

From: Matthew Macan [REDACTED]
Date: 5 September 2013 23:58:29 GMT+01:00
To: Chris Banks [REDACTED] Richard Daone
[REDACTED]
Cc: Charles Hignett [REDACTED]
Subject: A response to B&NES 45 from Hignett Family Trust 0276

B&NES 45

Summary

The Inspector has questioned the extent to which the B&NES SHMA 2013 has taken account of the full, objectively assessed housing needs of the district and in particular the influence of housing and employment needs in adjoining local authority areas that may impact on B&NES. The Council, in B&NES 45, have sought to define this through their interpretation of Government Guidance on Housing Market Areas, with the proposition that B&NES is its own 'self contained HMA'. The Hearing Session on the 17th of September seeks to address the Inspector's questions in ID 32 and 35 which broadly speaking, attempts to clarify:

1. What is the appropriate geographical extent of the HMA(s) affecting B&NES and
2. If an HMA affecting B&NES has not been adequately taken into account in the SHMA 2013 (in order to take account of the full, objectively assessed housing needs of the district), what steps can be reasonably taken to find the Core Strategy sound and will any Main Modification address this lack of soundness or justify a departure from national policy?

This submission will briefly address the first point with reference to the Council's latest paper B&NES 45. Since the Council has failed to properly answer the second point at all and following advice from Counsel, HFT will offer the hearing suggested Main Modifications that could justify departure from national policy.

Introduction

The Hignett Family Trust (HFT) have made extensive representations to earlier drafts of the Core Strategy and their SHMAs. Through its planning advisors PBA, HFT proposed that the Bath HMA required an altogether different spatial strategy to that required from an as yet to be quantified Bristol HMA. In response to ID 35, HFT published advice from Counsel Christopher Young, as part of their participation in the hearing session. This gives clear advice as to the significance of the Bristol and the West of England HMA on B&NES and its preparation of a sound SHMA in the context of this Core Strategy. Counsel points out that elsewhere, where a Core Strategy remains outside the legal test of the Duty to Cooperate, Inspectors have sought to address the absence of a full, objectively assessed housing needs survey through a commitment to an early or partial review of the Core Strategy to overcome this unsoundness.

The circumstances that exist at the present time in the West of England (WoE) and the benefit of having in place a Core Strategy as soon as possible in order to provide a strategic planning framework over much of B&NES suggests that this

may have some merit. However any strategy and/ or policy to address this 'absence of assessed housing need' does not currently form part of the Schedule of Proposed Changes to the Submitted Core Strategy March 2013 (CD 9/PC1) nor is it adequately addressed in B&NES 45, indeed the Council conclude that it may not be appropriate. As such, a commitment from the Council to address this wider spatial planning issue in the next few years must be expressed in strategy and in policy in the Core Strategy and should be tested against the guidelines within NPPF and in particular para 182.

HFT believes that this will require Main Modifications which could be agreed with the Council ahead of or at the hearing on the 17th of September. If the Inspector were to consider that these Main Modifications, together with other evidence, justified progressing with the Core Strategy, then the Council could publish these changes for consultation, thereby allowing the Inspector the benefit of responses from all parties interested in this matter. If the Council were not prepared to accept Main Modifications deemed necessary by the Inspector at this time to justify departure from national policy, then the Inspector could invite the Council to withdraw their plan.

Geographical Extent of the HMA.

