
Matter 1 – Legal Compliance / Procedural Matters

- 1. Is there any evidence to show the Council has not consulted at all relevant stages of the plan preparation process and has failed to comply with the statutory requirements?**

We are content that the Council has undertaken consultation at all relevant stages, however, they have not fulfilled the requirements of Para 20 (2) (b) of the Planning and Compulsory Purchase Act (2004), which requires the Local Planning Authority to submit every Development Plan Document to the Secretary of State for independent examination,

“but the authority must not submit such a document unless – (b) they think the document is ready for independent examination.”

There have been numerous additional pieces of evidence prepared and significant changes made to the Core Strategy since the LPA submitted to the Secretary of State. As such the submission of the Core Strategy did not comply with the requirement of 20 (2) (b), not being ready for independent examination. It is therefore premature and unsound.

- 2. Is the Core Strategy (CS) in general conformity with the National Planning Policy Framework (the Planning Framework) or, if not, is it possible to introduce modifications without detracting from the Council’s overall strategy for South Gloucestershire?**

The NPPF introduces a significant change in the national policy context, which the South Gloucestershire Core Strategy fails to address. It introduces a much greater onus on local authorities enabling economic growth through plan making and determining applications positively. Paragraph 19 of the NPPF states:

“The Government is committed to ensure the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”

In our evidence on Housing Numbers (Policy CS15), we have demonstrated that the proposed level of housing growth is insufficient to meet the household formation and economic led housing need; and further that the proposed level of housing falls significantly short of the

level of housing required to accommodate the economic growth that the Core Strategy seeks to achieve.

An appropriate and NPPF consistent methodology for addressing the housing needs of South Gloucestershire would be to provide sufficient land in order to address these housing requirements.

The Submission Core Strategy proposed 26,436 houses between 2006-2027. The CLG 2008 based forecasts show a requirement for 33,000 houses in the same period. Between 2006-2011 only 4,060 houses were built creating a shortfall of 2,235 using the Core Strategy or 3,795 using the CLG Figures. The shortfall needs to be made up. The Council's proposals fail to meet the 5 year requirement for houses in years 2011-2016

Paragraph 47 of the NPPF states:

“to boost significantly the supply of housing, local planning authorities should:

Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period.”

There is a clear emphasis that the NPPF requires the supply of housing to be **‘increased significantly’** in response to **‘objectively assessed needs’** for all housing tenures.

At no point has SGC ever objectively assessed needs for their provision of housing. Rather, up until the Submission of the Core Strategy, they have proposed 21,500 houses, which was not founded on a robust evidence base.

It is only following the Pre-Hearing Meeting, where the Inspector encouraged the Council to review their housing provision to introduce more flexibility that the housing provision has increased. Even at this stage, when the likely emphasis of the NPPF was already well known, SGC did not undertake a robust and objectively assessed review of housing needs. Instead the additional Supplementary Housing Paper (PS8) which was published alongside the Post Submission CS Document focuses on an assumed lower migration figure in the 2010 DCLG population forecasts (which is based on the lower migration levels during recession over the last 5 years) in order to retrospectively justify a housing requirement that has been formulated from existing commitments and newly available sites.

This lack of objectively based assessment means that the Plan has not been 'positively prepared' (as required through paragraph 182 of the NPPF). Further, it takes no account of the unmet requirements from neighbouring Authorities and the deficit in housing proposed in each of the neighbouring West of England Authorities when compared to the level of housing required to meet economic growth.

The Core Strategy therefore fails to comply with the requirements of the NPPF in setting the overall approach to economic and housing growth, but further, it fails to provide a continuous 5 year +20% housing land supply.

3. Plans submitted prior to the introduction of the Localism Act on 11th 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 South Gloucestershire Core Strategy?

Section 110 of the Localism Act sets out a 'duty to cooperate'. This applies to all local planning authorities and sets a duty that requires that Council's and public bodies 'engage constructively, actively and on an ongoing basis' to develop strategic policies.

The NPPF states that Local Planning Authorities will be expected to demonstrate evidence of having successfully cooperated to plan for issues with Cross-boundary impacts when their local Plans are submitted for examination. It also notes that Joint working should enable Local Planning Authorities to work together to meet development requirements which cannot wholly be met within their own areas.

In September 2005, the West of England authorities (of Bristol, B&NES, North Somerset and South Gloucestershire) submitted their First Detailed Proposals to the Regional Assembly which set out a joint vision, objectives and development strategy including targets for job creation (5000 new jobs per annum) and housing provision (4,625 new homes per annum, which is a total of 92,500 homes over 20 years).

This constitutes proper joint working and the output was an early draft of a proper sub-regional strategy that takes a holistic approach to the area and the issues it faces.

In preparing the South Gloucestershire CS, the Council has not engaged constructively and on an on-going basis on strategic priorities. The Council's may have had some contact on an individual topic basis (such as agreeing a constrained approach to housing/agreeing to

preserve the Green Belt) but this does not constitute 'engaging constructively and actively on an on-going basis', as required through the NPPF.

It is clear from para 49 and 52 of the Bristol Core Strategy Inspector's Report that not all of Bristol's growth can be accommodated within its administrative area. Taking account of para 47 of the draft NPPF, South Gloucestershire should therefore be working with Bristol to work together to meet development requirements which cannot wholly be met within Bristol and should even consider preparing joint planning policies on this matter. South Gloucestershire has not taken account of the Government's interpretation of diligent co-operation and has not applied the requirements of the draft NPPF.

4. The intention is that the Planning Framework is to move largely towards a single Local Plan rather than many development plan documents. How will this affect the Council's approach to plan making?

The Core Strategy provides the broad strategy and Policies for the District, however it notes that within the Rural Areas the Settlement boundaries defined on the Proposals map around rural Settlements will be retained for the first 5 years from the date of Submission of the Core Strategy.

We will identify in our responses on other matters that we consider the Core Strategy to significantly underprovide housing, particularly compared to the economic led projections. The requirement to prepare another Development Plan Document to identify potential suitable locations for additional housing growth is therefore contrary to the aim of the Planning Framework and will delay the delivery of suitable and sustainable sites on the edge of Settlements in the Rural Areas.

We consider that it is unlikely, given the change in emphasis of the Planning Framework, that the Policies, Sites and Places DPD will be prepared rather than the Council opting for an early review of the Core Strategy as a Local Plan.

Given the likely delay in identifying appropriate locations to accommodate the additional growth it is even more necessary for the Core Strategy to acknowledge that there are opportunities within the Rural Areas to accommodate additional development as extensions to Sustainable Settlements such as Frampton Cotterell.