

TOWN & COUNTRY PLANNING ACT 1990

**BATH & NORTH EAST SOMERSET LOCAL PLAN
(CORE STRATEGY AND PLACEMAKING PLAN)**

PARTIAL UPDATE

Matter 1: Procedural/Legal Requirements

Representations on behalf of

LiveWest Limited and J E Sheppard Sons (Sawmills)

21st June 2022

D2 Planning Ref: 018/22

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May 2022

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1. MATTER 1: PROCEDURAL/LEGAL REQUIREMENT

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Duty to Cooperate

Q1. Is there clear evidence that the Council has engaged constructively, actively and on an ongoing basis with neighbouring authorities and prescribed bodies in accordance with section 33A of the 2004 Act in respect of strategic matters with cross-boundary impacts considered through the preparation of the Plan?

It is acknowledged that the Council has held various discussions with neighbouring authorities and prescribed bodies. However, it is not clear that these discussions have been able to resolve crucial issues e.g. unmet housing need.

Reference is made to the various discussions with the Combined Authority and the various Statements of Common Ground (CD-SD062-064). However, on 13th May 2022, notice was given by the Combined Authority that work had halted on the Spatial Development Strategy and is now not being pursued by the West of England Combined Authority (Document 1). The note advised that no agreement could be reached on the Plan by the respective Councils which includes Bath and North East Somerset. This has important implications for this Local Plan Review and the Duty to Cooperate undertaken for this Local Plan Review cannot now be relied upon given the significant changes in circumstances.

Q2. What are the specific outcomes of the Duty to Cooperate?

The NPPF (2021) requires the Council to work with other surrounding Planning Authorities on strategic matters which cross administrative boundaries under a Duty to Cooperate. Of potential relevance is paragraph 35a which requires Local Plans to be positively prepared and provide a strategy which as a minimum seeks to meet its own housing need in full whilst also being informed by agreement with authorities in neighbouring areas to ensure unmet need in these locations can be accommodated as appropriate.

Clearly the recent announcement from the Combined Authority has implications for the ongoing relevance of this Local Plan Review. Bristol is a highly concentrated city and as such housing delivery at the scale it requires presents unique challenges. Bath and North East Somerset adjoins the boundary of Bristol and in addition to South

Gloucestershire and North Somerset are clearly an entirely logical and appropriate location to accommodate the growing demand of people seeking to live close to the popular South West City Hub. Bath and North East Somerset benefits from excellent transport link infrastructure services and facilities to support the growth of Bristol. However, the Local Plan Review is completely silent on this issue. The unmet housing need is a critical issue now and should be addressed now. It appears that it is an issue that is being left to the preparation of a new Local Plan which will at present estimates not be adopted until December 2024 at the earliest. Indeed, the timetable for the new Local Plan appears extremely optimistic (particularly given that work has halted on the Spatial Development Strategy). The potential impact of this is that those people who need a home now, will likely need to wait several more years before securing a suitable home. We believe the Local Plan Review could potentially do more to address this.

Sustainability Appraisal

Q3. Is the Sustainability Appraisal (SA) adequate?

The SA does not appear to have adequately considered all reasonable alternative sites that are suitable, available and deliverable. Further information is provided in response to Q5.

Q4. Has the SA been undertaken on the basis of a consistent methodology and is the assessment robust?

No comment.

Q5. Did the Council, through an iterative SA process, take into account reasonable alternatives and has sufficient reasoning been given for the rejection of alternatives?

The SA does not appear to have adequately taken into account reasonable alternatives or provided sufficient reasoning for rejecting them. In particular the Local Plan update allocates land currently in the Green Belt. However, paragraph 137 of the NPPF makes clear that before concluding that exceptional circumstances exist to justify changes to the Green Belt “all other reasonable options” for meeting the identified need for development must be considered. This should include an examination of other locations in the District, that do not include the loss of Green

Belt such as land at Greyfield Road, High Littleton which are not in the Green Belt. These options would allow the Council to promote sustainable development in rural areas whilst enabling the Council to meet its housing provision and 5 year land supply targets. The SA does not explain why these options have not been carried forward in the Local Plan Review as an allowance.

Habitats Regulations Assessment

Q6. Has the Habitats Regulations Assessment (HRA) been undertaken in accordance with the Conservation of Habitats and Species Regulations 2017, and have potential combination effects in regard to sites in neighbouring areas been assessed adequately?

No comment.

Local Development Scheme

Q7. Is the Plan compliant with the Council's Local Development Scheme in terms of its form, scope and timing?

No comment.

Community Involvement

Q8. Has the Council complied with the requirements of section 19(3) of the 2004 Act with regard to conducting consultation in accordance with the Statement of Community Involvement?

No comment.

Climate Change

Q9. Are the policies of the Plan designed to secure that the development and use of land contribute to the mitigation of, and adaptation to, climate change in accordance with Section 19(1A) of the Act?

No comment.

Equalities

Q10. In what way does the plan seek to ensure that due regard is had to the three aims expressed in s149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?

No comment.

Superseded Policies

Q11. Is Appendix 1 of the Plan clear in identifying the policies of the existing development plan which would be superseded by the Plan consistent with Regulation 8(5) of the Town and Country Planning (Local Planning) (England) Regulations 2012? What is meant by obsolete in 'New Table 9'?

No comment.

DOCUMENT 1

From: West of England Combined Authority <strategicplanning@westofengland-ca.gov.uk>
Sent: 13 May 2022 16:37
To: dsdunlop@d2planning.co.uk
Subject: Spatial Development Strategy update

[View this email in your browser](#)

Spatial Development Strategy update - May 2022

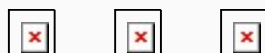
We are writing to let you know that work on the Spatial Development Strategy (SDS) has been halted and is not being progressed by the West of England Combined Authority.

Metro Mayor Dan Norris has written to the Department for Levelling Up, Housing and Communities (DLUHC) to explain that he has asked officers to stop work on the SDS as unanimous agreement on the plan by the councils has not been reached.

The West of England Combined Authority is one of only three authorities outside of London with strategic planning powers. The process of preparing a statutory strategic plan, was never going to be an easy one. The significant joint working efforts of our partners and stakeholders is recognised.

The Combined Authority will now work with DLUHC on the Metro Mayor's priorities for housing delivery, particularly of much needed affordable homes.

We look forward to continued working with you on this important agenda.



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