

**Democratic Services**

Guildhall, High Street, Bath BA1 5AW

Telephone: (01225) 477000 *main switchboard*

Direct Line: 01225 394458

Web-site - <http://www.bathnes.gov.uk>

Date: 5<sup>th</sup> September 2014

E-mail: [Democratic\\_Services@bathnes.gov.uk](mailto:Democratic_Services@bathnes.gov.uk)

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

Councillor Marie Longstaff

Councillor Lisa Brett

Councillor David Martin

Councillor Douglas Nicol

Councillor Liz Richardson

Councillor Roger Symonds

Councillor Les Kew

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Planning, Transport and Environment Policy Development and Scrutiny Panel: Tuesday, 16th September, 2014**

You are invited to attend a meeting of the **Planning, Transport and Environment Policy Development and Scrutiny Panel**, to be held on **Tuesday, 16th September, 2014 at 9.30 am** 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. **Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

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4. **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.

5. **Attendance Register:** Members should sign the Register which will be circulated at the meeting.

6. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.

**7. 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,  
16th September, 2014**

**at 9.30 am 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

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**,  
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

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 - 8TH JULY 2014 AND 25TH JULY 2014 (Pages 7 - 26)

8. CABINET MEMBER UPDATE

The Cabinet Member(s) will update the Panel on any relevant issues. Panel members may ask questions.

9. ENTERPRISE AREA MASTER PLAN (Pages 27 - 62)

The attached presentation will be given to the Panel at the meeting.

10. COMMUNITY INFRASTRUCTURE LEVY DRAFT CHARGING SCHEDULE (Pages 63 - 160)

The Community Infrastructure Levy (CIL) Draft Charging Schedule, the Draft Regulation 123 List and the revised Draft Planning Obligations SPD are published for public consultation following the Cabinet approval on 16th July. The CIL is a new tariff system that allows local authorities to raise funds from developers to contribute to the costs of providing some of the infrastructure needed for new development. The Planning Obligations SPD is revised in response to the changes brought by the CIL regulations. The Regulation 123 List sets out the types of Infrastructure on which CIL income may be spent.

11. LOCAL DEVELOPMENT SCHEME REVIEW (Pages 161 - 208)

Local Authorities are required to maintain an up-to-date Local Development Scheme which sets out the programme for preparation of planning policy documents for at least the next 3 years. This enables local communities, the development industry and others with an interest in the development process to engage in plan preparation with some certainty.

12. AIR QUALITY IN B&NES (Pages 209 - 226)

This report provides an update to the Panel on the outcome of the Low Emission Zone feasibility study; a summary of health effects associated with poor air quality and the current situation in relation to the Saltford and Keynsham Air Quality Management Plans.

13. PROPOSED FORD SIGNAGE DE-CLUTTERING - CHEW STOKE SOUTH (Pages 227 - 232)

14. PANEL WORKPLAN (Pages 233 - 236)

This report presents the latest workplan for the Panel.

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

**BATH AND NORTH EAST SOMERSET COUNCIL**

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

Tuesday, 8th July, 2014

**Present:-** Councillors Marie Longstaff (Chair), Lisa Brett (Vice-Chair), David Martin, Douglas Nicol, Liz Richardson, Roger Symonds and Brian Webber (Substitute for Les Kew)

**Also in attendance:** Matthew Smith (Divisional Director, Environmental Services), Simon De Beer (Policy & Environment Manager), Steve Blackmore (Traffic Management Manager), Cathryn Humphries (Team Manager- Health and Environment (Environmental Protection and Licensing)), Alan Bartlett (Public Protection Team Leader) and Andrew Tapper (Public Protection Officer)

**Cabinet Member for Transport:** Councillor Caroline Roberts

**12 WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting.

**13 EMERGENCY EVACUATION PROCEDURE**

The Chair drew attention to the emergency evacuation procedure.

**14 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Councillor Les Kew had sent his apologies to the Panel, Councillor Brian Webber was present as his substitute for the duration of the meeting.

**15 DECLARATIONS OF INTEREST**

There were none.

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

There was none.

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

Councillor Patrick Anketell-Jones addressed the Panel on the matter of street lights in Lansdown. He explained that there were a number of lights on Morford Street and the junction of Juilan Road that were causing concern to some residents. He said that the lights in question were currently in shared ownership between Curo (2) and B&NES (4) and that all electricity to them was supplied by B&NES.

He stated that the Curo lights had failed recently on two occasions, with the most recent occasion being October 2013. This failure has been reported but as yet the lights have not been fixed.

Councillor Anketell-Jones said he believed the long delay was due to the shared ownership and called for the lights to be brought into sole ownership of the Council to simplify their maintenance and to be refurbished. He asked for the Panel to support this request and pass it to the Cabinet Member for Neighbourhoods.

Councillor Roger Symonds asked if he was aware that this may open the floodgate for further similar requests.

Councillor Anketell-Jones replied that he appreciated that possibility, but said he was seeking a resolution to a problem for local residents.

The Divisional Director for Environmental Services commented that officers do meet with Curo on a regular basis and that he was willing to take this point away for discussion.

The Chair suggested that a Street Light Review be added to the Panel's workplan in case they have time to carry one out in the future. She also thanked Councillor Anketell-Jones for making his statement and on behalf of the Panel said that she hoped the matter would be resolved as soon as possible.

## **18 MINUTES – 19<sup>TH</sup> MAY 2014**

Councillor Roger Symonds asked for an amendment to be made to the minutes. He said that the sixth paragraph on page eight on the minutes should read 'and that the Council had now managed to incorporate the majority of them', rather than First.

The Panel confirmed the minutes of the previous meeting including this amendment as a true record and they were duly signed by the Chair.

## **19 CABINET MEMBER UPDATE**

The Cabinet Member for Transport, Councillor Caroline Roberts addressed the Panel. She informed them that there had been a good take up of the new nextbike self-service bike hire scheme since its introduction.

She said that the new fare structure from First was now in place.

She explained that work had commenced on the Rossiter Road scheme and that it would continue until the end of 2014.

She informed them that new footbridge and cycleway across the River Avon at Batheaston would open on Tuesday 15 July.

She concluded by stating that 20mph zones were soon to be rolled out in rural areas.

Councillor Liz Richardson thanked Councillor Roberts for her help in enabling the footpath in Chew Stoke to be completed. She was however concerned by the amount of rubbish that had been left on site by the contractors and asked if somebody could look into it.

Councillor Roger Symonds asked how much was the total of the fines that had to be paid back to the public following the trial period of a bus gate on Dorchester Street. He also asked if she took full responsibility for the problems that occurred in the trial period.

Councillor Roberts replied that she did take responsibility for any problems that had occurred and was unsure of the final figures relating to fines, but would get an answer to the Panel in due course.

The Chair asked if any information was yet publicly available on the options for a Park & Ride to the East of Bath. She also wished to see a full feasibility appraisal, including a cost-benefit analysis of any proposal.

The Divisional Director for Environmental Services replied that the Council were currently looking to commission a piece of work to research the options available. He added that Cabinet approval for the work would be sought in September and that it was thought that the research would take several months to complete.

The Chair thanked Councillor Roberts for her update on behalf of the Panel.

## **20 7.5T HGV WEIGHT RESTRICTION, THE STREET, STOWEY**

The Traffic Management Manager introduced the item to the Panel. He explained that In October 2000 the Transportation Sub Committee agreed to implement a 7.5 tonne weight limit in The Street, Stowey. It was recommended for implementation in the 2000/2001 Capital Programme, but it is not known why this was never implemented.

He stated that a request had been received and a traffic survey was commissioned at the start of this year to understand the amount of HGV movement in The Street. That survey revealed that approximately 20 HGVs per day use this road. The road is steep in nature and has a narrow pinch point less than 5 metres in width between residential houses.

He said that it was therefore proposed to install a 7.5 tonne weight limit over the length of The Street from the A368 to the junction with Stowey Road at the top of the hill. He added that this will be introduced with the intention of preventing HGVs "rat running" along The Street between the A368 to the A37. Vehicles wishing to access the quarry will still be able to do so via the road at the southern end locally known as Stowey Road from the A37.

He informed them that an informal consultation had been carried out with the police and they had no objection to this proposal although it must be noted that due to the rural nature of the area it is unlikely to receive regular proactive enforcement. He added that a formal statutory consultation process must take place, including a 21

day objection period, when the Traffic Regulation Order (TRO) necessary to implement this measure is advertised.

He explained that a funding source would need to be identified given that there were no funds available from the current 2014/2015 Capital Programme. He stated that the cost of advertising the TRO and to implement the necessary signage would be £5,000. It is intended to seek the agreement of the Cabinet Member for Transport to fund this work via an adjustment to the 2014/2015 capital budget, subject to sufficient funds being available.

He said it was therefore recommended that, once the appropriate funds have been identified, the TRO is progressed and the scheme implemented if no objections are received. He added that if any objections were received and sustained they would be reported to the Cabinet Member for determination.

Councillor Vic Pritchard commented that he was grateful for the speed in which this investigation had been processed. He thanked the Traffic Management Manager for meeting residents on site to see the problem first hand.

Councillor Lisa Brett stated that she was happy to support the proposed recommendation.

The Chair asked if any street cameras should be set up to monitor vehicle movements.

The Traffic Management Manager replied that for an offence to occur the Police would need to actually follow the vehicle for the duration of its journey through the restricted area. He added that the local residents have indicated that they are happy to conduct a survey / monitor the situation once a limit is in place.

Councillor Liz Richardson commented that any incidents could be reported at the local PACT meetings.

The Chair formally proposed to approve the officer recommendation and asked that the Panel be updated on the matter in six months' time.

The Divisional Director for Environmental Services commented that the recommendation was still reliant on the funding of £5,000 being identified.

The Panel voted unanimously to approve the proposed recommendation.

Alana Weeks commented that she wished to thank officers and Councillors for the work they had done on this matter.

## **21 CORE STRATEGY UPDATE**

The Group Manager for Policy & Environment addressed the Panel. He informed them that the Inspector's report was now with the Council following his review of the proposed changes and objections received from the public, including local residents and the development industry.

He explained that at its meeting on July 10th the Council must consider the modifications that have now been proposed by Inspector. He added that for the Core Strategy to now progress the Council would need to accept all the modifications.

Mr David Redgewell addressed the Panel. He said that he had supported the adoption of a Core Strategy throughout the process as he firmly believed it was an important document. He also emphasised that alongside the Core Strategy there was a need to have a robust Transport Strategy.

He stated that any subsequent debate on an East of Bath Park & Ride should be non-political and that it should be about finding the best solution to a long standing issue. He called for all parties to be united to move the debate forward.

The Chair replied that she had already raised the matter of analysing the costs, timescales etc. of any scheme with the Cabinet Member for Transport earlier in the meeting and that this would be discussed at a future meeting of the Panel.

Councillor Douglas Nicol commented that he did not think that the political groups were playing games on this matter. He added that a Park & Rail scheme was probably a better solution but that it was probably more expensive.

Councillor Lisa Brett agreed that the strategies of the Council do need to cross over. She asked Mr Redgewell if he was aware of the current discussions between the Council and Network Rail.

Mr Redgewell replied that he was, but said that he wanted to stress that any proposals to create a new station must be done via the proper process with the appropriate studies having been commissioned.

Councillor Douglas Nicol asked if a track was currently available for a Park & Rail scheme.

Mr Redgewell replied that the track that was in place currently was not adequate for stock to be able to turn around.

Councillor Liz Richardson asked if a figure on page 65 of the Inspector's Recommended Main Modifications was correct. She wondered if under MM133 – 7.05a it should 'around 13,000 homes' instead of the printed '12,700 homes'.

