

Representations To The BANES Core Strategy

On Behalf of Taylor Wimpey and Bovis Homes

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BANES Core Strategy**

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1.0 INTRODUCTION

1.1 We write on behalf of Taylor Wimpey and Bovis Homes in response to the Inspector's note ID27, dated 30th March 2012. ID27 invites comments on whether the NPPF materially changes national policy compared with the policy that it has replaced in so far as is relevant to the soundness of the Core Strategy.

1.2 In the Inspector's NPPF note, he states he is particularly interested in **whether the NPPF significantly changes national policy in relation to the approach to assessing the housing requirement in a Local Plan.**

1.3 Some of the key changes in national policy are highlighted below.

(i) encouraging sustainable economic growth

1.4 Paragraph 19 of the NPPF states:

"The Government is committed to ensure the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system".

1.5 This is a significant change in the policy context, which puts a much greater onus on local authorities enabling economic growth through plan making and determining applications. The Government is also unequivocal about the role of the planning system which is to do '**everything it can**' to support sustainable economic growth. It is also useful to go back to the Planning for Growth Ministerial Statement from which the NPPF stems which states that "the Government's **top priority** in reforming the planning system is to promote sustainable economic growth and jobs".

1.6 Without repeating evidence already submitted in our Statements, as well as that raised by others at the Examination hearings, BANES is not doing 'everything it can' to support economic growth in its Core Strategy. The Council opts for the lowest end of the economic growth projections. Paragraph 7.4 of the BANES housing requirements study (CD4/H1) states that there is a reasonably robust case for expecting between 8,700 and 11,300 additional jobs in BANES over the 20 years which has been taken from the BANES Business Growth and Employment Land Update, June 2010. An NPPF consistent approach would be to plan for 11,300 jobs (or the range of 8,700 – 11,300 jobs) with

the necessary checks and balances built in, if in reality, monitoring found job creation to be lower and hence not all of the requisite housing was required over the plan period. Instead, the plan will make very constrained provision for employment land and potential labour supply from the outset, with the effect of directly inhibiting the economy should prospects turn out to be much better than is currently thought. This will act as an impediment to sustainable growth and is fundamentally inconsistent with the spirit of the NPPF.

(ii) Boosting the supply of housing

1.7 Paragraph 47 of the NPPF states

“to boost significantly the supply of housing, local planning authorities should:

use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period”

1.8 The critical point here is that the NPPF requires the supply of housing to be **‘increased significantly’** in response to **‘objectively assessed needs’** for all housing tenures.

1.9 The housing requirement for BANES has not been objectively assessed. The implicit purpose of the study (CD4/H1) has been to justify a low housing requirement so that there is no need for urban extensions on land that is Green Belt. The Council has gone to considerable lengths to explain why every variable in the housing requirements model (i.e. economic growth potential, factors affecting migration, jobs-housing ratios etc) is at the lowest end of a possible range. This illustrates that the approach is not solely based on the facts but that value judgements have been introduced at every stage to achieve a pre-determined outcome.

1.10 Objective assessments of housing need include the latest CLG demographic projections or the application of the established Chelmer model based on longer term trends or perhaps housing requirements expressed in relation to a range of economic scenarios.

1.11 Barton Willmore is of the view that the housing target in the BANES Core Strategy significantly underestimates the housing requirement for the area and is unsound and evidence has already been presented substantiating this case.

(iii) Presumption in favour of sustainable development

1.12 In the context of boosting housing supply, it is important to refer to the NPPF clause in paragraph 47 that Local Plans meet the full objectively assessed needs for housing '**as far as is consistent with the policies set out in this framework**'. In this respect, it is relevant to refer to paragraph 14 which sets out the overall philosophy of the NPPF:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For plan-making this means that:

- **local planning authorities should positively seek opportunities to meet the development needs of their area;**
- **Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:**
 - **any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or**
 - **specific policies in this Framework indicate development should be restricted."**

1.13 The key change introduced by the NPPF here is that Local Plans should make provision for objectively assessed needs **unless any adverse impacts of doing so would significant and demonstrably outweigh the benefits** when assessed against the policies in this Framework.

