

**Democratic Services**

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**Date:** 5<sup>th</sup> March 2012

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**To: All Members of the Planning, Transport and Environment Policy  
Development and Scrutiny Panel**

Councillor Marie Longstaff  
Councillor Caroline Roberts  
Councillor Malcolm Hanney  
Councillor Paul Myers (Substitute for Geoff Ward)  
Councillor Neil Butters  
Councillor David Martin  
Councillor Douglas Nicol

**Cabinet Member for Homes & Planning:** Councillor Tim Ball

**Cabinet Member for Transport:** Councillor Roger Symonds

**Cabinet Member for Neighbourhoods:** Councillor David Dixon

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Planning, Transport and Environment Policy Development and Scrutiny Panel: Tuesday,  
13th March, 2012**

You are invited to attend a meeting of the **Planning, Transport and Environment Policy  
Development and Scrutiny Panel**, to be held on **Tuesday, 13th March, 2012 at 2.00 pm** in  
the **Council Chamber - Guildhall, Bath**.

The agenda is set out overleaf.

Yours sincerely

Mark Durnford  
for Chief Executive

**If you need to access this agenda or any of the supporting reports in an alternative  
accessible format please contact Democratic Services or the relevant report author  
whose details are listed at the end of each report.**

*This Agenda and all accompanying reports are printed on recycled paper*

## NOTES:

1. **Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Mark Durnford who is available by telephoning Bath 01225 394458 or by calling at The Guildhall, Bath (during normal office hours).
2. **Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Mark Durnford as above.

3. **Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Mark Durnford as above.

Appendices to reports are available for inspection as follows:-

**Public Access points** - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

**For Councillors and Officers** papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

4. **Attendance Register:** Members should sign the Register which will be circulated at the meeting.
5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.
6. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

**Planning, Transport and Environment Policy Development and Scrutiny Panel - Tuesday,  
13th March, 2012**

**at 2.00 pm in the Council Chamber - Guildhall, Bath**

**A G E N D A**

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 6.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972

Members who have an interest to declare are asked to:

- a) State the Item Number in which they have the interest
- b) The nature of the interest
- c) Whether the interest is personal, or personal and prejudicial

Any Member who is unsure about the above should seek advice from the Monitoring Officer prior to the meeting in order to expedite matters at the meeting itself.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

6. ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

At the time of publication no notifications had been received.

7. MINUTES - 17TH JANUARY 2012 (Pages 7 - 16)

8. CABINET MEMBER UPDATE

This item gives the Panel an opportunity to ask questions to the Cabinet Members and for them to update the Panel on any current issues.

9. COMMUNITY INFRASTRUCTURE LEVY UPDATE

The Panel will receive a verbal update on this item from the Divisional Director for Planning and Transport.

10. WASTE STRATEGY REVIEW & ACTION PLAN

The Panel will receive a verbal update on this item from the Waste Services Manager.

11. THE LOCALISM ACT: A NEIGHBOURHOOD PLANNING PROTOCOL FOR BATH & NORTH EAST SOMERSET (Pages 17 - 72)

The Localism Act was enacted in November 2011 and enables community-led planning in the form of Neighbourhood Plans, Neighbourhood Development Orders and the Community Right to Build. It also introduces new planning duties on Bath & North East Somerset to support this new tier of Neighbourhood Planning which comes into effect in April 2012.

Cabinet are due to consider the item on 14th March and it is proposed that a public consultation will be held on the draft document. The views of the PTE Policy Scrutiny Committee will be taken on board alongside the consultation comments before the document is finalised.

12. MOD SITE CONCEPT STATEMENTS (Pages 73 - 80)

This report updates the Planning, Transport and Environment Policy Development and Scrutiny Panel on the preparation of Concepts Statements for the Ministry of Defence (MoD) sites at Ensleigh, Foxhill and Warminster Road in Bath. This is in response to their proposed redevelopment in light of the MoD's announcement of their forthcoming disposal.

13. TRAVEL SMART CARDS

The Panel will receive a presentation on this item from the Group Manager for Planning Policy & Transport.

14. PANEL WORKPLAN (Pages 81 - 88)

This report presents the latest workplan for the Panel (Appendix 1).

The Committee Administrator for this meeting is Mark Durnford who can be contacted on 01225 394458.

**BATH AND NORTH EAST SOMERSET**

**PLANNING, TRANSPORT AND ENVIRONMENT POLICY DEVELOPMENT AND  
SCRUTINY PANEL**

Tuesday, 17th January, 2012

**Present:-** Councillors Caroline Roberts (Vice-Chair), Malcolm Hanney, Geoff Ward, Neil Butters, David Martin and Douglas Nicol

**Also in attendance:** Matthew Smith (Divisional Director for Environmental Services), David Trigwell (Divisional Director for Planning and Transport), Adrian Clarke (Transportation Planning Manager), John Crowther (Service Manager - Neighbourhood Services), Sue Green (Service Manager - Public Protection), Chris Major (Head of Parking Services), Jane Wildblood (Corporate Sustainability Manager) and Mark Durnford (Democratic Services Officer)

**49 WELCOME AND INTRODUCTIONS**

The Chairman welcomed everyone to the meeting.

**50 EMERGENCY EVACUATION PROCEDURE**

The Chairman drew attention to the emergency evacuation procedure.

**51 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Chairman, Councillor Marie Longstaff had sent her apologies to the Panel. In her absence the Vice-Chair, Councillor Caroline Roberts acted as Chairman for the duration of the meeting.

**52 DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972**

There were none.

**53 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was none.

**54 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS,  
STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF  
THIS MEETING**

Jenny Raggett, made a statement to the Panel on behalf of David Redgewell, South West Transport Network who was unable to attend the meeting. A copy of the statement can be found on the Panel's Minute Book, a summary is set out below.

She addressed the Panel on the matter of the renewal of the Great Western Rail Franchise and called for no cuts to be made in the current services provided and that the level of rolling stock must be listed and maintained. She urged the Panel to contact TravelWatch South West should they wish to make a response to the consultation.

On the subject of proposed cuts to bus services in Somerset she said that this had the potential to isolate whole communities. She also suggested that the Council should consider bidding for a £5m bus grant to enable a larger fleet of low floor vehicles.

The Chairman on behalf of the Panel thanked her for her statement.

## **55 MINUTES: TUESDAY 8TH NOVEMBER 2011 & TUESDAY 6TH DECEMBER 2011**

Councillor Geoff Ward asked the Democratic Services Officer to review the notes he had taken on Tuesday 6<sup>th</sup> December 2011 in relation to the debate on the Medium Term Service & Resource Plan. Councillor Ward wished to clarify the content of his comments in respect of the Mobile Library Service.

Following the meeting the Democratic Services Officer confirmed the comments he had recorded in his notes with Councillor Ward. Councillor Ward then stated that he was happy that this reflected his view on the matter

The Panel confirmed the minutes of the two previous meetings as a true record and they were duly signed by the Chairman.

## **56 CABINET MEMBER UPDATE**

Councillor Roger Symonds, Cabinet Member for Transport issued the Panel a series of bullet points to show some of his latest portfolio work and was present to answer any questions from the Panel. The bullet points will be available to view on the Panel's Minute Book.

Councillor Neil Butters asked what procedure should the Council follow to respond to the consultation on the Great Western Rail franchise.

Councillor Symonds responded by saying that he felt that any response should be made through the West of England Partnership.

The Chairman on behalf of the Panel thanked him for his update.

## **57 ENVIRONMENTAL SERVICES - SERVICE ACTION PLAN**

The Divisional Director for Environmental Services introduced this item to the Panel. He informed them that the Plan was still a work in progress and that consultation on any of the proposals has and will continue to take place with staff and service users.

He highlighted from within the report the priorities, accomplishments and objectives of the Service. He stated that budget income is at a good level currently but that a

drop in the use of Parking Services has been witnessed, which on one hand can be seen as a positive because of less traffic but also has the effect of generating less income for the Council. He added that an Equalities Impact Assessment (EIA) had been carried out in connection with the composition of the Service Action Plan.

Councillor Malcolm Hanney commented that on future plans he would like to see a section that shows what objectives have not been possible to achieve within the year. He added that he would like the comments from the Medium Term Plan debate in December on gulley cleaning, heritage and floral displays to reiterated as part of this process.

Councillor Neil Butters asked if the column detailing the impact on staff could be shown as a percentage.

The Divisional Director for Environmental Services replied that this would be possible.

Councillor Caroline Roberts commented that she wished to highlight the good record of the Waste Services team. She also asked if any further work to target local areas based on current recycling performance had been considered as part of a 'street pride initiative'.

The Divisional Director for Environmental Services replied by saying that currently there was no such 'initiative' at present but that low performing / problem areas were being targeted.

Councillor David Martin asked how had the reduction in black bag collections and the increase in recycling collections affected the service.

The Divisional Director for Environmental Services replied recycling collection costs have increased since food waste has been collected but that the resale values of materials are good and this, together with the reduction in costs of landfill, reduces the overall costs to the Council.

Councillor Caroline Roberts commented that she was still witnessing and hearing reports that street cleaning was taking place prior to refuse and recycling collections and called for these routes to be amended.

The Service Manager for Neighbourhood Services replied that attempts are being made to plan rotas and routes more strategically and to minimise spillages during collections.

Councillor Geoff Ward asked if there were any ideas as to how to generate further income given that the income from Parking may fall by £300,000.

The Divisional Director for Environmental Services replied that the figure in relation to Parking could be as much as £800,000 as fewer trips via car were being made to the City and the competition that the car park at Southgate now provides. He added that he believed there to be no easy options for increasing income, although there may be some further licensing and enforcement initiatives that could be pursued.

Councillor Geoff Ward commented that the Council must show that it is open for business especially in the Olympic / Diamond Jubilee year.

The Service Manager for Neighbourhood Services replied that they were seeking opportunities in revenue this year and attempting to work more efficiently.

Councillor Roger Symonds, Cabinet Member for Transport commented that one possible revenue stream could be gained from enforcing the weight limit restriction on HGVs. This however requires the power to be devolved from Government.

Councillor Malcolm Hanney asked if a reduction in parking charges had been considered in order to improve revenue by attracting more visitors.

The Divisional Director for Environmental Services replied that a reduction in charges had not been ruled out but was unclear as to what degree might be appropriate at this stage. He added that footfall in the city overall had increased.

Councillor David Martin asked if any plans for the Low Emission Zone had been drawn up yet.

The Service Manager for Public Protection replied that funding had been secured from DEFRA and that a brief for the Zone is being devised. She added that the Council had one year in which to submit a plan.

The Panel **RESOLVED** to ask for the comments below, from the December Medium Term Plan discussion to be passed to the relevant Cabinet Member.

*Mobile Libraries – Whilst establishing during the discussion that the Mobile Library Service in its current form would be discontinued it became apparent that options were being considered as to how to provide a service to rural areas in the future. The Panel felt it would be very worthwhile to express this somehow within the plan.*

*Highways (Footway Maintenance / Drainage & Gully Cleansing) – The Panel expressed their concern over this proposal as they were worried about the potential impact and cost implications this may have in future years.*

*Heritage Services / Museums / Tourism – The majority of the Panel felt that these services should have minimal reductions made to their budget as they are at the heart of what brings visitors to the area. Some members also called for more to be done within the Olympic year to attract visitors.*

## **58 PLANNING AND TRANSPORT DEVELOPMENT - SERVICE ACTION PLAN**

The Divisional Director for Planning and Transport introduced this item to the Panel. He informed them of some changes to the service in the coming year.

- Develop new registration system for organisations seeking approval of Sustainable Drainage schemes under the Flood & Water Management Act 2010



- Localism Act – Need to respond to Neighbourhood Planning requests, duty to cooperate with other Local Authorities.
- Establish a team to implement planning obligation delivery and CIL.

He added that in recent years resources in the Planning department had been reduced due to a decline in planning applications. The level of applications had now risen and it was hoped that the current staff levels could be maintained.

Councillor David Martin asked if the service had enough resources to cope with the amount of incoming new activities, such as Localism, CIL, Article 4 Direction and Flood & Water Management Act.

The Divisional Director for Planning and Transport replied that yes, he believed it did. He added that the work associated with brining forward an Article 4 Direction was financed and the activities associated with the Flood and Water Management Act were ahead of schedule and that the growth item associated with CIL could be seen as pump priming the process.

Councillor Neil Butters commented that some Parish Councils were concerned with the amount of enforcement work undertaken by the service.

The Divisional Director for Planning and Transport replied that the number of outstanding planning enforcement inquiries was reducing.

Councillor Geoff Ward asked if an area based approach would work better regarding enforcement.

The Divisional Director for Planning and Transport replied that currently officers were deployed on a case specific basis with the relative experience in mind. He added that it might be possible to consider having area based officers in some form, but there were no actual hot spot areas within the District.

The Panel **RESOLVED** to approve the Planning and Transport Development Service Action Plan as printed.

## 59 INTRODUCING 20MPH SPEED LIMITS

The Transportation Planning Manager introduced this item to the Panel. He informed them that since 1999, the Road Traffic Regulation Act had given traffic authorities the powers to introduce both 20 mph zones and 20mph speed limits without obtaining the consent of the Secretary of State.

He added that the value of adequate consultation being undertaken cannot be over-emphasised. Without such consultation, schemes are likely to be subject to considerable opposition, both during and after implementation. The police need to be consulted about a scheme. If sufficient measures to reduce and control speeds are not installed, then the limits will not be self-enforcing and the police could be faced with calls upon their time to enforce the 20 mph speed limit. Residents within the limit would need to be consulted together with consultation with the fire and ambulance services and any bus operators will be necessary.

The Panel were also advised as to the proposed next steps of the scheme which included the implementation of the first 20mph speed limit pilot in Southdown and developing a 3 year delivery programme for Cabinet approval in March 2012.

Councillor Ian Gilchrist addressed the Panel to give his support to the scheme. He spoke of how Widcombe residents had already presented two petitions to Council in respect of lowering road speeds in their area. He suggested that officers should consider whether the scheme could be applied to any rural routes.

Councillor Neil Butters commented that a number of villages including Freshford and Hinton Charterhouse would be interested in taking part in the trial. He added that an area of Wellow had introduced a 20 mph limit last year, the signage however was not adequate enough and therefore had resulted in no charges being levied.

Councillor Malcolm Hanney asked for the cost and nature of the proposed scheme in Southdown.

The Transportation Planning Manager replied that a figure of £25,000 had been allocated. He added that a rural pilot was planned within Peasedown St John.

The Divisional Director for Planning and Transport added that the scheme should be seen as a district wide initiative as Radstock had already benefited from such a scheme. He also spoke of the need to learn from the work that had taken place in Portsmouth.

Councillor Geoff Ward questioned whether officers should prioritise further pilot schemes to areas that have a higher number of incidents.

The Transportation Planning Manager replied that the Council does always work with the Police following any incident that occurs.

Councillor Caroline Roberts commented that she had been part of the group that visited Portsmouth and that they had some good messages there that the Council could adopt. She recalled also that the community that safer after the introduction of the scheme. She added that a good relationship with the Police must be established on the matter and that public engagement would also be key.

The Panel **RESOLVED** to thank the officer for his attendance and said that they would welcome being updated on the scheme as it progresses.

## 60 CLIMATE CHANGE STRATEGY

The Corporate Sustainability Manager gave a presentation to the Panel regarding this item. A full copy of the presentation can be found on the Panel's Minute Book, a summary is set out below.