The Group Manager for Policy & Environment said that he would discuss that point with his colleagues.

The Chair asked Councillor Richardson to email the Group Manager for Policy & Environment if she had any other points of clarification to raise.

Councillor Douglas Nicol asked if the density on brownfield sites needed be increased.

The Group Manager for Policy & Environment replied that the Council was already seeking to maximise the density on these sites as much as possible. He added that 80% of the proposed new homes would be built on brownfield sites.

Councillor Roger Symonds asked if discussions were due to take place with Curo regarding the density of homes planned on the former MoD Foxhill site and the reconfiguration of the Foxhill Estate.

The Group Manager for Policy & Environment replied that the Council had spoken with Curo on this matter, but that talks were at too early a stage for any outcomes to be incorporated into the Core Strategy.

Councillor Vic Pritchard asked how the Council could control developers from using particular sites as greenfield will be easier to build upon.

The Group Manager for Policy & Environment replied that the demand for housing in the district is sufficiently significant to encourage the development of brownfield and greenfield sites simultaneously. This is evidenced by the current development of a significant number of brownfield sites such as Bath Western Riverside and the former MoD sites are already underway and that development on greenfield sites must be progressed alongside these. He added that the 5 year land supply need also requires that greenfield sites are brought on stream as soon as possible alongside the existing brownfield commitments.

Councillor Vic Pritchard commented that he was concerned that developers will land bank housing sites.

The Group Manager for Policy & Environment replied that the Council's role is to show the Inspector that we have a trajectory of site development. He added that the need for housing was such that phasing or hold back of greenfield sites was not justified.

Councillor Douglas Nicol commented that he shared these concerns and asked what the Council could do if a developer purchases some land and does not develop upon it.

The Group Manager for Policy & Environment replied that the Council cannot enforce the developer to act, it is their role to have a strategy for development to take place. He acknowledged that the maintenance of a 5 year supply is dependent on progress made by the house building industry

The Chair suggested that the Panel at some point undertakes a review of sites that have planning permission but have yet to be built upon.

The Panel agreed to this proposal.

Councillor Liz Richardson asked if a further analysis of greenfield sites would be sought if the delivery of brownfield sites became too slow.

The Group Manager for Policy & Environment replied a review would take place in 5 years' time to assess whether targets are being delivered and that the target is still the appropriate one. He added that no changes would be necessary if we feel the numbers can be recovered during the plan period.



Councillor Liz Richardson asked if further use of greenfield sites could be ruled out at review.

The Group Manager for Policy & Environment replied that he could not say at this stage.

Councillor David Martin asked what happens next, in particular in terms of the Placemaking Plan.

The Group Manager for Policy & Environment replied that should the Core Strategy be adopted further work on the Placemaking Plan would accelerate with an options consultation in November with a draft Plan due for the middle of 2015.

Councillor David Martin asked if any Supplementary Planning Documents (SPDs) were envisaged.

The Group Manager for Policy & Environment replied that none were at this point, but that it may become necessary for some of the current ones to be amended.

Councillor Douglas Nicol asked when the Council could review the Core Strategy.

The Group Manager for Policy & Environment replied that it would be the Council's document and so in theory it could review it as it sees fit but it had committed to reviews at 5 year intervals.

Councillor Lisa Brett wished to thank officers for the large amount of work they had done on the Core Strategy to get to this point in time.

The Panel agreed with her comment.

## **22 COUNCIL'S STATEMENT OF PRINCIPLES (LICENSING POLICY)**

The Team Manager for Health & Environment (Licensing and Environmental Protection) gave a brief presentation to the Panel relating to this item. A copy of the presentation is available online and on the Panel's Minute Book, a summary is set out below.

The Statement sets out how the Council delivers the licensing function and promotes the licensing objectives of *prevention of crime and disorder; prevention of harm to children; prevention of public nuisance and promotion of public safety;*

It was last reviewed in 2010 and must be reviewed at least every 5 years.

### **Impact of public health on reducing alcohol related harm**

Recognition that Director of Public Health is now a Responsible Authority

Link to Alcohol Harm Reduction Policy and recognition of how excessive alcohol consumption can lead to poor health and increase burden on local health services

Actively encourage voluntary initiatives to reduce alcohol harm e.g. removal of cheap, super strength beers, ciders and lagers

Actively encourage membership of voluntary groups such as PubWatch/Nightwatch

Recognition of Early Morning Restriction Orders (need to demonstrate serious alcohol related crime in a specific area which is not attributable to a single premises)

### **Opportunity to celebrate what has already been achieved**

Purple Flag accreditation which recognises safety, quality and variety of Bath's night time economy

### **Role in promoting the local economy**

Supporting businesses e.g. pre-application advice

Contributing towards a successful local economy

Creating a cultural diversity to support local communities and reduce anti-social behaviour

### **Code of practice for licensed premises**

Devised a code of best practice so that premises can understand our expectations of good practice

Opportunity to demonstrate a positive approach to the delivery of the licensing function

### **Crimes linked to NTE**

**NTE related crime and disorder definition** - *Offences of violent crime and criminal damage occurring between the hours of 20:00 and 04:00 taking place outside of the home not otherwise defined as domestic violence or hate crime.*

**Crimes linked to the NTE in B&NES (Financial quarters - Q4 07/08 – Q3 12/13):** 11,490 crimes (54% Violence against the person, 46% Criminal damage). There has been a 26% reduction in crime across this 5 year period.

Councillor Lisa Brett commented that she was a little disappointed that some recommendations relating to minimum pricing and buy one get one free offers from the Alcohol Harm Scrutiny Inquiry Day (SID) had not been included in the Statement. She added that the new measures of Closure Orders were not mentioned either. She said that she would also like to see the way in which problems / incidents can be reported to be improved.

The Team Manager for Health & Environment (Licensing and Environmental Protection) replied that a self-serve form was now in place on the Council's website to report incidents, officer phone numbers have been published and an article will be within the Autumn issue of Council Connect to highlight this piece of work. She

added that she welcomed any other suggestions as to how to make the public more aware.

She said that with regard to the SID recommendations on promotions and pricing they can only be placed on premises where there is evidence to support such a problem. She added that she had recently discussed the matter of proxy sales with the Clinical Commissioning Group (CCG).

On the issue of Closure Orders she said that she had only recently looked at the guidance and that it was something that may be able to be implemented.

Councillor Douglas Nicol commented that to tackle underage drinking a 'Licence To Drink' should be introduced. He added that he did not feel that the problem of violence at closing time had disappeared and that it had simply moved to later in the evening.

Councillor David Martin said that he would like officers to keep working alongside premises and to use their powers when required. He asked how many reviews of licences were needed each year.

The Team Manager for Health & Environment (Licensing and Environmental Protection) replied that it was around 2 or 3 per year.

The Public Protection Team Leader added that monthly meetings take place with the Police to analyse any complaints. He added that the Council acts with a phased approach to enforcement.

The Team Manager for Health & Environment (Licensing and Environmental Protection) commented that the Code of Practise was to be seen as a way of being positive about being well-run premises. She added that the vast majority are run well.

Councillor Roger Symonds asked if a ratings scheme (0 – 5) linked to the Code of Practise could be introduced.

The Team Manager for Health & Environment (Licensing and Environmental Protection) replied that officers had considered that.

Councillor Lisa Brett said that she advocated that officers continue to support and work with premises. She added that she really would like the wording on minimum pricing to be firmer.

The Public Protection Team Leader read out the wording used by Newcastle City Council.

*We know that low cost alcohol sold in on and off trade premises increases alcohol consumption which can lead to crime and disorder issues. The Licensing Authority through this policy would like to encourage the responsible consumption of alcohol and where there is evidence that the licensing objectives are being compromised or are likely to be compromised, the Licensing Authority will consider imposing controls on drinks promotions to deal with localised problems. These controls could include*

*restricting the sale of super strength beer, lager and cider, or the requirement to charge a minimum cost per drink as part of a package of measures to deal with problems.*

*There is strong evidence that setting a minimum unit price will have an impact on reducing alcohol consumption. The Licensing Authority would therefore like to encourage all licensed premises to apply a minimum unit price of 50p to all alcohol products sold under their premises licence. Where the premises are found to be selling alcohol below this price and there are problems associated with the premises that are negatively impacting on the licensing objectives, a responsible authority may bring review proceedings. Following the review, the Licensing Committee may decide to impose a condition in relation to the pricing of alcohol in order to uphold the licensing objectives.*

*Rather than having to resort to controls of this kind, the Licensing Authority would like to encourage a voluntary code of good practice in relation to drinks promotions including pricing, and to encourage licence holders and others working at the premises to familiarise themselves with the mandatory conditions relating to drinks promotions. These conditions prevent drinking games, provision of unlimited or unspecified quantities of alcohol for free or for a fixed or discounted price. Examples of irresponsible drinks promotions are provided in the Good Practice Guide for Licensed Premises.*

Councillor Lisa Brett stated that she much preferred this wording and would like officers to consider using it.

The Public Protection Team Leader replied that he would take the request from Councillor Brett under consideration.

Councillor Vic Pritchard stated that he thought that enforcement was principle as he felt that premises were adept at getting around the rules.

The Chair summed up the discussion by saying the Panel were broadly happy with the Statement at the present stage and would possibly be asking Councillor Brett to carry out some individual research into the use of Closure Orders.

The Panel **RESOLVED** to note the report.

## **23 REVIEW OF THE COUNCIL'S STREET TRADING POLICY AND CONDITIONS**

The Team Manager for Health & Environment (Licensing and Environmental Protection) gave a brief presentation to the Panel relating to this item. A copy of the presentation is available online and on the Panel's Minute Book, a summary is set out below.

### **What's new?**

The Policy was last reviewed in 2000.

Statement of purpose: improving local environment, supporting local economy, promoting diversity and greater consumer choice

Buskers: specific pitches for street entertainers who want to sell items

Street markets: active promotion of these to link with economic regeneration priorities

Designs of stalls: aim to improve appearance of stalls and implement a phased approach for renewal of existing stalls

The Team Manager for Health & Environment (Licensing and Environmental Protection) said that stall holders would be given up to three years to get a new stall and that the Council would aid with the initial cost if required.

Councillor Douglas Nicol commented that he felt for the stalls to have uniformity was a good idea. He also welcomed the work outlined for buskers.

Councillor Roger Symonds said that he welcomed the light touch approach and was impressed with the ideas so far. He asked if the Council had any powers over the use of Brunel Square in Southgate.

The Public Protection Officer replied that an agreement was in place for the Council to issue licences to people wishing to use that area. He added that discussions were on-going about holding a regular market in the Southgate Complex.

Councillor Roger Symonds asked if there was a need to charge businesses for the outside use of tables and chairs.

The Team Manager for Health & Environment (Licensing and Environmental Protection) replied that that issue was outside the scope of this consultation.

The Public Protection Team Leader added that Act was so prescriptive that businesses must apply every year. He added that it was a time consuming process and posed whether it was worth considering adopting a local way of working.

The Chair asked if any theme of response from the public had been gathered yet.

The Team Manager for Health & Environment (Licensing and Environmental Protection) replied that officers had not received any adverse responses to the proposals.

The Panel **RESOLVED** to note the report.

## **24 PANEL WORKPLAN**

The Chair introduced this item to the Panel. She said that arising from the meeting today the following items would be placed on the Panel's workplan.

