

Respondent ID: 29326017

Black Box Planning on behalf of Bromford Housing Group and Edward Ware Homes

Hearing Statement

Matter 1: Legal Compliance, Sustainability Appraisal, including Duty to Cooperate.

1. This Hearing Statement has been prepared on behalf of Bromford Housing Group (Bromford) and Edward Ware Homes (EWH), and should be read alongside the Representations submitted in response to the pre-submission (Reg19) version of the Gloucester City Plan (GCP) in February 2020. It seeks to respond to specific questions set out in the Inspector's Matters, Issues and Questions raised in respect of Matter 1, where relevant to concerns held by Bromford.

Sustainability Appraisal

2. **Have all reasonable alternatives been considered when implementing the strategic policies of the JCS in relation to policies and sites? Have these reasonable alternatives been considered on a like for like basis? Are there any policies where there were no reasonable alternative options to consider? If so, what is the justification?**
3. The GCP has been prepared in the context of the adopted JCS, which was intended to be subject to an immediate review which has yet to progress to any meaningful extent, and was recognised not to meet the needs of the City. This was against a housing requirement of at least 14,359 but a plan provision of only 13,287 (1072 dwelling shortfall which was the subject of JCS Policy REV1 – the immediate review). The GCP seeks to deliver further housing allocations, but the sum of those allocations, commitments and completions will result in the delivery of 13,084 dwellings to the end of the plan period (see Housing Background Paper Table at 1.1). This is a result in delays in delivery at the Strategic Allocations in Tewkesbury Borough and a reduction in the anticipated number of sites to be allocated in the GCP (down from 1518 in the JCS to 972 in the GCP Submission Draft). The GCP should, at least, plan to meet the needs set out in the JCS.
4. The context of housing delivery in Gloucester City is one which does not meet the needs of its population, which is even more pronounced when considering affordable homes, set within physical constraints of the administrative area. It is important that effective use is made of development sites, correctly recognised by the GCP (GCP 3.1.1).

5. The baseline for considering options for the GCP through the Sustainability Appraisal must therefore be informed by this clear and pressing need to deliver new homes and the strategic requirements set out in the JCS, even if some of that requirement has been transposed into an early Review, notwithstanding that the partial review has not progressed to any meaningful degree and Tewkesbury Borough recently referred to it as having been abandoned. In such circumstances, it would surely focus the importance of meeting the reduced requirements identified.
6. Identifying reasonable alternatives assumes that options and potential site allocations are considered in more detail through the Sustainability Appraisal Framework criteria to consider the potential for and the significance of effects against a range of topic areas, which can be balanced. In the GCP SA¹, these topic areas have been identified as:
 - Housing
 - Economy and employment
 - Health and equality
 - Transport and accessibility
 - Air quality
 - Climate change
 - Water resources
 - Landscape and historic environment
 - Biodiversity
 - Soils.
7. Bromford and EWH are concerned that the GCP SA does not consider any reasonable alternatives, let alone all reasonable alternatives.
8. The two stage plan approach has included identifying a Spatial Strategy through the JCS, to include provision for strategic housing allocations. The provision for further non-strategic allocations to meet housing needs will therefore be a more granular approach to these topic areas.
9. However, instead of adopting a more granular approach to considering potential alternatives, the SA adopts a stance of there being '*limited possibility for investigating options through the City Plan*'² given the City Centre first approach. Such an approach needs to be proportionate and while a City Centre first approach may seek to focus development within the City Centre, it is clearly not sufficient to meet the

¹ Integrated SA paragraph 2.7

² Integrated SA paragraph 4.11

development needs of the City and it will be necessary to look elsewhere within the administrative boundary, as the JCS acknowledged.

