

The National Planning Policy Framework 2012

1. Summary

The Inspector has requested comments on whether the National Planning Policy Framework or the Policy for Travellers Sites materially changes national planning policy compared with the previous policy, in so far as is relevant to the soundness of the BANES draft CS (dCS), (ID/27). In the context of the Framework, HFT respond unequivocally that the answer is yes. There is material change to national policy which is the clear intention of the Government, as expressed in the Ministerial Foreword to the Framework. A presumption in favour of sustainable development, which should go ahead without delay, is the basis for every plan, and every decision. The Framework sets out clearly what could make a proposed plan or development unsustainable and therefore unsound. HFT highlight numerous aspects of this by reference to the relevant paragraphs in the Framework. Therefore this submission addresses both the issues identified by the Inspector (ID/27) but also other key issues that are equally relevant to the soundness of the dCS in the context of the Framework. HFT indicate why these matters go to the soundness of this plan and what the Inspector is requested to do now, given the stage reached with the dCS.

Finally, the Inspector should also consider whether the Government's intention to 'allow people and communities back into planning' as 'a collective enterprise', instead of being 'put off from getting involved because planning policy itself has become so elaborate and forbidding – the preserve of specialists', has been achieved by this dCS to date. The recommendations to be made by the Inspector, which are repeated at the end of this submission, should, in part, seek to fulfill this objective in order that the presumption in favour of sustainable development is achieved. This objective will not be met if the Council seeks to go forward with the dCS as proposed, together with a review in five years.

2. Key Issues.

2.1 The National Planning Policy Framework is relevant and material as it represents a fundamental change in national planning policy as referred to in the Ministerial Foreword by the Rt Hon Greg Clark.... development that is sustainable should go ahead without delay– a presumption in favour of sustainable development that is the basis for every plan, and every decision. Not simply scrutiny, planning must be a creative exercise in finding ways to enhance and improve the places in which we live our lives. The Framework constitutes guidance and makes clear the legal position (Para13), that is in relation to plan making, that the local planning authority must have regard to national policies and advice contained in guidance issued by the Secretary of State, i.e. this Framework.

2.2 The dCS has been developed in the context of the former national planning policies, evolved over 30 years, covering thousands of pages, which is now replaced by 50 pages that are written simply and clearly. The NPPF clearly states that Local Plans should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development.

2.3 They should address the spatial implications of economic, social and environmental change and be drawn up over an appropriate timescale, preferably a 15 year time horizon, take account of longer term requirements, and be kept up to date (Para 157). The dCS fails to address a 15 year horizon from its planned adoption, choosing a 'twenty year' period from 2006. It also fails to show how it can address requirements such as housing and defining Green Belt boundaries during and beyond the plan period, in a sustainable manner. Therefore the Inspector should find the dCS unsound and make the following recommendations to the ensure the plan addresses the spatial implications of economic, social and environmental change over a 15 Year time horizon and takes account of longer term requirements. The implications for Green Belt are discussed below.

2.4 The Framework now makes clear that this new policy approach should be implemented immediately (Annex 1, Paras 208 and 212)

and that it must be taken into account in the preparation of plans, as quickly as possible, either through a partial review or a new plan (Para 213). This new advice is fundamental in the context of the dCS and its timing. The Inspector and the Council are under a duty to get on and fully address and incorporate the requirements of the Framework in the dCS as quickly as possible, including engagement with the community and business over this new national planning policy. The alternative, preferred approach of the Council appears to be through a 5 Year Review of the Core Strategy once adopted (ref: Ref 9 CD6/E2.2), however this is now no longer appropriate and would lead to any adopted plan that relied on a 5 Year Review, being unsound and open to legal challenge.

The Inspector should therefore recommend to the Council to:

1. address the fundamental changes that arise from the Framework within an amended core strategy document, including all the matters set out below.
2. return the local plan process back to the preparation stage of the core strategy and
3. involve a widespread consultation with the public and business

2.5 The Framework indicates that the existing Local Plan 2007 will continue to have full weight for 12 months (Para 214). The weight to be given to emerging policy, as well as to the NPPF during this period and beyond, is also clarified (Paras 215, 216). Therefore the Council's development control process will not suffer a planning policy vacuum in the meantime. In fact, the current stage of the dCS has helped to define the extent to which there remain unresolved objections and the Council and the Inspector have before them all that information. Statements of Common Ground (SOCG) have further assisted in this process. Therefore the Council has a clear understanding of where their emerging policy either has no outstanding objections or less significant objections and therefore the weight that can be applied to such emerging policy, when determining planning applications. However where there remains 'significant outstanding objections', it is clear that these matters need to be addressed in the dCS, in the context of the NPPF, as soon as possible.

