

Bath and North East Somerset Council

Examination of the Bath and North East Somerset Council Local Plan (Core Strategy and Placemaking Plan) Partial Update

Matter 1

Inspector: Philip Lewis BA(Hons) MA MRTPI

On behalf of Robert Hitchins Ltd

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Pegasus Group is instructed by Robert Hitchins Ltd to submit Statements in respect of Matter 1 pursuant to the Matters and Questions identified by the Inspector in EXAM4.

Pegasus Group previously submitted representations in response to the Reg 19 Publication Plan in October 2021, the Options Consultation in January 2021 and Commencement Document Consultation in June 2020. The Hearing Statements should be read alongside our representations.



1. Matter 1: Procedural/legal requirements

Issue: Whether all Statutory and Regulatory requirements have been met?

Duty to Cooperate

Q.1. *Is there clear evidence that the Council has engaged constructively, actively and on an ongoing basis with neighbouring authorities and prescribed bodies in accordance with section 33A of the 2004 Act in respect of strategic matters with cross-boundary impacts considered through the preparation of the Plan?*

CD-SD030 Duty to Co-operate has been prepared and Statements of Common Ground have been prepared with Wiltshire Council, (CD-SD031) South Gloucestershire (CD-SD032), Mendip (CD-SD033) and Somerset County Council – highways (CD-SD034). There is no Statement of Common Ground with Bristol City Council, although it is reported in CD-SD030 paragraph 3.3 that there have been informal officer discussions and the Council have raised no issues in respect of the LPPU.

It is noted that there are three versions of the WECA Statement of Common Ground for Strategic Planning, the most recent being CD-SD064, dated March 2022.

“This is an over-arching SoCG documenting the strategic matters and issues to be addressed through either the West of England Combined Authority Area Spatial Development Strategy (SDS) and/or the constituent authority Local Plans.”

Throughout the preparation of the LPPU Pegasus has consistently objected to the preparation of the partial review of the B&NES Core Strategy and Placemaking Plan which comprises the Local Plan.

Paragraph 5c of the Partial Review states that the partial review is “*confined to those areas of the Core Strategy and Placemaking Plan which do not significantly change the strategic planning framework of the adopted Plan*” – hence there is no Green Belt review. The scope of the partial update is set out in paragraph 5c.

However, as set out in our Reg 18 and Reg 19 representations, a full review of the Core Strategy (adopted 2014) and more recently the Placemaking Plan is long overdue.

Whilst the Council have chosen to address updating policies to better address the climate change and ecological emergencies, its neighbouring authorities have not chosen to do this and instead they have commenced work in parallel with the West of England SDS which was to be prepared to replace the withdrawn JSP and provide the strategic framework. Arguably climate change and ecological matters do not stop at the district boundary and a more “joined up” and strategic approach to these matters along with addressing housing and employment need is required.

It is noted that EXAM 1A states that B&NES discussed its proposal for a partial review with WECA and the three West of England Authorities. EXAM 1B Appendix 3 states



that a partial review (PR) *“would not prejudice the SDS because a PR deals with issues which are too detailed and of a shorter-term nature than the SDS”*.

“The policies to be reviewed address only local issues and do not cut across the strategic nature of the SDS.”

Climate change and ecological issues are not simply of a short-term nature but are fundamentally part of the wider issues to be addressed in any plan review. These issues are being addressed nationally in the NPPF etc. as well as Building Regulations and the Environment Act.

Whilst B&NES have chosen to undertake a partial review to address matters such as zero carbon and BNG (on the justification that its current adopted Plan does not address these matters), it is important to note that neither of its neighbouring local authorities Local Plans address these issues and their plans are of a similar vintage. There is risk that the B&NES preempts the approach taken in the West of England. To date neighbouring authorities are instead progressing reviews of their Local Plans but until 13th May 2022 working in parallel with the West of England SDS. (Recent consultations earlier this year have been North Somerset Preferred Options, South Gloucestershire – Phase 2 Urban and Rural Key Issues).

By pursuing a partial review, the Plan runs the risk of being “out of step” on such strategic matters of climate change and ecological emergency and consequently an inconsistent approach will be in place across the West of England on such fundamental issues which impact on the ability to achieve sustainable development.