HFT finds that B&NES 45 provides no justification for a proposition that the district lies within its 'own, self-contained HMA'. This is fantasy and perhaps wishful thinking. The evidence cited by B&NES 45 as the justification for this conclusion ie the 'CURDS study' and Chapter 2 of ORS Report within the draft SHMA (CD 14), reaches an entirely different conclusion to that of the Council. Using 2001 Census data in both cases and based on their modelling assumptions, it is possible to conclude that 2 HMAs are found across B&NES. One is derived from City of Bristol and the other, the City of Bath. They follow consistent patterns similar to the travel to work data for both cities and provide a useful spatial planning approach which was extensively explored within the West of England sessions of RSS 10. Unfortunately, despite health warnings from the CURDs study, the Council have attempted to use this modelling to defend a SHMA approach and policy changes in the Core Strategy, that fail to address the full, objectively assessed housing needs throughout the plan period to 2029, particularly from unmet needs in neighbouring authorities. In the case of Mendip and Wiltshire, representations to B&NES 45 suggest that in preparing their NPPF compliant, full objectively assessed housing requirements, there is need for cross boundary co-operation but only very limited need to make any provision for unmet needs from either authority for the plan period. In the case of Bristol, the same conclusions cannot be reached as that Council has agreed to embark upon an early review in 2016 within the context of a WoE SHMA. (HFT have amended the Overview to B&NES 45 as set out in annex 1 below. We do not believe the hearing should dwell upon this matter too long but we believe this revised wording would be the more appropriate text to B&NES 45).

Early Review

HFT finds that the proposals by the Council in B&NES 45 regarding early review of the Core Strategy are entirely unacceptable and continue to maintain a false

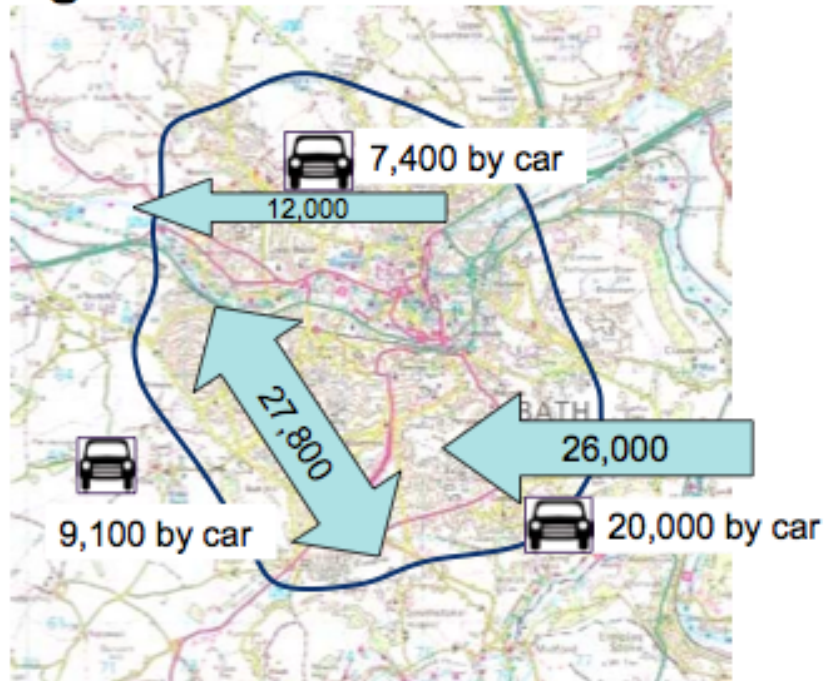
proposition that both CURDs and ORS represent NPPF compliant evidence to justify that B&NES is a self contained HMA and consequently only requiring 'cross-boundary co-operation' with its neighbours. This is not just a small technical point but a fundamental difference which goes to the heart of spatial planning across neighbouring authorities in circumstances entirely consistent with the WoE.

The alternative proposition that almost everyone else other than the local authorities agrees and which is supported to some degree by CURDs and ORS, is that the Bristol or more commonly termed the WoE HMA, extends across B&NES to the extent that it requires B&NES to fully participate in the WoE SHMA and to ensure that any spatial strategy delivers unmet housing need in the most sustainable way and that Core Strategies are altered to deliver this in a timely way. There should be no wriggle room if this Core Strategy is to be found sound in accordance with NPPF guidance and especially para 182. Early review of the B&NES Core Strategy is entirely feasible as a SHMA is now underway with the support of the other WoE authorities and with the Local Enterprise Partnership.