### **Timeline:**

- 2006-9 – Our Big Energy Challenge
- 2007 – Climate Change prioritised
- 2009-14 – Carbon Management Programme
- 2009 – Sustainable Community Strategy – 45% CO2 ambition
- 2010 - Environmental Sustainability Partnership established

### **Initial Strategy:**

- Internal focus from 2006 to 2010 – getting our own house in order in order to lead in community
- Carbon Management Programme lead to better analysis and understanding of carbon emissions
- Expanded to community wide carbon and leadership role from 2010

### **Highlights:**

- Various in-house carbon reduction projects: lighting upgrades; voltage optimisation
- Eco-schools programme (most schools engaged – 3 Green Flags)
- Local Energy Champions scheme (8 new community energy projects 2011)
- Bath & West Community Energy cooperation agreement
- BWCE – 7 solar roofs at maximum Feed-in Tariff - £1million investment by SSE
- BWCE Community Fund, community share-holding (£700K Dec 2011)
- New public advice web pages

### **Strategic Approach:**

- Partnership Working:  
Bringing together the right people to make things happen
- Community Enablement:  
Enabling residents and community groups achieve their sustainability aims
- Taking Action:  
Council & partners taking bold action to make things happen

### **Key Workstreams (2012-2015):**

- Domestic Sector (inc fuel poverty & Green Deal)
- Clean Energy (inc Core Strategy targets)
- Transport Sector
- Low Carbon Economy

### **Domestic Sector development:**

- Existing action plan (raft of projects under HECA in housing, public health departments, PCT, Somer)
- **Key Development:** How to ensure fair and effective delivery of the **Green Deal**; core team formed with key partners; research into community based delivery to meet our fuel poverty; local economy & carbon ambitions

### **Green Deal in brief...:**

- Addresses upfront cost of energy measures
- Get energy efficiency measures installed at no upfront cost
- A charge on electricity bill pays back the cost over up to 25 years
- This charge should be no more than the measure will save you on each bill- the "Golden Rule"
- The charge stays with the house

### **Total Place Green Deal research:**

How can the Green Deal be delivered through a community-based partnership in order to:

- Maximise carbon reductions
- Ensure maximum benefits for those in fuel poverty
- Create local business opportunities and local jobs
- Develop a role for community enterprise and other community interests

Project timeline: February to September 2012

Councillor Geoff Ward asked if the hot water springs within the City could be used more.

The Corporate Sustainability Manager explained that a study had been undertaken and that this showed that it is not easy or may not be cost-effective to use hot springs directly. She added that parts of the Pump Rooms are heated by the water from the springs and that in the future it may be used to heat the under floor of the Abbey.

Councillor Neil Butters commented that the reality of the difficulty in harnessing the heat from the hot springs should be made clear to the public. He also asked how the Council will make the public aware of the available services on energy efficiency in the home, especially some of the harder to treat homes in the district.

The Corporate Sustainability Manager replied that the new sustainability web pages direct the public to the groups who can help with these enquiries and all aspects of living sustainably.

Councillor Malcolm Hanney commented that the Green Deal (new government energy efficiency scheme) would be helpful and agreed that the Council acting as introducer to the public was very important. He also commented that the Climate Change strategy presented was reassuring and this it was good to see such a holistic approach.

The Corporate Sustainability Manager replied that in one of the Green Deal pilot schemes in the London Borough of Haringey saw an increase in participation from 2.6% to 11%, once the Council had endorsed the scheme.

The Chairman on behalf of the Panel thanked her for the presentation and felt that this was a subject they would like hear more about in the future.

## **61 PANEL WORKPLAN**

The Chairman introduced this item to the Panel.

Councillor Malcolm Hanney reiterated his suggestion from a previous meeting that the Panel should look to hold a Single Day Inquiry that would engage the public.

The Chairman replied that she had met with Councillor Longstaff to discuss the matter and would seek an update on how this was being progressed.

The meeting ended at 5.20 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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<b>Bath &amp; North East Somerset Council</b>	
MEETING:	Planning , Transport & Environment Policy Scrutiny Committee
MEETING DATE:	13 <sup>th</sup> March 2012
TITLE:	The Localism Act: A Neighbourhood Planning Protocol for Bath & North East Somerset
WARD:	ALL
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b> Appendix 1: My Neighbourhood: A Neighbourhood Planning Protocol for B&NES (Consultation Draft, March 2012)	

## 1 THE ISSUE

- 1.1 The Localism Act was enacted in November 2011 and enables community-led planning in the form of Neighbourhood Plans, Neighbourhood Development Orders and the Community Right to Build. It also introduces new planning duties on Bath & North East Somerset to support this new tier of Neighbourhood Planning which comes into effect in April 2012. In order to respond to this new agenda, a protocol entitled *My Neighbourhood: A Neighbourhood Planning Protocol for B&NES* has been prepared for public consultation. This has been informed by community engagement and the draft Neighbourhood Planning regulations. The final regulations are due to be published in April 2012 when this part of the Act comes into force. The B&NES protocol will be amended to take account of the final regulations and the results of the public consultation.
- 1.2 This document will supersede the current Statement of Community Involvement (SCI) for Planning, adopted in 2007. As such also includes information on the ways in which the community can get involved in the planning processes. The final version of the NPP will also need to incorporate the West of England Planning Toolkit (see elsewhere on this agenda).
- 1.3 Cabinet are due to consider the item on 14<sup>th</sup> March and it is proposed that a public consultation will be held on the draft document. The views of the PTE Policy Scrutiny Committee will be taken on board alongside the consultation comments before the document is finalised.

## 2 RECOMMENDATION

The PTE Scrutiny Committee is asked to give their view on the draft Neighbourhood Planning Protocol and on the recommendations to Cabinet replicated below.

### 3 CABINET RECOMMENDATION

#### 3.1 The Cabinet agrees that:

- (i) The *My Neighbourhood: A Neighbourhood Planning Protocol for B&NES* (**Appendix 1**) is agreed for public consultation;
- (ii) Responsibility is delegated to the Divisional Director of Planning & Transport, in conjunction with the Cabinet Member for Planning and Housing, to make graphic and minor textual amendments prior to publication of the NPP for public consultation, and
- (iii) The protocol for neighbourhood planning is kept under review so that opportunities to link this process with other community engagement are fully considered.

### 4 FINANCIAL IMPLICATIONS

- 4.1 The preparation of the *My Neighbourhood: A Neighbourhood Planning Protocol for B&NES* document is being met within the LDF budget.
- 4.2 Financial implications arising to the Council from the new duties introduced in the Localism Act will depend on community take-up of Neighbourhood Planning. The costs to the Council per Plan have been approximated in **Table 1** below. Officer time to support Neighbourhood Planning will be required from both Planning Services and other service areas (see Table 1 below).
- 4.3 The costs for 2012/3 will be met from existing Service budgets. In the case of examinations (if any are requested in 2012/13) this will be met from the Local Development Framework Budget. The costs for referenda will be met from the Democratic Services budget. The Council will only be able to support a limited number of requests for assistance with Neighbourhood Plans during 2012/13.
- 4.4 Beyond 2012/3, the Council will decide what budgetary provision it wishes to make to support Neighbourhood Planning.

*Table 1: Summary of Costs to the Council for a typical Neighbourhood Plan (including a Neighbourhood Development Order)*

Duty	Direct cost to Council per Plan	Likely B&NES Officer time per Proposal	Funding source
Designation of Neighbourhood Forums (Bath only)	-	5-10 days	Staff time*
Council Support for preparation of Neighbourhood Plans	-	15-20 days	Staff time*
Validation of Neighbourhood Plans	-	2 days	Staff time*
Examination of Neighbourhood Plans by an Independent Inspector	£5,000	7 days	LDF Budget
Referenda	£7,000	5 days	Electoral Services
Adoption of Neighbourhood Plans	-	5 days	Staff time*



*\* Staff primarily planning services but also other service areas as relevant to the issues in the Neighbourhood Plan e.g. Policy & Partnerships, Democratic Services, Development & Regeneration, Transport etc. CLG (2011) cost estimates from the Localism Bill: Neighbourhood Plans and Community Right to Build Impact Assessment have been used to estimate costs.*

*Table 2: Summary of Costs to the Council of a typical Right to Build Scheme*

Support in scheme development	£5,000	5 days	Existing staff time*
Referenda	£7,000	5 days	Electoral Services

- 4.5 The majority of the costs of preparing Neighbourhood Plans will need to be borne by local communities wishing to take advantage of these new opportunities. Some Government funding is likely to be able to be bid for by Parish/Town Councils or Neighbourhood Forums in the form of grants or in-kind support.

## **5 CORPORATE PRIORITIES**

- 5.1 The Localism agenda in Planning links well to all three of the Council's new corporate priorities.

*\* Promoting independence and positive lives for everyone*

*\* Creating neighbourhoods where people are proud to live*

*\* Building a stronger economy*

- 5.2 Neighbourhood Planning has been designed to be pro-development and therefore should have a positive economic outcome, while it also seeks to encourage community and neighbourhood action.

- 5.3 There may be opportunities to link neighbourhood planning with other forms of local community engagement, including through other initiatives arising from the Localism Act. These opportunities are presently being explored as there is presently a relatively complex pattern of community engagement potentially made more complex by the Localism Act.

## **6 THE REPORT**

### *Legislative Background*

- 6.1 The Localism Act seeks the transfer of power from Central Government to Local Authorities and local communities. It has implications for Service Delivery and Council functions and particularly for Planning Services. It introduces three neighbourhood level planning powers, which will come into force in April 2012 (see **table 3**).

- 6.2 These new tools are permissive, pro-development tools so they allow communities to shape and influence development locally or encourage more development of a certain type or kind. The proposals must be in general conformity with national policy and the Development Plan (i.e. the B&NES Local Plan/Core Strategy).

Table 3: The three neighbourhood planning powers introduced by the Localism Act

Item	Definition
<b>Neighbourhood Plan</b>	Communities are able to establish general planning policies for the development and use of land in a neighbourhood through a Neighbourhood Plan. They could influence where additional new homes and offices should be built and what they should look like. It can be detailed, or general, depending on what local people want. They must be less restrictive than the local authority policies and should be pro-development.
<b>Neighbourhood Development Orders (NDO)</b>	The community can extend permitted development rights in their area for development they want to see go ahead. Examples might include extensions to community buildings, affordable housing or local scale renewable energy installations. All other consent regimes will still apply e.g. Building Regulations or Listed Building consent.
<b>Community Right to Build</b>	Is a type of NDO for a particular scheme. It will be for community and voluntary groups only (as defined in the regulations) to identify suitable land, sources of finance and secure support for their proposals. It requires agreement through a 'community referendum', and must. Such schemes will not need to go through the normal planning application process.

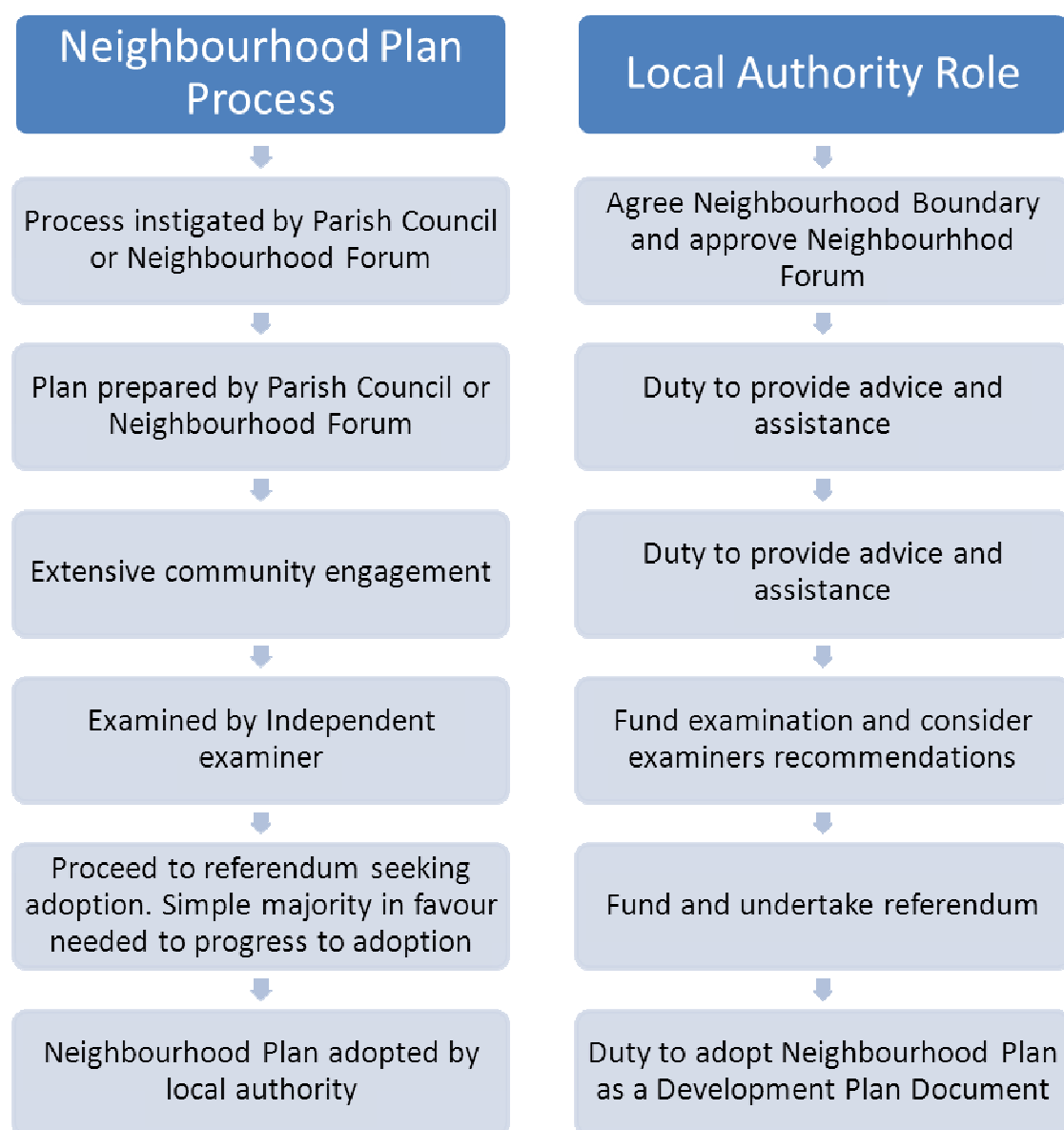
## Neighbourhood Plans

6.3 The Neighbourhood Plan process is summarised in **Diagram 1** below. A Neighbourhood Development Order would need to follow a very similar process and is likely to be generated through a Neighbourhood Plan process. There are some elements of this process where there is local discretion so the *My Neighbourhood: A Neighbourhood Planning Protocol for B&NES* document will outline the Council's role in these cases and give an overview of the process.

## Neighbourhood Forum Approval

6.4 Only a Parish/Town Council or a properly constituted Neighbourhood Forum, designated by the Local Planning Authority, has the power to prepare Neighbourhood Plans or Neighbourhood Development Orders for a specified area. The Council could pre-designate these Forums, however, this could be complex and does not respond to the way in which local communities define themselves. They should however, link into any future proposals for Neighbourhood structures that the Council is considering in future.

Diagram 1: Neighbourhood Plan process



6.5 While both the Localism Act and the accompanying draft Regulations set out basic criteria, the Council has the opportunity to set up a more detailed local process. Neighbourhood Forum can either be community or business led. The basic criteria in the Act are as follows:

- consist of at least 21 people who live or work in the area,
- include an elected member,
- have a written constitution,
- not overlap geographically, and
- must be set up for the express purpose of promoting and improving the social, economic and environmental well-being of the neighbourhood area.

6.6 More detailed eligibility criteria are set out in the *My Neighbourhood: A Neighbourhood Planning Protocol for B&NES* document, including criteria against which an application will be considered and the outline of a code of

practice. Decisions on Neighbourhood Forum Designation in Bath will then need to be made at by Council based on the national and local criteria.

- 6.7 It is estimated that for each Neighbourhood Forum application officer time of approx. 5-10 days will be required from Planning Services and Policy, Development & Major Projects and Policy Partnerships teams).
- 6.8 It should be noted that CIL regulations allow for devolution of funds to Parish and Town Councils but not Neighbourhood Forums.