The Inspector should recommend to the Council that they must address the significant outstanding objections, together with the requirements of the Framework, through a new preparation stage referred to above.

2.6 The Framework emphasizes the importance of a proportionate evidence base that is up to date (Para 158). This includes a requirement to prepare a Strategic Housing Market Assessment to include all types of housing and where appropriate, working across administrative boundaries (Para 159). This has not been done in the context of the dCS, where the only SHMA undertaken was published in June 2009 and evidence base confined to affordable housing only. This is fundamental, as the most significant and outstanding objections to the dCS focus on the level of local housing need and the provision of all types, including open market housing, affordable housing, housing for the elderly and disabled and student housing. In the absence of an up to date SHMA, or indeed any SHMA, the Inspector is unable to assess properly the scale of housing need and the significance of any potential shortfall in housing requirement. This means the Inspector is unable to assess properly the dCS for soundness in the context of the new Framework. The Framework also makes clear that evidence drawn from regional strategies may be used to inform local plan policies, supplemented as needed by up-to-date, robust local evidence (Para 218). This has been largely ignored by the Council, claiming that it is no longer relevant given the 'Localism Agenda'. However, the Inspector will now need to consider the relevance of such evidence and the weight to be given to it in assessing the soundness of the plan in the light of the constraints imposed by the Council upon housing and business growth, especially at Bath (Paras 159, 160). In determining whether evidence is objectively assessed, the Inspector can now have regard to the evidence base drawn from the work on regional strategies, when making recommendations to the Council.

2.7 The duty to cooperate between adjoining authorities in preparation of Local Plans is also emphasized as key to delivering sustainable development. The Inspector has given advice as to whether the duty exists on the Council in the preparation of this plan. The Framework clarifies that the application of its policy and guidance will be dependant upon the implementation of relevant legislation (Para 219). That legislation is now in place and therefore the duty to cooperate and the policies arising from it in the Framework are relevant.

Nevertheless, the narrow interpretation over whether the duty to cooperate is a legal requirement in the circumstances of this dCS, should not deflect from the requirement to base all plans on a

proportionate evidence base (Para 158). This is further clarified in the context of preparing the SHMA (Para 159) and in ensuring that plans meet the business needs of their market area (Para 160). Both these requirements demand an evidence base that reflects the needs and the impact of adjoining authorities within a relevant market area/ housing market area. In particular the Council should work together with the Local Enterprise Partnership to prepare and maintain a robust evidence base for business needs for that market. The Council has failed to do this, as was demonstrated at the Hearings and therefore the Inspector will need to consider whether the requirements of the evidence base, as defined in the Framework, have been met and whether the dCS is consequently unsound.

The Inspector should recommend to the Council to review the evidence base having regard to the points raised above, prepare a SHMA and to work together with the LEP to prepare the robust evidence base for economic growth.

2.8 It is clear that in the context of the Bristol Core Strategy, Bristol City Council will need to reflect upon whether their plan will need an immediate review, as it was adopted in the absence of the Framework and a comprehensive SHMA.

2.9 The duty to cooperate also extends to the adjoining authorities of Mendip and Wiltshire, where the pressure for new housing to serve the economic needs of Bath, already result in increased in-commuting into the city and in unsustainable patterns of development. These adjoining districts lie within the travel-to-work area of Bath and also depend upon health and other key services located in the city.

In producing its SHMA and in addressing the consequences of this Framework, the Inspector should recommend that BANES should cooperate fully with these two authorities immediately.

Mendip and Wiltshire are able to fully cooperate, as their Core Strategies are in the preparation stage, with their pre-submission drafts being published this summer. Failure for BANES to grasp the opportunity to cooperate now in order to fulfill the requirements of the Framework, could undermine the success of all three plans to contributing to the achievement of sustainable development. A similar, but less strategic priority arises with South Gloucester, whose core strategy is also in the preparation stages and will now need to address the spatial implications arising from the Framework.

2.10 The Inspector has asked whether the Framework significantly changes national policy in relation to the approach to assessing the housing requirement in a Local Plan.

