

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 2

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 2 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.

2. Matter 2: Strategic Policies

Issue: Is the Plan's approach to strategic policies consistent with national policy?

Q.12. Paragraph 29a of the submitted Plan sets out that all policies in the Core Strategy and Placemaking Plan are 'strategic' policies. Is this justified and consistent with national policy as set out in the National Planning Policy Framework (NPPF)? What is the evidence that the strategic policies of the Plan are limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues)?

Paragraph 21 of the NPPF states that: "Plans should make explicit which policies are strategic policies" and "where a single local plan is prepared the non-strategic policies should be clearly distinguished from the strategic policies." The Council have stated that all their policies are strategic in both the Core Strategy and the Placemaking Plan (paragraph 29a), this approach is inconsistent with the NPPF paragraph 21 which further explains the role and purpose of strategic policies, importantly the strategic policies provide a clear starting point for the non-strategic policies. Furthermore, strategic policies should not extend into matters which are more appropriately addressed in neighbourhood plans.

Clarification of which policies are strategic and non-strategic is required in order to comply with the NPPF.

Q.13. The modified strategic policies of the Plan would cover the period to 2029, and consequently will not look ahead over a minimum of 15 years from adoption as per NPPF paragraph 22. What is the justification for this, and is the Plan positively prepared in this regard?

It is considered that the partial review is unsound as it is inconsistent with national planning policy. National Policy states that strategic policies should look ahead over a minimum of 15-year period from the date of adoption and anticipate and respond to long term requirements and opportunities. Paragraph 20 states the matters which strategic policies should address, and this includes planning measures to address climate change mitigation and adaptation. These strategic matters were to be addressed in the West of England SDS.

However, the Council in response in EXAM 1B state that the policies to be reviewed address only local issues and do not cut across the strategic nature of the SDS, yet the partial review includes policies on climate change and the ecological emergency. These are matters which are strategic and cross boundary and also extend beyond the plan period of 2029.

CD-SDO64 for the West of England identifies matters requiring cross boundary collaboration. Clean and inclusive recovery and growth having regard to climate and ecological emergencies is at the heart of the area's strategic priorities for spatial planning. Version 1 of the SoCG identified that the cross-boundary planning response to address carbon emissions and air quality arises largely from considering impacts of cross-boundary transport and energy networks, which are discussed separately below. Version 2 outlined



how the SDS Integrated Impact Assessment (IIA) framework includes sustainability and climate change considerations.

It will not be possible for a revised partial review to look ahead over a 15 yr period from adoption as the plan is due to be adopted in 2022, resulting in only a 7-year period to 2029. Consequently, the Plan will have a short shelf life and will be unable to address these strategic issues in a cohesive manner.

It is clear that a review of the Core Strategy is long overdue. It is noted that Policy DW1 in the adopted Core Strategy states:

"9. Reviewing the Core Strategy at around five yearly intervals and when necessary, make changes to ensure that both:

a. "the objectives are being achieved particularly the delivery of the housing and work space targets set out in Table 9 to ensure that there remains a flexible supply of deliverable and developable land; and

b. the Core Strategy is planning for the most appropriate growth targets, particularly housing and work space/jobs

The first review will be timed to co-ordinate with the review of the West of England Core Strategies in around 2016." (my emphasis)

Paragraph 77 of the adopted Core Strategy (Volume 1) states:

"...The review process will commence in advance of the review date in order to enable the timely and considered preparation and adoption of revised policies."

Previous representations at the time have pointed to the urgent need for a new Local Plan to meet housing needs to 2036. This work was underway in 2017 and 2018 when two issues and options document consultations on a new Local Plan took place. Following the withdrawal of the West of England JSP, B&NES "abandoned" the new Local Plan in favour of the partial review with a shorter time horizon to coincide with the plan period for the Core Strategy i.e., to 2029.

Despite the above national planning policy guidance and adopted Policy DW1, B&NES have failed to review the Core Strategy and have halted the preparation of a new Local Plan to meet development needs up to 2036. The latest LDS (July 2021) envisages a New Local Plan being prepared and adopted by the end of 2024 (i.e., a 2-year process), but given previous experiences this is very unlikely to be achieved.

