A number of the sites that are presently within the 5 year supply (2013) will fall out in the 2014 study given evidence that has been presented to the Examination and in line with the latest Welsh Government circular letter. The practical effects of these will be a reduction of around 700, which would result in a TAN 1 supply of significantly less than 5 years. The sites that will be reclassified are:

1. Eastern expansion Area (H3) (360 dwellings) based on evidence provided by the owners agents;
2. High school site (H19) (60 dwellings) will also need to be re-classified given the same issues associated with the EEA;
3. Adj Macready's (H1) (54 dwellings), as per comments earlier this HS and given the fact it has remained undeveloped since 1999;
4. Land opp Belmont Lodge (H56) (100 dwellings) the site has remained unimplemented since 2009 and absent any evidence of development proceeding would be re-classified;
5. Adj. Traston Lane (H23) (10 dwellings) – a long standing planning permission that has remained unimplemented;
6. Old Town Dock remainder (H52) (90 dwellings): Given that an outline application is yet to be submitted there is no prospect of completions for 2 to 3 years to allow for determination of the outline application, s106 negotiations, discharge of conditions preparation and submission of RM's and construction period for first legal completions).

34. We note that the table at 10.2 suggests that after 2019 the LDP will be reliant upon windfall sites to deliver a five year supply of land for housing. This appears at odds with the Council's statement in para 8.4 which anticipates that delivery will actually increase over time as the economy recovers.

Implications for LDP and required change to make sound

35. We believe that an additional deliverable source of allocations is required in order to make the plan sound. This will remove the reliance upon sites that historically failed to deliver, constrained sites, windfall sites and upon the redevelopment of employment sites. In addition it will correct the mismatch between population and location of allocations.

36. Indeed, we have numerous significant concerns over the lack of soundness of the housing supply. There are fundamental weaknesses as follows:

1. Removal of some 800 dwellings from the dLDP version of Policy H1 but no new replacements rather reliance upon windfalls to make up for this shortfall;
2. The double counting of 449 dwellings (H56, H57, H58, H59 and H60) as windfall sites that have been consented after the baseline that would form part of the short term windfall assumption;
3. The continued inclusion of s106 sites that were submitted between 3 and 6 years ago (186) (H21, H24 H31 and H32);
4. The inclusion of a significant number of constrained sites (including H1, H35 and H50) some of which have planning permission that has remained unimplemented for considerable time that comprise up to 300 dwellings;
5. We have significant concerns over the delivery of H50 (Herbert Road) and H55 (Woodland site). In particular H50 is subject to flooding constraints and absent any detailed modelling little reliance can be placed on it contributing 62 dwellings. In terms of H55, it is plainly the case that there are significant constraints in relation to ecology as the site is a SINC. In this regard large areas of the site will be required for mitigation and further off site mitigation is required. There is no certainty provided that this is achievable as confirmed by the Council. If it is proven to be deliverable (with suitable off site provision confirmed) then we believe that the maximum capacity of the site would be up to 150. This is an estimate based on 2 / 3 ha of on-site mitigation and a density of around 30 dwellings per ha for the remainder of the site.
6. Notwithstanding concerns over the proximity to the H16 sites, the four sites that comprise the EEA (H4, H19, H47 and H55) are expected to deliver 3,672 dwellings from April 2014 to April 2026 at an annual average of 306. Based on the evidence available this is plainly not achievable in the short to medium term.

We note that under the Turley's scenario B (from their Hearing Statement for Session 11) there would be a shortfall of 550 dwellings and the shortfall would increase by a further 150 to 300 dwellings based on the constraints associated with H55 (as noted under point 6 above).

We believe that it is reasonable to assume there might be 6 outlets operational in due course (taking into account the problems associated with H3 and H55). Given the evidence that exists it is prudent to assume a conservative output from these (of 30 to 40 per annum per outlet based on the general JHLAS categorisation). This would equate to between 180 and 240 per annum. This could equal a shortfall of at least 790 dwellings.

Such levels would significantly undermine the plan and be entirely contrary to National Policy requirements.

37. The practical implications of the above is that a shortfall of supply exists that amounts to between 1,200 and 2,400. Accordingly the plan in its present sound cannot be considered to be sound, particularly in relation to its historic context and the failures of the UDP strategy.

38. Accordingly we believe the allocation of additional land is required in locations where good quality housing development can demonstrably be produced well within the next 5 years. At the very least, soundness requires an element of planned flexibility and choice to avoid the history of Newport under the UDP era repeating itself.

39. 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, Bassaleg c. 80 dwellings.

Boyer Planning

8th May 2014