

MATTER 1 ISSUE 3
South Gloucestershire District
Representor No's 2827777 and 320641

Jill Kempshall on behalf of Marilyn Palmer

MATTER 1 - LEGAL COMPLIANCE / PROCEDURAL MATTERS

Issue 3

Plans submitted prior to the introduction of the Localism Act on 15 November 2011 are not subject to the 'duty to cooperate'. Is there any basis for suggesting the Council has not complied with this principle irrespective of whether the test should apply to the South Gloucestershire CS?

We do not accept that the CS can "pick and chose" which parts of the Localism Act to apply, given that further parts of the Act will be enacted during the timeframe of the Examination/adoption process. The NPPF stresses the need for Local Plans to be "up to date", so strictly applying the legal argument about the timing of the original submission would be counterproductive. It would appear from submissions on the Core Strategy Post Submission Document (CSPS) that the principle of the "duty to cooperate" has not been complied with in a meaningful manner – eg. N.Somerset Council ("failure of cross boundary strategic planning for retail") and Bristol City Council ("The City Council considers the impacts involved have not been fully and properly addressed in conjunction with partners"). Given the symbiotic relationship of South Gloucestershire with its neighbouring authorities and particularly with the urban fringe of North Bristol, cooperation would seem vital if the CS policies are to be viable, sustainable and effective.