The partial review is addressing the housing land supply shortfall within the confines of the strategy set out in the Core Strategy of 2014, but at the same time introducing more policies that may well affect the viability of some allocations. This points to the need for a fundamental review to address housing needs, working with neighbouring authorities.

There are some fundamental issues about the way housing needs are met in the West of England including B&NES.

Since the West of England JSP has been withdrawn, the three WECA authorities commenced the preparation of the West of England SDS, a high-level spatial development strategy that covers the period 2020–2040. Until recently (13th May 2022 it was announced that the SDS is halted) this was expected to cover strategic planning priorities, including a response to climate change emergency declarations, a spatial vision, a spatial strategy on the broad pattern of housing/employment development and infrastructure, housing and job requirements and other policies such as affordable housing.

When we submitted our Reg 19 representations it was clear that the B&NES LPPU would not align with the proposals in the SDS as well as complying with parallel working between Local Plans under the Duty to Co-operate.



Whilst there is a long-standing issue of engagement between the authorities under the auspices of the West of England and separately with North Somerset, there is no conclusive outcome from this engagement on the strategic cross boundary matter of redistribution of housing needs in the HMA.

In 2014 when the B&NES Core Strategy was prepared the issue of housing need was not resolved, but the Core Strategy was subject to an early review. The first review was to be timed to co-ordinate with the review of the West of England Core Strategies in around 2016.

This early review has never happened, and needs have not been addressed.

Furthermore, it now appears that B&NES will not be meeting any unmet needs from Bristol City up to 2029 under the Duty to Co-operate or any applicable growth deal uplifts to the standard methodology for calculating local housing needs.

The partial review is only addressing issues in the short term and will have a short life span (see Matter 2). It was originally envisaged that the full review would progress in 2021 and address the issues in the WECA SDS, however the full review has been dependent on the WECA SDS and on 13th May it was announced that the WECA SDS has been halted and is not being progressed by the West of England Combined Authority. The Metro Mayor Dan Norris has written to the Department for Levelling Up, Housing and Communities (DLUHC) to explain that he has asked officers to stop work on the SDS as unanimous agreement on the Plan by the councils has not been reached.

Whilst the Plan is being updated to accord with the NPPF (the Council's justification) it does not address the matter of housing needs in terms of the standard method and the basis of the Core Strategy pre-dates the standard method.

Q.2. *What are the specific outcomes of the Duty to Cooperate?*

It is not clear what the specific outcomes of the Duty to Co-operate are. Such matters appear to have been placed on hold to be discussed at the time of the SDS, which has only recently been halted.

Sustainability Appraisal

Q.3. *Is the Sustainability Appraisal (SA) adequate?*

No comments.

Q.4. *Has the SA been undertaken on the basis of a consistent methodology and is the assessment robust?*

No comments.



Q.5. Did the Council, through an iterative SA process, take into account reasonable alternatives and has sufficient reasoning been given for the rejection of alternatives?

No comments.

Habitats Regulations Assessment

Q.6. Has the Habitats Regulations Assessment (HRA) been undertaken in accordance with the Conservation of Habitats and Species Regulations 2017, and have potential combination effects in regard to sites in neighbouring areas been assessed adequately?

No comments.

Local Development Scheme

Q.7. Is the Plan compliant with the Council's Local Development Scheme in terms of its form, scope and timing?

This is a matter for the Council.

Community Involvement

Q.8. Has the Council complied with the requirements of section 19(3) of the 2004 Act with regard to conducting consultation in accordance with the Statement of Community Involvement?

This is a matter for the Council.

Climate Change

Q.9. Are the policies of the Plan designed to secure that the development and use of land contribute to the mitigation of, and adaptation to, climate change in accordance with Section 19(1A) of the Act?

No comments.

Equalities

Q.10. In what way does the plan seek to ensure that due regard is had to the three aims expressed in s149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?

This is a matter for the Council.

Superseded policies

Q.11. Is Appendix 1 of the Plan clear in identifying the policies of the existing development plan which would be superseded by the Plan consistent with Regulation 8(5) of the Town and Country Planning (Local Planning) (England) Regulations 2012? What is meant by obsolete in 'New Table 9'?

We have not commented on this question it is a matter for the Council to respond to.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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