It should be noted that the latest NPPF (2021) whilst including text to update policy changes in response to the Building Better Building Beautiful Commission "living with Beauty" report also includes a number of other changes to the NPPF, one of which is in Annex 1:Implementation, in referring to the need to revise plans to reflect policy changes in the NPPF, the reference to partial review is now deleted, so it is clear that the emphasis is to have plans reviewed and updated as quickly as possible. Indeed, the PPG Plan Making emphasis is upon *"Most plans are likely to require updating in whole or in part at least every 5 years. Reviews should be proportionate to the issues in hand. Plans may be found sound conditional upon a plan update in whole or in part within 5 years of the date of adoption."*

The Core Strategy was based upon an evidence based that pre-dates 2014 (some 8 yrs ago) and the housing requirement was not based on the standard method. Furthermore, as a result of the Standard Method the level of housing need in B&NES increases from 722 per annum in the Core Strategy to 741 per annum based on the latest affordability ratio (this figure of 741 dwellings updates the Council's figure of 676 dwellings in paragraph 14 of CD-SDO27. The affordability ratio has increased significantly from 10.66 to 12.15 as a result of the update in March 2022.

In CD-SDO26 paragraph 2.4 the Council acknowledge that the difference between 722 and 676 to be 'significant'. Surely then, the difference between 722 and 741 must be substantial enough to warrant a review of the housing numbers? The approach that B&NES are taking will inevitably result in a hiatus in housing delivery due to the lag between site allocations making it into an adopted plan for the next plan period and delivery of homes on the ground. The direction of travel for the LHN is upwards, so by the time of the next review it is likely to be even higher because the lack of additional supply now will result in a worsening in affordability.

The assumptions that underpin the ORS Report (CD-SDO27) includes the last sentence of para 2.14 which says "*Whilst the inputs to the standard method calculation will change on an annual basis, it is likely that the standard method results for future years will remain below the adopted Core Strategy housing figure.*"

In addition, the Standard Method for Bristol City has increased significantly from 2,336 dwellings per annum to 3,376 dwellings per annum. Bristol City are unable to meet their housing need from the Standard Method – this is evident from a letter to North Somerset Council in November 2021 (prior to the Standard method figures being updated in March 2022 with the latest affordability ratio), the letter stated that: "*it is already apparent that BCC will be unable to meet the current Government set Local Housing Need figure of just under 64,000 new homes over the next 20 years.*"

Paragraph 2.9 of CD-SDO26 states that:

"The NPPF (para. 61) outlines that in preparing strategic policies through plan-making a housing requirement should be established, based on local housing need using the standard method. The NPPG (at Paragraph: O10 Reference ID: 2a-O10-20201216) also makes it clear that the standard method is a minimum starting point for identifying local need and that this is not, of itself, the housing requirement that should be planned for. The housing requirement should be established through plan-making. In areas where a joint authority with an elected Mayor has strategic planning powers (such as the WECA) the housing requirement for the combined area and the distribution across that area should be derived through the preparation of a Mayoral Spatial Development Strategy."

Consequently, B&NES are not only not achieving their minimum requirement (which is only ever going to increase at this rate) but they are also avoiding the question of the unmet needs of Bristol. This is in direct conflict with NPPF Para 11 b). Furthermore, it follows that the policies that relate to housing requirements in the Plan are currently not up to date (because of the conflict with the NPPF) and will remain so even after the partial review is completed.



It is considered that the housing policies of the B&NES Core Strategy are out of date and in need of a review.

It is noted that at the time the Plan was submitted in December 2021 the Council produced CD-SDO26 Topic Paper Housing and CD-SDO27 which provided the basis of the housing requirement, in an attempt to justify that the Core Strategy figure is still relevant and does not need to be changed. These Topic Papers were not part of the evidence at the time of the Reg 19 consultation in the autumn of 2021.

Pegasus have maintained a fundamental objection to the partial review as an effective and efficient way to approach plan making for B&NES.

In summary, the Council should pursue a full rather a partial review because:

- the adopted housing requirement is more than five years old;
- the adopted plan end date is only seven years away, which is below the fifteen years timeframe specified in the 2021 NPPF;
- adopted Policy DW1 which stated that the first review of the Core Strategy would be undertaken in 2016 had not commenced and is therefore long overdue;
- the Council's policy approach on a strategic priority such as climate change will not be co-ordinated with the West of England authorities; and
- other West of England Councils are pursuing full rather than partial Local Plan Reviews.

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

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