To avoid any doubt going forward, B&NES should make it expressly clear in this Core Strategy that the whole of B&NES should be the subject of the WoE SHMA. To do otherwise would make no sense. The 2001 census evidence shows that a significant number of the resident population in B&NES work in the rest of the WoE, in particular in Bristol. CURDs and ORS evidence demonstrates the same. The Council's own evidence in a 2008 Bath Package presentation provides a useful snapshot of journeys to work in Bath. (see diagram below).

It would be foolish to think that most of those 12000 journeys/day from Bath were not into the WoE and into the City of Bristol or that a significant number of these commute by train. Mendip and Wiltshire report relatively few B&NES residents commuting into their authority, whilst in contrast a significant number of Mendip and Wiltshire residents travel into Bath to work. Both this diagram and the work of CURDs and ORS help to demonstrate that there is indeed a significant HMA centred on the City of Bath and that the SHMA 2013 and spatial strategy accompanying it, need to address that HMA. The scale of that housing requirement in the SHMA is for another day, however understanding the spatial implications of both HMAs, that operate and overlap each other in B&NES, is vital to securing a sustainable development strategy.

Journeys to work - 66,000 journeys to work with origin and/or destination in Bath



Source: 2001 Census Data

Main Modifications

The Council have stated in B&NES 45 that they will 'participate in the WoE Review' on the following basis:

As noted in Annex 1 to the B&NES Council Report to in March 2013 (para 3.5) (CD9/PC3) B&NES will participate in the WoE SHMA process as it comes forward. If, in the initial stages of the work, new census data (2011) shows that B&NES should be treated as part of the wider Bristol HMA using the CURDS approach then that will be done. If not, then B&NES will nonetheless engage under the duty to co-operate and in accordance with its own review requirements, to ensure that cross boundary issues with wider Bristol HMA are addressed at that stage.

HFT find this statement intentionally misleading as it would appear to raise a questionmark whether the Council, or officers at least, believe that circumstances exist that might demonstrate that B&NES can avoid participating fully in the WoE SHMA or that B&NES may not lie within the Bristol HMA at all.

Further, that 'using the CURDs approach', (by which I assume the Council would select the appropriate ' closure' % to achieve an HMA boundary in the vicinity of the Bristol - Bath administrative boundary) the Council might avoid having to address any unmet housing need that might arise from the WoE SHMA, which would demonstrably avoid the need for further Green Belt alterations in any Core Strategy Review.

Finally, the Council's offer to ' nonetheless engage under the duty to co-operate and in accordance with its own review requirements' suggests that somehow the Council is prepared to go out of its way to address cross boundary issues within its own review timetable alone. The Duty to Co-operate is a legal obligation that will fall upon every local authority or its neighbour, when Core Strategies are being prepared or reviewed.

The essential pre-requisite needed to avoiding the Inspector asking the Council to withdraw this plan must be firstly that there is a commitment from the Council to fit into a timetable that must deliver a full WoE SHMA, including the whole of B&NES. Secondly that the review of the B&NES Core Strategy is co-ordinated alongside that of Bristol, as it is only through a WoE SHMA, a Bristol or even WoE SHLAA and finally through Green Belt reviews across both authorities, that an adequate spatial strategy will ultimately emerge. In the absence of regional or sub-regional planning this must be deemed to be an uphill task and one that the Inspector faced when addressing the Bristol Core Strategy in 2010, prior to NPPF.

Therefore 'as the tables have been set' for Core Strategy review in at least one WoE authority ie Bristol (North Somerset Core Strategy being the subject of further review) , then the B&NES Core Strategy must commit to a review to meet the same timescale as Bristol. Only in this way can Councils and subsequently PINs Inspectors attempt to address cross boundary issues of this potential scale and be provided with appropriate objectively assessed evidence on housing need to justify Green Belt review at the edge of the Bristol conurbation.

