

NORTH SOMERSET CORE STRATEGY: EXAMINATION OF REMITTED POLICIES AGENDA 2: STRATEGIC CONTEXT

Q: Is the Core Strategy prepared within an appropriate strategic context?

Applicability of the ‘Duty to Cooperate’.

1. The West of England area, as defined in the *West of England Duty to Cooperate Schedule*, is the geographical planning area. This encompasses the four local planning authorities of Bristol City Council, Bath and North East Somerset Council, North Somerset Council and South Gloucestershire Council.
2. As the constituent authorities bring forward new or revised plans, they will need to demonstrate how the plan will address strategic planning priorities (paragraph 176 of the NPPF). Joint working should enable local planning authorities to meet development requirements which cannot wholly be met within their own areas (paragraph 179). Paragraph 159 requires local authorities to cooperate where housing market areas cross administrative boundaries.
3. At the point when North Somerset Council submitted its plan for examination the Duty to Cooperate did not apply as its plan was submitted prior to the Localism Act 2011. This is not the case now, and any revised plan, or selected policies that are subject to review and examination must be in conformity with the NPPF. The North Somerset Council, therefore, must when bringing forward a revised plan, have regard for the unmet needs of neighbouring authorities and particularly those in its housing market area. North Somerset Council, therefore, will need to have regard to the evidence emerging in connection with the review of Bristol City’s Plan which is to be undertaken by 2016. Bristol City Core Strategy Policy BCS5 states that the “appropriate level of new homes will be reviewed within 5 years of the adoption of the Core Strategy”.
4. It is important to understand that Bristol City’s Plan, adopted in 2011, was not prepared under the provisions of the new planning policy regime, as articulated by the NPPF. Its approach was informed by the Ministerial policy pronouncements of the time, or what one might term the ‘Eric Pickles Regime’ instituted on 27 May 2010 (see the Ministerial Statement: *Abolition of Regional Strategies*): namely that local authorities were at liberty to define their own housing requirements and did not have to adhere to RS numbers. This point is reflected in the Inspector’s report on Bristol City’s Core Strategy in paragraph 54. Bristol City’s Plan was not underpinned by an NPPF compliant assessment of housing need.

5. At the time of examination Bristol City's Plan was not bound by the duty to cooperate. Bristol City's housing requirement is a capacity constrained figure. This point is iterated in the High Court Judgement (paragraph 127) and reiterated by the Inspector currently examining the B&NES Core Strategy (see ID/32, paragraph 11). It was, in part, constrained by the unwillingness of North Somerset to entertain an urban extension (or extensions).
6. The new planning regime came in full force with the publication of the NPPF in March 2012.
7. A new SHMA is to be commissioned for the West of England to assess its needs in an NPPF compliant manner. We understand that this new assessment will assist with the review of the Bristol City Plan to be completed by 2016. North Somerset will need to engage in this process owing to the extent of the cross border population flows. This is illustrated by table UKF8 from the *What Homes Where* website. This shows that in 2010-11 Bristol City was responsible for exporting by far the largest number of people into North Somerset. South Gloucestershire and B&NES are the next two largest next exporters of population. If North Somerset wants to reduce this trend then it will need to persuade Bristol City and the others to increase their housing supply above the level indicated by consideration of the demographic trends of the past.

UKF8: Net flows into area	2010-11 net flow: number of people	Projected household growth in 'sending' LA
NORTH SOMERSET UA		
Bristol, City of UA	830	47%
South Gloucestershire UA	160	38%
Bath and North East Somerset UA	40	27%
Walsall	30	12%
Huntingdonshire	30	29%
Mendip	30	29%
Warwick	20	35%
Sandwell	20	19%
Central Bedfordshire UA	20	34%
Lewisham	20	32%
Croydon	20	28%
Waltham Forest	20	16%
New Forest	20	27%
Wiltshire UA	20	28%
Northumberland UA	10	18%
North Tyneside	10	27%
Sunderland	10	14%
Blackburn with Darwen UA	10	13%
Halton UA	10	14%
Rochdale	10	11%

