

NPPF Implications

- 1) For the reasons set out below, RPS contends that the only action available to the Inspector is to find the CS unsound or re-open the examination in order to set the context for necessary significant changes. For all the reasons that have been rehearsed at examination and set out below, an interim solution to this Core Strategy that advocates a review, whether it is immediate or in five years is not a pragmatic solution to being able to find this CS sound. To follow this route goes against the grain of sound plan making and everything that is now enshrined in the NPPF.

Whether the NPPF significantly changes the approach to assessing the housing requirement?

- 2) The process for determining the housing requirement is set out at the first bullet point of paragraph 47 and at paragraph 159. The message of paragraph 47 is clear, that is 'to significantly boost the supply of housing'. At the heart of the NPPF is the presumption in favour of sustainable development; paragraph 14 the NPPF makes clear that *'local planning authorities should **positively** seek opportunities to meet the development needs of the area.'*
- 3) If the methodology is to be complied with then the Council has failed in every sense to **meet in full**¹ the objectively assessed needs for market and affordable housing. An annual build rate of 550dpa does not meet in full the average annual affordable housing need of 847dpa². If say 30% of the 550dpa were to be secured for affordable homes then B&NES might deliver something in the order of 165 affordable homes per annum. This is a derisory total that will only exacerbate what is already an increasingly desperate situation. Compared to the position of when the SHMA was produced, the percentage of affordable need as a share of new supply has increased from 116% to 154%. This cannot be deemed an acceptable response to meeting the needs of the area. It does not even seek to maintain the status quo and the implications are severe.
- 4) The SMHA is now a critical document in the context of paragraph 159, as indeed in the SHLAA. The SHLAA cannot however be relied upon as it fails to take of all opportunities in B&NES, not least within the Green Belt.
- 5) The current requirement is nowhere near meeting the identified needs (nevermind in full) and the CS cannot therefore be considered sound. Quite clearly there are opportunities for further land releases that could provide a more positive response that the NPPF requires. The CS fails the test of soundness³ on all four counts; in particular the examination must consider whether the new test of being positively prepared has been complied with.
- 6) In the same context, whilst it might be the case that there is not a legal requirement for the duty to cooperate to bite, it is enshrined in the NPPF at paragraphs 178-181 and in that sense forms a critical part of the test of soundness (particularly the requirement to be consistent with national policy). The duty cannot be avoided or swept aside.

¹ First bullet point, paragraph 47, NPPF

² Table 4.12 West of England SHMA (June 2009)

³ Paragraph 182, NPPF

Should the 20% buffer in the five year land supply apply?

- 7) The most up to date AMR (December 2010) shows that against the Local Plan annual requirement of 457 homes, a rate of 382.5 has actually been delivered. This is in the context of the last 14 years. Since the start of the new plan period (2006) the Council has never delivered against the 550 dpa requirement. Whilst 'persistent' under delivery is not defined in the PPS, it is hard to envisage a situation where B&NES could not fall foul of this rule.

Green Belt

- 8) It is noted that the Inspector has not referred to Green Belt in the list of matters, however, we contend there to be considerable merit in considering the implications of NPPF paragraphs 83 to 85. The NPPF makes clear the appropriateness of reviewing Green Belt boundaries through the 'Local Plan' process⁴. The Council has chosen to ignore this requirement despite our well rehearsed contention that exceptional circumstances already exist that requires those boundaries to be reviewed⁵. The strategy of restraint that was endorsed at Bristol does not (and cannot) apply here given the abundance of supply and opportunity that exists. Moreover, the Council has made no statement on the prospects of the Green Belt boundaries enduring beyond the plan period.
- 9) Critically, paragraph 84 introduces a key test in any Green Belt review; that is to test the effects on sustainability the consequences of developing within or beyond (ie leapfrogging) the Green Belt. This exercise should have been conducted as a matter of sensible plan making under PPG2 but now the requirement is explicit. The CS as it stands would fail against this test. Moreover, paragraph 85 sets out a series of further tests:

When defining boundaries, local planning authorities should:

- *ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development*

- 10) Policy DW1 of the Core Strategy sets out what the Council considers to be sustainable development. Sustainable development is promoted by: 'retaining the general extent of the Bristol-Bath Green Belt with no strategic change to the boundaries.' This is a wholly unsound statement; development within the Green Belt is not inherently unsustainable; paragraph 84 of the NPPF confirms. At Bristol, it has already been found that development at Hicks Gate would be sustainable given the contingency designation that exists.
- 11) The Council has failed to adequately address what the identified requirements for sustainable development are in the context of the NPPF requirements for responding positively to wider opportunities for housing and economic growth, and addressing cross-boundary issues. In the Officers report to Committee on 15 September 2011 (CD5/24):

"A delay in the Core Strategy means that the Government's new presumption in favour of development will result in loss of control over the location of new housing."

⁴ Paragraph 83, NPPF

⁵ Paragraph 50, BCC Inspector's Report

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- 12) The Council should be confident that where development is not sustainable it can be resisted. Perhaps there is an underlying acknowledgement by Officers that development in the Green Belt is in reality inherently sustainable and any contrary position could not be defended?
- *not include land which it is unnecessary to keep permanently open*
- 13) Through earlier submissions, RPS has presented the case that there is no harm to Green Belt purposes by releasing land at Hicks Gate. These arguments are well rehearsed but we strongly contend that there is not necessary in the interests of maintaining separation between Bristol and Keynsham (and other Green Belt purposes) to keep this land permanently open.
- *where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period*
- 14) Evidently BANES has elected not to pursue this route despite it being critical, and is seemingly willing to contend that Bristol (and Bath) does not need to grow in the period to 2026, and for the foreseeable period beyond. There is absolutely no justification for this approach and the Core Strategy remains rigidly inflexible and as a consequence unsound.
- 15) Officers did pursue a strategy for contingency in the lead up to the examination but was rebuked by Members. The Council cannot demonstrate that there won't be a need for Green Belt review within five years from the date of adoption, nevermind to 2026 and beyond. In this context alone, the CS is unsound.
- *make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a local plan review which proposes the development.*
- 16) Whilst potentially not relevant given the Council's stance, quite clearly that stance is not (and never was) credible. A CS could only be found sound if the contingency exists as in the case of Bristol City.
- *satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period;*
- 17) That exercise simply has not been conducted and RPS strongly contends that Green Belt boundaries need to be amended now, not in five years and certainly not in 2026.
- *define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.*
- 18) Since there are no proposed changes, BANES evidently does not consider this test to apply; that is not acceptable and RPS has made clear its position that drawing a new Green Belt boundary to exclude the Hicks Gate development area has absolute scope to adhere to the principles of defining robust physical boundaries that will not be breached in the long term.