Closure Orders (Future Items)

7.5T HGV Limit in Stowey (January 2014)

East of Bath Park & Ride (Future Items)

Core Strategy Review (Future Items)

The meeting ended at 11.50 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

## **BATH AND NORTH EAST SOMERSET COUNCIL**

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

Friday, 25th July, 2014

**Present:-** Councillors Marie Longstaff (Chair), David Martin, Douglas Nicol, Roger Symonds, Les Kew, Rob Appleyard and Alan Hale

**Also in attendance:** Andrew Pate (Strategic Director, Resources) and Vernon Hitchman (Monitoring Officer and Divisional Director, Legal and Democratic Services)

**Cabinet Member for Community Integration:** Councillor Katie Hall

**Cabinet Member for Community Resources:** Councillor David Bellotti

#### **25 WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting.

#### **26 EMERGENCY EVACUATION PROCEDURE**

The Chair drew attention to the emergency evacuation procedure.

#### **27 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Councillors Brett and Richardson had sent their apologies to the Panel. Councillors Appleyard and Hale were their respective substitutes for the duration of the meeting.

#### **28 DECLARATIONS OF INTEREST**

Councillor Alan Hale wished to notify the Panel that the Keynsham Redevelopment Site was within his ward and that he had signed the Call-In notice.

The Chair, Councillor Marie Longstaff also notified the Panel that she had signed the Call-In notice.

#### **29 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was none.

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

The Chair announced that four members of the public had registered to speak and that she would invite them to address the Panel following submissions from the Lead Call-In Councillor and the Cabinet Member for Community Integration.

**31 CALL-IN REQUEST: E2677 – NAMING OF STREETS IN KEYNSHAM REDEVELOPMENT SITE**

The Chair invited the Lead Call-In Councillor, Brian Simmons to address the Panel.

Councillor Simmons said that the rationale for rejecting the alternative proposals was inadequate, with the Cabinet report stating them only to be 'unacceptable' with no further explanation. He added that the decision would set a precedent that the wishes of local people are not taken into account.

Councillor Les Kew asked if he was questioning the method of the decision, the decision itself or both.

Councillor Simmons replied that he was questioning both aspects. He said that the Keynsham Development Advisory Group (KDAG) had made suggestions which have been ignored.

Councillor Roger Symonds asked if the public had been consulted on a name for the street.

Councillor Simmons replied that the matter had been discussed at two KDAG meetings and one meeting of the Keynsham Town Council. He added that a public exhibition had been held regarding the redevelopment.

Councillor Roger Symonds asked if the public had been specifically consulted on a name.

Councillor Simmons replied that he could not say for sure.

The Chair invited the Cabinet Member for Community Integration, Councillor Katie Hall to address the Panel.

Councillor Hall said that the decision she was asked to make was whether or not to object to the name Market Walk. She said that she had been given firm legal advice regarding the decision.

She said that she was aware that a number of names had been suggested by the public and that the consultation had been widened by the Council in an attempt to get a range of views. She added that it would be a great shame to hold up the development that had so far gone so well.

Councillor Rob Appleyard asked if she had seen the list of alternative names.

Councillor Hall replied that she had read the minutes of the Keynsham Town Council and a document containing a list of other names.

Councillor Douglas Nicol asked what the delay would be if an alternative name was to be sought.



Councillor Hall replied that it would be a delay of around six weeks to enable the Post Office to issue postcodes that would then enable other utilities to be connected appropriately.

The Strategic Director of Resources added that preliminary work had already begun and that any change could cause some confusion to occur.

Councillor David Martin asked if she was satisfied with the legal advice she had received regarding the decision.

Councillor Hall replied that she was and that it was important for the decision to be legally sound. She added that she had been given consistent guidance and that the process had been fully explained to her.

Councillor Les Kew asked how the name Market Walk was devised.

Councillor Hall replied that she was not party to any prior discussions.

The Strategic Director of Resources explained the stages of the decision to the Panel. He said that the suggestions made by KDAG and Keynsham Town Council had been passed to Councillor David Bellotti in his role as Cabinet Member for Community Resources and that he had discussed these with officers. He said that the Council then took the decision to approach local schools for their suggestions.

He stated that separately the names 'Market' and 'Walk' were mentioned during consultation and that on behalf of the Cabinet, Councillor Bellotti had proposed the name Market Walk.

Councillor Les Kew commented that he was not concerned over any possible delay to the redevelopment as the decision was important to the people who live and work in Keynsham.

The Chair asked for clarification on whether the Panel were scrutinising the decision or the process behind the decision.

The Monitoring Officer replied that the Panel's role was to scrutinise the decision.

Councillor Alan Hale asked if she thought it was vital that the local consultation was taken into account as the process currently had the appearance of being flawed.

Councillor Hall replied that when making decisions you are not always going to be able to make all parties happy. She added that the redevelopment was due to be great for Keynsham and enable it to be a thriving market town once more.

The Chair invited Councillor David Bellotti, Cabinet Member for Community Resources to address the Panel.

Councillor Bellotti said that he had looked at all the names proposed during the consultation process and had visited the public exhibition. He added that although Keynsham Town Council and the local Ward Members had been consulted he felt

that further consultation was required and therefore approached KDAG and the local schools.

He said that as £34m was being spent on the redevelopment project he saw no reason to use the term 'Cheap' in any street name despite its historical meaning. He added that all suggestions are equal until entering the consideration process.

He stated that he had four or five meetings with officers prior to making a decision on the preferred name and that he thought the name chosen was a very reasonable one.

Councillor Les Kew asked if he had met with Keynsham Town Council.

Councillor Bellotti replied that he had not but that he had read the minutes of their meeting.

Councillor Alan Hale commented that the market that was on site prior to redevelopment was a relatively new arrival in town and when open was now currently taking place in Ashton Way car park. He added that historically the market was not in the area under redevelopment.

Councillor Charles Gerrish addressed the Panel. He said that he felt that the term 'unacceptable' was not very fair when reviewing the proposed names. He added that the market operators as he understood it wish to retain the use of their current site. He also felt there was ample time to change postcode details.

He then shared how the public consultation on the new clock tower took place. He described how four options were shown at an exhibition and the community were then asked to vote for their favourite.

He stated that he believed that the new building itself should be given a name in its own right.

The Chair asked if postcodes had been allocated to businesses within the redevelopment site.

The Strategic Director of Resources replied that postcodes had been allocated.

Councillor Tony Crouch, Keynsham Town Council addressed the Panel. A copy of the statement can be found on the Panel's Minute Book and online as an attachment to these minutes, a summary is set out below.

It is a shame that after a some years of the Keynsham community and B&NES working together on the redevelopment of the centre of town through the Town Council, KDAG and the focus group that we have arrived at such an impasse on street naming.

Unfortunately consultation of naming the street in the development can only be described as a shambolic. The question needs to be asked how much all this tick box exercise cost.

Both the Town Council and KDAG were asked to put forward suggestions and agreed on the historic names for the area of Prospect Place and Cheapside.

It is reported that the Cabinet have chosen Market Place because Keynsham is a historic market town. It was, for a cattle market which stood where Homeavon House now is on the Bath Road not at the centre of town.

It will be a shame if this development is remembered only by a street name being forced on us by a Bath Cabinet who refuses to listen to the voice of the people of Keynsham. This will be a bone of contention for a long time to come for the people of Keynsham and will overshadow the good that the buildings will provide.

Councillor Clive Fricker, Chairman, Keynsham Town Council addressed the Panel. A copy of the statement can be found on the Panel's Minute Book and online as an attachment to these minutes, a summary is set out below.

He said that in recent times the Town Council had enjoyed a good working relationship with the Cabinet. He added that they had responded to a November 2013 request to suggest street names and in March 2014 had discussed names for the civic centre and rooms within it.

He stated that in May 2014 they received notification that the name 'Market Place' was the lead name to be proposed. He added that the Team Leader for GIS was present at the meeting and that he would feedback their comments to the Panel. He said that unbeknown to them that this was the end of the consultation process.

He said that in making this decision Councillor Hall had set back their relationship with B&NES significantly and called for the decision to be referred back to Councillor Hall or to Full Council to find a mutually amicable solution.

Judi Grant addressed the Panel. A copy of the statement can be found on the Panel's Minute Book and online as an attachment to these minutes, a summary is set out below.

She informed the Panel that Keynsham was mentioned in the Domesday Book and that with its geography, geology and natural resources overlaid by economic and political influences and domination of many centuries had developed from a settlement at a river crossing point to the present 21<sup>st</sup> century town.

She said that the Council surely exists to extract the dues necessary to finance the needs of its population, but also to support the aims and objectives of each ward within it, providing that they do not conflict with Government or Council policy nor the interests of other wards.

She said that she felt that the whole process had been a complete waste of Local Authority and Town Council resources not to mention public time, energy and enthusiasm.

She concluded by saying that Keynsham was proud of its history and wished to retain its old street names.

Roger Busby, Keynsham Civic Society addressed the Panel. A copy of the statement can be found on the Panel's Minute Book and online as an attachment to these minutes, a summary is set out below.

He said that if in the future the Council wishes, or is required to consult the public, he suggests that such a consultation should carry a warning that 'The Council may choose to ignore the results of the consultation'.

Councillor Hall then made her closing statement. She said that she had listened to all the comments made and confirmed that Market Walk not Market Place was the only name used as part of the decision making process and that she had no part in selecting the name.

She said that she was disappointed in the comments made by Councillor Fricker as she had taken her duty to make the decision in good faith.

Councillor Simmons made his closing statement. He said that he too had listened to all the views expressed, but that he still felt the decision showed arrogance on the part of the Council by ignoring the suggestions made by the public.

Councillor Rob Appleyard said that he was satisfied enough that the process taken to make the decision was valid and therefore proposed a recommendation that the Call-In be dismissed.

Councillor Douglas Nicol seconded this recommendation.

Councillor Les Kew said that he could not support the recommendation as he felt there needed to be a final stage of consultation where all parties should meet to come to an agreement. He added that he felt that the Panel had a duty to the public to uphold the Call-In.

Councillor David Martin commented that he felt that the process was correct and legal and that the decision was an appropriate one. He added that he felt the consultation was wide enough and that Councillor Bellotti had not ignored suggestions but simply ruled them out in his decision making process. He said that he would support the proposal to dismiss the Call-In.

Councillor Alan Hale said that the Council had ignored the wishes of the public and needed to think more about how this decision will affect local people. He added that at a recent Chew Valley Area Forum a slide was shown on Connecting Communities that expressed a desire to allow Parishes and Town Councils key roles in shaping decision making and he encouraged the Cabinet to take this message on board.

He suggested the name Prospect Place as this would be seen as positive and uplifting. He called for a compromise to be sought and for the Cabinet to choose a name suggested by the public.

Councillor Douglas Nicol commented that he felt that the process had been followed properly.

The Chair said that as the redevelopment had caused so much disruption to the town it would only be fair to let them have a say in this final part of the process.

Councillor Roger Symonds said that he felt that the process had been followed reasonably well, but he was not confident that a wide enough range of views had been sought and that the name needed to be a choice from the public.

The Panel voted (3 for, 3 against and 1 abstention). The Chair then used her second vote to vote against the recommendation to dismiss the Call-In and therefore the proposal was not carried.

Councillor Les Kew proposed a recommendation that the Call-In be upheld.

Councillor Alan Hale seconded this recommendation.

The Panel voted (3 for, 3 against and 1 abstention). The Chair then used her second vote to vote for the recommendation to uphold the Call-In.

The Panel **RESOLVED** to uphold the Call-In.

The Chair thanked all parties for their contributions to the meeting and announced that the Cabinet Member must reconsider her decision within 10 working days stating the reasons for their decision.