*Duty to Provide Support for Neighbourhood Planning*

- 6.9 The Council has a duty under the Act to support Neighbourhood Planning. Specifically the cost of referenda and examinations are to be met by the local authority and the approval of Neighbourhood Forums is also a requirement. In addition to this, the Local Planning Authority can clarify what support it can offer to the community. Discussions with community focus groups suggest that there is likely to be a peak in the need for this support 2012-2014. If demand outweighs resources, this will effectively operate as a break on community aspirations.
- 6.10 Services within the Council will work together to identify which local initiatives require a full Neighbourhood Plan-based approach and which can be addressed in other ways, eg through traditional "community plans". The "Community Planning Toolkit" will be reviewed to reflect the Localism Act and re-issued in order to explain the options available to local communities in addressing their local priorities later in 2012.
- 6.11 There is also scope to encourage local communities to work with the Council on the Placemaking Plan or in other existing projects or initiatives as many of their aspirations can be more easily and quickly achieved in this way. The involvement of the community in formulating detailed site allocations, development management policies and local designations will be critical to the success of the Placemaking Plan in making better places that reflect the aspirations of local residents.
- 6.12 Staff time to support preparation of Neighbourhood Plans will need to be funded by re-prioritisation of the preparation of other policy documents. Officer Time is likely to be 10-20 days per Neighbourhood Plan. The NPP does not propose dedicated planning policy officer for Neighbourhood Plans as it is difficult to predict the likely requests for support.
- 6.13 Specific support is also required in relation to:

<b>Validation of Neighbourhood Plans</b>	This entails checking for policy conformity and checking against EU and other regulations. This will need to be undertaken by Planning Services and is estimated to be 2 days per request.
<b>Examinations of Neighbourhood Plans</b>	The Council's responsibility will be to organise and fund the 'light touch' examinations required for Neighbourhood Plans.  CLG estimates that examination minimum costs per plan will be around £5,000 with no extra central funding currently allocated. Officer Time is

	likely to be 7 days per examination. There is scope to encourage local communities to establish their own arrangements to undertake this function or agree procedures across the West of England.
<b>Referenda</b>	<p>Once a Plan is approved by the Council, a local, public referendum must be held, covering (as a minimum) the neighbourhood area.</p> <p>The referendum must be organised and funded by the Local Authority. This will be undertaken by Electoral Services.</p> <p>CLG estimates that the minimum examination costs per plan will be around £7,000 with no extra central funding allocated. This is in addition to staff time to arrange the referenda of around 5 days per referendum</p>
<b>Adoption</b>	<p>It is proposed that the Neighbourhood Plan could be adopted by the Cabinet or Council. The Local Authority will then be required to make planning decisions in accordance with the Neighbourhood Plan.</p> <p>Planning Officer time in report writing and Democratic Services officer time in including Neighbourhood Plans etc in democratic process. Staff time around 5 days.</p>

### ***Community Right to Build***

- 6.14 There is little local discretion about how proposals coming forward under the community right to build will be dealt with. Proposals for the Community Right to Build can be lodged by community groups other than the Parish/Town Council or Neighbourhood Forum. However, they will need to be from a community group such as a community interest company or community land trust etc. (further details in government regulations) and will need to be developments that would not trigger EIA requirements. However, the Council will have a role in potentially supporting scheme development and in funding and holding the local referendum.

### ***Statement of Community Involvement Refresh***

- 6.15 Also contained in the *My Neighbourhood* document is a review of the existing processes in the Statement of Community Involvement. This review process has been light touch and has focused on local changes to process since 2007 and national policy changes. Key additions are as follows:
- (i) Chapter 2 “Have your say on planning applications”: This includes a new section on pre-application to reflect the new requirements in the Localism Act for very large developments to undertake community consultation. It also includes new detail on expectations for developers of “large and sensitive” sites to undertake consultation at Masterplan or Design stage and formally introduces the expectation that they will enter into a Planning Performance Agreement with the Council which will include details of community engagement. This has been added to link into the work on the MOD sites in Bath and the concept statements that are under development.

- (ii) New Chapter 5 on “How to Protect your Trees”: This gives information on tree preservation orders and how applications are considered and advertised. This is provided after requests from the general public.
- (iii) New chapter 6 on “Other tips and tools for communities”: This outlines other useful web resources or tools that can be used. This has been added after feedback from focus groups.
- (iv) The final version of the NPP will also need to incorporate the West of England Planning Toolkit (see elsewhere on this agenda).

## **7 RISK MANAGEMENT**

- 7.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.
- 7.2 There is a risk that neighbourhood planning will not join up with other forms of community engagement especially in unparished areas. To help avoid this the neighbourhood planning protocol/SCI will be kept under review to see what links should be made to existing, or new, community partnership meetings and other forms of engagement. The important role that parishes play is recognised.

## **8 EQUALITIES**

- 8.1 The Government has undertaken an Equalities Impact Assessment of the Localism Act in relation to Neighbourhood Planning (2011). This has been used to inform the Equalities Impact Assessment of this policy approach.
- 8.2 Key issues raised in the Equalities Impact Assessment:
  - The need to engage equalities groups in the consultation on the draft Neighbourhood Planning Protocol
  - This document will help identify target equality groups that extra effort is needed to engage in planning processes

## **9 RATIONALE**

- 9.1 The Council needs to be ready to implement the new duties on enactment of the Localism Bill.

## **10 OTHER OPTIONS CONSIDERED**

- 10.1 The Council is not obliged to prepare a NPP and instead can respond to request on an ad hoc, piecemeal basis. This option has been rejected because this would lead to considerable confusion and lack of clarity for local communities and lack of co-ordination within the Council.
- 10.2 The Council could pursue a more pro-active approach to designating forums in Bath such as using Wards, PACT areas, post code sectors or follow the Bristol

Neighbourhood Partnership approach. This would be more time-consuming, costly and may pre-empt local aspirations contrary to the spirit of the Localism Act.

## 11 CONSULTATION

- 10.1 *Ward Councillor; Cabinet members; Parish Council; Town Council; Overview & Scrutiny Panel; Staff; Other B&NES Services; Local Residents; Community Interest Groups; Charter Trustees of Bath; Section 151 Finance Officer; Chief Executive; Monitoring Officer*
- 10.2 Significant informal engagement has been undertaken with Parish & Town Councils and local groups in Bath to assist in identifying appropriate options and their implications. This has included series of three focus groups and a number of briefing sessions. The NPP will be subject to a public consultation, the results of which will be reported to cabinet before the NPP is finalised and adopted.

## 11 ISSUES TO CONSIDER IN REACHING THE DECISION

- 11.1 *Social Inclusion; Customer Focus; Sustainability; Other Legal Considerations*

## 12 ADVICE SOUGHT

- 12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

<b>Contact person</b>	David Trigwell Divisional Director - Planning and Transport, Planning and Transport Development  Simon de Beer – Planning Policy & Environment Manager
<b>Sponsoring Cabinet Member</b>	Councillor Tim Ball
<b>Background papers</b>	Localism Act 2011 <a href="http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted">http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted</a>  Consultation Draft Neighbourhood Planning Regulations (2011) <a href="http://www.communities.gov.uk/documents/planningandbuilding/pdf/1985878.pdf">http://www.communities.gov.uk/documents/planningandbuilding/pdf/1985878.pdf</a>  CLG (2011) Localism Bill: neighbourhood plans and community right to build Impact assessment <a href="http://www.communities.gov.uk/publications/localgovernment/localismneighbourhoodplans">http://www.communities.gov.uk/publications/localgovernment/localismneighbourhoodplans</a>  CLG (2011) Localism Bill: Neighbourhood plans - Equality Impact Assessment <a href="http://www.communities.gov.uk/publications/localgovernment/localismneighbourhoodplans">http://www.communities.gov.uk/publications/localgovernment/localismneighbourhoodplans</a>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

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## “MY NEIGHBOURHOOD”

# A NEIGHBOURHOOD PLANNING PROTOCOL FOR BATH & NORTH EAST SOMERSET

DRAFT March 2012

*This is the text format only – design version will be printed following  
Cabinet in order to reflect any changes that may be required before  
public consultation*

# Chapter 1 Introduction

Bath & North East Somerset Council want to ensure that all people who live or work in the area or who have an interest in our area the opportunity to be involved in the planning process if they want to. We want to encourage more people to be involved and to make this involvement as easy as possible.

It is important that we involve the wider community at an early stage in the decision-making processes, when it is possible to make a difference. There are a range of tried and tested ways in which you can get involved in planning issues.

With the introduction of the Localism Act and the new Neighbourhood Planning duties a new tier of planning has been introduced which will empower communities more than ever before to shape the future of development in their neighbourhoods.

This *My Neighbourhood* Guide is a Neighbourhood Planning Protocol for Bath & North East Somerset outlines all of the ways and details the processes so that it is clear how you can get involved in planning issues in your neighbourhood. This includes:

- How to have your say on planning applications
- How to get involved with local planning policy development
- How to do your own Neighbourhood Planning
- How to your protect trees
- Other tips and tools for communities

It will eventually replace the Council's Statement of Community Involvement in Planning (2007) and is being published for a six-week period of public consultation before being adopted later in 2012.

## DIAGRAM/BOX

This neighbourhood Planning Protocol supports the Councils 2012 vision and values:

- Promoting independence and positive lives for everyone
- Creating neighbourhoods where people are proud to live
- Building a stronger economy

## SOUNDBITES;

Localism in planning will create the freedom and the incentives for those places that want to grow to do so – Greg Clark Minister for Planning

Participative planning with local communities can help deliver better quality design and better places - Design Council

Grassroots democracy is key to changing lives and improving neighbourhoods -  
National Association of Local Councils

Local people should be at the heart of changes to their neighbourhoods - The Glasshouse

## Chapter 2 Have your say on planning applications

***NB: This section will need to be reviewed before final publication to reflect the West of England Partnerships' Planning Toolkit(March 2012) for dealing with Major Planning applications in full.***

### Introduction

**Key fact in bubble:** The process of deciding planning applications is called Development Management.

The Development Management department deal with all planning applications in Bath & North East Somerset. There are currently three teams in this department: two teams dealing with all types of planning applications and one team dealing with listed buildings and conservation area applications.

All planning applications must be decided in accordance with Bath & North East Somerset's Local Development Framework (LDF), National policy and adopted Neighbourhood Plans. It is possible for anyone to comment on a planning application.

The majority of planning applications considered by the Council are small scale e.g. householder applications or applications for development which will affect a relatively small area. **Figure 6** is a summary diagram outlining the process of determining a planning application. The Council aims to determine planning applications within 8 weeks of validation.

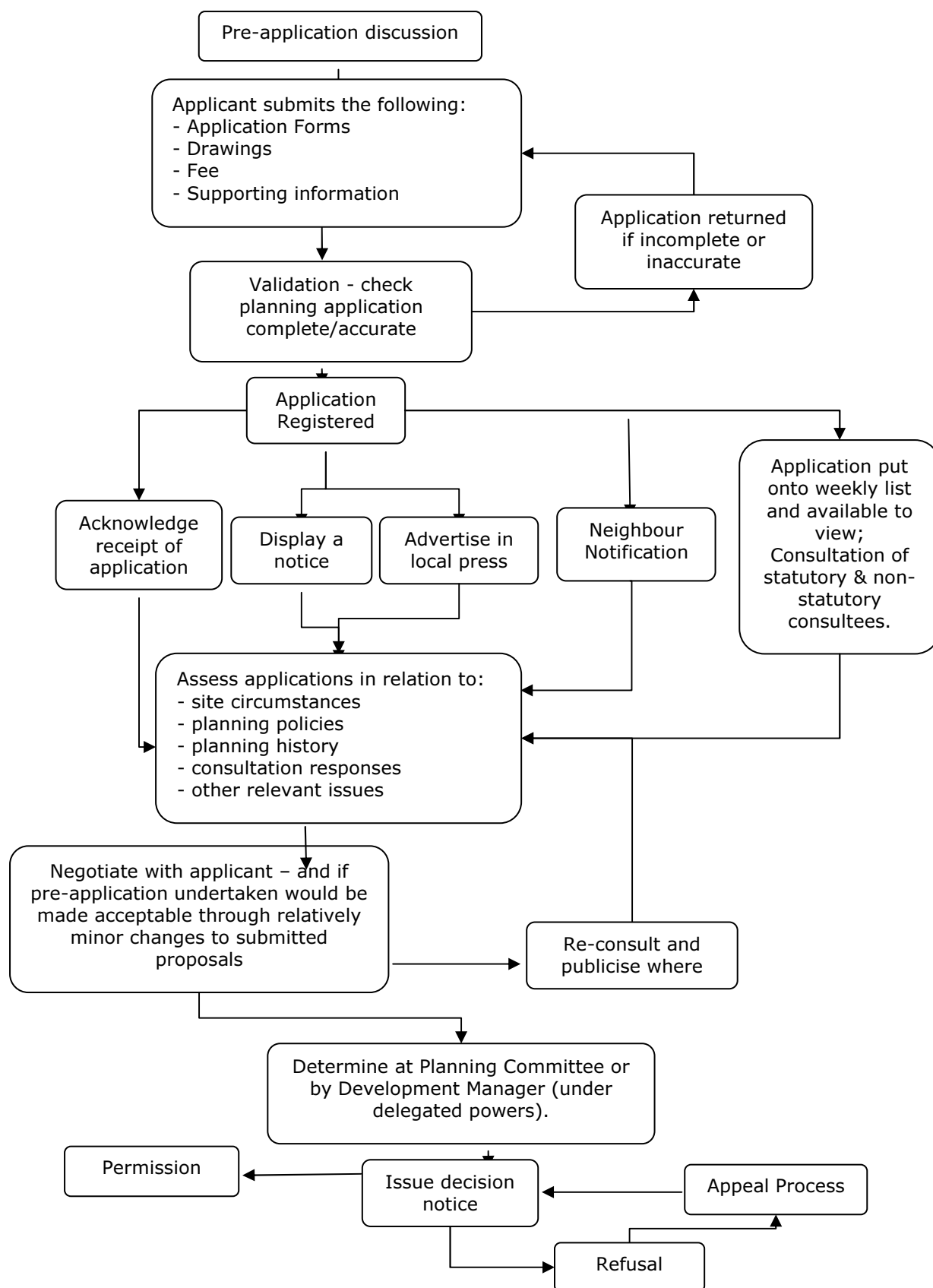
Planning applications for major development in Bath & North East Somerset require wider community consultation and a greater degree of community involvement. For major development it is advisable for community involvement to be initiated at the pre-application stage.

#### **What is a Major Development?**

- Housing developments of more than 10 dwellings
- Housing development on a site of 0.5 hectares or more
- Any other development with a floor area of 1000m<sup>2</sup>
- Any other development on a site of 1 hectare or more
- Waste development or mineral working

The process for applying for planning permission for major development is more complex and the applicant is required to submit more documentary evidence (e.g. an environmental statement, transport study, design & access statement etc). Planning obligations (section 106 agreements) are also likely to be negotiated with applicants for this scale of development. The Council aims to determine major applications within 13 weeks of validation.

**Figure 6: Summary diagram to show how a planning application is decided**



For some development areas the Council will produce Supplementary Planning Documents (e.g. Bath Western Riverside SPD), which outline the development requirements of the site in more detail. SPDs require community involvement as outlined earlier in the SCI.

The opportunities for community involvement at each stage in the Development Management process will be outlined in this section of the SCI. The key stages are:

- Pre-application;
- Submission of an application;
- Considering an application;
- Determination of an application;
- Post-determination;
- Enforcement Action.

## **Pre-application**

### ***Large or Sensitive Sites***

It is widely recognised that investing time with the local community and the Council to exchange information and solve problems when a development proposal is capable of adaptation, prior to the submission of a planning application is at the heart of a positive and proactive planning system. It reduces the risk of wasted time and cost and enhances quality, clarity and certainty for both applicant and the community.

An appropriate and well executed early engagement process that demonstrates how engagement has helped understand and address the aspirations and concerns of communities and key stakeholders should help to ensure greater buy-in to development proposals, and a smooth the more formal planning application process.

The Localism Act now places a national expectation that meaningful pre-application engagement with communities is undertaken on development schemes of above 200 homes and 10,000sqm of floorspace.

