

**B&NES Core Strategy Examination**  
**248: RPS on behalf of Crest Strategic Projects and Key Properties**

**17 September 2013 Hearing: The Scope of the Strategic Housing Market Assessment**  
**Response to BNS/45**

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- 1) BNS/45 is a lengthy response to the Inspector's questions and as a consequence an equally lengthy 'rebuttal' could be provided. RPS has considered the appropriateness of such an approach and concluded that the paper has done little to change the nature of its submitted representations to date. To that end, this response seeks only to focus on new matters that B&NES has raised in its response.
  
- 2) B&NES now seems to want to distance itself from the West of England (WofE) SHMA work, content as it is with its district-only study. The exercise to establish the geographic extent of the WofE SHMA is yet to be undertaken but based on the published material to date it is reasonable to assume that given the constitution of the WofE it will take the four unitary authorities as the starting point (and consider the outlying authorities). B&NES no longer sees the WofE as a suitable SHMA area despite the historic association with the former Avon County/Structure Plan, RSS and 2009 SHMA work. Fundamentally the WofE SHMA is not a Bristol SHMA, it is for the sub-region. It may well be that the WofE identifies two or more HMAs in the sub-region; Bristol and Bath are not the only significant urban areas, and Weston-super-Mare, Yate, Nailsea, Thornbury and others all have their own significant spheres of influence. If however the WofE follows the B&NES approach in determining a 'best fit' based on LPA boundaries, then there is an inevitability that B&NES will have to be rolled into the process given that it is so clearly split 'down the middle'. It should not be beyond the wit of the authors or scope of the study that the influences and spatial implications of all of the key centres in the WofE are properly assessed. In essence it ought to represent the ultimate in 'gold standard' SHMAs for a sub-region as complex as this; there is no need to consider the appropriateness of any silver standard approach.
  
- 3) There is an acknowledgement that there are two HMAs affecting B&NES and that 'plainly there is a functional link between part of B&NES and Bristol<sup>1</sup>'. Key to the justification of the silver 'best fit' solution is that 80% of the B&NES population falls within the Bath HMA. Whilst the facts are not in doubt, the use of such a crude statistic to determine the best fit is ill conceived. It is little wonder that only 20% of the population lives in the Bristol HMA area given that, Keynsham aside, it is a predominantly rural part of the District protected from growth in no small measure by the Green Belt. To assume (and in effect to plan for) status quo, without any consideration of any evidence or appreciation of the needs of the Bristol HMA is a wholly inadequate basis to proceed. Certainly it does not provide sufficient evidence that a B&NES only SHMA is a robust and transparent means of planning for growth across the two HMA areas. 80% of the population live in the half of the district that falls within the Bath HMA. It does not mean that '80% of B&NES is an undeniably separate HMA'.<sup>2</sup>
  
- 4) RPS does not consider it to be an impossible concept for any LPA that is so clearly split down the middle in terms of two HMAs has to resort to a silver standard best fit. The CS should not proceed on the basis of an HMA that only accounts for half the district. If B&NES is adamant that the Bath HMA does not form part of the West of England HMA then it must either wait for

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<sup>1</sup> BNS/45 paragraph 25(h)

<sup>2</sup> BNS/45 paragraph 24(e)

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that HMA to be complete to progress an appropriate spatial strategy or to (preferably) roll into that process and accept its role within the sub-region.