HFT propose that the Inspector should consider Main Modifications to the Core Strategy to address the apparent shortcomings in the approach in B&NES 45 and within the Proposed Changes to B&NES Core Strategy. To ensure that the approach to spatial planning in the context of a future review of the Core Strategy is sound, it should meet the tests set out in para 182 of NPPF, that is:

1. Positively prepared,

- 2 Justified,

3 effective and

4 consistent with national policy.

HFT believe that changes to the Core Strategy through Main Modifications in the areas set out below in Annex 2 could meet this test.

When planning strategically across local authority boundaries NPPF makes clear at para 178 and 179 that local authorities should work in a co-ordinated way to deliver strategic priorities and to meet needs that cannot be delivered in the neighbouring authority due to a lack of physical capacity. The Council must set out strategic priorities in their Local Plans and thereafter ensure delivery through strategic policies for example for homes and jobs in the area (Para 156). Whilst the scale of any unmet housing need from the rest of the WoE is as yet to be determined, it cannot be ignored that as part of the WoE LEP, B&NES should have clear strategic priorities that make clear that it will attempt to meet those needs when they arise. This is considered below. Thereafter, the Local Plan should have strategic policies that ensure delivery of these priorities, when they arise and therefore a mechanism to ensure timely delivery. This approach provides clear policy guidance to the public and to the development industry so that where a scheduled local plan review is delayed, stalled or fails to keep pace with either growth or the requirements of a neighbouring authority, such that the plan no longer meets the full objectively assessed housing needs of the district, then applicants can rely on the adopted strategic priorities and policies of the Core Strategic to direct them to the most sustainable locations to meet that housing need or alternatively that part of the plan is deemed out of date.

Because the issues so clearly relate to future review of Green Belt land on the edge of Bristol and as NPPF para 83 makes clear that Green Belt review should take place during preparation or review of the Local Plan, it is entirely appropriate for the strategic priorities and policies in the B&NES CS to make clear that such a Green Belt review must take place at that time. Even more significant is that at the time as preparation of Local Plans, Local Authorities should ensure the Green Belt boundaries should endure throughout and beyond the plan period ie having regard to their intended permanence. In these circumstances, it would be wholly misleading to suggest that the Green Belt and its inner boundary with Bristol would endure for the plan period and beyond. Far better for the Core Strategy to make clear at this stage that a broad location on the Key Diagram will show where the boundary of the Green Belt will need to be altered to accommodate housing following the WoE SHMA. The precise location and scale of alteration will be determined as part of the review in 2016, in the meantime the land will remain permanently open, as Green Belt.

The strategic priorities within the B&NES Core Strategy are set out in Chapter 1 and defined as : Key Strategic Issues , Spatial Vision, Spatial Objectives and Spatial Strategy including Policy DW1. Chapter 7 addresses Monitoring and Review . the Introduction to chapter 1 says :

1.01 The Core Strategy is a key policy document for Bath & North East Somerset (B&NES) that puts in place a strategic planning framework to guide change and development in the District over the next 20 years and beyond.

1.02 The Core Strategy is shaped by the challenges that are specific to the district and the aspirations of its communities. These have been captured within two key documents:

- The Sustainable Community strategy is the 'overarching' strategy for B&NES which has been prepared by the Local Strategic Partnership and sets out a vision for the area to become a "distinctive place, with vibrant sustainable communities, where everyone fulfils their potential". The Core Strategy is the spatial expression of the B&NES Sustainable Community Strategy;

Reference to the B&NES Sustainable Community Strategy (SCS) is to the document prepared by the B&NES Local Strategic Partnership dated 2009 to 2026.

SCS makes clear at section 1.1 that B&NES will closely work with the other three unitary authorities to address the key challenges and issues that face the sub-region including "housing growth and infrastructure requirements to support that growth". In delivering the Vision, the SCS sets out a schedule of proposed strategies and a timetable for their implementation. Page 18 "Delivery of the Vision 2018 to 2026" is enclosed below.

Growth at Bath 2015-2018 is highlighted in red box and growth at the SE edge of Bristol 2018 -2026 is highlighted in green box (HFT highlighting).

