

# **South Gloucestershire Core Strategy Pre-Hearing Meeting**

**South Gloucestershire Council's  
Response to Inspector's Questions**

**17<sup>th</sup> April 2012**

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**Introduction**

1. This paper sets out the Council's written response to the matters raised by the Inspector in his pre-hearing meeting questions.

**Question 1 Has the Core Strategy (CS) been prepared in accordance with the Local Development Plan Scheme?**

2. Officer Response: Yes

3. The timetable for the preparation of the Core Strategy has been kept under review and amended as necessary in each update to the LDS. The relevant LDS documents are:

- LDS 2007 – 2009
- LDS 2009 – 2011
- LDS 2011 Update

4. The LDS 2012 Update, which is currently going through the Council's decision making process, incorporates the revised timetable for the Core Strategy following the suspension of the Examination. The remaining milestones for completion of the Core Strategy are

- Pre-Hearing Meeting April 2012
- Examination June/July 2012
- Adoption December 2012

**Question 2 Has the CS been prepared in accordance with the Statement of Community Involvement?**

5. Officer Response: Yes

6. The Statement of Community Involvement (SCI) makes clear the value that the Council places upon engaging with communities in producing Local Plans and in taking consultation responses into account. The Council has complied with all requirements set out in the SCI and has drawn upon the portfolio of engagement and consultation techniques it contains where appropriate throughout the production of the Core Strategy. This is documented in the Regulation 30 (1) (d) and (e) Statements (Examination Library references SD11 and SD12).

**Question 3 Is the CS supported by a Sustainability Appraisal and is the Council satisfied that it has fully complied with the requirements of the SEA Directive and associated regulations. In particular, does the latest version of the SA document adequately summarise or repeat the reasons that were given for rejecting alternative proposals/schemes at the time when they were ruled out (and that those reasons are still valid)?**

7. Officer Response: Yes

8. With regard to the testing of reasonable alternatives, the relevant SEA Regulation is Regulation 12(2). This requires the Council to assess the likely significant effects of implementing the plan and reasonable alternatives. Schedule 2, Item 8 of the regulations requires the SA Report to contain an outline of the reasons for selecting the alternatives dealt with and a description of how the assessment was undertaken.

9. In meeting these requirements the Council has produced all necessary documents during the production of the Core Strategy. As referred to at paragraph 1.16 of the December 2011 SA Report, these documents together meet the requirements of the SEA Regulations. For information these documents are:

1. 2008 LDF Scoping Report.
2. 2008 Initial SA Report (accompanied the 2008 Issues & Options document).
3. March 2010 SA Report (accompanied the March 2010 Pre-Submission Publication Draft Core Strategy).
4. December 2010 SA Report (accompanied the December 2010 Proposed Changes Core Strategy).
5. December 2011 SA Report (accompanied the December 2011 Core Strategy incorporating Post-Submission Changes).

10. It is important to note that SEA requirements do not form a decision-making process designed to dictate and explain outcomes. The purpose of SA/SEA is to assess options to **inform** the production of plans and policies.

11. Paragraphs 4.2a to 4.2f of the December 2011 SA Report contains information that summarises and confirms the reasons for rejecting alternative locations for development. The reasons identified at previous stages of the Core Strategy's production are still valid.

12. Detailed appraisals of alternative locations and development quantum, as well as the locations and quantum included in the Core Strategy, are contained in the 2008 Initial SA Report and in Appendices 8, 8a, 9, 10 and 11 of the December 2011 SA Report. Sections 2, 3 and 4 of the December 2011 SA Report explain the reasons for selecting the alternatives dealt with. Sections 2, 3 and 4 also describe how the assessments were undertaken.

13. The Council therefore considers that this fully accords with the requirements of the SEA Directive.

**Question 4 Is the Council satisfied the requirements of the Habitats Regulations have been met?**

14. Officer Response: Yes

15. A Habitats Regulations Assessment' (HRA) has been prepared as part of the Core Strategy submission documents (Examination Library reference SD8). This confirmed in Appendix 6 and paragraphs 4.12a and 4.12b of the December 2011 SA Report.

16. Natural England has confirmed that the HRA meets their expectations. This is set out in their letters dated 7<sup>th</sup> April 2011 and 8th December 2011) (Examination Library references SD9 and SD9/1).

**Question 5 Have any issues in relation to Strategic Flood Risk Assessment studies been adequately addressed?**

17. Officers are aware of two specific SFRA issues raised by representations:

- At the Pre-Submission (June 2010) stage a representation was received which questioned the quality and detail of the data collected in the South Gloucestershire SFRA Level 1 Report and hence the value of this document in helping to inform the Core Strategy.
- At the Post-Submission (December 2011) stage a representation has been received which states that the SFRA Level 2 Report is defective and fundamentally flawed in relation to the JFlow modelling of part of the Pickedmoor Brook catchment in the Thornbury area and not fit to be used to determine Planning Policy or planning applications.