Bath and North East Somerset contains some of the nation's outstanding and valued environments. It is home to engaged people with a passion for their communities. Experience has shown development proposals are likely to generate significant community and stakeholder interest.

Bath and North East Somerset Council supports a collaborative process of scheme development. It advocates the use of Masterplans and Design Codes, and other planning tools as appropriate. To assist applicants engage effectively in pre-application engagement with communities and the Council, it encourages applicants to use its discretionary pre-application services including The Development Team and access to the Urban Regeneration Panel and other groups such as the South West Design Review Panel

Developers of large or sensitive sites are also encouraged to enter into a Planning Performance Agreement (PPA) with the Local Planning Authority that sets out an agreed process as well as the key stages that work towards the submission of planning application(s). This will include agreeing on the approach to community engagement.

Early discussion with the Planning Service can help plot the best route for your application.

### **Info Box:**

**Planning Performance Agreements:** These are normally signed up to by a local authority and a developer to guide all aspects of project development, including community engagement. The Agreement outlines clear procedures and responsibilities for all parties and includes an agreed timetable.

### ***Pre-application Advice***

It is recognised that it is beneficial to all parties if applications are discussed prior to the submission of a formal application. The Council offers a pre-application service for all those wishing to make a planning application. All meetings and correspondence prior to the registering of an application will be treated as confidential, although it should be noted that the Council cannot guarantee that it will not have to release information if a Freedom of Information Request is received.

The Pre-application Service is available to customers at a charge, which assist the department in covering the costs of the service. All pre-application requests must be submitted in writing. Details of the Pre-application Service and its related fees can be found on the Council's website. Those who wish further guidance on the pre-application should contact Council Connect in the first instance.

Pre-application dialogue in relation to proposals for major development is also undertaken by the Council. A productive dialogue at this stage can resolve issues and help ensure that the application submitted is well presented and includes the appropriate information to enable the proposal to be assessed and understood by the Local Authority, consultees and stakeholders. This dialogue should take place through the Council's multi-disciplinary development team approach. More detail about this service can be found on the Council's website and in the leaflet entitled *Planning Delivery Agreements for Major Development Proposals* (available on request from Council Connect).

### ***Pre-application consultation***

The Council actively encourages applicants to engage the community in pre-application consultation. Advice on appropriate methods for community involvement will also be suggested. Pre-application consultation should allow those affected or concerned by a proposal to discuss their concerns before any

key decisions have been made. It should also help resolve or identify areas of concern earlier in the process and avoid unnecessary objections at a later stage.

To ensure that a developer undertakes pre-application community involvement that is suitable for the size and type of development proposed, guidelines for the level of community involvement that will be encouraged have been produced. **Figure 7** illustrates the types of community involvement which will be encouraged by the Council for significant developments of varying scales and sizes. Examples of applications which could fall into each level are summarised in **Figure 8**.

When undertaking consultation applicants should ensure that involvement is inclusive and that efforts are made to include all sections of the community.

Details of any pre-application public consultation undertaken by developers should be outlined alongside the planning application in the form of a consultation statement. The pre-application consultation will be organised, managed and funded by the potential developer.

It must be noted that the Council cannot refuse planning permission because pre-application consultation has not taken place. However, failure to carry out suitable consultation activities could result in objections being made which lead to the refusal of the planning application.

<b>Figure 7: Community involvement in planning application</b>			
<b>Approach</b>	<b>Level 1</b> Applications where there are issues of scale and controversy or which are contrary to local development framework policy	<b>Level 2</b> Applications broadly in accordance with the local development framework but raising a controversial issue or detail.	<b>Level 3</b> Applications of a scale or on a site for which authorities require wider community involvement. Also, applications that fall within sites that are 'sensitive' to development pressures.
Public Meetings	✓		
Public Exhibition	✓	✓	
Surgeries	✓	✓	
Development briefs	✓		
Workshops	✓		
Workshops and other interactive events	✓	✓	
Citizen Panel	✓	✓	✓
Consultation Panel	✓		
Town/parish councils	✓	✓	✓
Media	✓		



Website	✓	✓	✓
Planning Aid	✓	✓	✓
Local Architectural or design panel	✓	✓	
Letter/Leaflet	✓	✓	✓

This figure is adapted from *Creating Local Development Frameworks: The Companion Guide to PPS12* (ODPM, 2004: page 84).

<b>Figure 8: Definitions of different levels of Major Planning Application</b>
<p><b>Level 1:</b> This could include major infrastructure projects and developments which depart from the development plan and are referred to the Secretary of State.</p>
<p><b>Level 2:</b> This could include:</p> <ul style="list-style-type: none"> <li>• Schedule 2 developments as defined by Environmental Impact Assessment Regulations as requiring an EIA.</li> <li>• Development proposals which fall within the Town &amp; Country Planning (Residential Development on Greenfield Land) (England) Direction 2000 i.e. applications that relate to 5 hectares or more of Greenfield land, or comprise of 150 dwellings or more regardless of the size of the site, and which the council resolve to approve.</li> <li>• Development proposed on playing fields as set out in the Town &amp; Country Planning (Playing Fields) (England) Direction 1998. This applies to any playing fields owned by the Council or used by an educational institution.</li> <li>• Applications which require a Full Transport Assessment (to reflect the scale of development and the extent of the transport implications of the proposal).</li> </ul>
<p><b>Level 3:</b> Applications of local significance that the Council considers to require wider community involvement will be determined on a site by site basis and include those which:</p> <ul style="list-style-type: none"> <li>• Fall marginally below the thresholds for Tier 2 and 3;</li> <li>• Involve the provision of affordable housing; and</li> <li>• Involve the requirement to contribute towards school places.</li> </ul> <p>Applications that are 'sensitive' to development pressures may include:</p> <ul style="list-style-type: none"> <li>• Development adjoining a listed building;</li> <li>• Substantial demolition of in a Conservation Area;</li> <li>• Loss of allotment land;</li> <li>• Loss of employment land for housing.</li> </ul>

This figure is adapted from the guidelines in *Statements of Community Involvement in Planning Applications* (DCLG, 2004: pages 33-37)

### Submission of application

After a planning application has been submitted and validated, details of the application are publicly available and details of the application are publicised. Planning applications are available to view on the Council's website 2-3 days after validation. The Council's website can also be accessed at Council Connect offices. Council Connect Officers are available to assist those wishing to use this service. For large scale major applications a hard copy summary document may also be requested at Council Connect offices.

Where there are significant changes to any planning application, which are material (relevant) in planning terms, we will re-notify relevant neighbours, Parish and Town Councils, consultees and those who have commented on the application, allowing a further 14 days for comments.

The methods used to publicise planning applications are outlined in **Figure 9**.

Method	Description of how this will be used
Weekly list of applications	<p>A list of planning applications validated by the Council for a specified date range can be produced using the Council's website.</p> <p>We send all Councillors, Parish and Town Councils a list of new applications validated on a weekly basis and inform them of all items to be considered by committee.</p>
Council website	All applications are available to view on the Council's website. There are a number of ways to search for applications including a map search facility. Applications of special interest are also highlighted on the "Specials Interests" page during their consultation period.
Neighbour notification letter	Adjoining owners or occupiers will continue to be notified by letter for all planning applications.
Display a site notice	<p>A site notice on a laminated A4 sheet, which briefly outlines the planning application, is displayed in a prominent place on or near the site. Site notices are used when a planning application:</p> <ul style="list-style-type: none"> <li>• relates to Listed Building consent;</li> <li>• affects the setting of a Listed Building;</li> <li>• affects a Conservation Area;</li> <li>• relates to a Conservation Area consent;</li> <li>• where the proposed development is a departure from the Development Plan (i.e. it is not in agreement with Local Development Framework);</li> <li>• is subject to an Environmental Impact Assessment;</li> <li>• affects a public right of way;</li> <li>• where the development constitutes a major development as defined by the GPDO.</li> </ul> <p>The use of site notices is in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010</p>
Consult statutory organisations	In accordance with the nature of the proposed development the Council must consult statutory consultees. Statutory consultees are listed in <b>Appendix C</b> .
Consult Town or Parish Councils	Town and Parish Council's will be consulted on all planning applications made within their administrative boundary (copies of these applications will be provided). Town and Parish Councils that will be consulted are

	listed in <b>Appendix C</b> . Members of the community may be able to view planning applications at Parish and Town Council offices by prior appointment. Consultation with adjoining Parish and Town Councils is also encouraged where the proposal is considered to be significant.
Consult other consultees	Special interest groups or community groups will be encouraged to be consulted where there are planning applications of particular interest, at the discretion of the Case Officer. Specialist teams within the Council will also be consulted on Planning Applications e.g. Historic Environment, Trees & Woodland who will in turn consult other consultees as appropriate.
Local Advertisement	Applications are advertised in the local press as required by the Town and Country Planning (Development Management Procedure) Order 2010.
Contact Council Connect	Members of the public can contact Council Connect with general enquiries about current planning applications. Contact details can be found at the back of this SCI.

## Considering an application

Planning applications are considered and determined either by a Committee (made up of elected Councillors) or under delegated powers by nominated officers. The Council's delegation scheme explains how it is decided whether a planning application will be determined at Committee or under delegated powers.

Approximately 5% of all planning applications are determined by Committee. There is a dedicated **Development Control Committee** which meets monthly.

Development Control committee meetings are open to the public. All committee papers and minutes of committee meetings are available on the Council website 5 days before the meeting or on request 5 days before the meeting, from the following Public Access Points: the Guildhall, Bath; The Hollies, Midsomer Norton; Riverside, Keynsham; Bath Central Library; Keynsham Library; Midsomer Norton Library. See the Council website or contact Council Connect for details.

Members of the community can comment on a planning application either by:

- submitting a written statement (known as a representation); and/or
- speaking at a planning committee meeting.

### ***Submitting a representation***

Comments on planning applications should be made in writing and sent by post or emailed to the Development Management team. Please remember to quote either the planning application number or location details for the site in any correspondence. The Council will accept petitions and pro-forma letters as representations however due to the volume of individual addresses contained in representations of this kind it may not be possible to write to all involved separately with updates on the progress of the related applications. The Council

will however write to the owner of the petition/pro-forma letter where possible or seek alternative methods of communication.

Comments on planning applications must be made within a minimum of 21 days (for first consultation) and 14 days for re-consultation. Due to the high volume of comments received, letters will not be acknowledged. Comments received after the deadlines are not required to be considered by the Council when determining the application. However, bodies such as Natural England will be allowed a longer period of time to comment on applications where this is prescribed by legislation.

The comments made on planning applications are placed on the electronic planning application file and the Council's website (hard copies are not retained). They are public information and copies can be made up until the point that a decision is made on the application at which point they are removed from the website. Any comments made will be summarised in the planning officer's report to the relevant committee and will be considered when applications are decided.

Current planning application files are available to view on Council's website. Archive applications from August 2005 onwards are also available on the website. To view applications prior to that date customers should contact Council Connect in the first instance so they can arrange them to be uploaded to the website where possible.

Only comments relating to **material considerations** (i.e. are relevant in planning terms) will be considered in the determination of a planning application. You should focus your comment on relevant planning issues. These include:

- suitability of the site for development (including conflicts with policies in Local Development Framework);
- design, appearance and layout issues;
- possible loss of light or overshadowing;
- highway safety and traffic issues;
- impact on residential amenity/trees/conservation area/listed buildings;
- possible noise, disturbance, pollution and smell nuisance;
- planning policies, government and planning case law including previous decisions of the Council.

There are a number of issues that are *not* generally material in planning terms, which will *not* be considered in the determination of a planning application. These include:

- Private property rights (boundary/access disputes, restrictive covenants etc.);
- effect on the value of property;
- matters covered by other laws;
- private disputes;
- competition with other businesses.

Applicants and those who have made a representation will be informed in writing if their application has been referred to Committee, this will include details of the venue and time of the meeting.

### ***Speaking at a Committee Meeting***

Under the Council's public participation scheme oral statements can be made by members of the public in respect of planning applications at committee meetings. For each planning application there is a maximum of nine minutes for comments for and against the application:

- 3 minutes are available for the relevant Town or Parish Council representatives to speak;
- 3 minutes for objectors to speak against the proposal;
- 3 minutes for an applicant, agent or supporters of the proposal to speak in favour of the proposal.
- Ward Members can attend any meeting and speak and there is no time limit in relation to any statements made.

Any person may indicate their wish to make a verbal statement to the Committee by contacting Democratic Services at least two days before the Committee meeting. If a member of the public has any particular needs or has concerns about speaking at the meeting, please discuss them with the relevant Committee Administrator, who can be contacted via Democratic Services.

#### **Contact Democratic Services**

☎(01225) 394452

✉[democratic\\_services@bathnes.gov.uk](mailto:democratic_services@bathnes.gov.uk)

Any verbal comments made at Committee will not be recorded in the Committee minutes, although any related comments made by Councillors in attendance will be recorded.

### **Determination of planning application**

Representations made and verbal comments made at Committee meetings (where relevant) will be carefully considered when deciding whether planning permission should be granted.

Decision notices state the decision that has been taken in relation to a planning application and justify why this decision has been made. The Council will notify those who have made representations on applications where possible of when a decision has been made. Decision notices can be viewed on the Council's website and enquiries into decisions can be made via Council Connect.

### **Post determination**

Once a planning application has been determined there are a number of actions that can be taken by aggrieved parties.

### ***Appeal to the Secretary of State***

There is no right of appeal for third parties. However, if an applicant is aggrieved by the decision of the Council to refuse an application or to grant it subject to conditions, they can appeal to the First Secretary of State under the provisions of

the *Town & Country Planning Act 1990* or the *Planning (Listed Buildings & Conservation Areas) Act 1990*. Appeals must generally be made within 6 months of the date of the determination of the planning application, using a form which can be requested from the Planning Inspectorate. Details about how to appeal are sent to the applicant alongside the decision notice.

Appeals are intended as a last resort and they can take several months to decide. It is often quicker to discuss with the Council whether changes to your proposal would make it more acceptable.

#### **Contact the Planning Inspectorate**

✉ TempleQuay House, 2 The Square, TempleQuay, Bristol, BS1 6PN  
📄 Look at the Appeals web page [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)

#### ***Make a complaint about the process of considering the Planning Applications***

Any complaints about community involvement activities in relation to planning applications can be reported to the Planning Services Complaints Officer in the first instance. Please note the complaints procedure is not intended to deal with the merits of planning decisions.

#### **Enforcement Action**

Contact the enforcement team if you consider a breach of planning control has occurred.

## Chapter 3: Get involved in Local Planning Policy

**Info bubble:** A National Planning Policy Framework came into force in 2012. This will supersede a range of national policies previously included in a range of Planning Policy Statements and Circulars.

### Introduction

In addition to national level planning policy Local Authorities have to produce local planning policies, which must conform with national policies.

Through the recent Localism Act, a new tier of Neighbourhood Planning has been introduced. More information on this can be found in Chapter 4. There is no longer a tier of regional planning, although local authorities have a duty to cooperate with adjoining authorities on a sub-regional basis.

There are two different types of local policies:

**Development Plan Documents** – These are policy documents whose preparation is controlled through statutory processes and which are subject to independent examination by the Secretary of State for their “soundness”.

**Supplementary Planning Documents** – These policy document add detail to policies contained within Development Plan Documents. They must also follow a statutory process but are not subject to formal examination. They can be prepared quickly and must be endorsed by the Council.

**Info bubble:** A programme of all of the local policy documents under production can be found in the Council’s Local Development Scheme. <http://www.bathnes.gov.uk/SiteCollectionDocuments/Environment%20and%20Planning/Planning/planning%20policy/BathNES%20LDS%202011-2014.pdf>

### Who will we engage with?

Appendix B lists the types local and national consultees that the Council will engage with. If you are interested in local planning policies get in touch and we can add you to our mailing list and tell you about opportunities to get involved.

**Info bubble:**  
contact us at  
[Planning\\_policy@bathnes.gov.uk](mailto:Planning_policy@bathnes.gov.uk)  
Tel: 01225 477548

We have identified a range of target groups we need to make extra effort to engage, as illustrated in figure 3. Engagement with these groups will be targeted depending on the nature of the local policy.