HFT say yes, there is a significant change in national policy which is relevant to this issue and which results from the removal of the 'regional tier' of planning documents and policy, to be replaced by new national policy and by local plans.

PPS 3 stated that local plans should deliver the level of housing, taking account of the level of housing provision set out in the Regional Spatial Strategy or having regard to the proposed level, in the case of emerging Regional Plans. This former national guidance is now removed and although the abolition of Regional Plans awaits further legislative process, the national policy guidance has changed.

The Framework is clear that the Local Plan must meet 'the **full**, objectively assessed needs for market and **affordable** housing in the **housing market area (our emphasis)** as far as is consistent with the policies set out in this Framework' (Para 47). This is a significant and fundamental change in policy approach, as the language is unequivocal. Its objectives are clear to all: that is to boost the supply of housing across the UK.

There is no 'taking account of' or 'having regard to', which has provided plenty of wriggle room for local authorities in the past. It is a straightforward 'must meet'.

The target to meet is now 'the full, objectively assessed needs for market and affordable housing' and the source is the 'housing market area'.

This is fundamentally at odds with the dCS, where the Council have sought to try to meet only their locally based housing needs, derived from growth of locally based employment. No assessment of the housing market area needs has been undertaken. To make matters worse, the Council's own technical assessment of housing need, based upon local employment growth, will not be fully met in the dCS, as accepted by the Council. In addition the Council makes no attempt to meet fully or even substantially, the affordable housing need of the housing market area, as evidenced at the Hearings. This remains a substantive omission given the scale of un-affordability in Bath and the large and growing waiting list, currently almost 3 times the Council's planned provision.

The requirement to address these matters, having regard to the new Framework, goes directly to the soundness of the dCS. It

cannot be made sound by accepting the modest provision put forward by the Council and thereafter finding solutions in the future through deferral, as part of a 'five year review'.

The requirement to meet in full, objectively assessed housing needs must be met now. As well as future housing needs, it must also apply to both the shortfall and the backlog in housing needs that might exist in BANES and has not been supplied.

The on-line dictionary defines:

- objective as *Uninfluenced by emotions or personal prejudices*:
- objectively as *impartially, neutrally, fairly, justly, without prejudice, dispassionately, with an open mind, equitably, without fear or favour, even-handedly, without bias, disinterestedly, with objectivity or impartiality*

Objectively assessed is therefore something that the Inspector should be capable of determining with the appropriate sources in the housing market area. Where there is evidence of bias or lack of impartiality when determining the level of housing need, consequent on 'what the Council considers are very strong planning reasons' (BNES26), the Inspector should find the Plan unsound. He should make clear recommendations to ensure housing needs are met in full, including meeting the shortfall and backlog as soon as possible otherwise there would be no consequence of repeated failure to supply housing land and the plan would not achieve the intended outcome, which is to boost **significantly** the supply (our emphasis). The dCS fails to meet the housing need in full, including backlog and shortfall and this makes the Plan unsound. The Inspector should recommend that the Council address immediately an objective assessment to meet the housing needs in full having regard to the Framework.

2.11 The Inspector also raises the question over the introduction of a 'housing buffer'.

Having regard to the historic failure of the Council to secure delivery of an adequate supply of housing, the Framework highlights how authorities with a record of persistent under delivery, should ensure that the five year supply of deliverable sites includes an additional 20% buffer (Para 47). The purpose of such a buffer is to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land. A SOCG, tabled by the Council at the Hearing (BNES 32*) confirmed that the persistent undersupply amounted to a backlog and shortfall of 1634 homes. This amounts to

approximately 2 Years undersupply. The evidence by way of the SHLAA trajectory indicated that this persistent undersupply would continue to grow over the next few years. Given the Government's reasons for introducing a housing buffer, there can be no more appropriate a local authority than BANES to require such a buffer. Therefore the Inspector should recommend that the dCS must demonstrate a 20% buffer alongside its 5 Year Housing Supply, because of persistent undersupply of housing.

2.12 SOCG (BNES32*) calculated the impact of such a 20% buffer including a variety of scenarios to address the backlog and the shortfall. The summary table at the end of the BNES 32* provides clear evidence that despite provision of student accommodation, a five year supply of deliverable sites cannot be met in full over the majority of the scenarios. The introduction of a 20% buffer would add a further burden on these figures, meaning that no scenarios, even the Council's most optimistic, can meet in full a 5 Year Supply + 20%. This means that the Framework policy on housing supply, cannot be satisfactorily delivered through the dCS and the dCS is unsound.