18. Officer Response: In response to these points, the Council, with the support of the EA, consider that the SFRAs are fit for purpose.

- All the SFRAs have been prepared in accordance with Government guidance by consultants with acknowledged experience in this specialism and the work has been overseen by a Project Team consisting of officers from South Gloucestershire Council, representatives from the Environment Agency (EA) and the Lower Severn Internal Drainage Board.
- All of the SFRAs are supported by the EA. The EA's letter dated 7 December 2011 (Examination Library reference EB31/3). which supports the SFRA Level 2 Report states that they "*are confident that the SFRA provides an effective flood risk strategy to inform strategic locations and can be used to inform the Development Management decision making process*".
- In an email specifically addressing the Pickedmoor Brook modelling issue the EA confirmed that "*The methodology and the output of the Thornbury JFLOW model is satisfactory to the EA. It is fit for the purpose of designating Flood Zones and provides a precautionary flood extent output for this catchment.*" (Examination Library reference EB31/4).

- Subsequently the EA has confirmed, in its representation to the December 2011 Core Strategy dated 15 February 2012, (respondent number 805601) that it has no objection to the Core Strategy and that the Level 2 Report supports the conclusions of the Council's Topic Paper on Flood Issues, June 2011, (Examination Library reference SG6). It also confirms that the development proposed in the Core Strategy can be accommodated without impacting on the current and future climate change flood extents.
- The SFRA documents have been used to inform the preparation of the Core Strategy. The SFRA Level 2 will provide valuable evidence to help to inform the development of masterplans and planning applications for the Core Strategy New Neighbourhoods and the housing opportunity area at Thornbury.

**Question 6 Does the CS take account of other relevant plans?**

19. Officer Response: Yes

20. In preparing the Core Strategy account has been taken of other relevant plans. This is explained and set out in Chapter 1 of the Core Strategy December 2011 at paragraphs 1.10, 1.14, 1.15, 1.17, 1.18, 1.19, 1.21 and Appendix 1. All relevant plans referred to in Chapter 1 are also available in the Examination Library.

**Question 7 Insofar as the Regional Strategy remains relevant, until the appropriate section of the Localism Act is enacted, is the CS in conformity with it (RPG10).**

21. Officer Response: Yes

22. Until the appropriate section of the Localism Act is enacted, RPG10, the Interim RS, remains part of the development plan. However, it is recognised that this plan is now quite dated. Notwithstanding this as the extant development plan covering the period up to 2016, the Council considers that the Core Strategy is in general conformity with RPG10, in respect of the housing and spatial strategy for the following reasons:

- Policy VIS1 of RPG10: Expressing the Vision of RPG, Conformity is demonstrated in that the Core Strategy promotes a sustainable pattern of development, minimises the need to travel, seeks better integration between urban and rural areas, concentrates growth at the Principal Urban Area (PUA) and sets visions and objectives for towns and rural areas across the district.
- Secondly, the Core Strategy's overall development strategy accords with RPG10 Policy SS1 (Regional Spatial Strategy), Policy SS2: (Regional Development Strategy) and Policy TRAN 1 (Reducing the Need to Travel), through promoting economic prosperity and focusing future development in sustainable locations such as the Principal Urban Area (PUA) and Market Towns of Yate/Chipping Sodbury and Thornbury.

o Thirdly, Policy HO1: (Level of Housing Demand 1996 – 2016), of RPG10 requires the former county of Avon to deliver 3,700 dwellings per annum. The South Gloucestershire Local Plan, adopted 2006, transposes this RPG10 figure to a requirement for South Gloucestershire which amounted to 1,184 dwellings per annum. In effect uplifting the housing provision set for South Gloucestershire at Policy 33 of Joint Replacement Structure Plan (SD12/5) while maintaining the 30% apportionment of housing in line with JRSP requirement for South Gloucestershire in comparison with the other 3 unitary authorities. The Core Strategy makes provision at Policy CS15 for 22,375 new homes over the period 2011-2027. This is higher than the equivalent RPG10 figure if projected forward over the same period ( $1184 \times 16 = 18,944$ ). Both the CS and RPG10 reflect the importance of meeting housing need in accordance with the principles of sustainable development. Despite therefore the fact that RPG10 is now quite dated, the sentiment and spirit of that Plan as the extant higher tier development plan is transposed into the Core Strategy.