**Figure 3: Target groups we need to involve in the preparation of the LDF**

<b>Young people</b>	<p>Children and young people have not traditionally been involved in planning issues. However, we will seek to involve young people through existing initiatives within the Council led by Youth Services (such as DAFBY - the Democratic Action for Bath &amp; North East Somerset Youth initiative).</p> <p>Involvement will also be encouraged through initiatives linked to local universities, colleges, schools and youth groups. To effectively engage young people we will need to provide information which is accessible, relevant and engaging. Interactive workshops and the use of models and diagrams would be appropriate.</p> <p>We will seek to secure the support of youth workers, teachers and play workers to assist us in developing and delivering appropriate activities.</p>
<b>Faith, Ethnic and Language groups</b>	<p>Further work needs to be done to ensure that faith, ethnic and language groups are engaged and informed in the planning process. Many organisations representing faith, ethnic and language groups will be routinely consulted. Information might also be disseminated through community newsletters or at community events. Work undertaken by other initiatives within the Council will also be taken on board</p>
<b>Disabled People</b>	<p>We will seek ideas and feedback from disabled individuals as well as local and national organisations representing disabled people to ensure that community consultation is inclusive. We will ensure that all community involvement events are fully accessible, and will always respond to any accessibility requests in a positive way.</p>
<b>Gypsies and Travellers</b>	<p>We will involve gypsy and traveller groups, particularly as part of the policy evidence gathering process. We will consult members of the gypsy and traveller communities, particularly where issues are of direct relevance.</p>
<b>People living in rural areas</b>	<p>Residents in rural areas may not have easy access to council offices and may have less access to community events depending on where these are held. We aim to build on established Parish Council networks in order to disseminate information and attain feedback at the most local level possible. We will also make links with the creation of Parish plans, working with bodies who are helping to support the development of these Plans. The development of e-consultation within the Council will ensure that consultation reaches a wider audience. Information, posters and leaflets will be provided for display on village notice boards and in mobile libraries.</p>
<b>Small business owners</b>	<p>Small businesses have an important role in the local economy. However, there is evidence that small business owners often do not have the time or resources to spare to become involved in planning issues. To overcome this, organisations representing small businesses will be consulted. The Economic Partnership currently links to the LSP and contains business representation, whilst Business West is directly represented on the LSP – links to the LSP will therefore be important. In addition, direct links will be made with local Chambers and with the local representatives of the Federation of Small Businesses.</p>
<b>Residents</b>	<p>We acknowledge that we need to ensure that all residents in the district have opportunities to be involved in planning issues.</p> <p>Information about a variety of opportunities to be involved in the preparation of the LDF will need to be disseminated widely, and advertised in good time. Residents Associations will also be utilised as a way of disseminating information where they are established. It is noted that unlike residents in the rest of the district, residents of Bath are not represented by either Town or Parish Councils, and that extra effort is needed to reach these residents.</p>

## How will we engage you?



We always aim to improve the way that we communicate and are committed to making sure that all consultations are accessible and that documents produced are available in a variety of formats.

The involvement techniques that we will use can be classified into three broad categories:

- **Information** – Providing information through the internet, local media and local publicity.
- **Consultation** – Finding out the views of the community through meetings, exhibitions, qualitative research surveys and questionnaires. Documents will be produced to generate discussion.
- **Participation** – Involvement which actively identifies needs and priorities, methods include workshops, discussion, focus groups and linking with existing community involvement initiatives.

**Appendix B** presents a toolbox of methods which the Council will use to encourage community involvement in the creation of the LDF and go beyond the statutory minimum requirements.

## **When can you get involved?**

The earlier you get involved in local policy development the better as you can help shape its contents.

### **Key opportunities for community involvement in the preparation of Development Plan Documents**

#### **Stage 1 Pre-production consultation to establish issues and options**

'Issues and options' and evidence gathering consultation. Early community involvement using a wide range of methods (as outlined in **Appendix B**).

There will be more than one specific consultation carried out at this stage and consultations will be targeted at a range of consultees.

Statutory and non-statutory consultees will be consulted and efforts will be made to secure the involvement of the target groups outlined in this SCI.

*Statutory consultees (and other relevant consultees where identified) will be consulted on the Sustainability Appraisal Scoping Report.*



#### **Stage 2 Preferred Options consultation**

The Council's options and emerging preferred options will be presented for a statutory consultation period of 6 weeks. Comments made will be considered and feedback given as outlined in this SCI. Community Involvement opportunity will be provided using a wide range of methods (as outlined in **Appendix B**).

Statutory and non-statutory consultees will be consulted and efforts will be made to secure the involvement of the target groups outlined in this SCI.

*Consultation on the associated Sustainability Appraisal will also occur alongside this.*



### **Stage 3 Draft DPD Submitted to the Secretary of State with 6 week statutory consultation**

Taking into account representations from Stage 2, the proposed submission DPD is prepared. Before the DPD is submitted to the Secretary of State for examination it will be published for a period of 6 weeks and representations invited on the 'soundness' of the document.

Statutory and non-statutory consultees will be consulted and efforts will be made to secure the involvement of the target groups outlined in this SCI.

The Council will consider these responses and if changes are necessary (and in exceptional cases only) an addendum to the DPD will be submitted with the DPD for examination by the Planning Inspector.



### **Stage 4 Examination by Planning Inspector**

The Planning Inspector considers the DPD and the representations submitted at the proposed submission version stage. If the Inspector finds the DPD 'sound' then the Council will alter the DPD in line with the Inspector's recommendations and adopt the Plan. All those who registered an interest in the DPD or who made written comments during the consultation period will be notified.

*\* Details of the minimum statutory requirements for community consultation in the preparation of DPDs can be found in the Town & Country Planning (Local Development) (England) Regulations 2008 – Regulations 25, 27 & 28. This is due to be replaced by new Local Planning Regulations in 2012.*

## key opportunities for community involvement in the preparation of Supplementary Planning Documents \*

### Stage 1 Informal community involvement in the preparation of draft Supplementary Planning Document

Evidence gathering consultation. Early community involvement using a range of methods (as outlined in **Appendix B**).

Statutory consultees and other relevant local consultees (as relevant) will be consulted and efforts will be made to secure the involvement of the target groups outlined in this SCI (as appropriate).



### Stage 2 Formal consultation on SPD

The draft SPD will be published for a formal six week period of consultation. A range of methods community involvement methods will be used depending on the nature of the document (e.g. whether the SPD is topic based or area based). A report will be published at this stage of the consultation summarising the main issues identified through the informal consultation and the Council's response to these.



### Stage 3 Adoption by the Council

All those who registered an interest in the Supplementary Planning Document or who made written comments during the consultation period will be notified.

*\* Details of the minimum statutory requirements for community consultation in the preparation of SPDs can be found in the Town & Country Planning (Local Development) (England) Regulations 2004 – Regulation 17. This is due to be replaced by new Local Planning Regulations in 2012.*

## What will happen to your views and comments?

When undertaking community involvement on planning issues it is crucial that the purpose and parameters of particular consultations are clear. We are aware of the importance of providing feedback and the need to show the community how their views have been taken into account.

Three key documents will be produced alongside each consultation, which will be made publicly available:

- A **schedule of comments** made during the consultation will be available for public inspection, together with the Council's response to the comments made. The comments and responses will be agreed by the Council, Cabinet or

Cabinet member as appropriate. Please note we cannot treat any comments made as confidential.

- A **consultation report**, for each key stage in the preparation local policy document which sets out who was consulted, how they were consulted, a summary of the main comments received and how these have been addressed. For Development Plan Documents this will be submitted to the Secretary of State. For Supplementary Planning Documents this will be presented to the Council, Cabinet or Cabinet member as appropriate. These reports will be made available on our website, [www.bathnes.gov.uk](http://www.bathnes.gov.uk) and in paper copy at the deposit stations used during the consultations (see Appendix C for details).
- A **statement of compliance to the Neighbourhood Planning Protocol** will be produced. This "Statement of Community Involvement" will outline how the Local Authority has complied with the Neighbourhood Planning Protocol. For Development Plan Documents this will be submitted to the Secretary of State. For Supplementary Planning Documents this will be presented to the Council, Cabinet or Cabinet member as appropriate.

## Chapter 4: How to do your own Neighbourhood Planning

**Info bubble:** The Council has a Neighbourhood Planning webpage with links to a range of resources, funding opportunities and events

[www.bathnes.gov.uk/neighbourhoodplanning](http://www.bathnes.gov.uk/neighbourhoodplanning)

### Introduction

The Localism Act received Royal Assent in November 2011 and has introduced a new tier of Neighbourhood Planning which came into effect on 1<sup>st</sup> April 2012.

The Act seeks to facilitate community-led planning in the form of Neighbourhood Plans, Neighbourhood Development Orders and the Community Right to Build and requires Local Authorities to resource and support Neighbourhood Planning.

This is widely seen as one of the most fundamental changes to the UK planning system since its inception in 1948.

**Info bubble:** Draft Regulations for Neighbourhood Planning – final version due to be published on 1<sup>st</sup> April 2012

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1985878.pdf>

Alongside the Localism Act, the government has also published draft Neighbourhood Planning Regulations, establishing a level of national consistency in the approach. However, according to the draft regulations there is the potential to set out local detail to suit local circumstances. This chapter aims to set out the local detail alongside the national proposals, but it may be subject to change until the national regulations are established.

### The new powers

Three neighbourhood planning powers have been introduced by the Localism Act. These are all permissive, pro-development tools which allow communities to shape and influence new development. Neighbourhood Planning activities must be in general conformity with national planning policy and local planning policies.

<b>Neighbourhood Plan</b>	<p>A Neighbourhood Plan is a neighbourhood level development plan for all or parts of a defined neighbourhood area. The content can be locally defined, but it is likely to include a vision statement or diagram, and locally derived planning policies or site briefs.</p> <p>Neighbourhood Plans can influence where new homes and offices should be built and what they should look like. It can be detailed, or general, depending on what local people want. They can be less restrictive than the Local Authorities policies but not more restrictive.</p>
<b>Neighbourhood Development</b>	<p>A Neighbourhood Development Order is a legal document which permits development that a community wants to see in their area – either in full or outline, so</p>

<b>Orders (NDO)</b>	<p>that it does not require a full planning application or for planning permission to be granted for the local planning authority. Essentially this tool extends existing permitted development rights for specific types of development.</p> <p>In terms of process the process for producing a Neighbourhood Plan is much the same as preparing a Neighbourhood Development Order.</p> <p>Orders might allow extensions to community buildings, affordable housing or local scale renewable energy installations.</p> <p>All other consent regimes will still apply e.g. Building Regulations or Listed Building consent.</p>
<b>Community Right to Build</b>	<p>Is a type of NDO for a particular scheme. It will be for community and voluntary groups only (as defined in the regulations) to identify suitable land, sources of finance and secure support for their proposals. It requires agreement through a 'community referendum'.- Such schemes will not need to go through the normal planning application process.</p>

**Info Box:** The Localism Act also introduces other community rights not relating to planning: the community right to bid (assets of community value) and the community right to challenge

Diagram-----

### Thinking about preparing a Neighbourhood Plan or a Neighbourhood Development Order?

Do you need these?

- Neighbourhood Planning is optional
- Do you know what the planning issues are in your neighbourhood?
- Is there an easier way to address these issues?
  - Can you influence local policy (e.g the B&NES Placemaking Plan) instead or does it already support your aspirations?
  - Do you actually need planning permission?
  - Are they actually listed buildings or highways issues and therefore outside the scope of a Neighbourhood Plan?

Do you want either of these?

- Are you seeking to be pro-development or more permissive towards certain types of development in your neighbourhood?

- Are you aware of the process that you will need to go through?
- Is there another tool you can use that is quicker and easier (see other chapters of this document)?
- It is estimated that the Neighbourhood Plan process will take approximately 1-2 years, does this match your timeframe?

#### Are you eligible to prepare these?

- In the rural areas of the district only Parish Councils can prepare Neighbourhood Plans
- In Keynsham, Midsomer Norton, Radstock and Westfield only the Town Councils can prepare Neighbourhood Plans
- In Bath, you must be designated as a Neighbourhood Forum in order to prepare a Neighbourhood Plan.

#### Do you have the resources to prepare these?

- Have you found out about what support the Council can offer?
- Do you have a budget and volunteers to help with consultation activities?
- Have you considered making use of any community funding opportunities?

#### Is a Neighbourhood Plan or Development Order the best option?

- Have you considered the other routes to meet the aspirations of your community and dismissed them?
- Have you sought advice from the Planning department?

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**Info bubble:** See CPRE's Guide to Neighbourhood Planning for practical advice and tips on Neighbourhood Planning <http://www.cpre.org.uk/resources/housing-and-planning/planning/item/2689-how-to-shape-where-you-live-a-guide-to-neighbourhood-planning>

### **A six step guide to producing a Neighbourhood Plan or a Neighbourhood Development Order**



**Info bubble:** If you already have a Parish or Town Plan that you still think is up to date you could skip to **step 3**. You will still need to go through the formal process of validation, examination and referendum to take forward the planning parts as a Neighbourhood Plan.

### More detail on the process

#### Step 1: Start the Process

If you are a Parish or Town Council you can start the process straight away.

If you are a Neighbourhood Group within Bath you will first need to establish yourself as a Neighbourhood Forum.

The Localism Act allows for Neighbourhood Planning to cross local planning authority boundaries and defers the decisions on how best to work these arrangements to local authorities to work on collaboratively.



#### Council Role: Approving Neighbourhood Forums in Bath

The Council will approve applications for the designation of a Neighbourhood Forum in Bath, this decision will be made by full Council.

The Council will work in collaboration with neighbouring authorities where a cross-border Neighbourhood Plan/Development Order is pursued to establish a process which all parties can agree to.

#### >> Neighbourhood Forum Applications

Table X outlines the proposed process for Neighbourhood Forum Applications in Bath.

