

## **B&NES CORE STRATEGY EXAMINATION: implications arising from the NPPF**

The HBF considers that the submitted core strategy is unsound with regard to the Framework (NPPF). It is unsound in a number of fundamental respects.

### **Housing requirement**

1. The housing requirement in the Council's core strategy (CS) is predicated upon assuming that existing and established environmental constraints are fixed and must remain inviolable over the remaining 14 years of the plan (i.e. 2012-26). To our mind this does not discharge the Council from its responsibility to make every effort to meet its assessed housing need. Paragraph 152 of the Framework places a duty on the Council to achieve each of the economic, social and environmental dimensions of sustainable development and "*net gains across all three. Significant adverse impacts on any of these dimensions should be avoided*". The CS does not do this. It has treated environmental constraints from the outset 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 in view of the social and economic challenges. The impact of citing environmental constraints upon the economic ambitions of the LEP and the impact upon housing supply is, nevertheless, very significant. The Council has chosen to attach a disproportionate importance to minimising impacts on the environment at the expense of economic and social objectives. It has not reached this decision by reasoned examination of the possible options available, and whether this is still a legitimate strategy, but treats these limits as fixed from the outset.
2. The Council is also clearly planning for recession. Its housing requirement is informed by a lower level of projected growth than that which is proposed by the LEP and what is reflected in the 2008 based household projections. It has chosen to dampen the SHMA projected housing requirement by using an earlier set of household projections which reflect lower levels of migration, despite recent evidence demonstrating that in-migration into the UK and into the Region is not declining. The Council has flagged-up with some enthusiasm rising levels of unemployment in the district as a reason why it does not need to plan for a higher level of housing, ignoring the question that while constraints on mortgage lending and unemployment might lead to a decline in levels of owner occupation in the district this does not necessarily translate into a fall in the objective need for housing overall, merely that it is

likely that the district will experience a shift in tenure patterns. The Council's CS does not embrace the economic component of the sustainable development agenda and the Government's wider planning for growth agenda. The expectation of Government that planning has a central role in facilitating growth is articulated clearly in the Ministerial foreword to the Framework and in paragraph 7. Paragraph 8 of the Framework also states that these three roles should not be undertaken in isolation as they are mutually inter-dependent. It goes on to state that "*Economic growth can secure higher social and environmental standards*".

3. Economic forces are not immutable. They are susceptible to policy interventions including those adopted by public sector planners. If the economy was not susceptible to such manipulation then why bother with planning at all? The Government does not agree with the more fatalistic prognosis that is being assumed by B&NES. It sees planning and other policy interventions exerting a decisive influence and reversing the decline in housebuilding over the past twenty years (in the same way that we have adopted 'challenging' climate change policies in order to alter the general course of events in that sphere). History demonstrates that this is the case. For example, the 1947 planning system assisted the UK's post-war reconstruction and provided new housing through the New and Expanded Towns programmes. A more positive planning vision that recognises B&NES role as a complementary part of the Bristol city region and West of England enterprise area could reverse the current downward trend in jobs and growth. It smacks of bad faith for the Council to abdicate responsibility for housing supply on the one-hand, while in the same plan it piles-on policy demands in order to secure other objectives through planning.
4. The SHMA also does not reflect the requirements of the NPPF in paragraph 47 (nor PPS3 for that matter) for an objectively assessed housing need. The West of England SHMA only assesses the need for affordable housing, not market need in addition to this. It does not comply with this elementary requirement of a SHMA. The Council's evidence base is flawed and the resulting plan cannot be considered sound. The Council's own housing assessment paper does not satisfy the provisions of the NPPF to come up with an objectively assessed need. Planning positively to meet the objectively assessed need is a very important provision of the Framework. This is referenced in paragraphs 14, 17 (core planning principles), 47 and 159. The extent to which the Council has planned positively and has endeavoured to accommodate its objectively assessed need, before concluding that there are practical barriers that will prevent it from doing so, is a test of the soundness of Local Plans (para. 182).
5. *Post facto*, the Council has decided to add student housing completions to its tally of completions in order to reduce making new land allocations. If

student housing is going to constitute a component of the overall housing requirement the Council has failed to carry out an objective assessment of what the student housing need is over the plan period despite it being a requirement of the Framework to assess what the need is. Furthermore, as we have stated previously in our response to BNES 25 we are unclear why student accommodation built in the ten years between 1996 and 2006 should count towards reducing the Local Plan backlog, since the Local Plan begins in 2006. Only student housing built since 2006 should be counted towards meeting the total housing requirement.