10. The reliance on the Strategic Assessment of Land Availability to discount sites has resulted in a site selection methodology which is inconsistent through time and has also 'screened out' potential development opportunities without sufficient consideration, before going on to consider sites against the sustainability topics, which is a more appropriate extent of detail given the context of the area. This approach to discounting sites with perceived constraints is also inconsistent with the NPPG in preparing Housing Land Availability Assessments where it recognises that '*an important part of the desktop review, however, is to identify sites and their constraints, rather than simply to rule out sites outright which are known to have constraints*'.³ Where constraints are identified, the assessment should go on to consider what steps could be taken to overcome them and where needs cannot be met authorities should revisit their assessment. Bromford are concerned that these exercises have not been undertaken in the SALA which underpins the approach to site selection, and therefore alternative approaches. This also undermines the ability of the plan to be 'positively prepared'.
11. In practice, the inconsistency in the methodology of the SALA process is evident in the preparation of SALA Heritage Assessments. This is evidenced in three practical examples all in close proximity to the Scheduled Monument at Sneedhams Green, which is also located adjacent to the JCS Allocation at Winneycroft, as follows:
 - SALA Ref: 06NEW17 – Land East of Winneycroft Lane & North of Green Farm. The site was considered as part of the August 2019 SALA, but discounted on the basis of not being suitable. This was due to heritage impacts, albeit it was recommended for a more detailed SALA Heritage Assessment. This was not completed until September 2019. The conclusions of the SALA pre-determined the assessment. Notwithstanding the assessment was based on a historic EIA Screening Opinion, was inaccurate and also related to matters of the setting of the heritage asset (with an evidence base which directs that there will be no impact to the heritage asset itself and therefore these matters are a matter of judgement). Importantly, no consideration of mitigation was given to the site which, in the context of NPPF 32, is inconsistent with the objective approach which should have been adopted.
 - SALA Ref: 07NEW17 – Land East of Sneedhams Road – Draft Allocation SA15 (South of Winneycroft) for 30 new homes on 0.85ha. The SALA appraisal recommends a full SALA Heritage Assessment given the

³ NPPG Paragraph: 010 Reference ID: 3-010-20190722

proximity to the SM and also a known Roman settlement although there is no evidence of this being completed (it is also not in the Examination Library).

- SALA Ref: SUB33 – Land at Snow Capel Farm. This site is located to the south of 06NEW17 and the Strategic Allocation at Winneycroft. It was identified as having a landscape sensitivity and being remote from other residential development. However, it was also considered in detail as part of a SALA Heritage Assessment in March 2015 which comprised a detailed assessment of the historic environment. A methodology and assessment of potential for mitigation was adopted in completing the assessment.

12. Bromford and EWH do not wish to set out the planning merits of each site here, but the basic comparison demonstrates an inconsistent approach to site selection. The binary approach adopted, in some cases, in the SALA has discounted sites which should have been considered in more detail. It is incumbent, in identifying sufficient sites to meet the needs of the City to undertake a more detailed assessment. The SA considers synergistic effects in the assessment matrix, but the SALA precludes sites being considered on this basis as a result of generalised binary assessments.

13. Notwithstanding this, and on a site specific matter, there is significant evidence to demonstrate that the heritage impacts in respect of 07NEW17 are overstated, including recent archaeological fieldwork which demonstrates no barrier to development.

14. The SA is undermined in this case because it:

- Does not adopt a consistent and objective approach to site assessment in the SALA and does not revisit assumptions where it is clear that housing needs are not being met;
- Does not consider potential to mitigate constraints in all sites which are considered unsuitable in the SALA;
- Does not refer to the most up to date information in assessing sites; and
- Undermines its own methodology by adopting a binary approach site assessment in the SALA, rather than considering synergistic effects. In doing so, it predetermines the weighting associated with the assessment criteria in the SA, which are set out in the sustainability topics. In the context of heritage assets, as it happens, paragraph 5.97 and 5.98 recognise in assessing the sustainability topics that a number of site allocations have the potential, individually and cumulatively to have impacts on the setting of designated heritage assets. The extent of the harm is, in some case, uncertain until the site

level details arise (these are listed in Table 6.4 – SA of Site Allocation Summary).