The Framework makes expressly clear (Para 49) that failure to demonstrate a 5 Year Housing Supply will mean that the local authorities housing supply policy will not be considered up to date. The dCS is therefore not up to date and not sound. The 5 Year Housing Supply cannot be brought up to date by proceeding with the dCS together with a 5 Year Review. This would also be unsound.

The Inspector should therefore recommend to the Council the scale of 'deliverable housing' that needs to be provided, to bring the plan up to date and to be sound. That is to say:

The Council must demonstrate a supply of deliverable homes to achieve:

A 5 Year Housing Supply;

A 20 % Buffer; and

The clearance of the backlog and the shortfall.

(These figures are shown in blue on SOCG BNES32*).

Because of the persistent undersupply, the Inspector must recommend the backlog and the shortfall should be met as quickly as possible, in order to bring the housing supply up to date. This backlog and shortfall should therefore also be met in the 5 Year Supply.

Where the plan fails to meet this requirement, it will not be up to

date and should be¹ found unsound.

2.13 The Inspector has requested whether the Council is seeking an allowance for windfalls in its 5 Year Supply and within Years 6-15.

The inclusion of 'windfall sites' into the calculation of housing supply, specifically the 5 year supply is not new, para 59 of PPS 3 makes reference to circumstances where windfall sites may be included in first 10 years of land supply, however the Inspector has requested a further submission from the Council on this. HFT will address the matter of windfalls in overall housing supply, once the Council has published its evidence.

2.14 The Council and the Inspector should not only address windfalls in determining a deliverable housing provision but they should also address the matter of student accommodation, as this now forms part of the overall housing requirement and provision in this area. The Framework is clear that all types of housing requirement should be addressed in the SHMA and in Local Plans. Although not specifically mentioned in the Framework, PPS 3 in Annex 3, made clear that SHMAs should include assessment of certain occupational groups, including students. As the Council is now including further provision in their revised 5 Year Supply to take account of additional planned student accommodation (BNES 32*), the SHMA should also address student housing requirements, including historical demand in Bath. HFT note reference in Para 47 above, where Councils must meet in full the objectively assessed need for market and affordable housing, which includes student housing. HFT has made representations on the matter of student housing, responding to BNES31 (ref 0276) towards the end of the Hearing. The Inspector has so far not indicated how he intends to address student housing, however the Framework makes that clear. The Inspector should recommend that the Council must determine the scale of student housing need, including the impact of the substantive growth at both universities over the last decade and the actual housing provision that has been made during this period, including on-campus provision, when undertaking their objective assessment of housing need.

¹ * The 5 Year Supply assumes the Council's technical requirement not the housing supply figures recommended by HFT, which are greater.

Viability

2.15 The Framework makes clear that in proposing 'deliverable sites' in the first five years and 'developable sites' in years five to fifteen, Councils will need to demonstrate viability as a key element (Para 47 sub.11/12) in delivering sustainable development. In the context of the dCS, the Inspector has heard considerable evidence over the scale of obligations and policy burdens that impact upon sites within the river corridor in Bath, whether from previously developed land, contamination, flooding risk or hazardous installations. These all have an uncertain impacts upon delivery and viability of key sites for both housing and business use, which are critical to the strategic priorities of the plan. Assumptions within the plan are based upon very significant public capital investment in infrastructure and in affordable housing subsidy, the consequences of this are amply demonstrated at Bath Western Riverside. This source of public funding, which will be required to underpin these sites, is by no means certain going forward and is at odds with the requirement in Framework, for development to demonstrate competitive returns to a willing landowner and willing developer, to enable the development to be deliverable (Para 173).

Community Infrastructure Levy

2.16 In this context, the Council has recently published for consultation its Community Infrastructure Levy (CIL) Preliminary draft Charging Schedule. The timetable for this supplementary planning document is also published, showing stages of consultation, inquiry and finally adoption in 2012 /2013. The Framework states that where practical, CIL charges should be worked up and tested alongside the Local Plan, thereby allowing district wide development costs to be understood by the Council and ensure timely delivery of necessary infrastructure (Para 175). It is now evident that this timetable for CIL would fit comfortably alongside further consultation and alteration of the dCS, before its adoption. The two plans can therefore be worked up together, ensuring that sustainable development and supporting policies within an adopted core strategy, are deliverable and sound taking into account viability as expressed in the Framework. In the absence of this, the Inspector has insufficient evidence to assess the deliverability of sites or of policies in the dCS and therefore determine the soundness of the dCS.