The meeting ended at 4.10 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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# PLANNING, TRANSPORT AND ENVIRONMENT SCRUTINY PANEL 16 SEPTEMBER 2014: BATH CITY RIVERSIDE ENTERPRISE AREA MASTERPLAN



## PURPOSE OF REPORT

- **To update and discuss the Enterprise Area Masterplan with Scrutiny Panel Members in advance of Cabinet on 12 November.**
- **Structure of Report:**
  - **Achievements to date**
  - **Co-ordinated Strategy and Delivery**
  - **Core Values and Vision**
  - **Key Sites**
  - **Programme and Next Steps**



# ACHIEVEMENTS TO DATE

# MASTERPLAN PROCESS AND OBJECTIVES

- Evidence Base Review
- Stakeholder Engagement
- Core Values
- Clear Vision
- Corporate alignment

## Outputs:

- Vision Prospectus
- ||
- **JOBS & HOUSING**
  - Delivery of Core Strategy Targets
  - Evidence Base for Placemaking Plan



## THE OPPORTUNITY

- **“Bringing Bath’s Riverside to Life”**
- **98 hectares of land, c36 hectares of developable brownfield land**
- **Potential for 9000 new jobs and 3400 new homes, to deliver Core Strategy targets**
- **Concentrating on key growth sectors: creative industries, professional financial and business services, information technology and software development**
- **Key sites together can increase GVA, average incomes and levels of employment in the Bath economy by around 12%**

# Bath Western Riverside

## Delivering a Strong Foundation for Economic Growth



## ACHIEVEMENTS TO DATE

- **Delivering Quality Outputs:**
  - **Bath Riverside**
    - 300 new Homes (150 Affordable Homes) since 2011
    - +£2m New Homes Bonus
    - +£1m S106 monies
  - **Bath Quays Waterside**
    - Strong Partnership with Environment Agency formed
    - Connecting Bath to its Waterside – good public support
    - Protecting existing properties at risk + enabling development
  - **Innovation Quay and EDF Business Case**
    - LEP Programme Entry
  - **Grand Parade & Undercroft/ Guildhall Market**
  - **Casino Saw Close**
  - **Saw Close Seven Dials public realm**

# CO-ORDINATED STRATEGY AND DELIVERY

## ALIGNMENT

Public Services Board

Living

Working

Getting Around

Heath &  
Wellbeing  
Strategy

Economic  
Strategy

Transport  
Strategy

**Bath City Riverside Enterprise Area Masterplan -  
Bringing Bath's Riverside to Life!**

**Bath and North East Somerset will be internationally renowned as a *beautifully inventive* and entrepreneurial 21<sup>st</sup> century place with a strong social purpose and a spirit of wellbeing, where everyone is invited to think big – a 'connected' area ready to create an extraordinary legacy for future generations.**

Bath and North East Somerset - *The place to live, work and visit*

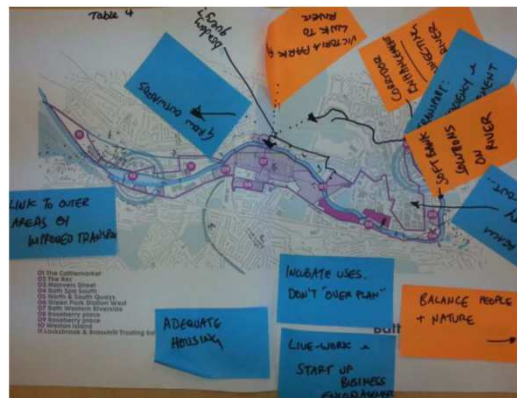
## EA MASTERPLAN – WHAT IT IS ENABLING

- **Positive Engagement with partners & beyond:**
  - LEP, HCA, EA
  - Landowners
  - Developers
  - Property Agents and Occupiers
  - Realising funding e.g. DECC (HNDU)
  - Sustainable Energy – ‘renewable’ sources. E.g. River Avon & hot springs
- **Co-ordinated Strategy & robust Policy Base:**
  - Core Strategy and Placemaking Plan
  - Economic Strategy
  - Transport Strategy – ‘Getting Around Bath’
  - Green Infrastructure Strategy and Community Plan
  - River Strategy
  - Leisure Strategy



## STAKEHOLDER ENGAGEMENT

- **Stakeholder Events in February, March, April (Bath City Conference), July**
- **Joint consultation with Bath Quays Waterside and Transport Strategy**
- **Stakeholder Meetings: FoBRA, City of Bath College etc**
- **Young people: MyBathMyCity**
- **Public consultation from December – Placemaking Plan**



## RELATIONSHIP TO PLANNING POLICY

- **Provide an exciting and enduring vision**
- **Guide redevelopment of Council owned land**
- **Clear direction of travel for funders, partners, developers and investors**
- **Is not a statutory planning document**
- **Forms part of the evidence base for the Placemaking Plan**
- **Placemaking Plan will undergo public consultation, ensuring robust, evidence based policy framework for Development Management decisions.**

# CORE VALUES AND VISION



# Bath City Riverside Masterplan Area





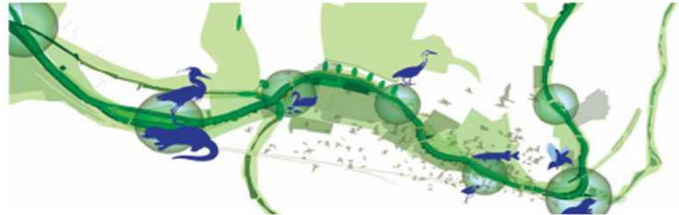
# THE VISION



**WORKING***life* Employment, Commercial, Industrial, Retail



**WATER***life* Sight And Sound Of River, Boating, Living On The River, Spa, Swimming



**WILD***life* Habitat, Biodiversity, Key Species, Contact with Nature, Ecosystem Services



**HUMAN***life* Housing, Shopping, Culture, Community, Health & Well Being



**PARK***life* Recreation, Leisure, Walking, Cycling, Fishing, Looking, Meeting

BATH CITY RIVERSIDE  
BRINGING BATH'S RIVERSIDE TO LIFE...

# BATH CITY RIVERSIDE ENTERPRISE AREA MASTERPLAN

## CORE VALUES

Based on the “beautifully inventive” vision for the City, stakeholders have told us there are a group of overriding Core Values that the Enterprise Area should seek to deliver:

**Quality** – of life, of place, of developers, of occupiers

**Enterprise** – fostering knowledge, inventiveness and creativity

**Design** – inspirational public realm, connectivity of streets, spaces and bridges, integration of form and streetscape, respect for the character of “Bathness”

**Heritage** – architectural, urban design and landscape excellence in a World Heritage setting

**Green** – green building, green infrastructure, walking and cycling, biodiversity and ecology

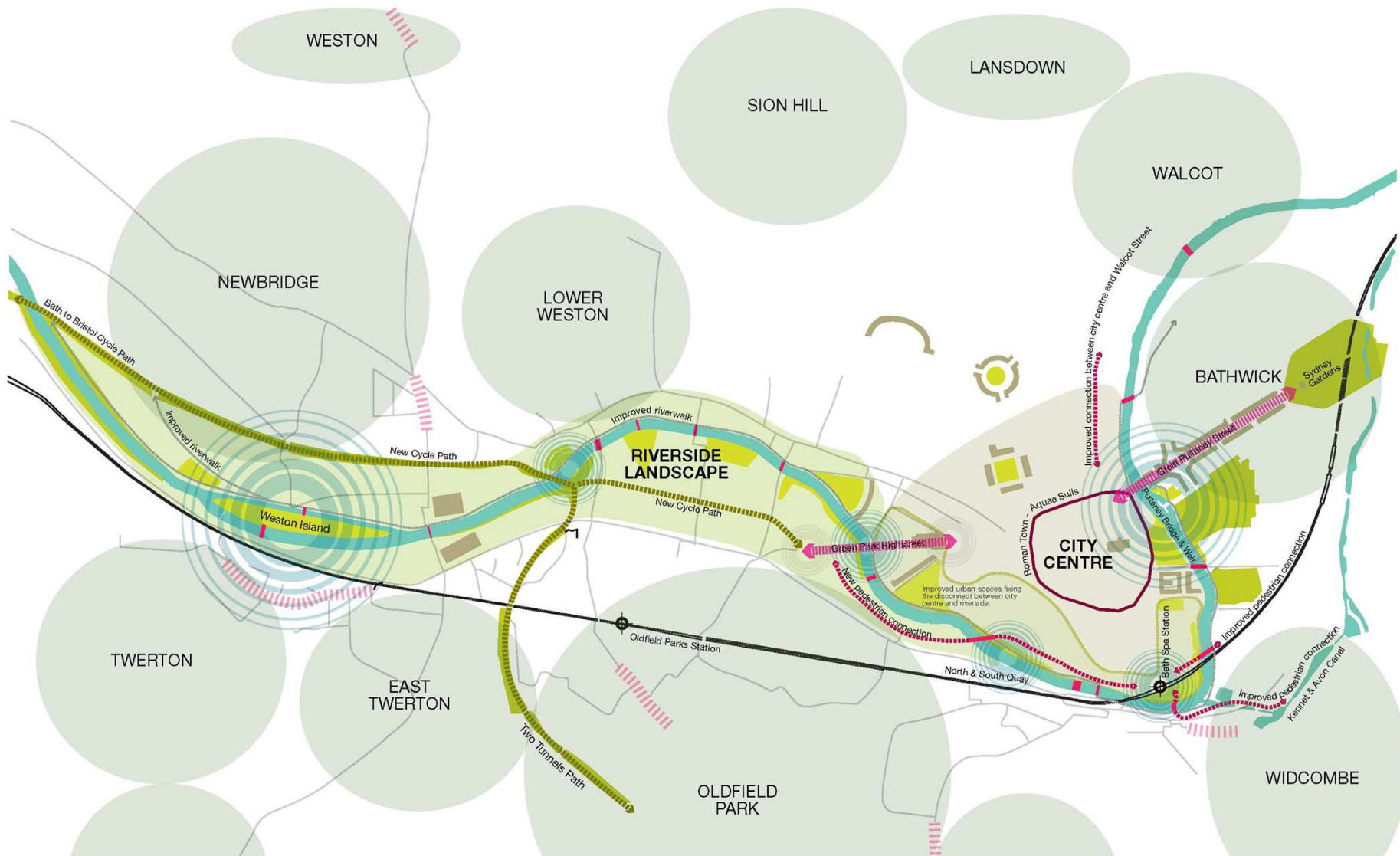
**Water** – at the heart of Bath’s identity, River Avon, spa water, Kennet and Avon Canal

**Health and Wellbeing** – promoting leisure, the outdoors, socialising and promenading

**The Big Idea:** Rediscovering and reconnecting the River, to bring Bath Riverside to Life!

Bath and North East Somerset - *The place to live, work and visit*

# Bath City Riverside Recommendations



# Bath City Riverside Masterplan



## KEY:

- |                                   |                       |                            |
|-----------------------------------|-----------------------|----------------------------|
| Enterprise Area Boundary (EA)     | Proposed Public Realm | Pedestrian Right of Way    |
| Existing Buildings within the EA  | Proposed Bridge       | Cycle Route                |
| Proposed Buildings within the EA  | Green Space           | Proposed Wayfinding Marker |
| Existing Buildings outside the EA | River Green Corridor  | Bus Route                  |
| Important Heritage Assets         | Edible Wall Treatment | Important Viewpoint        |