**Table X: Process for Processing Applications for Neighbourhood Forum Designation in Bath**

National Requirements*	Suggested additional local response
<i>*Summary of draft Neighbourhood Planning Regulations October 2011</i>	

<p><b>Application</b></p> <p>An application to become a Neighbourhood Forum should be addressed to the local planning authority. It must consist of the following elements:</p> <ul style="list-style-type: none"> <li>(a) A plan or statement clearly showing the proposed neighbourhood area</li> <li>(b) A statement explaining why this area is appropriate to be designated as a neighbourhood area</li> <li>(c) The name of the proposed neighbourhood forum</li> <li>(d) A copy of the written constitution</li> <li>(e) The name of the relevant neighbourhood area</li> <li>(f) the contact details of at least one member of the Neighbourhood Forum</li> <li>(g) A written statement to explain how the proposed Neighbourhood Forum meets the following conditions:</li> </ul> <p>A local planning authority may designate an organisation or body as a neighbourhood forum if the authority are satisfied that it meets the following conditions—</p> <p>(a) it is established for the express purpose of promoting or improving the social, economic and environmental wellbeing of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area),</p> <p>(b) its membership is open to—</p> <ul style="list-style-type: none"> <li>(i) individuals who live in the neighbourhood area concerned,</li> <li>(ii) individuals who work there (whether for businesses carried on there or otherwise), and</li> <li>(iii) individuals who are elected members of a county council, district council or London borough council any of whose</li> </ul>	<p>B&amp;NES Council will publish an application form on its website (and which can be made available in hard copy on request) which applicants will need to fill in and submit.</p> <p>While it does not appear that the it can be a requirement, B&amp;NES Council expresses a strong preference that:</p> <ul style="list-style-type: none"> <li>(1) a plan should be submitted showing the proposed Neighbourhood area with a red line boundary on an OS base map.</li> <li>(2) Contact details for all 21 named members of the Neighbourhood Forum are provided</li> <li>(3) That at least one Ward Councillor(s) for the ward(s) covered by the area in question are represented on the Neighbourhood Forum and support the application</li> <li>(4) That the aims, objectives, funding sources and working methods for the Forum are provided.</li> <li>(5) The Forum acknowledges the provisions of the Bribery Act 2010, section 3.</li> <li>(6) That the Forums has open public membership arrangements and is not dominated by any one organisation making up more that a third of its membership.</li> <li>(7) That the Forum is not dependent on any one interest group for funding.</li> <li>(8) That the boundaries of a neighbourhood area make sense in terms of community, communications, transport arrangements and services.</li> <li>(9) That the Forum signs up to the Council's Code of <b>Conduct for Neighbourhood Forums</b>.</li> </ul> <p>While it does not appear that the Council can refuse an application on the basis of these criteria. The Council will prioritise assistance to those Forums which meet these criteria.</p>
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<p>area falls within the neighbourhood area concerned,</p> <p>(c) its membership includes a minimum of 21 individuals each of whom—</p> <ul style="list-style-type: none"> <li>(i) lives in the neighbourhood area concerned,</li> <li>(ii) works there (whether for a business carried on there or otherwise), or</li> <li>(iii) is an elected member of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,</li> </ul> <p>(d) it has a written constitution, and</p> <p>(e) such other conditions as may be prescribed.</p> <p>The local planning authority can decline to consider an application if the applicant has already made an application and a decision has not been made on that application.</p> <p><i>[Draft Neighbourhood Planning Regulations Part 2 (5 &amp; 6) and Part 3 (9)]</i></p>	
<p><b>Publicising an application</b></p> <p>The local planning authority must publicise an application in such a manner as they consider is likely to bring the application to the attention of people who live, work or carry on business in the area to which the application relates.</p> <p>Any publicity must contain:</p> <ul style="list-style-type: none"> <li>(a) name of the proposed neighbourhood area</li> <li>(b) details of how to respond and make representations</li> <li>(c) deadline for responses (not less than 6 weeks following the date when first publicised)</li> </ul> <p><i>[Draft Neighbourhood Planning Regulations Part 2 (7)]</i></p>	<p>B&amp;NES Council will publish a link on its Neighbourhood Planning webpage <a href="http://www.bathnes.gov.uk/neighbourhoodplanning">www.bathnes.gov.uk/neighbourhoodplanning</a> to any application made and advertise a six week consultation.</p> <p>On advertising the consultation on the webpage the Council will also email all organisations registered on the LDF database by email (or letter where no email available) and will notify the ward Councillors who represent the areas covered by the proposed Neighbourhood area.</p>

### **Notice of accepted application**

When a local planning authority receive an application that meets the requirements, they must publish on their website:

- (a) the name of the proposed neighbourhood forum
- (b) the contact details of at least one member of the organisation or body making the representation
- (c) date on which the application was received
- (d) statement that any other application for the relevant neighbourhood area, after the first application to be accepted must be received by the LPA no later than 28 days after the date information published on website

*[Draft Neighbourhood Planning Regulations Part 3 (10 & 11)]*

### **Publicising the Decision**

The local planning authority must publish on their website details of their decisions on an application. These details must include:

- (a) name of neighbourhood forum
- (b) name of neighbourhood area
- (c) contact details for at least one member of the neighbourhood forum member

*[Draft Neighbourhood Planning Regulations Part 3 (12)]*

B&NES Council will also provide a link to the original application and the committee papers when the decision was made.

### **Code of Conduct for Neighbourhood Forums**

#### **Essential**

- 1 A single point of contact should be nominated for the Forum which must be provided to the Council and made publicly available. This contact should be kept up to date.
- 2 All Neighbourhood Forums should hold an open Annual General Meeting.
- 3 Agendas should be prepared for meetings of Neighbourhood Forums and the meetings should be minuted, both agendas and minutes should be made publicly available to the public in accordance with existing

arrangements for Parish Councils.

- 4 Members of the public may submit statements that relate to issues that are on the agenda for the meeting or any other issues, providing sufficient advance notice is given. These should be submitted to the nominated point of contact for the Forum.
- 5 Meetings should be Chaired, the arrangements for this are left to the Forum to decide.
- 6 Any financial contributions to the Forum from third parties must be declared.
- 7 Forums must be open to respond to potential concerns about their activities – any such complaints if considered to be justified may lead to a review of the designation of the forum.

#### **Desirable**

- 1 A Forum webpage is desirable.
- 2 The frequency of meetings of the Forum is to be determined locally. Quarterly meetings are suggested as a minimum.
- 3 It is desirable that a range of people from the area are represented and attention should be given to involving equalities groups and young people in the Forum.

#### **Review Process**

1. A breach of this Code of Conduct may lead to the Council re-considering the designation of a Neighbourhood Forum.
2. A decision will be made on a case by case basis, on the basis of evidence presented by both the complainant and the Forum.
3. Where issues can be satisfactorily resolved this will be preferable to further action such as the suspension of the Forum as a designated Neighbourhood Forum.
4. A new application would then need to be lodged to re-designate the Forum and this would be considered on its own merits.

### **Business Neighbourhoods**

*The Council will consider when designating the neighbourhood if it is wholly or predominantly business in nature. If it is the Council will decide whether the neighbourhood should also be specifically designated as a 'business neighbourhood'.*

#### **Step 2: Prepare your Plan**

The content of a Neighbourhood Plan is entirely up to you. However, it should be consistent with national and local planning policies. Only planning related

elements of a Neighbourhood Plan will need to go through an examination and referendum.

#### Council Role: Duty to provide advice and assistance

##### **General support**

- General guidance to be provided (this document)
- Provide a basic process checklist to make sure all regulations are being met for qualifying bodies undertaking Neighbourhood Planning to use which is downloadable from the website (or available on request)
- B&NES Neighbourhood Planning webpage
- Dissemination of information through briefings and workshops
- Disseminating information on local case studies (as these emerge)
- Information on funding and skills for Neighbourhood Planning

##### **Support to groups preparing Neighbourhood Plans**

The local planning authority will be able to provide the following in-kind assistance, this will be subject to demand:

- Electronic maps (pdf format) of your Neighbourhood area and relevant planning designations (print outs or GIS maps also available, although providing these will be charged at usual rates)
- Information on planning designations and planning policies
- Guidance in designing community consultation activities on planning issues
- Support for community planning events (e.g. facilitation, feedback, presentations)
- Provide advice on who to consult in relation to additional requirements for a Neighbourhood Development Order

Please give ample notice for us to respond to your requests in the most helpful way.

The local planning authority will not have any specific grant funding for Neighbourhood planning, however, we can advise you on any local or national community funding opportunities.

**Info bubble:** Did you know that the Council will be updating its Community Planning Toolkit in 2012 to take account of the Localism Act? This will be a self-help guide with advice and tips about how to engage with your community.

#### Step 3: Extensive community engagement

It's very important that you engage your community within the neighbourhood area from the outset as your plan or development order will be subject to a local referendum and needs strong buy-in from all parts of the community to get through this final stage. You should also make sure you engage with statutory consultees such as the Highways Agency and other local landowners and adjoining neighbourhood areas as you develop your ideas.

Make sure to keep a record of consultation activity that you run or organise as you will need to submit a "consultation statement" with your Neighbourhood Plan (the requirements of this are explained in step 4).

Before submitting your Neighbourhood Plan or Neighbourhood Development Order to the local planning authority, according to the Draft Neighbourhood Planning Regulations [Part 5 (15)] the qualifying body (i.e. Parish/Town Council or Neighbourhood Forum) must, publicise in a manner that is likely to bring it to the attention to people who live, work or carry on business in the relevant neighbourhood area:

- i) A draft of their Neighbourhood Plan/Neighbourhood Development Order
- ii) Details of how to make representations
- iii) Deadline for responses (minimum 6 weeks after the first publicised)

The qualifying body must also consult any statutory consultee whose interests it considered would be affected by the proposals and submit a draft of the proposal to the local planning authority [Draft Neighbourhood Planning Regulations Part 5 (15)].

The draft submitted to the local planning authority in writing and according to the Draft Neighbourhood Planning Regulations Part 5 (16) must be accompanied by:

- a) A plan or statement showing the area covered by the proposed Neighbourhood Plan/Development Order
- b) A consultation statement (including details of the persons and bodies consulted, how they were consulted, summarises main issues and concerns raised and describes how these issues have been addressed in the proposal)
- c) Title of the proposed Neighbourhood Plan/Development Order

### **Additional requirements for a Neighbourhood Development Order (and Community Right to Build)**

In addition for a Neighbourhood Development Order, before submitting to the local planning authority, should consult:

- the Historic Buildings and Monuments Commission for England
- Any person with whom the local planning authority would have to consult on an application for planning permission for the development proposed including any statutory consultee, any planning authority, any parish council and any neighbourhood forum (i.e. as outlined in part 15 and 21 of the draft regulations: Natural England, the Environment Agency, Network Rail, the Highways Agency, Primary Care Trust, Infrastructure Providers, voluntary bodies, bodies who represent racial, ethnic or national groups and groups representing disabled persons).

The qualifying body should approach the local planning authority for advice on who to consult.

When submitting a proposal to the local planning authority it must be in writing and accompanied by:

- A plan or statement identifying the land to which the proposal relates
- A consultation statement (as above)
- The title of the order
- A statement to explain how the proposal meets the basic conditions required

As appropriate, for a community right to build order this submission should also include:

- Details of any disenfranchisement rights which the qualifying body proposes should not be exercisable
- The relevant properties

The local planning authority has a duty to publicise this information and invite representations. Further to a decision by an Independent Inspector and a referendum in support, the local authority must then publicise the decision and adopt making details of the proposal available.

Specific requirement relating to disenfranchisement rights relate to community right to build orders as included in Part 7 of the Draft Neighbourhood Planning Regulations.

#### Council Role: Formal Validation

The local planning authority will validate your Neighbourhood Plan against national planning policy, local planning policy and can flag up any issues in relation to other legislation e.g. Habitat Regulations issues to make sure it is ready to go to Independent Examination. It is proposed that this is undertaken under delegated authority by the Divisional Director of Planning & Transport. It is best to approach the local planning authority at an early stage to flag up key policy issues before this formal validation process is triggered.

Please contact the planning policy team in good time to arrange a validation check: [planning\\_policy@bathnes.gov.uk](mailto:planning_policy@bathnes.gov.uk) or telephone 01225 477548

#### Step 4: Independent Examination

The qualifying body must organise the Independent Examination into the Neighbourhood Plan/Development Order and appoint a suitable Independent Examiner in liaison with the local planning authority. The Independent Inspector will decide if it is necessary to hold a public hearing into the Plan/Development Order although as a general rule the examination will take the form of consideration of written representations.

#### Council Role: Independent Examination

The local planning authority will publish the draft plan on their website. The local planning authority must publicise the Neighbourhood Plan/Development Order with details of how to respond to it in advance of the Independent Examination (in line with Draft Neighbourhood Planning Regulations Part 5 (17)).

The local planning authority will provide a list of potential Independent Examiners for the Neighbourhood Planning group to arrange an Inspector from.

The local planning authority will fund the Inspectors costs and will provide a Council venue for the examination as needed.

The local planning authority will consider the Inspector's recommendations.

#### Step 5: Referendum



A referendum at the end of the process will ensure that communities have the final say on whether a neighbourhood plan or development order comes into place in their area. A referendum is also required for a Community Right to Build Order.

The referendum will be held among the registered electors of the neighbourhood area and any adjoining neighbourhood area which might be affected. A positive result requires 51% of the turnout to vote in favour.

Within business neighbourhoods separate referendums will be held for residents and businesses to approve Neighbourhood Development Orders. A person is entitled to vote in the additional referendum for businesses if they are a non-domestic ratepayer in the referendum area. If both referendums approve the Order, it will be adopted. If both oppose it, the Order will not be adopted. If there is a split vote the LPA will seek to resolve differences.

#### Council Role: Referendum

The Council's Electoral Services team will administer and fund the local referendum on the Neighbourhood Plan. The details of how referendum are to be run are forthcoming, but are likely to involve a review of the *Local Authorities (Conduct of Referendums) (England) Regulations 2007*. This is proposed to include specification of the question(s) to be asked by the referendum.

The local planning authority will publish the results of the referendum on their website.

#### Step 6: Adoption

The Council will adopt the Neighbourhood Plan/Neighbourhood Development Order where it has successfully been through Stages 1- 5.

#### Council's Role: Adoption

Adoption of a Neighbourhood Plan/Development Order will require ratification by full Council.

Once adopted the Neighbourhood Plan/Neighbourhood Development Order will be published on the Council's website and hard copies will be available for inspection at the Guildhall, the Hollies and Riverside offices as well as at public libraries.

Once adopted the Neighbourhood Plan will form part of the Development Plan and will be used to determine planning applications within your Neighbourhood area.

### Community Right to Build

The Localism Act introduces new powers to deliver development that a community wants in their area. This could be new homes, business premises, shops, playgrounds, community halls or small scale renewable energy installations.

This right is open to use by groups other than Parish/Town Councils or Neighbourhood Forums and can be exercised by a range of community organisations.

Further detail is outlined in the Localism Act section 3 (1) (b) of Schedule 4C, this can be summarised as follows:

What is a "community right to build order"?

- Order is made by a community organisation
- Order that grants planning permission for a specified development in relation to a specified site in a neighbourhood area
- There are limits in relation to the area where a development can take place and the type of operations or land uses (in line with Environmental regulations)

What is a "community organisation"?

- A body that is established with the express purpose of furthering the social, economic and environmental well-being of individuals living, or wanting to live in a particular area
- Meets conditions in relation to distribution of profits, membership and voting control (see details below from draft regulations)
- More than half of the members of the organisation must live in the neighbourhood area at the time of making the order

When can a local authority decline to consider a community right to build order?

- When another proposal has been made for another Neighbourhood Development Order or Community Right to Build Order and when the other proposal is outstanding and where the proposals are the same or substantially the same
- If the local authority considers that the specified development falls within Annex 2 to the Environmental Impact Assessment directive and is likely to have significant effects on the environment by virtue of factors such as its nature size or location.
- If the local authority considers the specified development is likely to have significant effects a qualifying European site (European site within the meaning of the Conservation of Habitats and Species Regulations 2010), whether on its own or in combination.
- If this happens the authority must notify the person making the proposal and outline their reasons for declining to consider

What is the examination process?

- An Independent Examiner must be appointed
- If the Independent Examiner recommends that the draft order is refused, the authority must refuse the proposal
- If the examiner recommends that the draft order is submitted for a referendum a referendum must be held by the local authority (subject to any modifications being made that the local authority consider appropriate to make sure there is not a breach of EU obligations and the Human Rights Act 1998.

In addition the Draft Neighbourhood Planning Regulations Part 4 (13) also specifies:

- i) Individuals who live in the particular area must have the opportunity to become members of the community organisation

- ii) The constitution of the community organisation must provide that:
- a. Individuals who live in the area must control 51% of the voting rights
  - b. One of the objectives is to provide benefit to the local community
  - c. Any assets of the community organisation cannot be sold or developed except in a manner that the trust's members considers benefits the local community
  - d. Any profits from its activities will be used to benefit the local community (otherwise than being paid directly to members)
  - e. In the event of the community organisation winding up or ceasing to exist, its assets must be transferred to another body which has similar objectives
  - f. The organisation has at least 5 members, who are not related to each other, who live in the particular area.

Community Right to Build Orders must meet these minimum criteria, be considered sound by an Independent Inspector and be supported through a local referendum. If all of these stages are fulfilled, the Order will be adopted by the local authority and the development will be able to go ahead without the need for a traditional planning application. Any financial benefit from this development must be returned to the community where the development has taken place.

#### Councils Role: Referendum & General Assistance

The Council's Electoral Services team will administer and fund the local referendum on the Community Right to build and the Council will decide on the area of coverage for the referendum in line with national guidance.

In addition, the local planning authority can provide advice to Community Groups seeking to use this right to establish if this is necessary to achieve their aims and to provide other planning guidance.