The Inspector should recommend a review of the evidence on the viability of major strategic locations proposed in the dCS in the light of infrastructure costs, affordable housing provision and the

requirements of the Framework (Para 174-177). Evidence from CIL should be assessed alongside this to ensure the planned growth is deliverable and/or developable, as required through Para 47.

Green Belt

2.17 Perhaps the most controversial of matters discussed as part of the dCS remains the review of the Green Belt around Bath and Bristol. Whilst the Council have not undertaken a formal review of the Green Belt as required by RPG 10, they have concluded that any housing needs met beyond that set out in the SHLAA, will cause unacceptable impact on the environment. Consequently the Council has not attempted to meet its overall housing requirements nor has it adequately assessed what those requirements are, in the absence of an SHMA.

The Framework makes clear that Green Belt continues to serve the same purposes as before and its essential characteristics remain around openness and permanence (Para 79, 80).

Nevertheless this new national policy is explicit that whilst Green Belt boundaries should only be altered in exceptional circumstances, this process should take place as part of preparation or review of the Local Plan (Para 83). It may also include New Green Belt land, as part of major development proposals or as urban extensions (Para 82). Of particular relevance at Bath, is the requirement of the Council to consider the permanence, in the long term, of their Green Belt boundaries so that they should be capable of enduring beyond the Plan Period (Para 83).

HFT say that evidence provided at the Hearings demonstrates that there is considerable uncertainty whether existing Green Belt boundaries can realistically endure beyond 2026. The clearest evidence of the exceptional circumstances that have justified alteration to the Green Belt is found at Keynsham and at Bath University, Claverton, secured through the Local Plan 2007. Development provision in the former Green Belt around Bath is now accounted for within the SHLAA trajectory. Exceptional circumstances justified redefining the Green Belt boundaries then and it remains the case now (Para 83).

The Framework says that 'when defining boundaries local planning authorities should satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period' (Para 85). The Inspector has been led to a '5 Year Review'

approach by the Council, as an appropriate solution in this dCS. In BNES 24, the Council says such a review will commence in 2014, with a review in 2016. Changes consequent on that review are said to 'entail a review of the spatial strategy, in conjunction with neighbouring authorities (primarily in the West of England) and the potential identification of strategic allocations'. Those strategic locations will naturally consider the approach taken by the same authorities, as part of the Regional Planning process, which led to the Green Belt review in 2006. Therefore the prospect of Green Belt boundaries not enduring beyond the end of the Plan period, 2026+, is a realistic prospect. Indeed the Council accepts that this could take place within 5 Years. This means the requirements of the Framework are not being met.

The Framework says that consideration of Green Belt changes includes the need to promote sustainable patterns of development which may seek to concentrate development at urban areas inside the Green Belt boundary or elsewhere (Para 84). When defining Green Belt boundaries, the Council must ensure consistency with the Local Plan strategy for meeting identified requirements (Para 85).

Although HFT say that the Council has failed to properly identify its housing requirements, through a full SHMA, the Council accepts in BNES 26, that its so-called 'technical requirement' will not be met due to 'very strong planning reasons'. That is to say, redefining Green Belt boundaries that should accompany a review of the Green Belt, could address identified requirements in a sustainable manner, but has not been undertaken by the Council. This so-called 'overstating the harm and understating the need' approach (BNES 26, para 2.5) is at the heart of the Council's position on Green Belt and housing supply and it is now before the Inspector, in the context of the Framework.

NPPF makes clear that this is not an option for the Council to adopt and that Green Belt should not provide an impediment to sustainable development. To do so would harm the essential objectives of promoting sustainable development.

NPPF states that 'the supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities.

Working with the support of their communities, local planning authorities should consider whether such opportunities provide the best way of achieving sustainable development. In doing so, they

should consider whether it is appropriate to establish Green Belt around or adjoining any such new development' (Para 52).

There is therefore clear national policy direction that requires authorities to plan for sustainable development incorporating where required, alteration to Green Belt boundaries.

