

**Matter 1
Issue (g)
Representor No 6426
Persimmon Homes
Severn Valley**

BATH PLACEMAKING PLAN EXAMINATION

August 2016

Matter 1 – Procedural Requirements

Issue: Whether the Place-making Plan meets the Legal Process and Requirements?

- (g) Has the Council submitted robust evidence to demonstrate that it has met the duty to cooperate?

Persimmon Homes Severn Valley's complaint in responding to the submitted plan was that there was no Duty to Cooperate statement submitted with the plan. Indeed this is confirmed by the publication of a '*Statement of Compliance with a Duty to Cooperate*' (CD/PMP/G14) in April 2016, after the plan was submitted.

Whilst the Council clearly consider they had complied with the DTC, we do not consider they had adequately demonstrated this when the plan was submitted and to attempt to rectify this retrospectively is contrary to the guidance set out in the National Planning Policy Guidance (NPPG) ID9-012 and ID9-018:

'Local Planning Authorities should bear in mind that a failure to demonstrate compliance with the duty cannot be corrected after the plan has been submitted for examination' (our emphasis).

Whether this constitutes a soundness issue is for the Inspector to consider, but NPPG ID9-003 requires this to be '*thoroughly tested at the examination*'.

We have identified the following issues, which lack clarity. NPPG ID9-009 says '*Local Planning Authorities and other public bodies must work together constructively from the outset of plan preparation to maximise the effectiveness of Strategic Planning Policies*' and that '*It is unlikely that this could be satisfied by consultation alone.*' In relation to this guidance we accept the Council has carried out considerable consultation but have concerns about whether this is sufficient. In parallel with this, NPPG ID9-012 confirms that Local Authorities '*need to work together from the outset*' including '*plan-scoping and evidence gathering stages*' and also emphasizes that '*cooperation should take place throughout the Local Plan preparation*'.

It would appear from CD/PMP/G14 that the Council have relied upon a consultation process, as distinct from the active process envisaged by guidance, particularly in respect of other Local Authorities. Appendix 1 of the Compliance Document says '*the only comments received were from Bristol City Council and Mendip District Council*'. However there is no evidence of any follow up to those Authorities that did not reply. Secondly, it is noted that at the option stage, Bristol City Council expressed the desire for separate meetings on Masterplanning work on sites at Whitchurch and Keynsham '*and at the pre-submission draft stage to confirm there were no issues they wished to raise.*' We are not told about the outcome of these meetings or of any follow up consultation/cooperation at the pre-submission stage. This does not demonstrate compliance with guidance on cooperation throughout the plan preparation process on an issue which was raised at the earlier options stage.

Conclusion

It is for the Inspector to decide whether or not this constitutes a soundness issue, but in any event it demonstrates a loose interpretation and operation of the Duty to Cooperate.

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