#### **There are some areas still to be clarified by the government:**

- Exact details of the Neighbourhood Planning Regulations will not be known until they are due to come into force on 1<sup>st</sup> April 2012
- Regulation making powers on charges that local planning authorities can levy on development under a Neighbourhood Development Order are still to be clarified. It is envisaged that this will enable some of the costs of Neighbourhood Planning to be recouped. This is due to be the subject of a separate consultation later in 2012.
- Provisions in relation to requirements to ensure compatibility with EU obligations are not yet finalised. These are likely to be resolved with amendments to relevant directives.
- The details on referendums are not yet clear, but are to be brought forward in separate regulations based on existing referendum legislation.

#### Extra detail

- Additional detail on revocation and modification of a Neighbourhood Development Order, a Community Right to Build order or a Neighbourhood Plan are outlined in Part 9 of the Draft Neighbourhood Planning regulations but have not been reproduced here.

### **Find out more:**

The Localism Act

<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

Neighbourhood Planning Regulations – Consultation Draft

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1985878.pdf>

New local regulations on Neighbourhood Planning are due to come into force in April 2012

## **Chapter 5: How to protect your trees**

### **Intro diagram**

Trees are an important part of our natural life support system and green infrastructure. They have a vital role to play in the sustainability of our urban and rural areas.

- Trees benefit the local economy by creating potential for employment, encouraging inward investment, bringing in tourism and adding value to property.
- Trees help conserve and enhance the quality and character of our built and natural heritage. They are an integral part of the green setting of the City and are referred to in the reasons for Bath's inscription as a World Heritage Site.
- Trees benefit the local environment by reducing the effects of air pollution and storm water run off, reducing energy consumption through moderation of the local climate, and providing a wide range of wildlife habitats;
- Trees contribute to the social fabric in terms of recreation and education.

### **New section**

#### **How can we protect trees?**

The importance of our trees is embedded in the Council's policy documents such as the Bath and North East Somerset Local Plan and Core Strategy.

**Key Fact in bubble:** Did you know Council is preparing a Green Infrastructure Strategy

Trees in the district can be protected by Tree Preservation Orders (TPO ) or by growing within a conservation area as designated under the Planning ( Listed Buildings and Conservation Areas ) Act 1990.

Trees can also be protected by virtue of landscape conditions attached to planning consents and, more unusually, by section 106 agreements attached to planning consents. Landscape conditions are not suitable for long term tree protection because they last for a finite period of time, normally 5 years following completion of a development.

### **What is a Tree Preservation Order?**

A Tree Preservation Order is made when trees are considered to be under threat and when an assessment determines that they are important trees.

A tree can be considered under threat for development or when a notification has been received for tree works in a conservation area for instance. More information regarding Tree Preservation Orders can be found at (Link - <http://www.environmentandplanning.naturalenvironment.gov.uk/Tree%20Preservation%20Orders.aspx>)

If a tree is protected by either a TPO or conservation area then an application or notification respectively must be sent to the Council for tree surgery or felling.

More general information can be found at <http://www.environmentandplanning.naturalenvironment.gov.uk/Tree%20Preservation%20Orders.aspx> for Tree Preservation Orders and at <http://www.environmentandplanning.naturalenvironment.gov.uk/Trees%20in%20Conservation%20Areas.aspx> for conservation areas:

**Key Fact in bubble:** Each year the Council receives approximately 700 applications and notifications to undertake works to protected trees.

### **Publicity (table)**

The Council publicises Tree Protection Order applications and notifications to undertake work to protected trees in the following ways:

All applications and notices are recorded on the public planning database and on the Council website.
Notify Town and Parish Councils of applications and notices within their area.
Placing applications and notices on the weekly lists - available to Ward Members and the public.
Advising applicants to contact their neighbours prior to carrying out any work.
Advising applicants to contact tree owners if the applications or notices relate to neighbouring trees and seek their consent if the work extends beyond the boundary.
Tree owners will be notified if they are not the applicant.

## Flow Diagram

### **How is an application for tree works application for trees protected by a Tree Preservation Order decided by the Council?**

Pre-application advice: owner advised to seek professional advice from an a tree specialist (known as an Arborist)>

Applicant submits the application form and any supporting documentation>

Application checked for completeness (validation) – applicant contacted if incomplete or vague>

Application registered>

Acknowledgement sent, application placed on weekly list and public web site, tree owners notified if application is made by a neighbour.>

Site visit undertaken – cards delivered where \* applies.

\* A site visit may reveal that major works which would have a significant impact on the visual amenity or health of a tree ( such as a crown reduction greater than 30% or felling ) relates to an important tree which is highly visible. Where sound arboricultural reasons support the proposal immediate neighbours will be notified by either cards or site notice and Ward Councillors or Parish and Town Councils notified.

Explanatory notes:

Important – in terms of biodiversity; historical or cultural ( where apparent )

Highly Visible - Tree clearly visible to the general public from major vantage points; for instance, main roads or heavily-used footpaths or where the tree is overlooked by many properties.

Works assessed in relation to the aim of the works and the affect on the health and visual appearance of the tree following the works>

Negotiations with applicant where minor changes would be acceptable and to provide opportunity to withdraw application >

Consider comments received >

Issue decision notice> if refusal or split decision > appeal process

## Flow Diagram

How is a tree works notification for trees protected by a conservation area processed?

Pre notification advice: owner advised to seek professional advice from an Arborist>

Owner or agent submits the notification ( known as a 'six week notice' ) >

Validation ( notification checked for completeness) – applicant contacted if incomplete or vague. FOOTNOTE: specific forms are not obligatory but a form has been developed to ensure the appropriate information is provided. There is no legal requirement to provide reasons for the work but this is encouraged>

Notification registered>

Acknowledgement sent, notification placed on weekly list and public web site, tree owners notified if notification is made by a neighbour.>

Site visit undertaken where tree felling or significant works proposed– cards delivered where \* applies. [See previous diagram](#)

Works assessed in relation to the aim of the works and the affect on the health and visual appearance of the tree following the works. Consideration for the making of a Tree Preservation Order >

Negotiate with applicant where minor changes would be acceptable and to provide opportunity to withdraw notification.>

Consider comments received and whether this alters the decision on whether or not to make a Tree Preservation Order or initiate further discussions with owner *if time permits. Note: notifications can not be refused or conditions attached*>

Serve Tree Preservation Order if deemed appropriate>

Issue final response

### Summary Diagram

#### **How is proposed tree felling to trees protected by landscape conditions or a section 106 agreement processed?**

Owner advised to seek professional advice from a tree specialist (known as an Arborist)>

Owner or agent submits their proposal.

Validation – wording of the planning consent and age of development completion checked. Reasons that conditions were applied checked. Wording for S106 agreement checked.

Site visit undertaken ( by TO ) to determine whether a Tree Preservation Order is appropriate.

Notify neighbours?

Serve Tree Preservation Order if deemed appropriate>

Issue final response



## Exceptions:

There are instances where work is exempt from the normal tree application or notification process. The Councils' permission is not required for cutting down or carrying out work on trees which are dead, dying or have become dangerous. Anyone who proposes to carry out work under this exemption is advised to give 5 days notice before carrying out the work, except in an emergency. Anyone who is not sure if their tree falls within this exemption should seek advice from an arboriculturalist since the burden of proof to show that the work was exempt rests with them.

5 day notices are not publicised, however, Town and Parish Councils are advised by e-mail. Relevant Councillors will be contacted.

If insufficient supporting evidence is provided for the work proposed within a 5 day notice then the Council will request an application ( in respect of a tree covered by a tree preservation order ) or 6 weeks notification ( in respect of trees within a conservation area).

## Interesting design format rather than just a list?

### Other community tools

If you are interested in trees and woodlands, in your area why not try:

- For tree care advice and finding an arborist or consultant Arboricultural Association - [www.trees.org.uk](http://www.trees.org.uk) and the International Society of Arboriculture – [www.isa-arboriculture.org](http://www.isa-arboriculture.org)
- **Ancient Tree Hunt** (<http://www.ancienttreehunt.org.uk/>) record and protect ancient and veteran trees.
- **WoodWatch** (<http://www.woodlandtrust.org.uk/en/campaigning/woodwatch/Pages/default.aspx>) is a web-based 'neighbourhood watch' for the protection of woods and trees that are important to communities.
- **Jubilee Woods project** (<http://www.woodlandtrust.org.uk/en/jubilee-woods/what-you-can-do/communities/Pages/communities.aspx>) a national tree planting campaign
- **Community Woodland Network** (<http://www.yourwoods.info/>) a network for community woodland groups to share information and resources.

- **A little rough guide around the hedges: why our hedgerows matter and how you can help** <http://www.cpre.org.uk/resources/countryside/hedgerows/item/2481-a-little-rough-guide-around-the-hedges> A pocket guide to hedgerows including a fun photo guide to hedgerow plants

**For more tree facts:**

- **A Guide to the benefits of urban trees** A fascinating 12 page guide to the positive impacts of trees on urban living  
[http://www.greenleaftrees.co.uk/article.php/6/new\\_guide\\_to\\_the\\_benefits\\_of\\_urban\\_trees](http://www.greenleaftrees.co.uk/article.php/6/new_guide_to_the_benefits_of_urban_trees)
- **No Trees, No Future: Trees in the urban realm** Explores why trees are so important to our cities  
<http://www.charteredforesters.org/upload/file%5CDownloads/No%20Trees%20No%20Future.pdf>

## Chapter 6: Other tools and tips for communities

There are so many tools you can use to engage local people in your local area. An extra 11 tools and tips are listed below.

**Info bubble:** See our Neighbourhood Planning website for the latest info on local grants, events and for other tips [www.bathnes.gov.uk/neighbourhoodplanning](http://www.bathnes.gov.uk/neighbourhoodplanning)

**Area-wide Landscape Character Assessment:** Starting from national level work some years ago, landscape character assessments have been produced at national, regional and local authority level, and for National Parks and Areas of Outstanding Natural Beauty (AONBs). They cover history, land use, form of the land, tree cover, views and many other aspects. They have always been a professionally-led process, although more recent work has included some level of community involvement.

**Concept Statements:** These are a form of development brief, outlining the key principles of content, layout, design and viability for a potential development. They are developed collaboratively with the local community, landowner, developer, other key bodies, elected members and planners and then endorsed by the local planning authority. Concept Statements bridge the gap between broad policy and site specific detail and, when done early, can affect land value and enable more locally relevant developments.

In 2012 the Council intends to develop concept statements for the Ministry of Defense sites in Bath – Foxhill, Warminster road and Ensleigh – working with the community.

**Conservation Area Character Appraisals:** Once a Conservation Area is formally designated a thorough Character Assessment has to be done to guide decisions about planning applications. Such studies are expensive and have usually been done entirely by specialists. As a result, many Conservation Areas do not yet have full assessments in place. Recent practice now includes varying degrees of community involvement in their preparation.

B&NES Council has produced a number of Conservation Area Character Assessments working with local communities.

**Find out about Funding:** Research funding opportunities for local groups to take direct action or to support community consultation or activities. There are often local small grants pots administered by B&NES Council and other agencies. There may also be innovative ways you can re-use existing budgets.

A number of local groups in B&NES have recently accessed this kind of funding for one off community projects.

**Local Distinctiveness Studies:** As design issues have increasingly become matters of concern for the planning system, so planners in some areas have started to develop approaches, often but not always called Local Distinctiveness Studies. Such

studies describe and evaluate key design features of a local area and produce guidelines in a way very similar to that in the more familiar Village Design Statements (see below), but across a broader canvas. To date all have been professionally-led, if sometimes with a degree of community involvement. As semi-formal documents they can carry some weight in decision-making on planning applications

**Local High Street Projects:** Lobby groups like the New Economics Foundation have a number of tools on available for communities focused around local high streets.  
<http://www.neweconomics.org/programmes/connected-economies>

**Local Landscape Character Assessment:** Area-wide Landscape Character Assessment is balanced with this approach, its local equivalent. These assessments are very much a community-led approach through which local people assess the nature and significance of their local landscape. No national guidance exists but models of good practice are beginning to emerge.

**Parish Plans, Town Plans & other community plans:** Parish and Town Plans are produced primarily by local communities, albeit sometimes with procedural advice, sometimes technical advice. They generally cover almost everything except direct land use planning issues; for example open spaces, health, safety etc., but inevitably overlap at times with land use planning. They focus on generating local action plans and local projects, for example open space maintenance.

A number of communities in B&NES have developed these plans and have successfully met many of their actions. They are a good tool to focus action and establish local priorities.

**Transition movement:** Join the transition movement and start community-led local action in response to global challenges of climate change, economic hardship and energy. Typical project areas are around local food, transport, energy, education, housing, waste and art. There are a number of existing transition groups in B&NES.

For more information: <http://www.transitionnetwork.org/support/what-transition-initiative>

**Village and Town Design Statements:** Some 600 or so Statements have been produced to date for villages and small towns, mainly by local people themselves. A Statement includes description and analysis of the distinctive aspects of a village or town and ends with design guidelines. Though done by local people, they can be formally or informally adopted into the planning system. Many have been shown to have a positive impact on local design standards.

Some B&NES Parishes have already successfully developed village design statements, these can be used to guide public realm improvements (signage, street lights, green space maintenance) as well as being a first port of call for design teams working on development proposals for planning applications in your area.

**Heritage Projects:** A new community checklist developed by English Heritage with Civic Voice is designed to help local groups with an interest in their local history including historic buildings to get more people involved and generate ideas for projects <http://hc.english-heritage.org.uk/local-checklist/>

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<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	Planning, Transport and Environment Policy Development and Scrutiny Panel
<b>MEETING DATE:</b>	13 March 2012
<b>TITLE:</b>	MoD site Concept Statements
<b>WARD:</b>	Bath Wards
<b>AN OPEN PUBLIC ITEM</b>	
<p><b>List of attachments to this report:</b></p> <p><b>APPENDIX 1: Overview of MoD Concept Statements</b></p> <p><b>APPENDIX 2: Overview of proposed public consultation on MoD sites concept statements</b></p>	

## THE ISSUE

To update the Planning, Transport and Environment Policy Development and Scrutiny Panel on the preparation of Concepts Statements for the Ministry of Defence (MoD) sites at Ensleigh, Foxhill and Warminster Road in Bath. This is in response to their proposed redevelopment in light of the MoD's announcement of their forthcoming disposal.

## RECOMMENDATION

The Planning, Transport and Environment Policy Development and Scrutiny Panel is asked;

a. to note that;

- the Council's planning requirements for the MoD sites will be set out in Concept Statements for each site prior to their disposal in March 2013.
- these Planning requirements must reflect the Council's corporate objectives
- the timetable for preparation of the Concept Statements reflects the disposal programme and entails public consultation for a 6 week period during April and May and endorsement in July 2012.
- the three sites generate circa 20% of Bath's housing requirement within the Draft Core Strategy in the period up to 2026.
- the Planning, Transport and Environment PDS Panel will have the opportunity to comment on the emerging Concept Statements at its meeting in May, and

b. to comment on the above process.

## **FINANCIAL IMPLICATIONS**

The process of drafting the three Concept Statements is being carried out within existing Council budgets (Local Development Framework budget) or is being funded from Directorate reserve drawdowns.

It is not currently envisaged that the Council will need to make a contribution to the redevelopment of these sites, other than that referred to in paragraph 3.1 above, for the preparation of Concept Statements. However, it is important that the council undertakes a prioritisation of its s.106 Developer contribution requirements in the development of the sites.

3.3 Based on the SHLAA density the three sites have the capacity of generating up to £10.5 million pounds in New Homes Bonus

3.4 However any variation in the SHLAA figures that arise from the preparation of the Concept Statements, including the Public Consultation process, will need to be addressed. Accordingly an appropriate financial model will need to be put in place to access such variations following the consultation process but prior to Cabinet endorsement of the statements.

## **THE REPORT**

### **Introduction**

1.1 The MOD has announced that its sites at Ensleigh, Foxhill, and Warminster Road are surplus to requirements for military use. Relocation of staff to MOD Abbey Wood has already commenced with the MOD expecting to have vacated the sites by March 2013, although a portion of the Ensleigh site is anticipated to remain in active MOD use until approximately 2018. The MOD intends to start marketing the sites from September 2012.

