



**BATH AND NORTH EAST SOMERSET CORE
STRATEGY EXAMINATION**

INSPECTOR'S NOTE ID/27

**RESPONSE ON THE
IMPLICATIONS OF THE NPPF
ON BEHALF OF J S BLOOR Ltd**

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CONTENTS:

	Page No:
1. INTRODUCTION	1
2. NATIONAL PLANNING POLICY FRAMEWORK (NPPF)	2
Whether the NPPF significantly changes national policy in relation to the approach to assessing the housing requirement in a Local Plan.	2
Planning Strategically across local boundaries	4
Timescale	6
Whether the new requirement for a 20% buffer in the 5 year land supply where there has been a record of persistent under delivery (NPPF, paragraph 47, 2 nd bullet) should apply to Bath and North East Somerset (in the light of the evidence already submitted on past performance).	7
3. CONCLUSIONS	11

1. INTRODUCTION

- 1.1 The National Planning Policy Framework was published on 27th March 2012 together with Technical Guidance which includes further guidance in relation to flood risk, among other matters.
- 1.2 This response is produced on behalf of Bloor Homes in response to the Inspector's invitation to comment on whether the NPPF materially changes national policy compared with the previous government policy in so far as it is relevant to the soundness of the Core Strategy and the main issues identified for Examination.
- 1.3 Bloor Homes consider that the submitted Core Strategy is unsound with regard to the NPPF and the following paragraphs outline the justification for this conclusion.

2. NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

Whether the NPPF significantly changes national policy in relation to the approach to assessing the housing requirement in a Local Plan.

2.1 Paragraph 152 of the NPPF states that,

“Local Planning Authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, net gains across all three. Significant adverse impacts on any of these dimensions should be avoided.”

2.2 Pegasus Planning Group have previously stated in Hearing Statements in response to Issues 1 and 2 that it is clear that the housing targets of the Submitted Core Strategy have been based on proposing no change to the Green Belt rather than on any proper assessment of housing requirement based on demographically based calculations arising from the ONS data. Pegasus Planning Group for reasons outlined in Hearing Statements 1, 2 and 3 consider that the Council has not “properly grappled with the planning balance”¹ The Council has chosen to attach a disproportionate importance to minimising impacts on the environment at the expense of the economic and social objectives as now set out in the NPPF. In accordance with the NPPF there should be net gains across all three dimensions.

2.3 Following the Government’s announcement in May 2010 to abolish RSS the Council changed its approach to the Core Strategy and in December 2010 the Council agreed to prepare a revised spatial plan based on up-to-date evidence instead of the regional housing targets. The Cabinet Report stated that the Core Strategy retains the Green Belt and no changes are proposed to the general extent of the Green Belt, either extensions or deletions. The Council claimed that they had undertaken a Green Belt review, but that any roll back was unnecessary; however there are, as Pegasus Planning Group have demonstrated in previous Hearing Statements, clear housing needs which have not been met and these constitute very special circumstances to Green Belt relaxation. (see our response to Hearing Statement on compliance with Statutory and Regulatory Matters 13th December 2011).

2.4 Since December 2010 the Council has treated the environmental constraints of the plan making process as inviolate and has done nothing to identify potential spatial options for growth by reviewing the Green Belt and other environmental constraints to see if these constraints are still necessary and appropriate. The role of the Green

¹ BANES 26 Housing Technical Requirement, Planned Provision and Flexibility – January 2012

Belt and environmental constraints have not been treated equally with the need to provide housing to meet housing needs and support economic growth. This point is further demonstrated as the housing requirement does not reflect the LEP strategy (see Pegasus Planning Group comments of 20th February 2012 in respect of BNES 26)

- 2.5 The Core Strategy therefore does not embrace the growth agenda as set out in paragraph 7 of the NPPF and the economic element of sustainable development. Paragraph 8 of the NPPF clearly states that the economic role, social role and environmental role of the planning system should not be undertaken in isolation, because they are mutually dependent.

“...to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.”

- 2.6 The approach to assessing the housing requirement is set out in paragraphs 156, 157, 158 and 159 of the NPPF which continue the approach in PPS 3 paragraphs 32 and 33.
- 2.7 The West of England SHMA is not in accordance with the NPPF paragraph 159 as the purpose of the SHMA should be to assess the full housing market needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The West of England SHMA does not objectively assess housing need across all tenures, it only assesses the need for affordable housing and not market need.
- 2.8 The Council's assessment of housing need does not comply with the NPPF paragraph 14 which states that local planning authorities should “positively seek opportunities to meet development needs of their area”, and “should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change”. The Council's land supply is acknowledged to be tight and consequently there is no flexibility to adapt to change. The shortage of housing provision in the Core Strategy means that the strategy is fundamentally unsound without a proper review of the Green Belt to investigate opportunities to meet strategic and local housing needs. Postponing addressing the issues to an early review will not address the unsoundness of the Core Strategy and is in direct conflict with the NPPF paragraphs 17 (first bullet point), 159 and 212- 215.