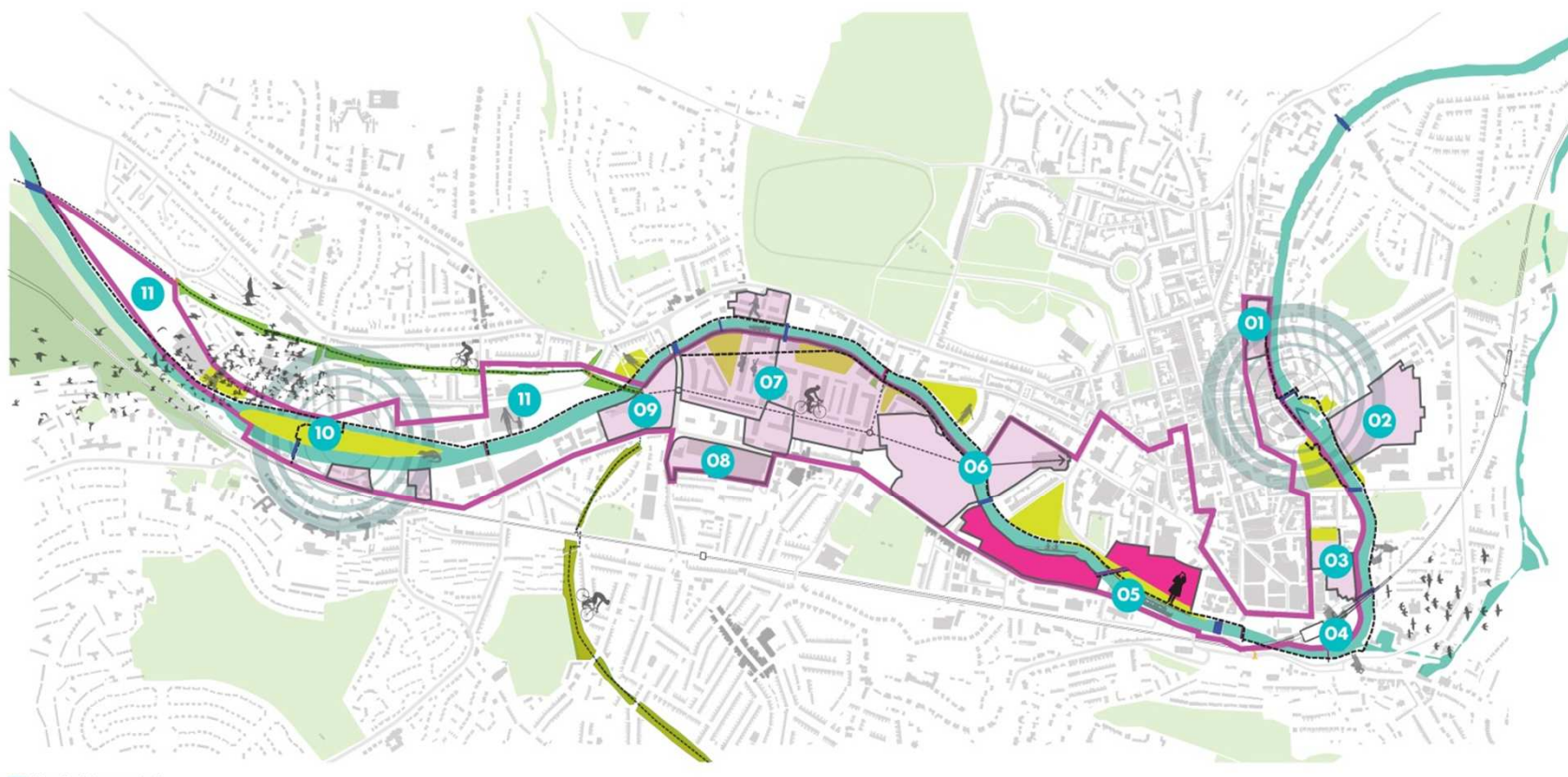
## SITES:

- |  |                     |                                       |
|--|---------------------|---------------------------------------|
| The Cattlemarket                         | North & South Quays | Bath Press                            |
| The Rec                                  | South Bank          | Roseberry place                       |
| Manvers Street                           | Green Park Station  | Weston Island                         |
| Bath Spa Railway Station / Widcombe Lock | Bath Riverside      | Locksbrook & Brassmill Trading Estate |

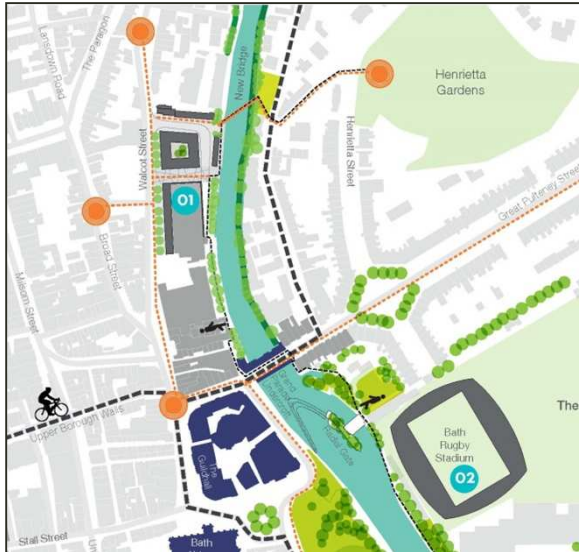


# KEY SITES

# THE ENTERPRISE AREA: KEY SITES



# 1. CATTLEMARKE



## KEY FACTS

- COUNCIL OWNED
- CLIENT = REGENERATION
- DELIVERY = SHORT TERM
- USES = Mix TBC
- OUTPUTS = TBC

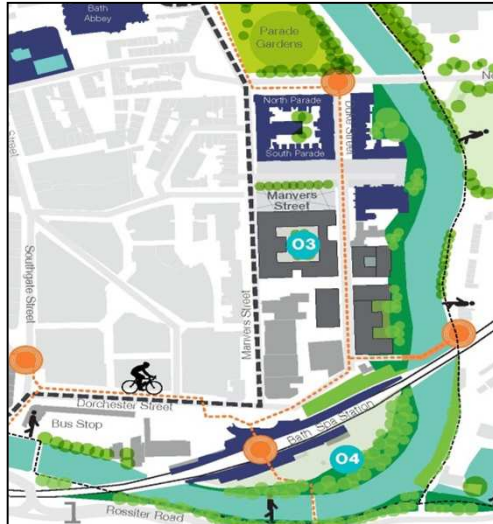
## DEVELOPMENT PRINCIPLES

- Improve connections between Walcot Street, city centre and Hilton
- Active ground floor uses (e.g retail)
- Repair and reopen the riverside walkway as part of the Walcot River Path
- Reintegrate and reinvigorate the historic Corn Exchange building
- Respect the historic character and surrounding building heights

## NEXT STEPS

- |   |                  |
|---|------------------|
| • Placemaking Plan public consultation on options                     | Dec 2014 onwards |
| • Dependent on Placemaking Plan progress,<br>B&NES to dispose of site | 2015             |

## 2.MANVERS STREET



### KEY FACTS

- COUNCIL OWNED
- CLIENT = REGENERATION
- DELIVERY = SHORT/MEDIUM TERM (B&NES car park and former Police Station), LONG TERM (Royal Mail Group site – in line with ambition for overall scheme)
- USES/OUTPUTS ON SITE = **Employment** to Manvers St frontage, Mix of uses to later phase

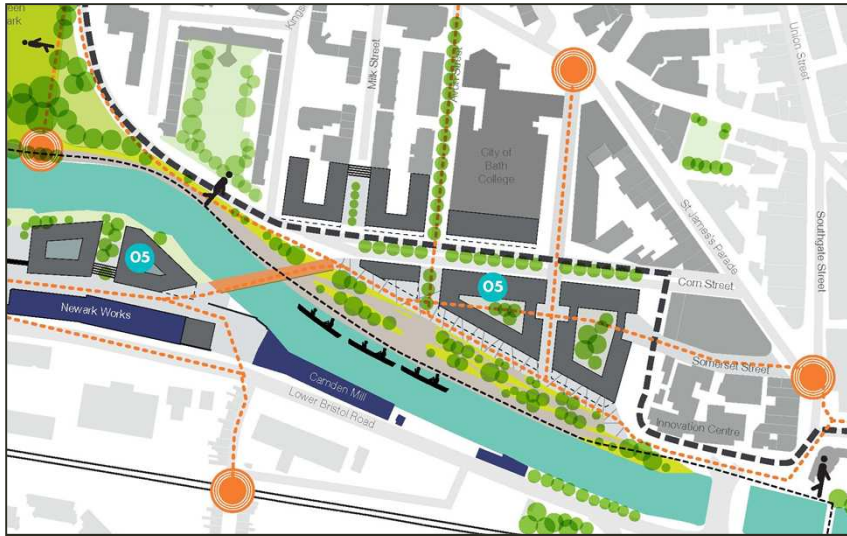
### DEVELOPMENT PRINCIPLES

- Deliver significant employment space fronting Manvers Street, with a mix of uses to the riverside with new riverside access. Work with Julian House to ensure their needs are met.
- Introduce a new public space creating an improved setting for St John's Church and John Woods' South Parade. Design and build an important new building to the south of this public space which responds to the scale, massing, and form of South Parade.
- Frame views to Beechen Cliff along Manvers Street and create a new vista along Duke Street.

### NEXT STEPS

- |   |                  |
|---|------------------|
| • B&NES in partnership with owners to deliver change on former Police Station and car park sites together | August 2014      |
| • Placemaking Plan public consultation on options   | Dec 2014 onwards |
| • Progress discussions with Royal Mail Group to secure comprehensive redevelopment of the site            | Ongoing          |
| • Secure suitable re-use of 20 Manvers St   | 2015             |
| • Deliver Bath Quays Waterside to enable redevelopment  | 2015-16          |

### 3. BATH QUAYS NORTH



#### KEY FACTS

- COUNCIL OWNED
- CLIENT = REGENERATION
- DELIVERY = SHORT/MEDIUM TERM
- USES AND OUTPUTS = **Innovation Quay concept**
- Revolving Infrastructure Funding: Bath Quays Waterside (Flood project)
- Economic Development Fund Flagship Project

#### DEVELOPMENT PRINCIPLES

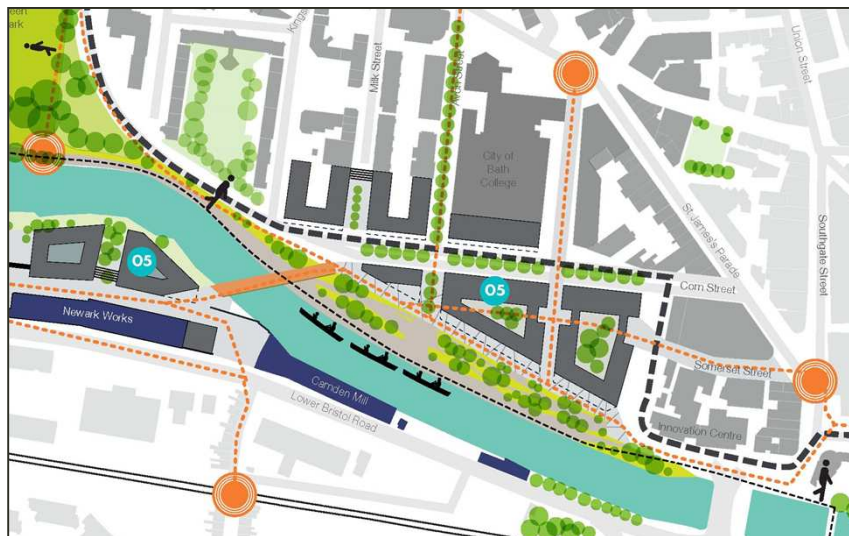
- Deliver the Innovation Quay concept as the flagship employment destination for the City:
  - up to 15,000 sqm employment space (office, creative workspace, business innovation)
  - up to 1,500 new jobs in target sectors prioritised by Economic Strategy
  - supporting uses such as residential, retail and hotel
- Includes Bath Quays Waterside flood conveyance: riverside boulevard and terraced public space
- An expanded city centre; sensitive, contemporary architectural identity
- Bath Quays Bridge as the “glue”, a destination in its own right

