

**19 June 2012 Session 1: Procedural Matters and Legal Compliance**  
**Yate Town Council ID: 936417**

1. Despite the further revisions produced by the Council following the questions of compliance raised by the Inspector in the summer of 2011, we cannot see evidence that the Council has carried out a proper exercise of its discretion by revisiting its total allocations or specific locational decisions, but has started from its previous document and then considered whether adjustments are needed in light of earlier challenges to the legality of the document and its changing statutory context and the new opportunities provided at Filton.
2. Critically the incoming government following the 2010 General election in a letter from Eric Pickles on 1 June 2010 and subsequent litigation and legislation, released the Council from an obligation to demonstrate their Core Strategy is in compliance with the 2008 draft RSS. That introduced flexibility. The Council did not as a result carry out a fundamental review of its allocations, but instead retained the structure and all allocations and merely reviewed whether they could still be justified. We consider this to be a fundamentally different question in law from the question they should have been asking – which is what would the Council have done if starting from a clean piece of paper.
3. We appreciate they have sought to review the document, but the key word is *review*. When seeking to revisit a document when a different exercise of discretion is required from the original criteria applied it is always difficult to demonstrate the decision making body has opened its mind sufficiently to the new discretion. We do not believe South Gloucestershire has done so, and that the document is, in effect, the original exercise of their powers when constrained by the RSS with a limited number of key paragraphs altered.
4. Equally, it has not had time to review ab initio its spatial strategy in light of the Localism Act and the changes that have further increased its opportunity for flexibility. It has chosen to reflect the Localism Act, and the new funding context by revising a limited number of introductory paragraphs, rather than working with communities to revision the strategy.
5. Instead it has ploughed on with a policy which by its own minutes it only originally adopted reluctantly in the face of the draft RSS forcing its hand. Its focus has been on the Filton Airfield question, which it has regarded as additionality, rather than an opportunity to revisit the fundamental approach.
6. We believe the new flexibility should be used to take a very different approach to the total figure, areas of search and the application of the numbers.
7. Whilst we are very reluctant to do anything that would delay the adoption of a Core Strategy because of the vulnerability to ad hoc planning applications, we are worried that the consequence of its focus upon Filton as additionality has meant it has failed to revisit the underlying strategy and question whether in the climate of revised opportunities and revised regulatory requirements it should drop elements of the plan which offer poor sustainability gains. In similar vein the market, fed up with waiting for the Core Strategy has identified sites and

obtained planning consent for 558 new dwellings on three significant sites in the centres of Yate and Chipping Sodbury. The plan has not been modified to reflect these consents – yet if the figure of 3000 houses for Yate Sodbury is a realistic evidence based calculation and not an arbitrary figure, and is carefully constructed to deliver the CS5 strategy of improving self-containment, one would expect a revision of the total left to meet. Instead these figures have simply been knocked off the total to be achieved across the whole of South Gloucestershire, in effect meaning Yate/Sodbury will now be expected to deliver 3558+ properties. This seems the antithesis of evidence based planning.

8. This is an area of massive economic vibrancy, with low unemployment rates compared to the rest of the country. It has more scope than other places therefore to carry out a proper Sustainability Appraisal in the European sense, and identify the genuine carrying capacity of the local environment which we believe should be the starting point in this changed regulatory context..
9. Failure to conduct that ab initio review is a fundamental failure to exercise powers, the Council has, in effect, fettered its discretion and therefore has not carried out the proper review it needed to