8. We acknowledge that the Council was not bound by the provisions of the duty to cooperate when it prepared the plan and when this plan was examined. This point is sustained by the High Court judgement (paragraph 132). We also acknowledge the Council's argument in paragraph 10 of the RED/12 (North Somerset Council: *Position Statement*, 7 February 2014). We note that the Council argues that it is not bound to engage with duty to cooperate in relation to the remitted policies (the housing requirement and land supply policies) because the policies in question have returned to the examination stage, not the plan preparation stage. Therefore, the Council maintains that s110 of the Localism Act does not apply.
9. The consequence of this assertion by the Council is that it will need to ensure that the revised plan accommodates its objective needs in full – within the administrative boundary of North Somerset. Because North Somerset Council is not a party to a joint planning strategy that employs a common method to assess housing need across the HMA and then apportions that housing need across the West of England area in a strategic way (e.g. by identifying areas of growth and restraint), it will need to take full account of the past trend level of inward-migration from these neighbouring authorities. North Somerset must do so as the other authorities have made no upward adjustment to their own housing supply to account for a fall in outward migration as a consequence of North Somerset's strategy of increasing its self-containment. This is not a question of North Somerset meeting the unmet needs of others, it is about North Somerset meeting in full the full implications of the household projections. It cannot assume that inward migration will fall because no one else has made provision for these households. They haven't anywhere else to go.
10. Furthermore, because Bristol City's housing requirement is a capacity constrained figure, North Somerset will need to assess the possibility that it will experience even higher levels of net inward migration – higher than the trend indicators. Because the Bristol City Core Strategy does not meet the indicative need suggested by the official demographic projections (see paragraph 49 of the Inspector's report on Bristol's Core Strategy) the scale of inward migration into North Somerset will be much higher irrespective of what North Somerset Council might want to achieve in terms of increasing self-containment.
11. B&NES has recently declared itself to be an HMA in its own right and so is also opting out of future cooperative arrangements with its neighbours, at least for the time being. North Somerset Council therefore cannot assume that B&NES will be providing for more than its own needs. It cannot expect any help from that quarter for the foreseeable future. Therefore, outward migration from B&NES will continue to occur at a rate similar to what has happened before.

12. From this it is apparent that North Somerset's Council's decision not to have produced a joint plan means that its rationale of self-containment is flawed and untenable. A strategy of increasing self-containment would only be effective if North Somerset had secured the agreement of all the other authorities of the West of England HMA, and possibly the other neighbouring authorities to the south too, and for these authorities to make a pro-rata increase in their new housing supply to accommodate all those households that North Somerset Council will no longer be accommodating.
13. There is no evidence that any other authority has accounted for the migrants who will not now be accommodated by North Somerset's plan. North Somerset's neighbours have not compensated for North Somerset's strategy by increasing their own levels of new housing supply above the demographic trend-level. North Somerset cannot, therefore, conclude that its rationale of self-containment is a soundly based one. Its adherence to this flawed strategy will have serious consequences. The Council's own employment objectives will be jeopardised because the new housing supply will in all likelihood be acquired by commuters rather than people living and working in North Somerset. Problems of affordability in the district will increase.

Requirement for a strategic view

14. A larger than local strategic view would have been useful and would have made a positive planning contribution. A Core Strategy which looked 'beyond the horizon' would have been useful for this important core city. A plan that considered issues beyond its boundary would account for the capacity constraints being encountered in Bristol and potentially in B&NES too, and would have found the most appropriate planning solutions.
15. Nevertheless, the housing requirement is justified on the basis that North Somerset wishes to increase its self-containment and reverse the pattern of people living in North Somerset but commuting to work elsewhere – principally Bristol City. We would question whether such a strategy is a soundly based one as it would not account for objective housing needs of the district that are likely to materialise over the plan period that are unrelated to employment in the district, and nor is such an approach supported by national planning policy and guidance. Putting the objective of self-containment before meeting housing needs in full is not a sustainable planning strategy.

An 'inward looking' Plan

16. The Plan is inward looking insofar as it wishes to reverse the scale of commuting into Bristol rather than accepting that is part of a housing market area where travel into Bristol is a fact of life. This rationale is undermined by the *West of England duty to Cooperate Schedule* which acknowledges that North Somerset must work in concert with the other three Bristol region authorities and further afield too.