#### NEXT STEPS

- |  |                  |
|--|------------------|
| • Stakeholder engagement on aspirations for the site   | Sept/Oct 14      |
| • Placemaking Plan public consultation on options      | Dec 2014 onwards |
| • Submission of full EDF Business Case                 | December 14      |
| • Deliver Bath Quays Waterside to enable redevelopment | 2015-16          |



## 4. BATH QUAYS SOUTH



### KEY FACTS

- COUNCIL OWNED
- CLIENT = REGENERATION
- DELIVERY = SHORT/MEDIUM TERM
- USES AND OUTPUTS = **Innovation Quay concept**
- Revolving Infrastructure Funding: Bath Quays Waterside (Flood project)
- Economic Development Fund Flagship Project

### DEVELOPMENT PRINCIPLES

- Deliver the Innovation Quay concept as the flagship employment destination for the City:
  - up to 15,000 sqm employment space (office, creative workspace, business innovation)
  - up to 1,500 new jobs in target sectors prioritised by Economic Strategy
- Includes Bath Quays Waterside flood conveyance: protection of properties
- An expanded city centre; sensitive, contemporary architectural identity
- Bath Quays Bridge as the “glue”; a destination in its own right
- Sensitive re-use of historic Newark Works buildings

### ACTIONS

As Quays North plus:

- |  |                  |
|--|------------------|
| • Progress discussions with BMT                        | Ongoing          |
| • Placemaking Plan public consultation on options      | Dec 2014 onwards |
| • Deliver Bath Quays Waterside to enable redevelopment | 2015-16          |

# BATH QUAYS WATERSIDE: THE PROJECT

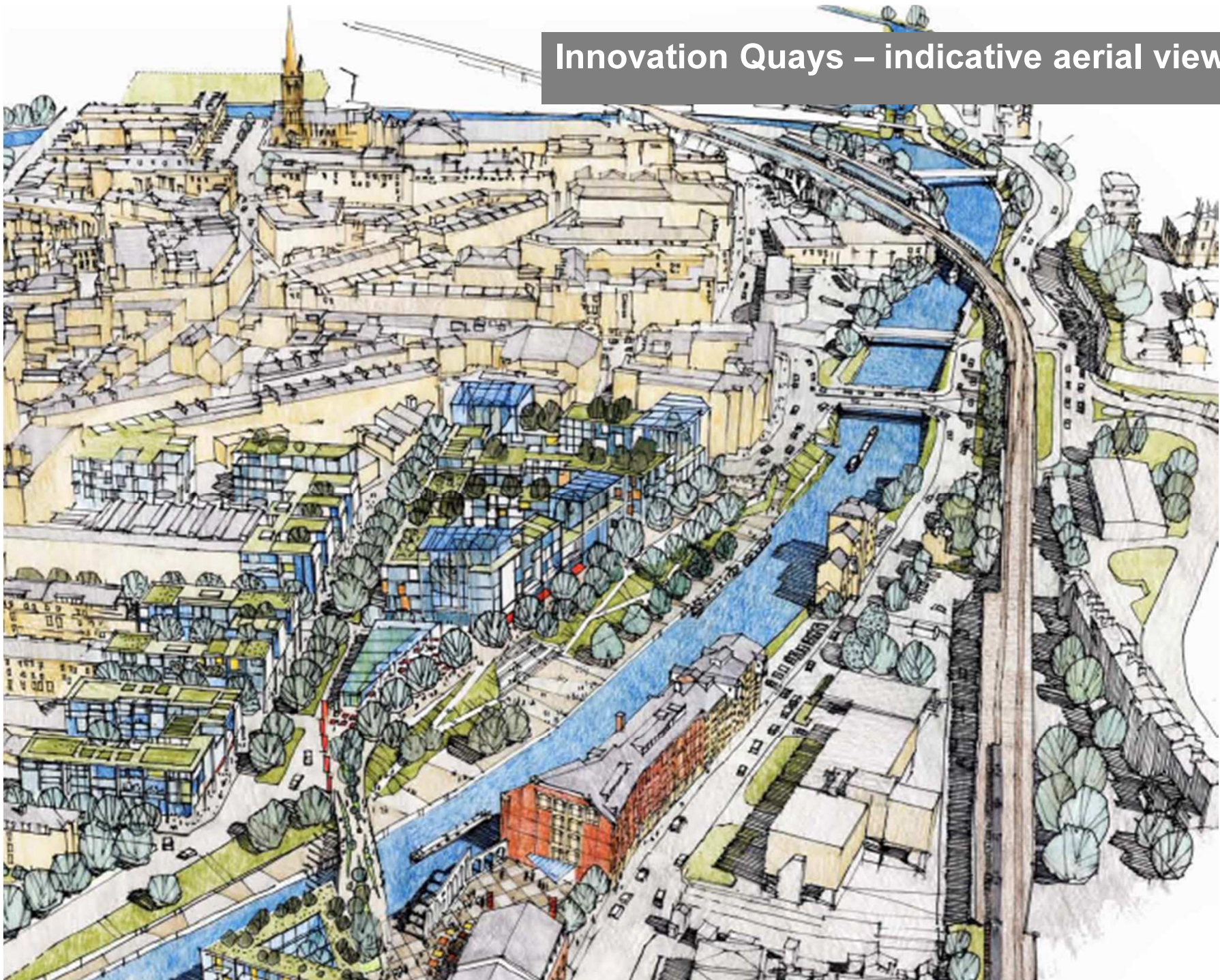
## Landscape Design

north quay : nature and people



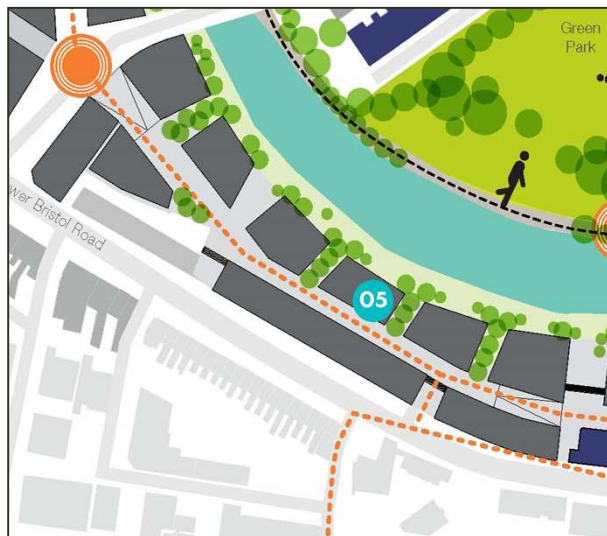


## Innovation Quays – indicative aerial view





## 5. SOUTH BANK



### KEY FACTS

- PRIVATE OWNERSHIP
- CLIENT = REGENERATION
- DELIVERY = LONG TERM
- USES ON SITE = **Office**, Residential
- Limited certainty on outputs due to projected timescale for delivery

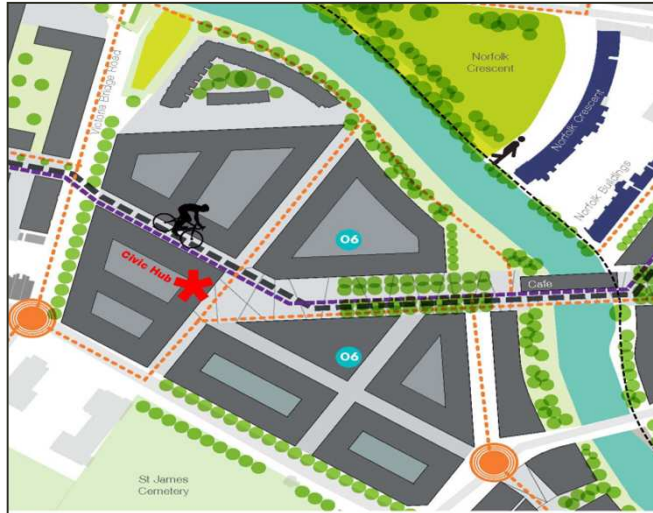
### DEVELOPMENT PRINCIPLES

- Introduce new workspaces overlooking the river and Green Park
- Provide a pedestrian connection between South Quay and Green Park as alternative to Lower Bristol Road.

### ACTIONS

- |  |                  |
|--|------------------|
| • Placemaking Plan public consultation on options      | Dec 2014 onwards |
| • Deliver Bath Quays Waterside to enable redevelopment | 2015-16          |

## 6. GREEN PARK EAST AND WEST (BWRE)



### KEY FACTS

- SOME COUNCIL OWNERSHIP
- CLIENT = REGENERATION
- DELIVERY = MEDIUM/LONG TERM
- USES = **Retail, Office**, Residential, Car Parking
- Most challenging and complex site in the EA

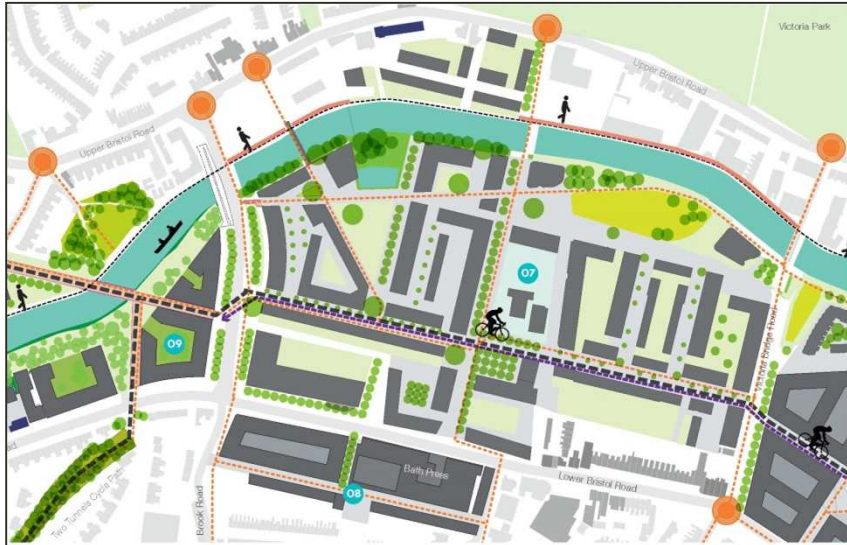
### DEVELOPMENT PRINCIPLES

- Mix of uses to serve new residential community at Bath Riverside
- Replace northern arm of Pinesway Gyratory with public realm
- Repair urban fabric, street frontages and relationship with riverside
- Opportunity for contemporary design in a World Heritage setting
- Enhance Green Park station role for niche retail/markets
- Potential for a new “Green Park High Street”

### ACTIONS

- |   |                  |
|---|------------------|
| • Placemaking Plan public consultation on options | Dec 2014 onwards |
| • Pinesway East planning application              | Ongoing          |
| • James St West planning application              | Ongoing          |
| • Detailed engagement with strategic landowners   | Ongoing          |

## 7. BATH RIVERSIDE



### KEY FACTS

- HIGHLY SUCCESSFUL PROJECT
- DELIVERY = ONGOING
- QUANTUM OF DELIVERY = up to 2,281 new homes
- USES ON SITE =
  - **Residential**
  - New school
  - Student Housing
  - Exemplary public realm and riverside

