

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?
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?
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?
4. The intention in 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?

General

Strategic Land Partnerships is a participant in the Core Strategy Examination Hearing, and is taking part in the round table sessions to be held on Day 1, but is not listed to participate on Matter 1. The publication of the Policy Framework on 27 March 2012 following on from the Enactment of the Localism Act on 15 November 2011, significantly alters the way that the Core Strategy is to be examined and affects matters on which SLP would wish to contribute. The Inspector's questions on Matter 1 go to these issues. Whether or not it is possible to take part in the discussion of these matters at the Hearing, SLP would wish to have its views considered and this statement sets out a number of points to this end, looking particularly at Matter 1, questions 2 and 3.

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?

SLP would wish to make a point of process and a point about the plan content in addressing this question.

The process point is that general conformity with the Planning Framework cannot be treated entirely as a procedural matter such that if the box can be ticked at the outset, and conformity with the Planning Framework is thereafter taken as read and never revisited in the Hearing and Examination. This would take away the whole point of the Hearing and pre-determine the outcome of the Examination. Conformity with the Planning Framework cannot be tested by asking whether a requirement has been fulfilled and for which there is a clear yes or no answer, in the way advertising a change to the plan might be required for instance. Determining whether the plan is in conformity with the Planning Framework requires consideration of the substance of the plan itself and the evidence in which it is supposed to be based, and this will require the consideration of views through debate. Reference will be made to the Planning Framework throughout the discussion of the various Matters listed by the Inspector. This is what is intended from the Hearings and this process must not be subverted by any inappropriate interpretation of the Inspector's Matter 1, question 2.

It happens that SLP is clear that the Core Strategy is not in conformity with the Planning Framework. Demonstrating why it isn't could include assessment of the plan and of the process by which the plan has been prepared against a line-by-line review of what the Planning Framework requires. It should be sufficient to note here however that the Planning Framework requires, as part of the test of soundness no less, that the plan be 'positively prepared'. It hasn't been. Critical to the preparation of the spatial strategy in the plan, according to the Council, has been an appeasement of

the wishes of influential parts of the community that do not want to see any change in their area, something that could never be interpreted as a positive approach.

The Planning Framework explains that in applying this part of the soundness test, 'positively prepared' means that; *'the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements needs from neighbouring authorities, where it is reasonable to do so and consistent with achieving sustainable development.'* The Council does not rely on the qualification in this statement as the excuse for its plan. It simply believes it does not have to play its part in meeting the housing requirement arising from the functional area in the most appropriate locations, and not wanting to therefore, it doesn't. Because the planning authority doesn't even know let alone address the evidence on *'unmet requirements needs from neighbouring authorities'*, the plan cannot be said to be in conformity with the Planning Framework.

To address the Inspector's question, it is not *'possible to introduce modifications without detracting from the Council's overall strategy for South Gloucestershire'* because it is the Council's overall strategy for South Gloucestershire that is wrong because it is a partial strategy, and it is for this reason (amongst other matters) that the plan fails to conform with the Planning Framework. However, if the strategy in the plan was changed it could, on this point, be able to conform with the Planning Framework and in this respect at least, be found sound.

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?

The Inspector's question refers to the 'principle' of the 'duty to cooperate', which is an all-embracing way of expressing the question and referring to this latest manifestation of the undeniable need for some form of strategic planning. It has become abundantly clear with the publication of the Planning Framework that there are two aspects to the 'duty to cooperate', and in the Examination of a plan these are intended by Inspectors to be applied in sequence. The first aspect is the legal test of compliance which is a procedural matter. If a planning authority's area relates to another planning authority's area on the basis of a strategic issue and the planning authority whose plan is being examined can demonstrate that the authorities have collaborated, it seems that the legal test will have been met (in relation to that public body – the test embraces all relevant public bodies).

SLP has not made submissions on the legal compliance point and simply awaits the Inspector's deliberations and conclusions on this point should other parties question the interpretation of the legislation currently held to apply by CLG and PINS that for this plan the Council is exempt from any duty to cooperate. It seems quite evident that the Council's collaboration with the neighbouring authorities has extended to the matters of mutual benefit, such as the seeking of public funding for certain transport infrastructure, but in respect of matters critical to this plan, has stopped with an agreement not to go anyway near difficult issues such as housing provision. This agreement, real or understood, is for the mutual benefit and comfort of the local authorities within the West of England, but does not serve the wider interests of the West of England.

If the legal requirement does not apply or is deemed to have been satisfied, the Examination can continue and the plan's soundness is then tested. The Planning Framework, with its definition of soundness and the requirement that the plan be 'positively prepared' then comes into effect. This is a far more demanding test, and a significant raising of the bar for plan preparation than was evident

from the way such matters were expressed in the draft NPPF. It is a test of substance – there has to be something in the plan that is a consequence of recognising the implications of the strategic issues that have required the collaboration. From the matter of the housing requirement and the provision made for housing through the South Gloucestershire Core Strategy, it is clear that the plan is untroubled by and silent upon strategic issues, that is, issues arising from the way functional areas unbound by historic administrative boundaries work in reality. The Council takes it upon itself to treat the people in the District and all who will inhabit the District during the plan period as having no knowledge of or involvement with anybody or any place beyond the District boundary.