2015 - 2018

- Bath is recognised as a hub for creative, knowledge based and "wellbeing" businesses (as well as its traditional strengths in retail and tourism). More local graduates and young professionals are attracted to work in B&NES, as more premises enable businesses to grow and locate in the area.
- Progress will have been made in planning for the growth of the city of Bath supported by the necessary infrastructure.
- Regeneration of Bath's riverside areas will continue with real momentum, public realm and movement enhancements in the city centre will be advanced and a new rugby facility will be complete. Development of Bath Western Riverside will be in its final phase.
- Redevelopment of Somerdale in Keynsham and the town centre will continue, as will the redevelopment of Midsomer Norton town centre and its new modern business space. Overall, more diverse job opportunities are available in these areas.
- Reductions in CO2 output from the commercial sector are on track to meet statutory targets.

2018 - 2026

- Increased opportunities for employment and cultural experiences across B&NES have improved levels of personal wealth and wellbeing. Excellence in training and skills development, together with the availability of modern business premises, has helped to make this happen.
- Development and regeneration in the market towns has reinforced the identity of each place, and has provided opportunities for future generations to play a greater role in the B&NES economy.
- Reductions in CO2 output from the commercial sector are on track to meet statutory targets.
- Work on a potential new mixed-use urban extension to south east Bristol will be started, only if it has been possible to support this with necessary infrastructure, which should include strategic transportation improvements.

HFT therefore propose that the Core Strategy should make modifications to reflect the initiatives set out in the SCS 2009- 2026 above and that these together with the points raised above, be used as reasoned justification for drafting Main Modifications to the Core Strategy in the areas identified below, in Annex 2 .

Annex 1

The review of BNES 45 will highlight the areas of agreement and disagreement in the Overview section of BNES45

Overview

1. ~~For the reasons set out below,~~ the geographic ~~coverage~~ modelling in of the Council's new SHMA (CD9/H4) in relation to HMAs provides a ~~sound~~ helpful basis for ~~undertaking~~ the objective assessment of housing needs in accordance with the NPPF and with Government Guidance on the identification of housing market areas ("HMAs").
2. The first relevant stage in production of an appropriate SHMA is to identify the relevant HMA (s). ~~The appropriate geographic coverage of a SHMA is then based on a best fit of the HMAs with local authority boundaries.~~
3. As noted in the draft Report of Findings by ORS ("the ORS Report") para 2.2 (CD9/H4), the DCLG issued an Advice Note on "Identifying sub-regional housing market areas" in 2007 ("the 2007 Advice Note"). In November 2010, after the 2009 West of England SHMAA was produced, DCLG issued a further report prepared by CURDS following detailed statistical analysis - "Geography of Housing Market Areas" ("the CURDS report"- CD9/H8) which explored a number of possible approaches to identification of HMAs.
4. Both these documents have been retained post NPPF and were considered and applied in the formulation of the ORS Report and in particular in the identification of the relevant HMAs.
- 1
5. ~~We consider the detail later, but~~ The headline points are ~~outlined below:~~
 - a) at the first stage of the CURDS process of identifying the appropriate HMA, *ward level census data on travel to work ("TTW"), migration data and house price data* is used to produce "gold standard" HMAs based on the ~~appropriate~~ degree of self-containment ~~applied in the~~

model ("closure"). Those ~~"gold standard"~~ HMAs may not (and in the case of the west of England, do not) follow local authority boundaries;

b) ~~at the first stage,~~ The CURDs model did not identify the ~~vast~~ majority (80%) of B&NES population as being within a wider Bristol HMA. Instead it identifies the ~~vast~~ majority of B&NES' population as within a Bath HMA **but also including parts of Wiltshire and parts of Mendip**. ~~At a ward level,~~ the wider Bristol HMA extends only to the A39 Highway (see Figures 1 and 2 of the draft SHMA an enhanced resolution map is set out in **Annex 1** to this response).