BNES 26, which was pre-NPPF, makes clear that the Council requires the Inspector to provide clear guidance to them on whether they have understated the need for housing or overstated the harm arising from urban extensions.

HFT believe that the Inspector can now provide clear recommendations to the Council, following NPPF, to gather and publish further evidence so that he is in a position to understand:

1. the scale of the need for sustainable development including meeting in full, all forms of housing,
2. the means by which such housing can be delivered, including at strategic locations and
3. whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Failure to address this matter now would make the dCS not in accordance with national policy and therefore unsound.

2.18 The Key principal that flows through both the draft NPPF and in the Framework, is enshrined in Para 14, which is highlighted in colour in the document to emphasize its significance. The Framework goes on to say that Local Plans must be prepared with the objective of contributing to the achievement of sustainable development (Para 151). To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development.

The Council published proposed amendments to the draft CS in the light of the draft NPPF (September 2011).

In particular, at NPPF1 the Council makes clear how it interprets its policies to be consistent with NPPF and how these promote sustainable development. In essence, it defines its own policy approach as promoting sustainable development, i.e. business as usual, and ignores the key principles in the new Framework. By way of example:

The Council says promoting sustainable development means:.....inter alia....

": making provision for a net increase of 8,700 jobs and 11,000

homes between 2006 and 2026, of which around 3,400 affordable homes will be delivered through the planning system

: prioritising the use of brownfield opportunities for new development in order to limit the need for development on greenfield sites

: retaining the general extent of Bristol - Bath Green Belt with no strategic change to the boundaries"

extract NPPF1 Schedule of Potential Changes arising from the Draft National Planning Policy Framework (NPPF) for comment September 2011

This is the wrong approach, as it is simply defining what the Council considers is politically acceptable in the context of meeting some development needs, particularly at Bath. That is to say it is constraining its development needs in an attempt to achieve other objectives, which may in turn, harm the objectives of sustainable development.

The Framework clearly defines the three roles to be performed by the planning system when securing sustainable development, that is economic, social and environmental roles (Para 7). In particular the economic and social roles reflect a need to ensure that sufficient land of the right type is made available at the right places at the right time to support growth. In respect of housing needs this is achieved by 'providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being'. This should be the starting point of the development plan process and is a clear requirement of the Framework.

In contrast, the dCS approach identifies the policy constraints that should dominate the promotion of sustainable development, particularly at Bath, [a jobs led housing target, rather than assessed housing needs; brown field before greenfield; no strategic change to the Green Belt] and defines this as promoting sustainable development. Having applied these constraints, the Council have assessed the remaining capacity i.e. land within the city, that could potentially perform an economic/social role, assessed whether it is deliverable and/or developable and based its planned provision and delivery on this.

Assuming its planned provision is by chance sound, which HFT

says it is not, its delivery does not represent 'sufficient land of the right type at the right place at the right time to support growth' as is shown by the Council's own housing trajectory, its Five Year Supply forecast and the SHLAA spreadsheet. HFT has made clear in evidence to the Hearing, which the Council has accepted, that the spatial distribution and timing of development over the period of the plan does not reflect the priority growth needs expressed in the plan and meet the key objectives set out in the plan. If it is 'the right type' and 'the right place', which is not accepted by HFT, it is simply not sufficient and is certainly on the Council's own evidence, **not** 'at the right time' (SHLAA Trajectory, Issue 2 SHLAA Day1-2 Hignett Family Trust Ref: 276).

Finally the 'environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.' (Para 7). This role is crucial in balancing the impact of new development on green field sites or in Green Belt and on heritage assets, especially at Bath. Nevertheless the 'environmental role' is not simply delivered by conserving green space or not altering the Green Belt. The Framework at Para 84 is not repeated here, but it is fundamental to the argument whether retaining Green Belt boundaries amounts to sustainable development. It clearly does not.

In addition, the 'environmental role' includes other objectives which are equally relevant in the case of extensions to Bath. These include helping to improve biodiversity, prudent use of natural resources, minimise pollution, mitigate and adapt to climate change and moving to a low carbon economy. All of these matters need to be balanced, positive or negative, against alternatives, including the use of the river corridor or the option of not providing for sufficient housing, when assessing the suitability of green field, Green Belt locations.