2.9 It follows from the foregoing comments that the Core Strategy is not compliant with the NPPF in respect of its overall housing provision; it has failed to make provision for its own unmet need even based on its own inaccurate housing requirement of only 12,100 dwellings. Paragraph 157 states that “Crucially, Local Plans should:

“Plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this framework;

be drawn up over an appropriate timescale, preferably 15 year time horizon, take account of longer term requirements, and be kept up to date;

be based on co-operation with neighbouring authorities, public, voluntary and private sector organisations;”

2.10 On all of these points the BANES Core Strategy fails the NPPF tests; it does not plan positively to meet housing needs. Although it is drawn up to cover the period 2006 – 2026, if adopted this year it will only provide for 14 years. Importantly it does not take account of longer term requirements and its failure to do this is acknowledged by the inclusion of a policy requiring an early review (BNES 24). Furthermore, it is not based on co-operation with neighbouring authorities as the strategic housing needs across the West of England have not been examined. At best the SHMA only considers the affordable housing needs. Furthermore the Core Strategy does not make provision for any safeguarded land in accordance with paragraph 85 of the NPPF.

2.11 The housing requirement is a figure based on a constrained capacity rather than meeting the objectively assessed housing needs. It also fails to make provision for the backlog of under provision in the Local Plan (BNES 26 paragraph 2.2).

Planning Strategically across local boundaries

2.12 The NPPF sets out in paragraphs 178 – 181 how planning strategically across local boundaries should be addressed in the preparation of Local Plans. This has been discussed at early sessions of the Examination and it is clear that this Duty to Co-operate included in the Localism Act was included as a result of the intended abolition of the RSSs. The Impact Assessment of the Abolition of the Regional Planning Tier and the introduction of the Duty to Co-operate² clearly states that the Government is bring forward the duty to cooperate in the Localism Bill in recognition

² DCLG January 2011

of the need for co-ordination at a spatial level higher than individual local planning authorities.

2.13 Paragraph 179 clearly states that local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual Local Plans.

2.14 From the evidence submitted to the Examination by BANES there is no substantive evidence to demonstrate that the cross boundary issues have been addressed. The Council's response to the housing provision has been that:-

“In short the Council has made provision for the majority of housing needed in a highly restrained environment and an early review will enable a co-ordinated consideration of the changing needs.” Para 3.4 BANES 26

2.15 This acknowledges that no co-ordination has occurred certainly since the authority decided to depart from the RSS housing provision. It is clear that the duty to co-operate is seen by central Government as an integral part of the forward planning process and that the Core Strategy needs to be consistent with the principles and policies set out in the NPPF, including the presumption in favour of development.

2.16 As has been demonstrated in previous Hearing Statements, Pegasus Planning Group considers that the submitted Core Strategy is not consistent with Government policy. Pegasus Planning Group does not accept the Council's claim that the Core Strategy is robust and their assessment of the housing technical need.

2.17 The Council has failed to comply with paragraphs 17, 157 and 178 – 182. This is a core planning principle of the NPPF. Paragraph 179 specifically states:

“Joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas, for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of this Framework. As part of this process they should consider producing policies on strategic matter and informal strategies such as joint infrastructure and investment plans.”

2.18 Pegasus Planning Group consider that the level of co-operation has not been substantive and has not sought to address issues which cross administrative boundaries as set out in the advice associated with the Localism Act and in the NPPF. There has been no clear assessment of the needs of the wider Bristol and

Bath market to examine whether these have been met either with BANES or within the wider West of England Partnership area. Each of the Core Strategies within the West of England have been amended to reduced the overall housing provision and limit any review of the Green Belt boundaries (as previously anticipated in the Proposed Changes to the Draft RSS). This was a deliberate decision which was taken without any assessment of overall housing needs across the sub-region or with any assessment of the impact on housing affordability