c) The ORS methodology (although slightly different from CURDS) gives the same picture re: extent of the wider Bristol HMA and the fact that it includes only a small proportion of the B&NES population. The overriding picture is of B&NES being predominantly Bath focussed. **Using this type of modelling shows that** There are ~~thus~~ two distinct ~~"gold standard"/ward level~~ HMAs operating in B&NES with the ~~vast~~ majority of B&NES focussed ~~not on Bristol but on~~ Bath ~~and~~ within the Bath HMA and ~~not~~ **the balance within** the wider Bristol or WoE HMA;

d) ~~at the second stage of identifying the appropriate HMA, it is necessary to produce a "best fit" to the gold standard HMAs using whole local authorities/local authority boundaries to generate what CURDs refers to as "silver standard" HMAs. As DCLG and CURDs recognise and advise, these best fit HMAs are necessary in order to make the available data suitable for strategic and local planning purposes;~~

e) ~~at the second "best fit" stage, CURDs consistently assesses the whole of B&NES as being in a separate HMA from Bristol City Council ("BCC"), South Gloucestershire ("SG") and North Somerset ("NS") the wider Bristol. The silver standard HMA treats B&NES as separate from Bristol and rather as part of an HMA including parts of Wiltshire and parts of Mendip;~~

f) ~~for reasons addressed in detail below it is not appropriate or possible to adopt that wider HMA (with Mendip and Wiltshire) to the east and south of Bath here;~~

g) cross boundary issues between: (1) B&NES and the wider Bristol HMA **should be addressed through the current WoE review and implemented in a review of the Core Strategy in 2016** and (2) between B&NES and Wiltshire and Mendip would be addressed through close joint working;

h) thus, ~~at present and on the current evidence base, the current "best fit" SHMA to cover B&NES is B&NES alone because:~~ **based on this type of modelling, two HMAs emerge within the WoE, centred on Bristol and Bath. This results in B&NES having two HMAs which need to be addressed in their SHMA**

~~(1) 80% of the population and households is within the Bath and not the wider Bristol HMA to treat B&NES as a whole as part of the wider Bristol HMA would be inconsistent with the basic facts underpinning the CURDS and ORS analysis;~~

~~(2) neither the CURDs nor the ORS HMAs show a single HMA for the WoE and the current evidence base is inconsistent with identification of a single HMA for the WoE including the whole of B&NES;~~

~~(3) for reasons which are addressed in detail below, it is not appropriate or possible now to include the whole of Wiltshire or Mendip within a Bath HMA; and~~

~~(4) B&NES is therefore a reasonable proxy for the sub-regional Bath HMA identified consistent with up to date government guidance which survives the NPPF.~~

6. As noted in Annex 1 to the B&NES Council Report to in March 2013 (para 3.5) (CD9/PC3) B&NES will participate in the WoE SHMA process as it comes forward. ~~If, in the initial stages of the work, new census data (2011) shows that B&NES should be treated as part of the wider Bristol HMA using the CURDS approach then that will be done. If not, then B&NES will nonetheless engage under the duty to co-operate and in accordance with its own review requirements, to ensure that cross boundary issues with wider Bristol HMA are addressed at that stage.~~

Annex 2

1. Key strategic issues 1.12 says nothing about needs of WoE: amend the text needs in growth section and economy.

2. Spatial Vision needs amendment to address needs of the WoE and unmet housing need.

3. Spatial Objectives

amend objective 5

Meet housing needs

"including unmet needs from WoE "

4. text to Spatial strategy

1.23 Development needs insert WoE housing need

1.25 Acknowledge the LEP plans incl. the SPLG

1.26 needs insert to refer to WoE unmet housing needs

1.30A needs changing to deal with Green Belt at Bristol edge .

1.36 Flexibility needs stronger emphasis.

DW 1 amend the policy

commit to a review of the Green Belt in ...in the vicinity of(show on spatial diagram) in order to accommodate the unmet housing requirements of Bristol following SHMA currently review clause is too wishy washy ...no bite

Chapter 7

Monitoring and Review

Insert clearer review process for WoE unmet needs