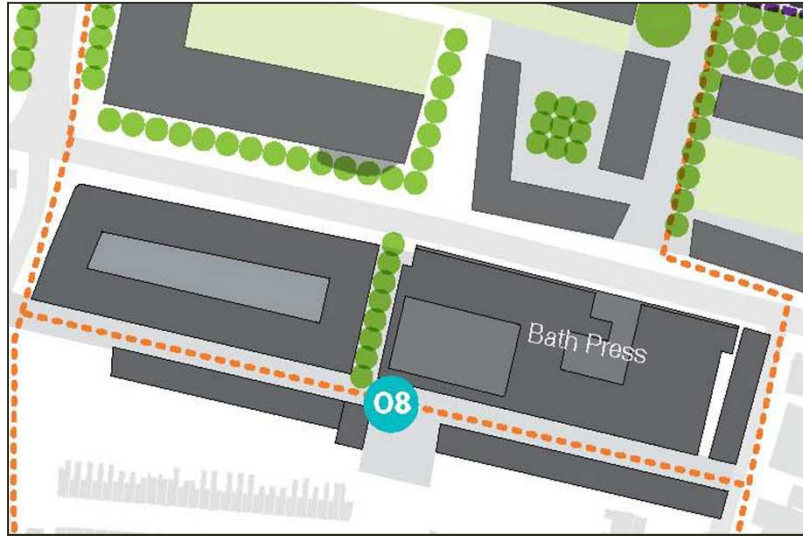
### DEVELOPMENT PRINCIPLES

- As established by planning consents and BWR SPD

### NEXT STEPS

- Gas Holder Demolition & Gas rationalisation
- Relocation of Waste Station

## 8. BATH PRESS



### **KEY FACTS**

- PRIVATELY OWNED
- CLIENT = REGENERATION
- DELIVERY = MEDIUM TERM
- USES ON SITE = Residential and Employment

### **DEVELOPMENT PRINCIPLES**

- Creative re-use of the former Bath Press buildings
- Workspace and employment uses
- Secondary routes to integrate with local neighbourhood and particularly Oldfield Park Train Station
- Strengthening and greening street frontages with an improved pedestrian and cycle experience

### **ACTIONS**

- |   |                  |
|---|------------------|
| • Planning application                            | Ongoing          |
| • Placemaking Plan public consultation on options | Dec 2014 onwards |

## 9. ROSEBERRY PLACE



### **KEY FACTS**

- PART COUNCIL OWNED
- CLIENT = REGENERATION
- DELIVERY = MEDIUM TERM
- USES/OUTPUTS = Residential and Employment

### **DEVELOPMENT PRINCIPLES**

- Mix of residential and commercial uses, closely related to Bath Riverside and Bath Press
- Connect the Two Tunnels and Bristol and Bath cycle paths
- Connect wildlife corridors to create an enhanced ecological node and river related leisure activities
- Defined active edge to lower Bristol Road and Windsor Bridge Road.

### **ACTIONS**

- |   |                  |
|---|------------------|
| • Placemaking Plan public consultation on options | Dec 2014 onwards |
| • Planning application                            | Ongoing          |

# PROGRAMME AND NEXT STEPS

## **DEVELOPMENT ON SITE DURING EARLY 2015**

**Schemes active on site during 2015 will include:**

- **Bath Western Riverside (continued delivery)**
- **Saw Close Casino development**
- **Green Park House student housing**
- **Bath Quays Waterside flood alleviation**
- **Guildhall Undercroft**
- **Bath Transport Package (Newbridge P&R)**
- **Seven Dials/Kingsmead Square**
- **Stall Street**
- **GWR electrification (ongoing)**

## KEY ISSUES

- **Market pressures to deliver uses against adopted B&NES Core Strategy**
- **Continued successful delivery of Bath Riverside**
- **Deliver Bath Quays Waterside flood conveyance project**
- **Deliver key projects in Transport Strategy “Getting Around Bath”**
- **Working in partnership with funders, public sector partners and private landowners**



## NEXT STEPS

- **Cabinet 12 November 2014**
- **Co-ordinated Strategy:**
  - **Economic Strategy – key driver**
  - **Core Strategy and Placemaking Plan**
  - **Transport Strategy**
  - **River Strategy**
  - **Enterprise Area Masterplan – delivery mechanism**
- **Co-ordinated Delivery:**
  - **Bath Riverside**
  - **Bath Quays Waterside**
  - **Innovation Quay**
  - **Transport Strategy “Getting Around Bath”**
- **To note: many of the projects are subject to formal budget approvals**

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Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Planning, Transport & Environment & Policy Development and Scrutiny Panel	
MEETING/ DECISION DATE:	16 <sup>th</sup> September 2014	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Bath and North East Somerset Community Infrastructure Levy (CIL) and Planning Obligations Supplementary Planning Document (SPD)	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Attachment 1: B&NES CIL Consultation Paper (including the Draft Charging Schedule & Draft Regulation 123 List) Attachment 2: Draft Planning Obligations SPD		

## 1 THE ISSUE

- 1.1 The Community Infrastructure Levy (CIL) Draft Charging Schedule, the Draft Regulation 123 List and the revised Draft Planning Obligations SPD are published for public consultation following the Cabinet approval on 16<sup>th</sup> July. The CIL is a new tariff system that allows local authorities to raise funds from developers to contribute to the costs of providing some of the infrastructure needed for new development. The Planning Obligations SPD is revised in response to the changes brought by the CIL regulations. The Regulation 123 List sets out the types of Infrastructure on which CIL income may be spent.

## 2 RECOMMENDATION

- 2.1 The Scrutiny Committee to note

- 2.2 and make comments on ;

- 1) the draft charging schedule and the draft Regulation 123 List (as set out in the B&NES CIL Consultation Paper in **Attachment 1**);
- 2) the revised draft Planning Obligations SPD in **Attachment 2**
- 3) the timeline for the public consultation period on the above documents from 24/7/14 to 18/9/14;

### **3. RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 CIL has the potential to make an important contribution to the funding of infrastructure needed to support the District's long term growth aspirations as set out in the Core Strategy. CIL could secure between £12.5 and 17 million funding for infrastructure; this essentially replaces that part of s106 funding that the council could no longer secure after April 2015 when the S.106 approach is scaled back. CIL can only be levied if there is a funding gap in infrastructure provision.
- 3.2 The Infrastructure Delivery Programme (*IDP July 2014*) identifies the infrastructure required across a broad range of Service Providers and statutory undertakers to deliver the District's plans for growth in the Core Strategy. The IDP includes an estimate of the costs although this is regularly updated and refined. The costs and requirements in the longer term are unavoidably more difficult to identify. The IDP is therefore a 'live' document subject to on-going updating and refinement. It is not a formal investment programme and does not entail financial commitment by the Council or other statutory providers. Under CIL regulations the Council, as the charging authority, will need to prioritise and agree allocations of available CIL funding towards these infrastructure needs. These decisions will need to be taken as part of future budget decisions once the Council has completed the regulatory process to enable it to charge CIL.
- 3.3 The IDP confirms that there is a funding gap to which CIL will need to make a contribution. However CIL will not be the sole funding source. It will supplement other potential funding streams such as Business Rate Growth, New Homes Bonus, the Revolving Infrastructure Fund, HCA funding and site specific s.106 developer contributions. Each of these will need to be considered by the Council as part of its medium term service and resource planning process. The IDP lists all infrastructure requirements to support new growth, including provision to be provided by developers and other organisations such as utility companies and other public bodies.
- 3.4 The preparation of CIL has been funded by the Local Development Framework budget.
- 3.5 Alongside setting the CIL charging schedule, work is underway to establish the Local Authority as a CIL Charging Authority. This includes the appointment of a CIL Coordinator to arrange and oversee charging arrangements and s.106/CIL monitoring officer to implement CIL.
- 3.6 Charging Authorities will be able to use funds from the levy to recover the cost for setting up and administering the levy using up to 5% of their total receipts on administrative expenses.
- 3.7 The Council has secured nearly £20 million through s.106 agreements in the last 10 years. However, the current Planning Obligation SPD will need to be reviewed to align it with CIL.

### **4. STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 The CIL Charging Schedule must comply with relevant legislation, and the National Planning Policy Framework (2012). The Planning Act 2008 (Part 11) made provision for the introduction of the Community Infrastructure Levy (CIL). Regulations

governing the preparation and operation of CIL Charging Schedule were first introduced in April 2010, and have subsequently been amended a number of times - the CIL (Amendment) Regulations 2011, the CIL (Amendment) Regulations 2012, the CIL (Amendment) Regulations 2013, and the CIL (Amendment) Regulations 2014. In addition, Part 6, Chapter 2 of the Localism Act 2011 has the effect of amending parts of the Planning Act 2008 as it relates to CIL.

- 4.2 CIL Regulations 2010 (Part 11) (as amended) also incorporate a corresponding scaling back of tariff based approaches to planning obligations under Section 106 of the Town and Country Planning Act 1990.

## **5. THE REPORT**

### **Background**

- 5.1 The introduction of the Community Infrastructure Levy (CIL) changes the role that new development plays in funding infrastructure. The current approach has been to require new development to make a contribution, in kind or financially, to address the infrastructure needs caused by that development. This contribution is made under s.106 of the Town and Country Planning Act 1990. To ensure a systematic and transparent approach the Council adopted the Supplementary Planning Document on Developer Contributions in 2009.
- 5.2 If introduced, the levy is payable on development which creates net additional floor space, where the gross internal area of new build exceeds 100 m<sup>2</sup> and on a single house or flat of any size, unless it is self-build. A Council must have an up-to-date adopted Plan on which to base CIL. Key points to note are that;
- The rate is only charged on net increase in floorspace – therefore the yield is lower on brownfield sites/and nil for change of use
  - Vacant buildings, development for a charitable use, self-build, affordable housing are exempt
  - The test of soundness at examination is whether an appropriate balance has been struck between maximising income vs. not undermining the viability of development
- 5.3 The Council can only charge a tariff on new development if a funding gap exists in the financing of necessary new development, taking account of all sources of development. The Core Strategy sets out the Council's growth plans for the district and the infrastructure needed to support this is identified in the Infrastructure Delivery Plan (IDP).

### **The Draft Charging Schedule (DCS)**

#### **Principles**

- 5.4 CIL is effectively a tax on new development and therefore cannot be used as a policy tool. The key issue in setting the rate is that local authorities must strike "an appropriate balance" between revenue maximisation on one hand and the potentially adverse impact upon the viability of development on the other.

- 5.5 It must be informed by evidence of viability of development although there is some room for pragmatism. The Council has been advised by BNP Paribas who has undertaken the Viability Study. BNP Paribas has extensive experience of undertaking viability assessments and successfully assisting LAs with developing DCS and defending them at examinations.
- 5.6 The results of the BNP Paribas analysis indicate a variation in viability of development between different types of uses and different locations within the District. In light of these variations, two broad approaches are available to the Council under the CIL regulations.
- The Council could set a single CIL rate across the District for all types of development, having regard to the least viable uses and the least viable locations. This option would suggest the adoption of the 'lowest common denominator', with sites that could have provided a greater contribution towards infrastructure requirements not doing so. In other words, the Council could be securing the benefit of simplicity at the expense of potential income foregone that could otherwise have funded infrastructure.
  - Alternatively, the Council has the option of setting different rates for different use classes and different areas. The results of the BNP Paribas study point firmly towards the second option as the recommended route.
- 5.7 Given CIL's nature as a fixed tariff, it is important that the Council selects rates that are reasonable and not at the margins of viability. It is necessary to ensure that a 'buffer' or margin is included, so that the levy rate is able to support development when economic circumstances adjust and also to absorb some abnormal development costs. The Council must also be careful not to frustrate its other key objectives such as delivering affordable housing. Consequently, sensitive CIL rate setting for residential schemes is also vital.

