

**EXAMINATION OF THE STROUD DISTRICT LOCAL PLAN  
REVIEW**

Hearing Statement on Behalf of Vistry Group

Matter 1: Compliance with Statutory procedure and  
legal matters

**Respondent Ref: 912**

**February 2023**

HEARING STATEMENT ON BEHALF OF VISTRY GROUP

MATTER 1: COMPLIANCE WITH STATUTORY PROCEDURES AND LEGAL MATTERS

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1. The following Hearing Statement has been prepared on behalf of Vistry Group in relation to Inspector's Matter 1: Compliance with Statutory Procedures and Legal Matters. This Statement addresses questions raised by the Inspector of relevance to previous representations made by BBA Architects and Planners on behalf of Vistry Group, and should be read in conjunction with those representations.

2. This statement covers the Inspectors Issue 1.1, question 1 regard the Duty to Cooperate.

**Q1. Has the Council submitted robust evidence to demonstrate that the Duty to Cooperate has been met? In particular:**

**a. Have all relevant strategic matters been identified and has the process for identification been robust? What actions have been taken to address these matters and are there any outstanding concerns?**

**b. Has the Council carried out effective engagement with neighbouring local authorities and other prescribed bodies on all relevant strategic matters and have all outcomes been adequately evidenced? Is there robust evidence to support the cooperation activities that have taken place?**

**c. Have any unmet needs been appropriately considered when preparing the Plan?**

3. The Duty to Cooperate places a legal requirement on local authorities to not only consult with other relevant authorities, but actively and constructively engage with other relevant authorities on an ongoing basis. The National Planning Policy Framework states "*effective and ongoing* (my emphasis) *joint working between strategic policy making authorities and relevant bodies is integral to the production of a positively prepared strategy*" (Paragraph 26, NPPF).

4. As a neighbouring authority to the south, South Gloucestershire Council are recognised by Stroud District Council (SDC) as a "prescribed body" that fall under the duty to co-operate (Eb3). South Gloucestershire forms part of the West of England Combined Authority (WECA). WECA was set up in 2017 and include South Gloucestershire, Bristol, Bath and North East Somerset and North Somerset. It was planned for WECA to produce a Spatial Development Strategy (SDS). However, In May 2022 the WECA Mayor decided to stop work on the SDS and so now it will be down to the individual local authorities within the WECA to address strategic housing need through their individual local plans.

5. SDC's Duty to Co-operate Statement (Eb3) includes a Statement of Common Ground (SoCG) with South Gloucestershire Council dated from October 2021 and this represents the most up to date SoCG between the authorities. The SoCG includes references to the WECA Spatial Development Strategy, so is clearly now out of date, but states:

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*The Spatial Development Strategy for the WECA area, which will set the housing requirement for the region and South Gloucestershire Local Plan, is at a key stage of preparation. In the West of England Strategic Planning Forum the Combined Authority have indicated that the scale of need is extremely challenging in terms of both constraints and deliverability in the West of England, and they cannot therefore rule out that discussions on unmet need will need to take place. Such discussions if needed would be likely timed towards the end of 2021.*

6. Further correspondence between WECA and SDC occurred in January 2022 (eb103) with a formal request for confirmation, as per para 141(c) of the NPPF as to whether SDC can accommodate some of the WECA regional housing need. SDC responded to say that whilst there is physical capacity within the district for additional development, there are policy and physical constraints which “*make a significant contribution to meeting the wider regional needs unlikely within the short to medium term, and in the longer term would require significant infrastructure planning and investment.*”
7. This is the last public correspondence between the authorities. This is despite the fact that the context has now significantly changed with the abandonment of the WECA Strategic Development Strategy. It is accepted that these are considerable changes in circumstances after the Stroud Local Plan has been submitted for Examination. However, the purpose of the Duty to Cooperate is to keep matters under review and to keep matters updated. In this context it is all the more important that the Duty to Cooperate is maintained and cooperation between Stroud and South Gloucestershire is ongoing. In this case, in relation to South Gloucestershire Council, it is clear that this has not been followed and the Duty to Cooperate has not been met.
8. In any case, SDC’s response to WECA’s request does not entertain how Stroud could accommodate growth, again not in the spirit of the Duty to Cooperate. Whilst Stroud acknowledge that the Bristol HMA extend into the southern part of Stroud District (including the area identified as the “Wotton Cluster”) in their earlier SoCG with South Gloucestershire, there does not appear to be any willingness to actively engage in attempting to help meet the unmet needs of neighbouring authorities. Consideration of unmet need from surrounding authorities is fundamental to a plan being found sound (Para 35a NPPF) and therefore the plan is unsound as it is not being positively prepared.
9. The approach to South Gloucestershire (and WECA) is at odds with the approach to seeking to address Gloucester’s unmet needs elsewhere in the district. It is accepted that this is a changing matter, and when the draft plan was produced the WECA authorities had agreed to meet housing need within their plan area. However matters have since moved on, and the purpose of the Duty to Cooperate is to keep these matters under review and updated. Whilst South Gloucestershire are behind SDC in production of their plan and precise needs will be difficult to define at this stage, there remains the opportunity for Unmet need to be considered in the Stroud Local Plan review.

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10. The two “cluster” areas closest to South Gloucestershire (and within the Bristol HMA) represent the most appropriate opportunity to consider the opportunity for meeting unmet need for WECA. Whilst the Berkely Cluster (with the strategic allocation of Sharpness) is already proposed to see substantial growth, there are currently no such plans for the Wotton Cluster. There are clearly opportunities for further sustainable growth that is located outside of both the Green Belt (constraining large parts of South Gloucestershire) and the AONB, yet within the Wotton Cluster (which include Vistry Group site at Kingswood) and this should be explored as part of the Duty to Cooperate with South Gloucestershire.
  
11. Furthermore, the village of Kingswood is very well strategically located, being in close proximity to Junction 14 of the M5 and the train station at Charfield (planned for re-opening), and integral to the planned Sustrans traffic-free segregated strategic cycle route connecting Wotton, Charfield and Kingswood (the ‘WCK Greenway’) to local employment opportunities, education, leisure and retail facilities. The village of Kingswood itself is also well served with community infrastructure including a primary school, shop, pub, village hall, post office and recreation facilities and is therefore able to accommodate further strategic growth sustainably.