1.14 One of the Council's main argument for going with a low housing requirement is that "the Council weighs environmental costs, infrastructure implications and overwhelming public resistance to development in the Green Belt more highly" (para 6.8, Topic Paper 9, CD6/S10). Also, "the council and other statutory bodies have concluded that harm caused by urban extensions outweighs the benefit they would bring, particularly in a highly sensitive environment of the City of Bath World Heritage site (para 6.11, CD6/S10).

1.15 In looking at what the BANES sustainability appraisal finds in relation to the impacts and benefits of different housing growth scenarios, it is noted that the Sustainability Appraisal (SA) is inconsistent with the SEA Directive in that it has not examined reasonable alternatives at a strategic level (i.e. different levels of growth in BANES).

- 1.16 In appraising different growth options, one would expect to see an appraisal of the strategic implications for BANES in relation to improving access to jobs, supporting economic diversification, restraining housing growth and increased in-commuting from further afield, members of communities being displaced because housing is constrained, etc.
- 1.17 Instead, Annex E of the SA Report (CD4/A13) appraises the relative performance of allowing or not allowing urban extensions which is a superficial exercise, with options involving urban extensions performing less well on environmental grounds (namely loss of greenfield land). From a sustainability point of view, if the loss of greenfield land is the reason that higher levels of growth have been discounted, it is not considered that the environmental reasons given significantly outweigh the benefits in line with NPPF policy.
- 1.18 Therefore, whilst this analysis has not been presented in the Council's Sustainability Appraisal, in assessing compliance with NPPF policy, higher levels of growth in BANES would provide significant benefits across all social and economic objectives and potentially, negative impacts in relation to environmental objectives. In looking more closely at environmental performance, it is often difficult to make judgements about strategic policy, such as different growth scenarios. But in this case, a considerable amount of site specific work has already been undertaken by the Council (that fed into the Regional Strategy process) which looked at site-specific options (and hence impacts) associated with implementing higher levels of growth.
- 1.19 For instance, in relation to land at South East Bristol, the Council's work¹ concluded that there were considerable areas of land with potential for development adjoining Bristol that even when moderate impacts in relation to landscape, the historic environment or nature conservation were recorded, this could be overcome by mitigation. This may well be true of other extensions to Bath, the results of which should all have fed into the sustainability appraisal of the Core Strategy presenting a more accurate reflection of the predicted impacts of different housing growth scenarios.
- 1.20 Therefore, on closer inspection, consistent with NPPF policy, it is evident that the benefits of growth can be achieved in BANES and that these are not outweighed by adverse impacts.

¹ BANES RSS Urban Extension Environmental Capacity Appraisal Revision A (Oct 2006), page 19-23. CD4/UDL22

1.21 It is evident from this analysis that the BANES Core Strategy is unsound because it is inconsistent with the NPPF in that:

- The Core Strategy is not doing everything it can to support sustainable economic growth and will act as an impediment to growth;
- The Core Strategy does not boost significantly the supply of housing, nor is it based on and therefore does not meet the full objectively assessed needs for market and affordable housing;
- The environmental impacts of a higher housing requirement for BANES does not outweigh the significant economic and social benefits of growth and therefore the Core Strategy does not meet the NPPF presumption in favour of sustainable development test.

1.22 We recognise that the publication of the NPPF midway through the Core Strategy's Examination does add to the complications of the process:

- We have had several sitting days discussing the relationship between the Core Strategy and a suite of PPS's and PPG's that have all now been replaced by the NPPF;
- We now have an NPPF which in a number of critical areas presents significantly different policy tests that Core Strategies will need to comply with;
- There is a new test of soundness that has not so far been examined.