6. The Council has failed to make provision through cooperation with other local authorities for its own unmet need. Its technical housing requirement is for 12,100 homes (8,700 jobs x 1.39 = a technical housing requirement of 12,100) yet it is planning for only 11,000. Its housing target is a capacity constrained figure that does not meet its own technical housing requirement. If B&NES is unable to accommodate its own need through its proposed plan, then who will? The B&NES plan, therefore, not only ignores the assessed level of affordable housing need in the SHMA, but it also fails to meet its own technical assessed housing need.
7. Planning only to build a sufficient number of homes to link with a projected number of jobs is not complaint with the Framework as an acceptable methodology for assessing the district's housing need. The Council has to come up with an objective assessment of its housing need, not limit this need by imposing what amounts to an occupancy condition that it has no legal authority to insist upon. It cannot allow only those with jobs to live in the new homes built. It has no authority to insist on this. It also has no way of controlling the occupancy of homes and therefore has no way of assessing whether this is an effective housing policy. Should it transpire that some or many of the occupiers of the new homes that are built in Bath are in fact working in Bristol or elsewhere then the Council's housing policy will have failed. This approach is unenforceable and thus ineffective as a planning objective (paragraph 182).
8. The Council, in concert with other authorities, has failed to develop a coherent strategy with alternative options that will meet the unmet needs of adjoining local planning authorities (para. 17, 157, 178-181). This is a core planning principle of the Framework. The assessed housing needs of Bristol and North Somerset have not disappeared. It is merely the case that Bristol and North Somerset have been judged to be capacity constrained. Someone needs to pick up their tab. It has already been noted that Mendip Council is concerned that the under-provision being proposed among the West of England authorities will rebound upon it.

9. The CS does not set out the expected rate of housing delivery for the plan period through a housing trajectory or a housing implementation strategy with details about how it will ensure a deliverable five year supply of land for housing. This is a requirement of the Framework (Para. 47). The Council will also need to set out what its windfall allowance is and justify this. The CS will also need to specify whether it is adopting a 5% or 20% allowance to ensure choice and competition in the land market in case its allocated housing sites fail to deliver, or do not deliver at the rate anticipated by the Council.

### **Viability**

10. The CS fails to conform to the requirement of the Framework that the delivery of local plans should not to be compromised by the cumulative impact of local policies and standards on development viability (para. 173-174). As we have argued in previous written statements and at the examination, the viability of the proposed affordable housing percentage targets is uncertain and cannot be achieved in the lower value areas of the district. The viability modelling for affordable housing has assumed only Code level 3. Yet the Council's own policy CP2 expects all developments to comply with the full Code 4 from 2013 and Code 6 from 2016. This is a significant additional cost that the Council will need to assess to ensure the plan is capable of being implemented. The Three Dragons viability report acknowledges the greater impact on residuals of specifying Code 4 (let alone Codes 5 or 6) in the weak market areas (paragraph 3.43). As the Three Dragons Affordability Housing Viability Assessment report acknowledges, at the bottom end of the market, the *"impacts are more significant and will be likely to make other forms of land use much more competitive to housing"* (paragraph 3.43). If these areas are unable to deliver then the Council will be unable to sustain its performance in line with that set out in the housing trajectory.

It is our view that minor amendments to the submitted CS cannot rectify these fundamental flaws. Judged against the requirements of the Framework the submitted CS is unsound.

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