- 5) Paragraph 16 of BNS/45 identifies that wider geographical issues are not ignored and that cross boundary issues are taken into account in plan-making through joint working and the duty to cooperate 'as has been done here'. There is no evidence of joint working and the duty to cooperate has plainly not been engaged as this CS has no regard to the Bristol HMA.
- 6) RPS does not accept that B&NES has a clear understanding of 'the needs of its area'. Its area includes a significant proportion of land within the Bristol HMA that it has ignored. The failings transcend the Core Strategy and in particular the spatial strategy. The WofE SHMA is the only practicable means of assessing the sub-region and ensuring that each unitary authority understands the context for its area and to plan accordingly. RPS understands that the purpose and intention of setting a 12 month suspension was to ensure that the outputs would reflect a new WofE SHMA; there is nothing to suggest that 12 months was not a perfectly reasonable period in which this work could be completed.
- 7) It is a matter between B&NES and the Inspector to resolve the terms of ID/28 and BNS/39. If there was any doubt as to the Inspector's expectations in ID/28 then B&NES should be left in no doubt after reading paragraph 10 of ID/32. The penultimate paragraph of BNS/39<sup>3</sup> is regrettably easy to misinterpret. One might reasonably assume that pursuing the approach that was set out would result in a gold standard SHMA being produced that involved complete cooperation between the LPAs. The Inspector and no doubt most participants were fully appreciative of the scale of the task, but as the Inspector has made clear it should not have been avoided.<sup>4</sup> The 12 month period was an unprecedented length of suspension to reflect the scale of the task envisaged. The fact that the other LPAs were not prepared to cooperate should have been reported to PINS early in the suspension period and much of the unnecessary time spent on this exercise and costs incurred could have been avoided. Moreover, the ambivalence to the B&NES position rather points towards any lack of drive to review the respective Core Strategies in a timely manner.
- 8) Despite the Inspector providing clarity on the matter, BNS/45 continually refers to the 'no unmet needs arising from Bristol' mantra. BNS/45<sup>5</sup> claims that 'there was no cross boundary identification of a wider Bristol HMA need to be met in B&NES'. This is a fundamentally incorrect interpretation of the position. The Bristol City CS deals with the Bristol City administrative boundary; it is not a CS that responds to the Bristol HMA. It has little value to this B&NES CS process; it was prepared pre-NPPF and the issues that B&NES is now having to wrestle with would apply equally to Bristol City if that CS was being examined today.
- 9) One of the Inspector's key tests for progressing the examination is whether he is persuaded that this Plan is so essential in its present form for achieving other positive planning outcomes as to outweigh this lack of compliance<sup>6</sup>. B&NES (notwithstanding its position that the plan is sound) asserts that it must proceed because development in less sustainable locations will be targeted. If the locations are not sustainable then the presumption in favour plainly does not apply and the Council can defend decisions to refuse with confidence. Any applications for

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<sup>3</sup> BNS/45 paragraph 46

<sup>4</sup> ID/32 paragraph 10

<sup>5</sup> BNS/45 paragraph 49, also paragraph 88

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development that the Council does not support in the Green Belt are not likely to be forthcoming given the sentiment expressed in the 1 July 2013 Ministerial Statement.

- 10) For the reasons set out in RPS's original statement, the constraint on Green Belt releases ought only to apply to sites that the Council is keen to resist. Where there is support from the Council the SoS is unlikely to overturn the decision. The CS does not progress the urban extension sites to any useful degree to aid their delivery. They remain in the Green Belt until such time as the Placemaking Plan resolves the issue; in most respects the capacity at the urban extensions is greater than that 'allocated' so there is plenty of doubt as to where development parcels will be released. The Placemaking Plan insofar as it relates to the urban extension sites is in its infancy and it is clear from the strength of local objections that there is a long way to go before applications can be submitted with confidence. The fact that this process is years away from resolution means that no interests are prejudiced if this CS is withdrawn and a new LP prepared.
- 11) It is important to consider the 'risk' associated with adopting a flawed CS in order that B&NES can lay claim to an adopted development plan. There is no commitment to a review; even if this were laid down in policy it does not mean that B&NES will act responsibly. The CS will run to 2028 and there is no requirement to respond in any reasonable timeframe. B&NES will take on an 'observatory/participative' role in the preparation of the WofE SHMA which rather points towards an immediate distancing from it. Will B&NES respond positively when Bristol City and the other WofE authorities look to pursue the duty to cooperate? There is no incentive for B&NES to do so, much like there is little incentive currently for Bristol City to engage. In any event, as the Inspector has stated an immediate review is not contemplated by the NPPF so this CS cannot proceed on this basis<sup>7</sup>.
- 12) Of course, there are wider issues than just the SHMA context that affect the appropriateness of an immediate review, the need to establish long term Green Belt boundaries being one such example. BNS/45 refers to the fact that the need to review (the plan and Green Belt boundaries) is an inevitable consequence of the duty to cooperate. Plainly it would not be an 'inevitable consequence' if the duty to cooperate had been engaged in the first instance. B&NES would not have to be in a position to unilaterally decide whether urban extensions on the edge of Bristol are appropriate if the duty to cooperate had been engaged. The fact that it hasn't renders the plan unsound; an unsatisfactory interim position that could endure in the long term fails all the necessary tests of soundness. B&NES suggests there is very little to be gained from withdrawing the plan; on the contrary to adopt the plan will result in a failure to be able to plan strategically across boundaries for more than just the foreseeable future.

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<sup>6</sup> ID/28 paragraph 1.36

<sup>7</sup> ID/28 paragraph 1.36