1.23 In this context, it is important to recognise that:

- A plan which may have been found sound under the previous national policy framework, may be unsound under the NPPF;
- The fact that we have now a new test of soundness (plan positively) that did not inform the preparation of the plan and was not considered at the earlier examination sessions.

1.24 Whilst we were critical of the plan's failure to meet the tests of former PPS/PPG's, it is only fair to say that the Council could not have anticipated in its entirety the content of the NPPF.

1.25 Now is a time to step back and think which of the available options present the best start and long term solution for the planning of this area. In considering this matter, we are of the view that:

- There are no overriding factors that suggest it is imperative to adopt the plan in its current form – there are for example no significant redevelopment or investment proposals awaiting the adoption of this plan before they proceed;
- We have previously advocated that the Examination should remain open whilst the Council is asked to undertake a Green Belt review and comparative assessment of strategic development sites to increase the housing supply in the area, in order to inform the identification of strategic site allocations in the “Main Modifications”;
- We are now of the view that the submitted plan is fundamentally at odds with the new NPPF (both in terms of the plan making process and its outcomes) that the need for significant revisions to the plan are needed if it is not to conflict with the new framework and set an early adverse precedent;
- We have considered whether there would be any merit in allowing the plan to “sneak through” the examination process towards adoption if the Council committed to an early review, but believe:
 - a) There are many parties watching the BANES examination to see what precedent is set not only in terms of the Duty to Cooperate but also now the presumption in favour of sustainable development. If the plan were to be adopted without fundamental changes it would set an adverse precedent of such significant scale to undermine the plan making process – from the perspective of local authorities elsewhere, there would be no pressure to plan for the full needs of their area; from the private sector's perspective there would be no certainty that the outcomes would be “kept fair” by independent scrutiny.
 - b) The implementation of the NPPF will undermine the weight that can be given to a plan which is inconsistent with the policies of the new framework and BANES would be better advised to concentrate now on getting a plan in place that is consistent with the new NPPF. Any move to adopt a plan now on the basis that

there would be a review in 5 years would inevitably be undermined when the full force of the NPPF takes effect 12 months after its adoption (ref Annex 1, NPPF), with the plan's policies thus having such a short shelf life and a planning vacuum being generated for a large part of that 5 year period.

- c) The adoption of the plan without significant changes would inevitably bolster the views of those which seek to restrict the loss of any greenfield land even when this is at odds with all the evidence - there is a much greater opportunity now to engage all on the basis of the approach set out in the NPPF if the current plan is put to one side.

- 1.26 We note that the Inspector appointed to consider the North Somerset Core Strategy has now found that plan sound on the basis (amongst other finds) that:

“Significantly, the Bristol Core Strategy was found to be sound and adopted in 2010 without reliance upon urban extensions outside its boundary with North Somerset. Even though future urban extensions south west of Bristol are not ruled out, there is evidently no current need for North Somerset to cater for any unmet need from neighbouring Districts over and above its own calculated housing and employment requirements.”

- 1.27 We believe this to be a misreading of the conclusions made in respect of Bristol, and this is a point a number of participants have raised in the BANES Examination. It would be of concern if any misapplication of the approach adopted in respect of Bristol was allowed to cripple the strategic planning and plan making process for the entire West of England area. We have seen senior Officers and Members of all three authorities surrounding Bristol refer to the fact that Bristol City Council was allowed to adopt its plan as justification for reducing the scale of development (and avoiding a green belt review) in their authorities. It will be difficult to turn that perception, if it is allowed to gain traction. We understand that the adoption of the North Somerset Core Strategy may very well be challenged but this does not reduce our concern in the meantime. Importantly, we believe the publication of the NPPF raises the hurdle when it comes to independently assessing housing and meeting housing requirements – it is fair to conclude that Bristol City Council's plan may not itself have been capable of meeting the new NPPF tests and the BANES Core Strategy should certainly not. Irrespective of the legal status of the Duty to Cooperate, the NPPF's requirements for cross boundary cooperation and meeting the full needs for housing must surely dictate that a fresh approach needs to be taken.