
Bath and North East Somerset Council
Local Plan (Core Strategy and
Placemaking Plan) Partial Update

Examination Hearing Sessions
Matter 2, Questions 12 and 13
Hearing Day 1, 21 June 2022

Written Statement On behalf of Crest
Nicholson Ltd in relation to Hicks Gate

6 June 2022

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ORIGIN3

Planning . Design . Development

Matter 2: Strategic Policies

Issue: Is the Plan's approach to strategic policies consistent with national policy?

Q12 Paragraph 29a of the submitted Plan sets out that all policies in the Core Strategy and the Placemaking Plan are 'strategic' policies. Is this justified and consistent with national policy as set out in the National Planning Policy Framework (NPPF)? What is the evidence that the strategic policies of the Plan are limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues)?

Q12.1 By reference to the relevant parts of the Framework, not all of the policies in the LPPU are strategic policies.

Q12.2 Paragraph 21 of the Framework says: *'(strategic policies) should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any non-strategic policies that are needed'*.

Q12.3 This statement counsels against including as 'strategic policies' in a Plan, policies that don't perform this role of addressing strategic priorities. The LPPU is predicated on the premise that climate change needs to be tackled and seeking to arrest climate change is a very important issue, and something to be 'got on with'. However, the LPPU does not seek to address climate change in the most fundamental way it could, by looking to the long term and the spatial strategy. The policies in the Plan are development management policies intended to be taken into account in determining planning applications that are otherwise acceptable in the context of the Council's pre-existing spatial strategy for its area.

Q12.4 We have in relation to Inspector's Question 5 cited the statement at paragraph 6.2 in the section 'Options appraisal for the Local Plan Partial Update document, (January 2021)' in the sustainability report (CD SD-005, p.40) that the Council is explicit in saying that the LPPU does not address strategic matters as they now appear. This is evidently and regrettably so, in relation to for instance cross-boundary issues, the Plan period, and the consequent housing provision for a proper Plan period.

Q12.5 Two of the tests of soundness at paragraph 35 of the Framework refer specifically to cross boundary issues, such that a Local Plan:

- Is not *'positively prepared'* unless it *'is informed by agreements with other authorities so that unmet need from neighbouring areas is accommodated where it is practical to do so'*; and
- Is not *'effective'* unless it is *'based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred'*.

Q12.6 Paragraph 22 of the Framework says: *'Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.'*

Q12.7 As the Council itself says that its Plan does not address strategic matters, it cannot be said that the policies that are included are strategic policies.

Q12.8 Whilst whether the policies can be described as 'strategic' might appear semantic (though it has a basis in the Framework), what is really very important is that the LPPU does not deal with strategic matters at all. In answer to the question therefore, the policies in the Plan are not strategic policies, such policies as there are not strategic policies, and the strategic issues of the area are simply not addressed.

Q13 The modified strategic policies of the Plan would cover the period to 2029, and consequently will not look ahead over a minimum of 15 years from adoption as per NPPF paragraph 22. What is the justification for this, and is the Plan positively prepared in this regard?

Q13.1 The LPPU doesn't do as the Framework requires. In July 2021 the Framework became clear and without qualification. Paragraph 22 of the Framework further emphasises the point that better planning is more likely to be achieved by looking to the long term, by going on to say: *'Where larger scale development such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies*

should be set within a vision that looks further ahead (at least 30 years) to take into account the likely timescale for delivery’.

- Q13.2 The failure to plan properly for the future of its area, taking account of its context and the relationship with neighbouring authorities and other bodies, is a clear and specific example of the Council’s failure to ‘*plan positively*’ and so without any doubt the Plan fails to be sound by this test, (as well as by all of the others).
- Q13.3 The Council should address the requirement for an adequate Plan period from the Framework. Though presented as an update to the Core Strategy to address issues arising from the climate change in particular, this reason does not in itself set any particular timeframe for the changes or provide any reason to constrain the post-adoption period of the Plan to one of seven years (at most). It seems more likely that matters are the opposite – a wish to avoid making the changes to the spatial strategy and to the strategic development provision is the reason to limit the Plan period for the LPPU.
- Q13.4 In reality, given that the Core Strategy was adopted in 2014, the date by which the Plan should have been reviewed has passed, and had already passed when the LPPU was submitted. There is no good planning reason for the Council to limit the period of its revised Plan to seven years, and many very good planning reasons, together with national planning policy, why it shouldn’t.
- Q13.5 The Council cites the expectation of the publication in draft at least, of the WECA SDS, and hence ‘waiting to see’ as part of the reason for limiting its spatial planning work to an update of the Core Strategy in very limited ways and for a very limited Plan period. If this were ever a valid explanation of and justification for the Council’s approach, the prospect of the SDS being published and adopted within a foreseeable programme and perhaps at all, has disappeared during the examination of the LPPU. This looks very unlikely to change before the end of the examination and so the examination will have to be concluded in this new context.
- Q13.6 It is absolutely essential to the proper planning, and the real world outcomes for BANES and the West of England that adoption of this Local Plan Review

does not result in a claim in planning terms that the BANES Local Plan is up to date and no further review is required for 5 years. The LPPU has purposely sought to step around the need to address such matters and it cannot be the right and proper outcome.