### **Importance**

4.2 The three MOD sites are of significant importance to Bath and North East Somerset in terms of housing delivery. The sites are identified within the Strategic Housing Land Availability Assessment (SHLAA) as providing circa 20% of Bath's housing units as set out in the Council's Draft Core Strategy in the period up to 2026. The sites provide a significant opportunity to address housing need issues within Bath, together with having the potential to create strong vibrant communities.

### **Statement of Intent**

4.3 Due to the strategic nature of the sites the MOD are finalising a Statement of Intent (SOI) with Bath & North East Somerset Council to work together to achieve both organisations objectives. For the M.O.D, this is;

- a. To optimise the disposal receipt for the sites
- b. To ensure site disposal by March 2013 in accordance with MOD requirements



4.4 For Bath & North East Somerset Council, this is;

- a) To optimise the development potential of the sites, having regard to the Council's Planning and Economic Development policies for the City.
- b) To promote a housing led mixed-use development of the sites which will assist in delivering Bath and North East Somerset's strategic housing and, employment objectives, including local affordable housing needs, and address wider environmental, social and community issues as outlined in the Draft Core Strategy and so contribute to its objectives.
- c) To consult with and consider local community views and needs
- d) To mitigate local labour market and transportation impacts and support bids for funds to promote local employment growth
- e) To support the objectives of the Economic Strategy
- f) To underpin the Growth Agenda

### **Project Governance**

4.5 A steering group has been formed that includes senior representatives from the MOD, Bath & North East Somerset Council and the Homes and Communities Agency. The role of the Steering Group is to provide overall project direction to the project and to make or ratify key project decisions.

4.6 A cross -service project team has been created to co-ordinate the preparation of a Concept Statement for each site.

### **Concept Statements: Contents and Objectives**

4.7 For sites such as these, the Council would normally prepare formal planning policy through a Development Plan Document (DPD) but because there is insufficient time in the disposal timescale to complete this statutory process, the Concept Statements are being prepared. However, the Concept Statements are the first stage in the preparation of the Council's Placemaking Plan (Site Allocations DPD) and their preparation will be subject to the initial stages of statutory Plan preparation, including public consultation. This will provide sufficient planning weight to provide a basis for on-going discussions with developers.

4.8 The Concept Statements will set out in a concise manner:

- The aspirations for each site,
- The key planning priorities and requirements for new development,
- The process setting out how developers (once the sites have been sold) should engage with local communities.

- 4.9 Further information about the role and purpose of the Concept Statements is set out in Appendix 1

### **Concept Statement Verification**

- 4.10 As the Concept Statements will ultimately drive the value of the three sites, it is important to ensure the MoD remain committed to partnership working and support the content of the Statements. Accordingly a verification process has been agreed with the MoD.
- 4.11 The MoD has agreed to provide its own resources for the verification of the Councils baseline analysis together with resources to support community and stakeholder consultation, where appropriate.

### **Timescales**

- 4.12 A project plan has been agreed with the M.O.D that will enable the three Concept Statements to be prepared and by the Council to meet with MoD's disposal timescales.

Key dates taken from the more detailed project plan are ;.

- Currently: Evidence collation and options testing
- April: Cabinet considers draft Concept Statements for public consultation
- April to May: Public consultation (Including consideration by PTE Policy Development & Scrutiny Panel 15 in May
- May to July: Revision and finalisation
- July: Cabinet endorsement of Concept Statements

## **5 RISK MANAGEMENT**

- 5.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.
- 5.2 It should be noted that the Concept Statements will not be formal Development Plan Documents and hence cannot be accorded the full weight of adopted Planning Policy. However their preparation is the first part of preparing the statutory Placemaking Plan which will afford them sufficient planning weight at this stage.

## **6 EQUALITIES**

- 6.1 An EqIA has been completed on the process outlined in this report and no adverse or other significant issues were found. Preparation of the Concept Statements will entail undertaking an EqIA.

## 7 CONSULTATION

7.1 *Ward Councillor; Cabinet Member; Parish Council; Town Council; Trades Unions; Overview & Scrutiny Panel; Staff; Other B&NES Services; Service Users; Local Residents; Community Interest Groups; Stakeholders/Partners; Other Public Sector Bodies; Section 151 Finance Officer; Chief Executive; Monitoring Officer*

7.2 A consultation strategy is being prepared for consideration by Cabinet in April alongside the draft concept Statements. This will reflect the Council's Statement of Community Involvement and will include consultation with residents, business, and other stakeholders. An overview of the consultation strategy is set out in Appendix 2.

## 8 ISSUES TO CONSIDER IN REACHING THE DECISION

8.1 *Social Inclusion; Customer Focus; Sustainability; Human Resources; Property; Young People; Human Rights; Corporate; Health & Safety; Impact on Staff; Other Legal Considerations*

## 9 ADVICE SOUGHT

9.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

<b>Contact person</b>	<i>Glen Chipp; Strategic Director for Service Delivery.</i>  <i>John Betty: Strategic Director for Development and Major Projects</i>
<b>Background papers</b>	<i>B&amp;NES Draft Core Strategy</i>  <i>B&amp;NES Strategic Housing land Availability Assessment 2011</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

## MoD Concept Statements: An Overview

### 1.0 Summary

- 1.1 A co-ordinated, vision-led approach between interested parties is essential to enable high quality redevelopment of the MoD sites.
- 1.2 The purpose of the **concept statements** for each of the three Bath MoD sites is to capture:
  - The aspirations for each site.
  - The key planning priorities and requirements for new development.
  - The process setting out how developers should engage with local communities
  - The process for the formulation of masterplans and/or design codes as appropriate.
- 1.3 This approach will help to provide an understanding between the Community, the Council, the Landowner and the Developer on development expectations. It acts as a framework to shape the Development Management process, providing the context for future masterplanning/or design codes work by developers, and informs the approach to site disposal, marketing, and other non-planning elements.
- 1.5 The production of concept statements for the MoD sites is proposed as a model for delivering high quality development. They will inform the site allocations element of the **Placemaking Plan**, due for Issues and Options scheduled for public consultation in Autumn 2012. The Placemaking Plan enables the delivery of the Core Strategy to enable growth, provide suitable protection for the District's assets as well as responding to the Localism agenda. The Placemaking Plan will have full planning weight once adopted.

### 2.0 Rationale

- 2.1 The quality of development within the city impacts on Bath's reputation and on its ability to deliver priority objectives such as the 'City of Ideas'. A joined up, vision-led approach between interested parties has been central to the success of highly regarded developments elsewhere, and is considered important to enable appropriate re-development of the sites.
- 2.2 Clear articulation of the expectations will provide greater certainty and reduce risks for potential developers, as well as providing site disposal benefits.

### 3.0 Scope

- 3.1 Development parameters and planning expectations may include:
  - a. Design quality (approach and aspirations)
  - b. Building height parameters
  - c. Broad mix of uses
  - d. Strategic open space and green infrastructure required
  - e. Key ecological issues
  - f. Key historic environment considerations
  - g. Views to be maintained or created.
  - h. Sustainable construction and design considerations
  - i. Access and movement
  - j. Relevant financial contributions and infrastructure requirements

## OVERVIEW OF PROPOSED PUBLIC CONSULTATION ON MOD SITES CONCEPT STATEMENTS

Consultation period	
18 <sup>th</sup> April – 30 <sup>th</sup> May	<ul style="list-style-type: none"> <li>• Programme of press releases</li> <li>• Website information</li> <li>• LDF newsletter / Ward Councillor newsletter</li> <li>• Inform public about process and Council's response to MoD sites / invite to community exhibitions</li> <li>• Documents online / printed and available in key locations</li> <li>• Questionnaire - online / printed and available in key locations</li> <li>• Four staffed community exhibitions at the MoD site locations and in central Bath</li> </ul>
Post Consultation period	
30 <sup>th</sup> May – site disposal (Sept)	<ul style="list-style-type: none"> <li>• Website – Feedback</li> <li>• Revision, endorsement, and launch of Concept Statements</li> <li>• Site Disposal begins, with next phase of PR and Communications strategy to ensure objectives achieved.</li> </ul>

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Bath & North East Somerset Council	
MEETING:	<b>PLANNING, TRANSPORT AND ENVIRONMENT POLICY DEVELOPMENT &amp; SCRUTINY PANEL</b>
MEETING DATE:	<b>13<sup>th</sup> March 2012</b>
TITLE:	<b>WORKPLAN FOR 2011/12</b>
WARD:	All
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b>	
Appendix 1 – Panel Workplan	

## **1 THE ISSUE**

- 1.1 This report presents the latest workplan for the Panel (Appendix 1).
- 1.2 The Panel is required to set out its thoughts/plans for their future workload, in order to feed into cross-Panel discussions between Chairs and Vice-chairs - to ensure there is no duplication, and to share resources appropriately where required.

## **2 RECOMMENDATION**

- 2.1 The Panel is recommended to
  - (a) consider the range of items that could be part of their Workplan for 2011/12 and into 2012/13

## **3 FINANCIAL IMPLICATIONS**

- 3.1 All workplan items, including issues identified for in-depth reviews and investigations, will be managed within the budget and resources available to the Panel (including the designated Policy Development and Scrutiny Team and Panel budgets, as well as resources provided by Cabinet Members/Directorates).

## 4 THE REPORT

4.1 The purpose of the workplan is to ensure that the Panel's work is properly focused on its agreed key areas, within the Panel's remit. It enables planning over the short-to-medium term (ie: 12 – 24 months) so there is appropriate and timely involvement of the Panel in:

- a) Holding the executive (Cabinet) to account
- b) Policy review
- c) Policy development
- d) External scrutiny.

4.2 The workplan helps the Panel

- a) prioritise the wide range of possible work activities they could engage in
- b) retain flexibility to respond to changing circumstances, and issues arising,
- c) ensure that Councillors and officers can plan for and access appropriate resources needed to carry out the work
- d) engage the public and interested organisations, helping them to find out about the Panel's activities, and encouraging their suggestions and involvement.

4.3 The Panel should take into account all suggestions for work plan items in its discussions, and assess these for inclusion into the workplan. Councillors may find it helpful to consider the following criteria to identify items for inclusion in the workplan, or for ruling out items, during their deliberations:-

- (1) public interest/involvement
- (2) time (deadlines and available Panel meeting time)
- (3) resources (Councillor, officer and financial)
- (4) regular items/"must do" requirements (eg: statutory, budget scrutiny, etc)?
- (5) connection to corporate priorities, or vision or values
- (6) has the work already been done/is underway elsewhere?
- (7) does it need to be considered at a formal Panel meeting, or by a different approach?

The key question for the Panel to ask itself is - can we "add value", or make a difference through our involvement?



- 4.4 There are a wide range of people and sources of potential work plan items that Panel members can use. The Panel can also use several different ways of working to deal with the items on the workplan. Some issues may be sufficiently substantial to require a more in-depth form of investigation.
- 4.5 Suggestions for more in-depth types of investigations, such as a project/review or a scrutiny inquiry day, may benefit from being presented to the Panel in more detail.
- 4.6 When considering the workplan on a meeting-by-meeting level, Councillors should also bear in mind the management of the meetings - the issues to be addressed will partially determine the timetabling and format of the meetings, and whether, for example, any contributors or additional information is required.

## **5 RISK MANAGEMENT**

- 5.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

## **6 EQUALITIES**

- 6.1 Equalities will be considered during the selection of items for the workplan, and in particular, when discussing individual agenda items at future meetings.

## **7 CONSULTATION**

- 7.1 The Workplan is reviewed and updated regularly in public at each Panel meeting. Any Councillor, or other local organisation or resident, can suggest items for the Panel to consider via the Chair (both during Panel meeting debates, or outside of Panel meetings).

## **8 ADVICE SOUGHT**

- 8.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

<b>Contact person</b>	Michaela Gay, Democratic Services Officer. Tel 01225 394411
<b>Background papers</b>	None
<b>Please contact the report author if you need to access this report in an alternative format</b>	

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**Planning, Transport and Environment Policy Development & Scrutiny Panel Workplan**

Meeting Date	Agenda Item	Director	Report Author	Format of Item	Requested By	Notes
<b>26<sup>th</sup> July 2011</b>	Bath Transport Package	GC	Peter Dawson	Report		
	Green Spaces Strategy Update	GC	Graham Evans	Report		
	Community Infrastructure Levy / Section 106	GC	Simon de Beer	Report		
	Food Waste Recycling Collections Update	GC	Carol Maclellan	Briefing		
	Cabinet Member Response to Commercial Waste Collection Single Inquiry Day	GC	Lauren Rushen	Report		
	Sustainable Growth Agenda (inc Housing)	JB	John Betty	Report		
	Cabinet Member Update			Verbal		
<b>13<sup>th</sup> Sept 2011</b>						
	Bath Parking Strategy	GC	Adrian Clarke	Report	Panel on 26/7/11	
	Integrated Transport Authority	GC	Peter Dawson	Presentation		
	Subsidised Bus Services	GC	Andy Strong	Briefing		
	Draft Core Strategy	GC	David Trigwell / Simon de Beer	Report	Panel on 26/7/11	
	Emerging Provision Strategy for Public Toilets	GC	Matthew Smith / Kate Hobson	Report		
	Cabinet Member Update					

Meeting Date	Agenda Item	Director	Report Author	Format of Item	Requested By	Notes
<b>8<sup>th</sup> Nov 2011</b>						
	Cabinet Member Update					
	Community Infrastructure Levy / Section 106 Update	GC	Simon de Beer	Verbal	Panel on 26/7/11	
	Gypsies & Travellers Plan: Issue & Options Consultation & "Call for Sites"	GC	Simon de Beer	Report		
	Local Sustainable Transport Fund	GC	Adrian Clarke	Presentation		
<b>6<sup>th</sup> Dec 2011</b>						
	Article 4 Direction (Student Housing – HMO)	GC	Simon de Beer	Report		
	Medium Term Service and Resource Plans	GC	Glen Chipp	Report		
<b>17<sup>th</sup> Jan 2012</b>						
	Cabinet Member Update					
	Planning & Transport Development – Service Action Plan	GC	David Trigwell	Report		
	Environmental Services – Service Action Plan	GC	Matthew Smith	Report		
	Introducing 20mph Speed Limits	GC	Adrian Clarke	Report	Panel on 26/7/11	
	Climate Change Strategy	AP	Jane Wildblood	Presentation	Panel on 26/7/11	

Meeting Date	Agenda Item	Director	Report Author	Format of Item	Requested By	Notes
<b>13<sup>th</sup> March 2012</b>						
	Cabinet Member Update					
	Community Infrastructure Levy / Section 106 Update	GC	Simon de Beer / David Trigwell	Verbal Update		
	Waste Strategy Review and Action Plan	GC	Carol Maclellan	Verbal Update		
	Neighbourhood Planning Protocol: Options for consultation	GC	Simon de Beer	Report		
	MOD sites Concept Statements	JB / GC	David Bone / Simon de Beer	Report		
	Travel Smart Cards	GC	Peter Dawson	Presentation		
<b>15<sup>th</sup> May 2012</b>						
	Parking Charges Update	GC	Matthew Smith	Report		21/2/12 Agenda Plg
	Bath Parking Strategy	GC	Adrian Clarke	Report	Panel on 13/9/11	
	London Road Congestion	GC		Report		28/9/11 Agenda Plg
<b>17th July 2012</b>						
<b>11<sup>th</sup> Sept 2012</b>						

Last updated 21<sup>st</sup> February 2012

Meeting Date	Agenda Item	Director	Report Author	Format of Item	Requested By	Notes
<b>Future items</b>						
	Placemaking Delivery DPD	GC	Simon de Beer			
	Joint Local Transport Plan 3	GC				
	World Heritage Site – SPD Management Plan	GC	Simon de Beer			
	Commercial Waste Collection Single Inquiry Day - Update	GC	Carol Maclellan	Report	Panel on 26/7/11	