

**B&NES Core Strategy Examination**  
**248: RPS on behalf of Crest Strategic Projects and Key Properties**

**17 September 2013 Hearing: The Scope of the Strategic Housing Market Assessment**

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- 1) RPS made representations on Policy DW1 of the March 2013 Proposed Modifications; paragraphs 2 to 7 of that submission relate to the issues to be considered at the 17 September hearing. Paragraphs 2 to 11 of ID/32 reflect many of the concerns raised by RPS (and no doubt others) and it remains to be seen how the Council will respond.
- 2) The Inspector establishes at paragraph 3.2 of ID/35 that 'it is clear that B&NES does not form a single HMA in isolation'. There is little value in the Council seeking to argue that it does (and indeed seems to accept the position in BNS/41) and as a consequence must accept that it has failed to respond appropriately to the issues raised at ID/35 paragraph 3.4.
- 3) The Council's approach appears to seek an 'interim review' of the West of England SHMA, as reflected at page 10 of the 'West of England Duty to Cooperate Schedule'. It is assumed that this is a reference to the 2009 WofE SHMA. Chapter 1 of the ORS SHMA sets out the terms of engagement referencing in particular the policy and strategic context. Chapter 2 then goes onto identify the two HMAs, but as the Inspector has already identified the remainder of the document fails to take any of those issues on board and reverts back to a B&NES only approach.
- 4) Chapters 1 and 2 of the ORS report do not suggest that a review of the 2009 SHMA is an appropriate methodology to follow. The only explanation available is at paragraph 3.4 of Annex 1 of the Officers report to the 4 March Committee, which in itself provides no justification for the change in approach from the NPPF compliant Chapters 1 and 2.
- 5) The 2009 SHMA is not a NPPF compliant publication and cannot expect to be so; paragraph 2.1.5 of that document refers that 'while the theory may favour boundaries which cut through LA areas, in practical terms it is very advantageous to work with 'whole authorities''. This statement alone reflects how out of touch that document is with the NPPF approach; a review of that document insofar as it relates to B&NES cannot possibly meet the necessary tests of soundness. The NPPF requires (in no uncertain terms) local authorities to tackle the practicalities of a HMA cross-boundary approach.
- 6) There does not seem to have been any attempt at seeking to cooperate with neighbouring authorities. The trail runs cold at paragraph 3.5 of Annex 1 which refers back to the historic stance adopted by Bristol City Council. RPS is grateful for the Inspector's clarification at paragraph 10 of ID/32 that this stance no longer has relevance post-NPPF. Page 12 of the WofE Duty to Cooperate Schedule suggests B&NES will undertake a 'local' review of the Green Belt in consultation with neighbouring authorities. Much like the SHMA work, the extent of consultation appears to be an interpretation of the Bristol City Core Strategy. ID32 suggests any advances from B&NES to neighbouring authorities have been swiftly rebuked and no further efforts were made.
- 7) In respect of the emerging WofE SHMA work, it can only be assumed that there will be a degree of consistency with the dual HMA approach that the ORS work has established, it being the most up to date consideration of the matter. The WofE pre-production brief does require confirmation of the geographic extent of the HMA but this work is in its infancy. It is important to refer back to what the Inspector required of B&NES when the examination was

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suspended; if there had been genuine dialogue with neighbouring authorities then it could be assumed that at least the dual HMA issue could have been resolved and the WofE could be commissioning two SHMAs (and potentially more) that affect the core area of the four unitary authorities.

- 8) In terms of the effect on the locational strategy, RPS has already stated in its representations<sup>1</sup> that because of the flaws in the SHMA approach the spatial strategy is rendered equally unsound. It could never be the case that edge of Bristol locations are on a par in sustainable location terms as the Somer Valley and rural areas<sup>2</sup>. RPS supports the concerns expressed by the Inspector at paragraph 7 of ID/32 and there seems no scope to redress matters without further lengthy delay.
- 9) The fact that B&NES has failed to follow the requirements of the Inspector at the point of suspension renders any assessment of the Core Strategy beyond this hearing impractical. Even if there was some means in which the Examination could progress beyond 17 September, there is an inevitability regarding eventual unsoundness as there is no scope in which B&NES can present a case to demonstrate that the revised Green Belt boundaries can endure beyond the plan period. It is not the role of the Placemaking Plan to determine strategically important matters and in any event would not be in a position to do so without adequate guidance from the SHMA/Core Strategy as to the extent of land required. That guidance does not presently exist and the fact that the spatial strategy is flawed would render any future debate about the scale and location of safeguarded land to be equally futile.
- 10) B&NES claims to have made an overprovision of 4,500 homes that may militate against any shortcomings in the approach. RPS's position is that the shortcomings extend so far and affect so deeply the housing and consequential spatial strategy that any consideration of the effects of an over-supply is impossible to judge.
- 11) In BNES/41 the Council claims that the CS is compliant with the NPPF 'as a whole'. In doing so it suggests that a plan is better than no plan. That cannot be right if that plan fails each one of the four tests of soundness:
- It has not sought meet the objectively assessed requirements in the two relevant HMAs. Those requirements, including any unmet requirements from neighbouring authorities cannot be judged as no such assessment and concerted attempt at cooperation has been undertaken.
  - This cannot be considered the most appropriate strategy, when the alternatives are those that meet the requirements of the NPPF.
  - There is no evidence of joint working and cannot be considered effective over the lifetime of the plan, not least as there seems a tacit acceptance that a wholesale replacement strategy will be required once the conclusions of the WofE SHMA emerge.
  - For all the above reasons the Core Strategy cannot be considered consistent with national policy.

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<sup>1</sup> Paragraph 7 of DW1 objection

<sup>2</sup> Paragraph 4.3 Annex 1, 4 March Committee Report

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- 12) In terms of how the examination should proceed, there seems little scope for this CS process to now establish robust SHMAs for the two HMAs. The opportunity has been missed and only a further lengthy suspension would provide the scope to revisit matters. As the Inspector notes at 3.12 of ID/35 without the cooperation of adjoining authorities there is no mechanism for a robust assessment of both HMAs to be derived.
- 13) Paragraph 13 of ID/32 suggests that the only practical course of action (in the event of an unsound plan) would be to withdraw the CS. RPS agrees with this notion. B&NES will quite naturally refer back to BNS/41 and express its concerns regarding a policy void, speculative applications and delivery of selected sites. RPS does not object to the strategic Green Belt releases on the edge of Bath but even if the CS was adopted those sites are dependant on the Placemaking Plan being progressed to identify new Green Belt boundaries and precise locations for development. The launch document suggests little work has been undertaken to advance those matters so applications are unlikely to be forthcoming in the short term, and delays to its preparation/adoption are now inevitable.
- 14) In the event of an unsound CS, it is not unreasonable to expect the LPA to be under pressure from speculative development. It is therefore incumbent on the LPA to progress the Placemaking Plan work alongside the preparation of the new WofE SHMA. Results of the SHMA will be forthcoming in 2014 and this could fit with rolling the Placemaking Plan into a new Local Plan for B&NES that could be examined in 2015. If the concern is over speculative development then it is reasonable to assume that if the developers and officers are in agreement regarding the terms of the proposals at locations such as Odd Down and Weston, then applications should be treated favourably by the Council and positive referrals made to the SoS; as the NPPF suggests the pre-application process will be critical to providing confidence to the applicant. The withdrawal of the CS need not hold up the progression of such sites if B&NES is willing to cooperate and engage with its 'developer partners'.