

Agenda 2 – Strategic Context Additional Statement

North Somerset Core
Strategy; Examination of
Remitted Policies. Turley
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1 Is the Core Strategy Prepared Within an Appropriate Strategic Context?

Requirement for a Strategic View

- 1.1 Our starting point for the consideration of this question is was rather than is the Core Strategy prepared within an appropriate strategic context. Clearly the High Court judgement demonstrates the Duty to Cooperate did not apply, so therefore the strategic context for the adopted Core Strategy was the now revoked draft Regional Spatial Strategy (dRSS). The final version of the dRSS was that incorporating the Secretary of State's Proposed Modifications, dated July 2008. We consider that the adopted Core Strategy did accord with the spatial policies of the dRSS which identified Strategically Significant Cities and Towns (SSCTs), which included Weston-Super-Mare, as the primary refocus for development and then away from SSCTs seek appropriate level of provision to support the role and function of market and coastal towns (i.e. Clevedon, Nailsea and Portishead in North Somerset). In that respect it provided an appropriate strategic spatial context.
- 1.2 However in identifying a requirement of only 14,000 (2006 – 2026), against the dRSS provision of 26,750 houses for the same period, a reduction of almost 50%, it is plain that the numerical element of the strategic context was not met. However, this was a key issue for the original Core Strategy examination, which despite our misgivings about the conclusions reached, nevertheless established a material change in circumstances. This was due to:
 1. The unrealistic scale of urban extensions necessary to deliver this level of growth.
 2. A need to review the evidence of housing requirements.
 3. The economic recession.
- 1.3 Therefore we conclude that at the time, the adopted Core Strategy was prepared within an appropriate strategic context.
- 1.4 However, the Inspector himself raised doubts about the certainty of that conclusion. Paragraph 29 says '*there is no evident single right answer to the question of how many jobs and houses the Core Strategy should provide for at this time*' and he described the North Somerset conclusions as '*highly subjective*'. Significantly in Paragraph 30, he said '*however, the uncertainty of the present situation reemphasizes that to be sound the Core Strategy must incorporate sufficient flexibility to meet unforeseen developments, especially any unprecedented upturn in the economy giving rise to increased job and housing requirements more in line with the pre-recession forecasts*'. In our view it is clear:
 1. That 14,000 houses falls far short in allowing sufficient flexibility and that this re-examination provides the opportunity to review this.
 2. That we are now seeing an upturn in the economy.
 3. There has been a material change in government policy to significantly boost the supply of housing, which itself constitutes a change in the strategic context, together with the presumption in favour of sustainable development.
- 1.5 All of this raises the issue of what strategic context this re-examination should be assessed against, which we consider after looking at the Duty to Cooperate.

An Inward Looking Plan

- 1.6 The strategy of self-containment results in an inward looking approach and consequently an inconsistent inward looking plan. The relationship between homes and jobs needs to be addressed over a wider area than just North Somerset which does not have a homes or jobs fence around it. In our view the issue should be applied on a sub-regional West of England approach, which recognises in particular, the relationship between the availability of jobs in Bristol and the Bristol North Fringe and Homes in North Somerset and elsewhere in South Gloucestershire. In the context of a city region such as Bristol, there is a case for a 'strategic employment market assessment' or even more appropriately including such an assessment as part of the SHMAA. This will result in all the West of England authorities signing up to a sub-regional self-containment approach which might be more appropriate.
- 1.7 There is also an internal inconsistency in the North Somerset Core Strategy in that the specific 1.5 jobs per home as standard is applied to Weston-Super-Mare in order to achieve self-containment, whereas at Clevedon, Nailsea and Portishead paragraph 3.258 of the adopted Core Strategy says 'the approach seeks to support greater self-containment through the provision of a range of employment opportunities' and the 1.5 standard only applies to sites above 10 dwellings. Therefore there is an inconsistency in the way self-containment is to be applied. The result is that not only is the overall approach in North Somerset inward looking but policies CS20 and CS30 mean the approach in Weston-Super-Mare is inward looking or self-contained in its own right.
- 1.8 Persimmon Homes Severn Valley owns Weston Airfield which is allocated in the Core Strategy as part of the Weston Villages allocation and identified as Winterstoke Village. The company has worked with North Somerset Council and other land owners to implement the 1.5 jobs per home self-containment policy. The opening up of Winterstoke Village requires considerable upfront infrastructure, in particular in drainage and highway improvements which are necessary to enable the provision of new employment. However it will not be financed by the employment development itself but by the residential development. In that respect the provision of jobs is dependent on the housing rather than the other way around. The danger is the application of 1.5 jobs per home standard will mean house building will have to stop if jobs are provided at a sufficient rate, to the detriment of infrastructure provision and with a knock on effect on the ability to bring forward further employment land.
- 1.9 All this in addition creates uncertainty because it is not clear what the Council's response will be if jobs are not provided at the required rate and whether they will seek to bring house building (and by implication infrastructure provision) to a halt. This in turn would have an adverse impact on the Council being able to maintain a five year housing land supply.

