

**Land At Sharpness Docks, The Docks, Sharpness, Gloucestershire S.17/0798/Out** –  
Response from Applicant with regard to late pages.

Dear John,

Following the submission of representations from Gloucestershire County Council received on Friday 8<sup>th</sup> September, The Canal & River Trust feels the need to respond to a number of points made in the letter. Having reviewed the letter, it is clear that the basis of the objection to the application raised by the County Council is based on a number of errors in the application of recognised planning policy and guidance as well as case law and the way these are implemented across England. The approach adopted is seriously flawed to an extent whereby it should not be afforded any weight in decision making.

The key issues can be summarised as follows and are also dealt with in greater detail below;

- It is noted there is no challenge to the viability assessment work which has been independently verified by the District Valuer;
- The development involves a wide variety of elements and not only housing, which have significant additional costs which is not acknowledged in the County Council's response;
- The planning system requires development to be in accordance with the development plan 'taken as a whole' and highlighting a single element of potential conflict as done by the County Council, does not render a scheme in conflict with the plan;
- The NPPG provides clear guidance on undertaking viability assessments relating to planning applications and is a process common across England, the approval of developments with reduced contributions is common and a legitimate part of the planning assessment process in accordance with the NPPG;
- Comments made on the sustainability of the allocation are not supported by evidence and in this regard the County Council's as Highway Authority raised no objection on the application in its formal response, having reviewed sustainability matters;
- The site is allocated under policy SA5 of the adopted Development Plan and therefore part of a plan found sound at examination. Any comments relating to the proposed new settlement at Sharpness which are part of the current Local Plan review have no bearing on this planning application;
- A review mechanism is agreed in principle as advocated by NPPG to allow any improvements in viability to be captured over the period of the development. This is not acknowledged as a potential solution by the County Council.

The starting point to responding is the viability work which has been undertaken. The Trust engaged independent professionals to review the viability of the whole development and these findings were themselves independently reviewed for Stroud District Council by the District Valuer. Despite initial indications that the County Council wanted themselves to re-review this work, no such assessment has been received and it is assumed that the position on viability is agreed.

It is important to recognise that the viability assessment covers the whole scope of the planning application, which itself seeks to include as much of the mix of uses in the site allocation as possible. This includes substantial amounts of public open space which are far beyond the requirements for any housing development, as well as leisure and recreation uses. It is the inclusion of these elements which have significant costs and uncertainties over operation that have a substantial impact on the issue of viability. It is perhaps not surprising that a complex regeneration scheme of this scale has challenges in viability and it is important to look at the reasons behind the site allocation and the regeneration benefits for the area which are the objective. This is not a simple housing development, which would be viable and would be able to meet its full S106 requirements. This has far greater complexities and wider aims and benefits for the area.

The response from the County Council does not recognise any of the issues highlighted above and is predicated on a misunderstanding that any inability to provide the full level of S106 contributions connected with any planning application render it contrary to policy and therefore should be refused planning permission. Such a position is not supported in the operation of the planning system across England. Reviewing viability of developments is standard practice and one which is supported through the NPPG.

The NPPG also supports putting in place review mechanisms so that any changes to the viability position can be captured as a scheme progresses. The development at Sharpness is anticipated to take around 10 years to deliver and whilst there are viability issues at present, it is hoped that once delivery begins, circumstances will change. This may include exploring opportunities for external funding to support certain elements or the general building of momentum of the project. The Trust has agreed to have a review mechanism within the S106 agreement, which will allow any improvements to the position on viability to be captured through increased contributions to infrastructure.

In terms of dealing firstly with the suggestion that any potential conflict with part of a policy in a Development Plan, renders any scheme in conflict with the plan is incorrect. The established approach is that there is a need to look at whether a particular scheme accords with the policies of the development plan taken as a whole. The position advanced by the County Council is not supported by up to date guidance or recognised practice as developed through case law over several years. There is no merit in the position advanced by the County Council on this point. If the County Council position was correct there would be no viability reviews done across the country and a significant brake applied to the delivery of development. This is clearly not the case. The fact that the NPPG includes a section on viability assessments, how they should be undertaken and used, does clearly support the approach taken by Stroud District Council in assessing the proposals.

In terms of the assessment of the scheme, the case officer's report sets out in some detail the elements included as part of the proposals and the challenges and constraints which impact their provision. The current planning application looks to deliver the full mix of uses set out in policy SA5 and whilst it is correct that the full S106 contributions cannot be met by the development, this does not render the development in conflict with the policy or the Development Plan when taken as a whole. The development looks to deliver the regeneration objectives which are at the heart of policy SA5 and the reason it was included in the adopted plan. The regeneration of the area which can be facilitated by the development, if fully aligned with the principal objectives of the development Plan.

The objection seeks to suggest there are sustainability issues with the development. There are a number of statements made on the issue of sustainability which are made without any supporting evidence. The County Council correctly recognises the benefits that mixed use development provides in terms reducing car journeys and creating sustainable forms of development, but at the same time does not acknowledge that the scheme is a comprehensive mixed use development in accordance with the development plan allocation. It is important to point out that the County Council acting as Highway Authority have looked in detail at the issue of access and sustainable travel and they have raised no objections to the application. This assessment relates to the physical highway infrastructure and also the travel plan and sustainability of the location. It is of note that the contributions team is contradicting the assessment made by the County Council's professional transport officers. It is the transport professionals judgement which should be given weight in the assessment of this planning application on such matters.

The comments made by the Inspectors on the Local Plan relate specifically to the new settlement at Sharpness and not the current application site. The allocation made under policy SA5 is in the adopted Local Plan and which was considered sound in the examination undertaken. The new settlement is a far larger scheme which has not been assessed at examination before and which raises its own issues. The current application seeks to deliver the allocation in the adopted Local Plan and any comments that have been made to the different and much larger scheme for the new settlement are not relevant to the determination of this application. The current application has addressed all technical matters and there are no objections from any technical consultees to the submission.

The points highlighted above from the County Council's objection letter do not follow national planning advice and guidance including NPPG as well as case law on how planning applications should be assessed where viability is an issue. The suggested way of assessing planning applications is incorrect and at odds with recognised practice throughout the country.

It has not been possible in the time available to provide a response to every issue raised by the County Council. I have however sought to respond to the key points and highlight the deficiencies in the case that has been presented. I trust these comments will be reported to members at the committee meeting tomorrow.

Kind Regards

Philip

**Philip Smith**

MRTPI

Planning & Development Manager