**Question 8 Is the CS in general conformity with the National Planning Policy Framework or, if not, would it be possible to make any changes in order for it to comply without detracting from the Council’s overall strategy for South Gloucestershire?**

23. Officer Response: Yes

24. The preparation of the Core Strategy and all subsequent work up to 27<sup>th</sup> March 2012 was undertaken in accordance with the previous national guidance set out in Planning Policy Guidance notes (PPGs) and Planning Policy Statements (PPSs) and any relevant supporting guides etc. Notwithstanding this, South Gloucestershire fully recognises the role and purpose of the NPPF and its relationship to the Council’s Core Strategy, as set out at paragraphs 1 and 2 of the Framework. Indeed, we would illustrate the degree of conformity to fulfilling the requirements of the NFFP as follows:

- The Core Strategy meets the requirements of NPPF at paragraph 151 in that it has been prepared with the objective of contributing to the achievement of sustainable development. To this end, it is consistent with the principles and policies set out in the Framework, including the presumption in favour of sustainable development paragraphs 11 to 16, the core planning principles set out at paragraphs 17 and the Frameworks requirements of delivering sustainable development as set out at paragraphs 18 – 149.
- Secondly, the Core Strategy in performing its role as the Local Plan for the District meets and achieves the 8 requirements listed at paragraph 157 of the NPPF.
- Thirdly, the Core Strategy is based on an adequate, up to date and relevant evidence base about the economic, social and environmental characteristics and prospects of the area. Furthermore, the Plan is deliverable as the sites and quantum of development are subject to an appropriate scale of obligations to enable development to be delivered. It thereby conforms with paragraphs 158 to 177 of the NPPF.

- Fourthly, The Core Strategy is underpinned by a Sustainability Appraisal (SA) which meets the requirements of the European Directive on Strategic Environmental Assessment.
- Furthermore, amendments made particularly with regard to the matters raised by the Inspector following the Exploratory Meeting of 29<sup>th</sup> June 2011 and his letter of 30<sup>th</sup> September c.f. policies CS5 (location of development) and CS15 (distribution of development), as well as to Policies CS16, (housing density), CS17 (housing diversity), CS18 (affordable housing) and CS19 (rural exemption sites) better ensure the Core Strategy is in conformity with the Government's objective and role for the planning system to support Government policy with regard to planning for growth and housing.
- Finally, appropriate and necessary steps have been taken to reflect the Government's Planning Reforms. Chapter 1 of the December 2011 Core Strategy has been amended to reflect the intended revocation of Regional Strategies and the changes to the planning system following the Localism Act and supporting Regulations. Moreover, throughout the December 2011 Core Strategy reference to PPGS and PPSs has been replaced with the term 'national guidance'

25. In conclusion, through the actions set out above the Council is confident that any changes can be made to the Core Strategy without going to the heart of the Plan. To this effect, we have requested the Inspector recommends main modifications to the Core Strategy in accordance with S112 of the Localism Act. This has been set out by letter to the Inspector dated 13<sup>th</sup> April 2012.

**Question 9 Can the Council outline its position in relation to the 'duty to cooperate'?**

26. Officer Response:

27. The Council notes and agrees with the Inspector's view as set out in his letter of 1<sup>st</sup> February and paragraph 7.6 of his guidance notes dated 22<sup>nd</sup> March that the Duty to Cooperate does not apply to this Core Strategy. However, and in any event, the Council is of the view that had the Duty To Cooperate been in affect the actions it has taken would comply with it.

**Question 10 Is the Council satisfied the number of representations to the Proposed Changes (436), Further Proposed Changes (18) and December 2011 CS (735) as indicated in its Addendum to Regulation 30(1)(e) Statement is correct? Can it also confirm that the representations made in an e-petition (211 people) and a paper petition (3,443 people) also form part of the overall representations made to the Plan?**

28. Officer Response: Yes

29. Analysis of representations has resulted in the Council identifying those numbers of representations indicated in the Addendum to Regulation 30(1)(e) Statement. As a point

of clarification however, 737 representations, not 735, were received to the December 2011 Core Strategy.

30. The petitions submitted have been signed by 211 and 3,443 people respectively. Each petition has been analysed by the Council as a single representation, taking the first signatory as lead petitioner. The individual signatures within each petition do not form separate representations. Paragraph 2.6 of the Addendum to the Regulation 30(1)(e) Statement (Examination Library Reference SD12/2) confirms that these petitions have been taken into account by the Council. This approach is consistent with how the Council has analysed petitions submitted during previous consultation periods.

**Question 11 Has the CS otherwise been prepared in accordance with all statutory procedures and have documents prescribed by the Development Plan Regulations been published on its website and made available to the public?**

31. Officer Response: Yes

32. Full details in relation to compliance with all statutory procedures were provided at the Exploratory Meeting on 29<sup>th</sup> June 2011. The Council's written response at paragraphs 2.1 to 2.10 makes this clear. Following the inspector's letter of 30<sup>th</sup> September 2011 and the subsequent suspension of the EiP, the Council published the December 2011 Core Strategy incorporating Post Submission Changes and invited representations to be made for a period of 7 weeks from 29<sup>th</sup> December and 17<sup>th</sup> February based on the requirements of Regulation 27. Details can be found in Regulation 30(1)(d) and 30 (1)(e) Statements, Examination Library References SD11 and SD12.

South Gloucestershire Council, 17<sup>th</sup> April 2012.