

## **Duty to Cooperate**

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**Whether, if Section 20(5)c is subsequently found to apply to the submitted plan, the duty to cooperate would in practice, have been met in its preparation.**

- 1) Since the session on the Duty to Cooperate was arranged, DCLG has announced that the Duty does not affect authorities that have submitted core strategies before 15 November; whether or not there will be any legal challenge to that statement will no doubt be made clear by those parties involved. Nevertheless, in the very same statement, DCLG goes onto confirm that,

***"Regional strategies remain part of the list of documents in the Planning and Compulsory Purchase Act 2004, which local authorities must have regard to when preparing their development plan documents. Any move to abolish existing regional strategies is subject to the outcomes of the consultation on the related environmental assessments."***

- 2) Of course, the issue of the relevance of the RSS has been debated at length through this examination and all others since the Government announced they were to be abolished; in the case of Bristol City for example, it was found that the RSS carried limited weight in the examination process.
- 3) Our interpretation of the current position is that the government recognises that it cannot simply ignore the importance of strategic and sub-regional planning. This will ultimately manifest itself through the Duty to Cooperate but in the interim, the Government is clear that those responsibilities cannot be avoided. If it is right that the Duty to Cooperate does not bite on B&NES, then the inference is that the RSS must. B&NES cannot argue that neither requirement bites nor that it can prepare a CS in a policy void. That is unsustainable, unjustified and unsound. If the DCLG is right, then this CS should be considered in the context of the RSS.
- 4) Of course, in the South West this is complicated by the fact that an up to date RSS does not exist. In the context of this examination, the DRSS should be regarded as a material consideration that carries significant weight, whether it is the evidence base that underpins it or the draft policies themselves. Moreover, if there is any debate to be had on the relevance of the DRSS, then it is relevant to consider that RPG10 (September 2001) is still part of the development plan and extends to 2016. Indeed, it is RPG10 that is currently subject of the environmental assessment work DCLG refers to above; to that end, there is no doubting its status. As set out in previous representations particular regard should be had to Policies SS4 (Green Belt), SS5 (Principal Urban Areas) and SS8 (Bristol). The objectives of these policies were retained in the emerging RSS and do not conflict in any way with the draft proposals to 2026. The emphasis is on Green Belt review, the importance of Bristol as the Core City in the region, and meeting the needs of the sub-region.
- 5) The historic failure to act on these policies has led to the position we are in today; that of high demand and need in Bristol; the Inspector has already heard many objectors' concerns regarding the failure to act now. Delay until a review of the B&NES CS in five or so years is unthinkable. A pragmatic approach was considered appropriate in Bristol because of the obvious physical and administrative restrictions preventing higher rates of growth; it was

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however established that because of this, exceptional circumstances for Green Belt review do exist.

- 6) Of course, B&NES has stated that regardless of whether or not the Duty affects this CS the LPA has undertaken the requirements of the Duty in any event. B&NES/33 has now been provided highlighting recent correspondence between B&NES and Bristol.
- 7) The Inspector can no doubt form his own conclusions regarding the relevance of this correspondence. There is much that could be said about it, but we refer in particular to the response of the BCC Officer under q.5 on p.5:

***B&NES question.*** *Policy BCS6 of the Bristol Core Strategy acknowledges that proposals for urban extensions in the Green Belt in adjoining authorities may emerge through the development plans of neighbouring authorities. Bristol's Core Strategy states that if appropriate proposals come forward the council will continue to work with the adjoining authorities to ensure integrated and well-planned communities are created. In the event that B&NES identifies Hicks Gate as the most appropriate location for a housing contingency, would this policy not apply?*

***BCC response:*** *The Core Strategy refers to 'appropriate' proposals. At this point the submitted B&NES Core Strategy includes no urban extensions to Bristol and has a spatial strategy directed towards Bath, Somer Valley and Keynsham. Our informal view is that a proposed urban extension contingency at Hicks Gate would be inappropriate for the various reasons I've mentioned above and in my previous comments.*

- 8) We highlight this particular question/response to highlight the inadequacy of the City Council's position. In previous responses the Officer acknowledges that the Hicks Gate land within Bristol could be delivered in a sustainable manner (and in isolation of any development in B&NES). Further responses establish that the Officer does not consider development at Hicks Gate in B&NES to be acceptable in isolation (RPS does not accept this contention), however, development in B&NES would no longer result in isolation if the BCC land were to be developed (q.4).
- 9) If that is the case, there is no credibility in the Officer's response that development at Hicks Gate could not be considered 'appropriate' and that the provisions of Policy BCS6 would not be triggered. It seems that it is only inappropriate because it does not presently conform to the B&NES draft spatial strategy. For all the reasons already rehearsed through our representations and at examination, we do not consider the spatial strategy to be sound.
- 10) All that the correspondence establishes is the entirely insular view BCC has of its City. It is nonsense to suggest that the City's needs are met entirely within the City Council boundary; that boundary is entirely artificial and the SHMA would certainly suggest otherwise. It rather begs the question how the City Council would justify the 18,000 homes being planned by South Gloucestershire in the North and East Fringes of Bristol in the period 2011 to 2027. To suggest that this level of development is not required at least in part as a result from needs arising from the Bristol City administrative area would be churlish at best. Notably, BCC has raised no objection to the South Gloucestershire proposals; there is an alarming lack of consistency that suggests very little cooperation to date.

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- 11) RPS suggests that the Bristol Core Strategy is a product of its time; it was examined during a period of great uncertainty and the Inspector at that stage had due regard to the implications of Localism (as they were at that time) and placed limited weight on the materiality of the RSS. We now found ourselves in a different context altogether; the RSS is still a material consideration and the March 2011 Ministerial Statement sends a clear message to LPAs as to what localism really means and what can be expected when the NPPF is published.