

BATH AND NORTH EAST SOMERSET CORE STRATEGY EXAMINATION**INSPECTOR'S RESPONSE TO REQUEST FOR SUSPENSION**

I refer to the Council's letter of 12 July 2012 requesting a suspension of the Examination in order to undertake the necessary additional work in the light of my preliminary conclusions in ID28. I am conscious of the difficulties faced by the Council.

The suggested timetable would result in a suspension from now until around June 2013 with anticipated further hearings in July 2013. Given the likely scope of the work required (involving cross border discussions and revised Sustainability Appraisal) such a timetable is probably the shortest that can be envisaged. But it could easily slip if the re-assessment of the housing requirement indicates that a significant change of strategy should be considered. In addition, I cannot guarantee my availability to conduct hearings in July 2013 as the Planning Inspectorate will need to ensure that my time is used effectively in the interim, which may have implications for when I am available to resume work on this Examination.

The requested length of suspension is much longer than the 6 months envisaged in the Planning Inspectorate's *Examining Development Plan Documents: Procedure Guidance* (August 2009). And the Examination has already been suspended once in 2011. But that publication is only advice and could not have envisaged the circumstance created by the significant changes to the planning system which have been introduced over the past 2 years. Given that the Council has specifically requested that I recommend modifications to make the plan sound, I am not able to formally recommend that the plan be withdrawn. Nevertheless, I consider that withdrawal would be the preferable approach so as to avoid a very protracted Examination which can make it harder for the public and existing participants to engage effectively with the process. Whilst I accept the Council's request for a suspension, I would ask the Council to keep under review the possibility of withdrawal, bearing in mind the concerns that I have previously expressed on the matter.

The Council needs to be aware that with such a lengthy suspension existing evidence may become out of date. The Council should ensure that updated evidence is published alongside any consultation on proposed changes. An example would be the latest position in relation to the delivery of the major brownfield sites and progress overcoming key constraints such as the Windsor Road gas holder and the Bath upstream flood compensation scheme, the sale of the Bath MOD sites and so on. Whilst an updated SHLAA would show the latest delivery projections for such major sites, it will be important for the Council to explain carefully the reasons for any updating.

The Council also needs to bear in mind that when I am eventually in a position to recommend main modifications to make the plan sound, those modifications will be expressed as changes to the submitted plan. I will

not want such changes to be expressed as changes to earlier changes. Even though a policy or paragraph in the plan may have been the subject of a series of suggested changes over the life of the Examination, a single main modification should cover all the necessary changes to a policy (if that policy is relatively short) or to a main section of a policy (for the longer policies) and similarly should cover all the changes to a particular paragraph. For when the Examination resumes, the Council should prepare for my use a draft schedule of main modifications along these lines. The schedule should include a column to indicate the origin of each modification by reference to the schedules of published changes. Such a schedule should be in Word format and enable the text to be amended and modifications to be added or removed.

As previously indicated, I will produce a short note (within the next 4 weeks) indicating what other policies in the plan I currently consider unsound and in need of modification. The Council can then include appropriate changes when it re-consults on other matters. However, when I eventually come to write my report there may have been changes in circumstances which result in a different outcome or in further unsoundness being identified. During the suspension, the Council must be alert to whether changes of circumstances result in any other policies becoming unsound and include an appropriate change in any consultation.

Once I have completed the further short note referred to above, I will suspend the Examination until at least June 2013. I will then have no further involvement with the plan until the Examination resumes. The Council should however keep me informed (via the Programme Officer) of progress. In particular, please let me know the dates of any consultation on changes/updated evidence and the date when the Council is intending to consider the responses to that consultation.

Simon Emerson
Inspector
17 July 2012