

BATH AND NORTH EAST SOMERSET - CORE STRATEGY EXAMINATION

AGENDA FOR HEARING 15 MARCH, 10.00: - DUTY TO CO-OPERATE

1. Context for the discussion

The reason for the hearing is set out in the 2nd part of ID/23.

The overall question posed in that note for this hearing is:
Whether, if Section 20(5)c is subsequently found to apply to the submitted plan, the duty to co-operate would in practice, have been met in its preparation.

This hearing will not reopen the discussion on whether, as a matter of law, section 20(5)c of the 2004 Act should be applied as a legal test to the submitted Core Strategy.

Whilst there is a clear overlap with the existing soundness test relating to cross border issues (PPS12 eg 4.16-4.18, 4.45) the discussion should focus on what the Act requires, if it were to apply.

New soundness considerations relating to cross border issues may be introduced when the National Planning Policy Framework (NPPF) is published. Assuming that the NPPF is published by the end of March there will need to be an opportunity to comment on the implications of the NPPF for the soundness of the Core Strategy before I indicate how the Examination should proceed.

The focus of several representations is that much more housing than planned is required in Bath and NES and that there is a wider unmet housing requirement from the West of England. To avoid repeating previous discussions, this hearing will need to proceed on the basis of alternative assumptions: i.e. if the Core Strategy is found sound in respect of the scale of housing being provided or, alternatively, if it is not.

2. Scope and intended outcome of new section 20(5)c of the 2004

2.1 Does the legal duty require any particular outcome to be achieved or is it about the process of consideration of relevant issues? (See representation by Pegasus Planning on behalf of Robert Hitchens Ltd, especially page 3.)

3. West of England Partnership (WEP) Area

3.1 Once Bath and NES Council and other Council's in the WEP decided not to follow the housing proposals in the emerging RS but to derive a new local housing requirement, should consideration have been given to this being done on a joint basis across the WEP Area/Housing Market Area? Does the assessment of housing requirements by individual Council's within the HMA indicate any failure to meet the duty to co-operate?

3.2 Does the WEP's decision not to pursue a Joint SPD indicate a failure to co-operate relevant to the preparation of the Core Strategy? (See representation by Pegasus Planning on behalf of Robert Hitchens Ltd, especially pages 6/7 and Appendix.).

3.3 The WEP Board no longer meets. Does this signal any failure to co-operate relevant to the preparation of the Core Strategy?

3.4 Any other points?

4. Wiltshire

4.1 Any comments?

5. Mendip/Somerset

5.1 Do either of these Council's have any published plans in relation to the possible restoration of a Frome to Radstock railway line (eg in the emerging Core Strategy or latest Local Transport Plan)?

5.2 Any other points?

Simon Emerson
Inspector
24 February 2012