- 2.19 BANES has not been able to demonstrate an evidence of having effectively co-operated to plan for issues with cross boundary impacts as set out in paragraph 181 of the NPPF, e.g. the West of England Partnership Board in 2009/2010 had set out Priority for Actions for the preparation of sub-regional SHLAAS and developing proposals for the location and phasing of new housing. In 2010/2011 the housing Priority Actions included concluding a sub regional SPD, including a 5 Year land supply trajectory. By February 2011 the WEP priorities still contained the priority of preparing a Joint Supplementary Planning Document to support the delivery of the Council's Core Strategies; this included removing barriers to growth in the priority growth locations, focussing investment and development of homes and jobs at these locations, and encouraging collaborative working between the authorities and the development industry. However, the idea of preparing a joint SPD which had a sub regional housing trajectory was abandoned in March 2011 and the document has never been completed
- 2.20 It is clear that the BANES Core Strategy fails to comply with the NPPF in terms of planning strategically across local authorities for the reasons outlined above.

Timescale

- 2.21 The Local Plan needs to be drawn up over an appropriate time scale, preferable 15 years. The BANES Core Strategy if adopted this year would not have a timescale of 15 years as the plan period is 2006 – 2026; it is therefore not compliant with the NPPF in this respect.
- 2.22 Paragraph 208 states that the policies in NPPF apply from the day of publication. Paragraph 212 states that the policies contained in the Framework are material considerations which local planning authorities should take into account from the day of its publication. The Framework must also be taken into account in the preparation of plans.

2.23 Importantly the NPPF goes on to state that plans may need to be revised to take into account the policies in this Framework and that this should be progressed as quickly as possible. Local Planning Authorities have twelve months from the date of the publication of the NPPF to prepare a Plan which is consistent with the NPPF. In which case, to suggest an early review (in BANES BNES 26 paragraph 3.4) or review in 5 years time as has been included in both the Bristol Core Strategy and the North Somerset Core Strategy Examination Inspector's Reports is not an acceptable way forward. BANES Core Strategy should be amended so that it is compliant with the NPPF.

Whether the new requirement for a 20% buffer in the 5 year land supply where there has been a record of persistent under delivery (NPPF, paragraph 47, 2nd bullet) should apply to Bath and North East Somerset (in the light of the evidence already submitted on past performance).

2.24 The NPPF states the supply of housing should be boosted significantly. Paragraph 47 first bullet point states the Local Plan should meet the full and objectively assessed needs for market and affordable housing in the housing market area. Secondly, in all cases local planning authorities are to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land.

2.25 BANES track record of housing completions against the adopted Local Plan shows that there has been a persistent under delivery. Only in 4 years out of the 15 year plan period has the annual housing requirement been met. The Council acknowledge in the Annual Monitoring Report 2010/2011 that

**“The delivery of housing is significantly behind the rate needed to achieve the requirement of the Local Plan period.”
(page 23).**

2.26 Only 86% of the Local Plan target will have been achieved, because the two largest sties allocated for residential development in the Local Plan ie Western Riverside (450 – 600 units) by 2011 and K2 south west Keynsham (500 units) by 2011 these units have not come forward as anticipated and the reasons given are the collapse in the housing market, and delays in obtaining external funding for Bath Western Riverside and access issues for South West Keynsham. At the end of 2009/2010 the Local Plan had delivered at an annual rate of 382 dwellings, compared with the intended rate of 457 dwellings per annum.

2.27 There are two points here which are relevant to the consideration of a 20% buffer, firstly the evidence of persistent under delivery during the local plan period and secondly the reliance on brownfield sites which has exacerbated the under performance as such sites are inherently more difficult to bring forward. The Core Strategy is seeking to replicate the strategy of the Local Plan, and the shortfall in house building will be compounded by such a strategy.

2.28 An assessment of the housing delivery over the 15 year plan period is sufficient time to examine the housing performance and take into account the affect of the economy. It can be concluded that on the basis on the evidence submitted and by the Councils own admission in the Council report of 13th September, that they do not have a good track record on housing delivery³.

“It is acknowledged that some of the points made by the Inspector in para 1.1 above are valid and there is limited scope to react if development does not progress as planned. In particular, it is recognised that:

- housing land supply is tight: the Core Strategy plans for 11,000 dwellings to 2026 and although the housing Land Availability Assessment (SHLAA) identifies 11,200 dwellings, the likely requirement is just over 11,000 dwellings.

- the District does not have a good track record on housing delivery. For instance there was a shortfall of 1,000 dwellings during the Local Plan period for which the District is not seeking to address. Whilst the Council is improving its delivery mechanisms, a significant proportion of the housing supply is on brownfield sites which are recognised as being difficult to bring forward.