Applicability of the Duty to Cooperate

- 1.10 The Duty to Cooperate did not apply to the adopted Core Strategy. The key to whether it would apply is dependent on the status of the Core Strategy now – I.E is preparation of the document complete, is the document still at submission stage, does the re-examination constitute a new preparation stage and a new submission stage? It is clearly possible to argue both sides, but we are in uncharted waters here, with, as far as we are aware, no legal precedence which would help. Therefore it is necessary to take a view and for the following reasons we do not consider the Duty to Cooperate should apply:

1. For the reasons stated by Judge Robinson in her High Court Judgement, paragraph 69, namely that 'in my judgement, legislation should not be taken to impose a statutory duty retrospectively, unless the language clearly indicates that is the intention. To impose retrospectively a substantive Duty of Cooperation requiring joint working between authorities, which could affect preparation of development plans over a lengthy period of time, where failure to comply would likely result in significant delay and expense, would in my view would require the clearest possible wording. That is not the case here.'
2. The process of the preparation and adoption of the Core Strategy is not complete. The re-examination is exactly that – a reconsideration of key aspects of the original plan not a new plan with a re-based plan period.
3. It would not be logical for different parts of the plan to be prepared in the context of different strategic contexts, one part under the dRSS and one against the Duty to Cooperate. The strategic context should be a coordinated process for securing sustainable development and resolving strategic issues.

Current Cooperative Processes

- 1.11 The current cooperation set up by the West of England authorities is effectively for next time round, when all the plans are due to be reviewed in 2016. This is demonstrated in the Duty to Cooperate schedule, which largely relates to future work or monitoring work. What is not clear from the schedule is the outcomes that are expected and how they will inform the plan reviews. However, whether this is 'effective' cooperation is something to be examined in 2016 in the context of each individual review.

SHMAA

- 1.12 The 2009 West of England SHMAA is clearly past its sell by date, predates NPPF guidance, only considers affordable housing rather than housing demand and anyway is being replaced by the West of England authorities. The updated SHMAA is at a very early stage and is not expected to produce any meaningful outcomes until at least 2015. On the evidence of the production of SHMAA documents generally, that may prove to be an optimistic assumption. In the context of the above, we note the position in Bath and North East Somerset where the Council have produced a single authority wide SHMAA. However, that was in response to an emerging plan and we do not consider such an approach appropriate in the context of the continuation of the preparation process of this Plan given the need to take account of the close relationship between housing markets between North Somerset and Bristol, which can only be effectively addressed in conjunction with the other West of England Authorities.

Review of Plans

- 1.13 The original Inspector recognised that '*at first sight*' the Core Strategy is inward looking but seems to justify that '*in the context of virtually unprecedented economic uncertainty.*' As we comment above, that is no longer the case implying that the issue needs to now be re considered. In addition, the fact that the emerging Bath and North East Somerset Core Strategy will now be based on a BANES only SHMAA, suggests that will also be an inward looking plan. However in both instances, the position will only be resolved through a strategic West of England approach following the completion of the West of England SHMAA. Even if that produces results in 2015 that would be too long to wait in

order to take it into account in the current re-examination process. To leave the housing policies of the North Somerset Core Strategy in limbo would be inappropriate in the context of a plan led system.

- 1.14 Therefore, we consider the current re-examination process should be concluded as soon as possible and an early review undertaken based on the findings of the revised 2015 SHMAA and in the context of the Duty to Cooperate. It is important that the Duty to Cooperate is properly addressed in order to deal with the obvious close relationships between all four West of England authorities and their housing markets, not just Bristol. In the respect we would like to see the four West of England authorities prepare a Duty to Cooperate statement and include a commitment to synchronise the adoption of their reviewed plans. An example of this degree of cooperation is set out in the Planning Advisory Service '*Do Your Duty*' guidance and involved Hertsmere and Watford Councils.
- 1.15 Whilst the position in Bath and North East Somerset is on-going, reviews are expected in Bristol in 2016 and South Gloucestershire in 2018. It is important that there is a commitment by North Somerset to review the Core Strategy on a similar time table in order that all plans are reviewed and based on an up to date SHMAA. Therefore we object to the Councils proposed modifications to delete references to reviews in 2016 and 2021 from Policy CS13 and include only the possibility of a review before 2026. This is emphasised by the fact that the North Somerset Core Strategy is based on an outdated 2009 SHMAA.

What is the Strategic Context?

- 1.16 The existing strategic context is somewhat outdated but for consistency the re-examination should be considered against what remains of the strategic context for the adopted plan, in order to ensure there is a full adopted Core Strategy in place as soon as possible, to guide policy. Therefore, we consider the appropriate strategic context is provided by the dRSS spatial and strategy and a review of housing numbers based in the first instance on the Edge Analytics report to be reviewed as part of this re-examination process.
- 1.17 Thereafter, measures have been put in place by the West of England authorities in the form of a review of a revised SHMAA and duty cooperate arrangement which will enable the Core Strategy and all the other West of England plans to be reviewed early against an up to date NPPF compliant strategic context. In that way there will be an appropriate plan providing an up to date planning context for North Somerset.

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