17. If the duty to cooperate is not engaged - because the Council is correct in maintaining that there are no cross-boundary strategic issues that need to be resolved, including meeting any unmet housing needs - then one must accept that North Somerset exists in splendid isolation. It follows also that North Somerset cannot rely on anyone coming to its assistance to meet any unmet needs. North Somerset Council is obliged therefore to plan to meet the trend-level of outward migration from Bristol into North Somerset – which could be of the order of 1,306 people per year if figure 10 of the Edge Analytics report is considered. This is because Bristol City’s plan is predicated upon outward migration continuing in line with the historic trend. Bristol City did not increase its housing requirement to account for North Somerset pulling up the drawbridge probably because it was unaware of North Somerset’s intentions at the time. That is the risk of planning in isolation.
18. North Somerset is entitled to plan with the aim of reducing the scale of commuting, and it can do so by reducing the scale of housing supply in the district to a level that is lower than the trend-based housing projections. It can decide that it no longer wishes to be an area of growth for Bristol City. However, it can only realistically make this decision after it has discussed the implications with Bristol and its other neighbours who will have to live with the consequences. Furthermore, making this decision in isolation will not only result in problems for its neighbours but it will also result in an ineffective strategy for North Somerset because if a large element of the new housing supply is occupied by the non-economically inactive and/or commuters, rather than people living and working in North Somerset, then plan will have failed.
19. The North Somerset plan first attempted to ignore the likely scale of inward-migration by adopting the non-NPPF compliant calculation that assumed that need could be assessed on the basis that the number of new jobs to be created would drive the number of new homes needed (this was despite the protestations of the development industry first time around). The Council also, somewhat naively, assumes that if the homes were not built, commuters would not come. Now, having conducted a somewhat more NPPF compliant assessment of need (albeit we have some reservations) the Council now argues that meeting the levels of need indicated by some of the higher scenarios is not possible owing to market constraints and because it would require the review of the other non-remitted policies in the plan.
20. Unfortunately, if the assessment of need indicates that it will be necessary for North Somerset to accommodate a higher housing need than the level currently proposed, then the rationale of self-containment that informs that the existing plan will be unsuitable, not least because the Council has no other means of providing for a higher need other than within its own boundary. The North Somerset plan will, therefore, have to be revisited and subject to a more comprehensive review of its policies.

21. In short, it is the plan that needs to respond to the evidence of need, rather than the objective needs being ignored in order to avoid having to amend the plan.

Relationship to a review of the Bristol Core Strategy

22. The core strategy makes no reference to the review of the Bristol City plan to be completed by 2016. North Somerset must therefore look to own resources to accommodate the full implications of its decision to plan in isolation.

Conclusion

23. North Somerset has not planned in cooperation with the neighbouring authorities because it maintains that it is not obliged to do as the duty to cooperate does not apply to the remitted policies of the North Somerset plan. We disagree with this reading, but even if this was true, the Council is still obliged to have regard to the evidence of the needs and assumptions of its neighbours to understand how planning decisions elsewhere will influence the North Somerset plan.
24. North Somerset has set a housing requirement that assumes that inward migration will fall significantly. This is an unsound assumption. It is unsound because the other three authorities are, at best, only meeting their own needs. None has made an upward adjustment to its own new housing supply to account for a fall in outward migration to North Somerset as a consequence of the North Somerset plan 'turning off the tap'. As a consequence the housing requirement in the North Somerset plan is unjustified: it is not the most appropriate strategy when judged against the evidence and it is ineffective because it is not based on effective joint working taking into account cross-boundary strategic considerations. The housing requirement will also prove ineffective because it will not provide a sufficiency of new housing necessary to support the employment objectives of the plan.
25. North Somerset Council must plan for levels of inward migration that are on a par with the indications provided by the two most recent DCLG household projections (2008-Based and 2011-Interim).
26. The plan could be modified to rectify the shortcomings we have highlighted. The plan should be modified to embrace the jobs-led scenario of 1,400 dwellings per annum described in the Edge Analytics paper of September 2013.
27. Embracing this higher scenario would be consistent with the messages in the in the NPPF that plans should be able to respond flexibly to rapid change (paragraph 14), respond to wider opportunities for growth (paragraph 17: core planning principles), and to 'boost significantly the supply of housing' (paragraph 47).

**James Stevens
Strategic Planner**

Email: james.stevens@hbf.co.uk
Tel: 0207 960 1623