2.29 In this context the report to the Council's Planning, Transport and Environment Policy Development and Scrutiny Panel outlined the need to identify a contingency of 10% of the overall housing requirement.

2.30 The SHLAA Report has already demonstrated that the housing trajectory shows that the delivery during the first five years has fallen behind by 763 units ie over 25% of the Council's estimated requirement.

2.31 As the Examination has progressed the Council have proposed a minor increase to the overall housing requirement (BNES 26 sets out the Council's proposed change to

³ BANES Planning, Transport and Environment Policy, Development and Scrutiny Panel 13th September 2011
Annex A paragraph A1.8
BANES Full Council meeting of 15th September 2011

the Core Strategy to take the housing provision to 11,500 in the light of the revised approach to student accommodation and the actual capacity shown in the SHLAA.) Paragraph 2.1 states that the housing land supply in the SHLAA is now 11,200 and not 11,000, an extra 200 units over those assumed in the plan.

- 2.32 Pegasus Planning Group has objected to BNES 26 as set out in its report of 20th February 2012.
- 2.33 Pegasus Planning Group consider that there is sufficient evidence of persistent under delivery to justify a 20% increase in the five year land supply, even based on the Council's own housing requirement.
- 2.34 The need to make provision for an additional 20% has significant implications for the overall housing supply. The Council have already acknowledged that the housing land supply is tight based on their housing requirement, there is already a slippage in terms of completions all of which is compounded by the fact that a significant proportion of the SHLAA sites are brownfield and are inherently more difficult to bring forward (as noted in the SHLAA). Furthermore they have also acknowledged that there is limited scope to react if development does not progress as planned e.g. if brownfield sites are delivered more slowly or have less capacity than planned.
- 2.35 Therefore, as we have previously indicated in our response to Issue 2 that even on the basis of the Council's own housing figures there is the risk of not meeting housing needs and therefore exacerbating the affordable housing needs and affecting economic growth (which the Council itself has acknowledged in paragraph A1.5 of the Council Report 13th September 2011). Pegasus Planning Group concluded in response to Issue 2 that even on the basis of the Council's own housing requirement, which was as submitted in the Core Strategy, 11,000 dwellings that there was insufficient flexibility to accommodate the reduced rate of growth compared to that based on the ONS Population Projections.
- 2.36 Given the above background it is clear that the consequences of requiring another 20% means that 6 years worth of land needs to be made available in 5 years; this would place the Council in severe difficulty in meeting housing needs. Table 1 below illustrates the affect of the 20% buffer.

Table 1: Assessment of BANES housing land supply

	Core Strategy Housing Requirement Proposed Change 11,500 dwellings	Additional 20% buffer
Projected backlog against the Local Plan	1,146	
LP requirement 2011 Year 1of housing land supply	1,146	1,146
Total requirement for 2011 - 2016	$1,146 + (4 \times 575) = 3,446$	20% of 3,446 = 689 Housing requirement = 689 $+3,446 = 4,135$
Annual five year requirement	689	$4,135 / 5 = 827$
Five year Supply LPA*	3,662	3,662
Number of yrs supply	5.3 yrs	4.4yrs

* BANES SHLAA Report of Findings May 2011

2.37 This leads to the conclusion that the Core Strategy should be revised in order to make appropriate provision to meet housing needs and maintain a 5 year land supply, even based on the Council's housing requirement, which in our view is insufficient to meet the housing needs of BANES (as has been set out in response to Issue 1). The above justifies the need for a review of the Green Belt in order to make provision for sustainable development to meet housing needs for the plan period.

3. CONCLUSIONS

- 3.1 Pegasus Planning Group considers that the BANES Core Strategy is not compliant with the NPPF. Pegasus Planning Group maintains the view that the Core Strategy is fundamentally unsound and that this is compounded further by the NPPF and in particular the requirement to boost significantly the supply of housing as set out in paragraph 47. Evidence shows that there is persistent under deliver and consequently an allowance of 20% should be made. The land supply is tight as the Council have acknowledged, and with the requirement for a 20% buffer it is clear that the Council cannot maintain a 5 year housing land supply. Pegasus Planning Group in response to Issue 2 question 3.2 has already commented on the assessment of windfalls.
- 3.2 The Core Strategy is fundamentally unsound without a proper review of the Green Belt to investigate the opportunities to meet strategic and local housing needs. Postponing addressing the issues to an early review will not address the issues of unsoundness of the Core Strategy and is not consistent with the NPPF.