The Framework makes clear that 'these roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the

planning system.' (Para 8)

This is at the heart of this Framework but it is not 'the golden thread running through both plan-making and decision-taking' in BANES or in the dCS.

The Inspector should therefore conclude that Council's application of the Framework in this dCS is unsound. He should recommend that the Council revise its approach in the dCS to meet with the objectives set out in the Ministerial Foreword and the principles and policy requirements of the Framework, in particular, but not exclusively Paras 14, 47 and 80-85. These represent the most significant issues, any one of which, HFT concludes will result in the dCS being unsound against new national guidance.

3. Summary of actions requested by HFT of the Inspector:

3.1 The Inspector should find the dCS unsound and make the following recommendations to ensure that the plan addresses the spatial implications of economic, social and environmental change over a 15 Year time horizon and take account of longer term requirements.

3.2 The Inspector should recommend to the Council to:

1. address the fundamental changes that arise from the Framework within an amended core strategy document, including all the matters set out below.
2. return the local plan process back to the preparation stage of the core strategy and
3. involve a widespread consultation with the public and business.

3.3 The Inspector should recommend to the Council that they must address the significant outstanding objections, together with the requirements of the Framework, through a new preparation stage to the plan referred to above.

3.4 The Inspector will need to consider the relevance of regional evidence provided earlier in the process and the weight to be given to it in assessing the soundness of the plan in the light of the constraints imposed by the Council upon housing and business growth, especially at Bath (Paras 159, 160). In determining whether evidence is objectively assessed, the Inspector can now have regard to the evidence base drawn from the work on regional

strategies, when making recommendations to the Council.

3.5 The Inspector should recommend to the Council to review the evidence base having regard to the points raised above, including the duty to cooperate, prepare a SHMA and to work together with the LEP to prepare the robust evidence base for economic growth.

3.6 In producing its SHMA and in addressing the consequences of this Framework, the Inspector should recommend that BANES should cooperate fully with Mendip and Wiltshire immediately.

3.7 The Inspector should recommend that the Council address immediately an objective assessment to meet the housing needs in full having regard to the Framework.

3.8 The Inspector should recommend that the dCS must demonstrate a 20% buffer alongside its 5 Year Housing Supply, because of persistent undersupply of housing.

3.9 The Inspector should recommend to the Council the scale of 'deliverable housing' that needs to be demonstrated to achieve the 5 Year Housing Supply, to bring the plan up to date and to be sound. That is to say:

The Council must demonstrate a supply of deliverable homes to achieve:

A 5 Year Housing Supply;

A 20 % Buffer; and

The clearance of the backlog and the shortfall.

(These figures are shown in blue on SOCG BNES32*).

Because of the persistent undersupply, the Inspector should recommend the backlog and the shortfall should be met as quickly as possible, in order to bring the housing supply up to date. This backlog and shortfall should therefore also be met in the 5 Year Supply.

Where the plan fails to meet this requirement, it will not be up to date and should be² found unsound.

3.10 The Inspector should recommend that the Council must determine the scale of student housing need, including the impact of the substantive growth at both universities over the last decade

² * The 5 Year Supply assumes the Council's technical requirement not the housing supply figures recommended by HFT, which are greater

and the actual housing provision that has been made during this period, including on-campus provision, when undertaking their objective assessment of housing need.

3.11 The Inspector should recommend a review of the evidence on the viability of major strategic locations proposed in the dCS in the light of infrastructure costs, affordable housing provision and the requirements of the Framework (Para 174-177). Evidence from CIL should be assessed alongside this to ensure the planned growth is deliverable and/or developable, as required through Para 47.

3.12 The Inspector should now provide clear recommendations to the Council, following NPPF, to gather and publish further evidence so that he is in a position to understand:

1. the scale of the need for sustainable development including meeting in full, all forms of housing,
2. the means by which such housing can be delivered, including at strategic locations through redefining Green Belt Boundaries and
3. whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Failure to address this matter now would make the dCS not in accordance with national policy and therefore unsound.

3.13 The Inspector should therefore conclude that Council's application of the Framework in this dCS is unsound. He should recommend that the Council revise its approach in the dCS to meet with the objectives set out in the Ministerial Foreword and the principles and policy requirements of the Framework, in particular, but not exclusively Paras 14, 47 and 80-85. These represent the most significant issues, any one of which, HFT concludes, will result in the dCS being unsound against new national guidance.