### Proposed rates

- 5.8 The key conclusions emerging from the viability evidence are set out below.
- For **residential development**, viability varies across the district with highest rates in the environs of Bath and lower viability in the south and west. However these differences are not significant because whilst house prices are higher in the Bath area, so are build costs and the Core Strategy sets a higher affordable housing requirement for the higher value area. Also, the rural environs of Bath fall almost entirely within the Green Belt where very limited housing is likely to come forward. In the interests of simplicity, a flat rate of £100/m<sup>2</sup> across the district is considered reasonable.
  - The BNP Paribas' viability recognises the different viability consideration for **'Specialised, Extra Care and Retirement Accommodation'** due to the lower gross to net ratio of developments (due to the need for communal facilities), and the additional time that it takes to sell the accommodation due to the restricted market for that type of unit. However, these developments typically command premium sales values that outperform local markets. Furthermore, the sites tend to be more efficiently used, due to lower car parking requirements and higher densities in comparison to standard residential developments. These factors help to offset the lower internal efficiency and longer sales period. Then the appraisal concludes that such developments are unlikely to generate significantly different

results from those generated by other residential development. Therefore £100/m<sup>2</sup> is recommended.

- The only variation to the flat residential rate is in relation to **the urban extension sites**. The most effective approach to provision of site specific infrastructure, primarily for primary school provision should be via s.106 agreements. This means that a lower rate of around £50/m<sup>2</sup> should be charged for residential development in the urban extension sites identified in the Core Strategy.
- The viability of **Retail development** is higher in central Bath which would support a rate of £150/m<sup>2</sup>. In other parts of the District, the viability evidence indicates that a £nil charge is appropriate. An exception to this is large supermarket, superstores and retail warehouses which would support a charge of £150 across the district.
- **Hotel development** in Bath could support a rate of around £100 which allows an adequate buffer for site-specific factors. Outside Bath, hotel values are lower, which adversely impacts on the viability of new hotel development. A nil rate on hotel development outside the city boundary of Bath is therefore recommended.
- For **Student housing** the degree to which developments can absorb CIL contributions is dependent on the rent levels set. There is a significant differential between rents in the private sector and the University Sector (with sub market rent). For student housing let at commercial rents (off campus) a rate of £200 m<sup>2</sup> is recommended. For the University sector at sub market rents (primarily on campus), a nil rate is recommended.
- Although there is a demand for **Office** space, this is not generating rents that would be high enough to support new development, particularly in Bath where build costs are significantly higher. The BNP Paribas viability assessment identifies that office development is unlikely to come forward in the short to medium term. BNP Paribas conclude that a £nil for office is appropriate.
- BNP Paribas appraisal of **industrial and warehousing development** primarily in employment uses (not retail warehousing) indicate that these uses are unlikely to generate positive residual land values and therefore a zero rate is recommended.
- BNP Paribas has also tested other uses. Use classes **D1 (community facilities eg schools, health centres, museums and places of worship)** and **D2 (leisure)**. These typically do not include revenue generating operations. Other uses that do generate an income stream (such as swimming pools) have operating costs that are far higher than the income and require public subsidy. Many D1 uses will be infrastructure themselves, which CIL will help to provide. It is therefore unlikely that D1 and D2 uses will be capable of generating any contribution towards CIL. These will sometimes include developments that are operated commercially (such as gyms) but with many new operations opening in existing floorspace, very little, if any CIL income could be secured. On this basis BNP Paribas has recommended a nil rate on such uses.

5.9 Reflecting the above considerations, the proposed DCS is set out in Attachment 1.

### The Regulation 123 list

- 5.10 Charging Authorities must prepare a Reg 123 list which sets out those types of infrastructure on which CIL could be spent and the list must be included as part of the evidence at exam . The B&NES Reg 123 list is based on the Council's Infrastructure Delivery Plan (IDP) which underpins the Core Strategy. The IDP is regularly reviewed and updated through cross service working.
- 5.11 Preparation of the Reg 123 List must recognise the fact that Local Authorities cannot spend CIL on the same infrastructure that is being funded via s.106. Therefore the Reg 123 List must take account of the strategy for the provision of infrastructure, including taking account of which elements of infrastructure will be funded by CIL and which through on-site or pooled S.106 agreements. This will then inform, but not dictate, future spending arrangements, including the Council budget and the capital programme.
- 5.12 The draft Reg 123 is included in Attachment 1. The Reg 123 List can be reviewed responding to changes in infrastructure priority and requirements.
- 5.13 Delivery the Bath Enterprise Area are likely to benefit from allocation of CIL revenue although decisions on the priorities for CIL spend will be taken as part of future budget decisions.

### **Planning Obligations SPD**

- 5.14 The current Planning Obligation SPD seeks to secure funding for infrastructure through developer contributions based on formulae. This will largely be curtailed by April 2015 and the CIL regulations will limit the use of planning obligations to affordable Housing and site-specific infrastructure. CIL Regulation 122 restricts the use of S.106 obligations to three tests which are;
- necessary to make the development acceptable in planning terms
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development
- 5.15 However, contributions through s.106 may be pooled from up to only five separate planning obligations for a specific item of infrastructure. Therefore the Council's existing Planning Obligations SPD, which is based on a formulaic calculation of developer contributions towards paying for infrastructure, has been revised and is attached as Attachment 2.
- 5.16 Parts of the BWR SPD (Part 3 the Implementation Plan and Appendix C Developer Contributions) will also be superseded by the revised Planning Obligations and CIL in due course.

### **Other issues**

- 5.17 **Local spend:** The regulations require that the proportion of CIL to be given to local communities is 15% (with a cap of up to £100 per existing council tax dwelling a year) of receipts from development in their area. This rises to 25% uncapped in areas with an adopted Neighbourhood Plan.



- 5.18 Many town and parish councils are working collaboratively with B&NES on the Placemaking Plan with very positive results. B&NES has the discretion to also award those communities involved in the Placemaking Plan 25% of CIL receipts from development in their area.
- 5.19 Where there is no Parish or Town Council, as in Bath, the charging authority (B&NES) will engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding. Charging authorities should set out clearly and transparently their approach to engaging with neighbourhoods using their regular communication tools e.g. website, newsletters. The Council AGM in May established a cross-party working group to consider options to strengthen community representation and civic governance within Bath, and to report back on these options, including a preferred option. This will include the arrangements for spend of the local element of CIL in Bath
- 5.20 **Instalment policy:** A charging authority can set its own levy payment deadlines and/or offer the option of paying by instalments. If it does so, it must publish an instalments policy on its website and make it available for inspection at its principal offices. It requires at least 28 days' notice to adopt or change the policy. Where no instalment policy is in place, payment is due in full at the end of 60 days after development commenced.
- 5.21 Where the total CIL liability is greater than £35,000, the B&NES CIL document proposes the following instalment policy for consultation;
- 33% on 60 days after development commenced
  - 33% 12months after deployment commenced
  - 34% 18months after development commenced.
- 5.22 **Relief:** The Community Infrastructure Levy Regulations make a number of provisions for charging authorities to give relief from the levy. Some types of relief are mandatory; others are offered at the charging authority's discretion. 'Community Infrastructure Levy relief' means any exemption or reduction in liability to pay the levy.
- 5.23 Mandatory exemptions are defined by the regulations and include vacant buildings (subject to the vacancy test), affordable housing, self-build housing and buildings with charitable uses.
- 5.24 Discretionary exemptions include;
- discretionary charitable relief (for a charitable investment)
  - discretionary social housing relief (for affordable housing types which do not meet the criteria required for mandatory social housing relief and are not regulated through the National Rent Regime)
  - discretionary exceptional circumstances relief (Charging authorities may offer relief from the levy in exceptional circumstances where a specific scheme cannot afford to pay the levy.)

- 5.25 A local authority wishing to offer discretionary relief in its area must first give notice publicly of its intention to do so. This can be done following the adoption of the CIL.
- 5.26 Monitoring and review arrangements: To ensure that the levy is open and transparent, charging authorities must prepare short reports on the levy. Charging authorities must publish a report on their website by 31 December each year, for the previous financial year. Where a charging authority holds and spends the neighbourhood portion on behalf of the local community, it should ensure that it reports this as a separate item. For CIL local funds, Parish, Town and Community Councils must also report on their levy income and spending.

## Programme

- 5.27 In April 2015, the scope of S.106 contributions will be scaled back impacting on investment in those Districts that have not adopted a CIL. The Timetable for the preparation of CIL and associated documents is set out below. There is limited contingency if the CIL is to be agreed by the deadline of April 2015. Any delay beyond the April deadline risks loss of CIL income.

Consultation	July - Sept 2014
Amendments post consultation	Sept 2014
Submission	Oct 2014
Examination	Dec 2014/January 2015
Adoption	By April 2015

## 6 RATIONALE

- 6.1 Section 5 sets out the rationale for the decision but the key point is that if B&NES does not prepare a CIL by April 2015, its ability to align new development with the necessary infrastructure will be severely curtailed.

## 7 OTHER OPTIONS CONSIDERED

- 7.1 The adoption of a CIL Charging Schedule is discretionary for the Council, however, the scaling back of the use of pooled S106 obligations is not discretionary. As such, should the Council elect not to adopt a CIL Charging Schedule, it is likely to have significant implications with regard to funding infrastructure in the District
- 7.2 More detail options regarding CIL rates, scope of Reg 123 list, instalment policy are set out in section 5 above.

## 8 CONSULTATION

- 8.1 The parties consulted in the on-going preparation of the draft Charging Schedule (and the preliminary Draft Charging Schedule) include;
- Internal Council Services
  - External Infrastructure providers
  - Commercial agents

- Local chambers of commerce and economic groups
- Adjoining Councils
- the local community
- Other bodies set out in the Statement of Community Involvement

8.2 The DCS was published for consultation for a period of 8 weeks from 24/7/14 to 18/9/14 taking into account that the consultation is taking place over the August holiday period.

8.3 Consultation arrangements for the DCS, Reg 123 List and the revised Planning Obligations SPD are to;

- use the current contact database (some from LDF database);
- notify individuals, organisations and statutory consultees in the CIL;
- advertise in the Local Press & website;
- target consultation within the business sector;
- engage with Parish & Town Councils; and
- engage with other bodies set out in the Statement of Community Involvement.

8.4 To assist the understanding of CIL and the particular context for the preparation of the B&NES CIL, a Q&A paper and leaflet will be published alongside the other documents.

8.5 Anyone who objects to the CIL and the associated documents will have the opportunity to pursue their objections via the examination.

## 9 RISK MANAGEMENT

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

<b>Contact person</b>	<p><i>Lisa Bartlett – 01225 477281,</i></p> <p><i>Simon de Beer - 01225 477616,</i></p> <p><i>Kaoru Jacques 01225 477288</i></p>
<b>Background papers</b>	<p><i>Background papers available from; <a href="http://www.bathnes.gov.uk/cil">www.bathnes.gov.uk/cil</a></i></p> <ul style="list-style-type: none"> <li>• <i>Viability Test Update by BNP Paribas</i></li> <li>• <i>B&amp;NES CIL Evidence Paper</i></li> <li>• <i>B&amp;NES Core Strategy as proposed to be adopted July 2014</i></li> <li>• <i>B&amp;NES Core Strategy Inspector' Report June 2014</i></li> <li>• <i>B&amp;NES Infrastructure Delivery Plan IDP</i></li> </ul>

	<ul style="list-style-type: none"> <li>• <i>B&amp;NES EqlA Report</i></li> <li>• <i>SEA/SA Screening Report</i></li> </ul> <p><i>Regulation 15(7) Consultation Statement</i></p>
<p><b>Please contact the report author if you need to access this report in an alternative format</b></p>	

# **Bath and North East Somerset Council Community Infrastructure Levy**

## **Consultation Paper**

**in accordance with Regulation 16 Community Infrastructure  
Levy Regulations 2010 (as amended)**

**Draft Charging Schedule**

**Draft Infrastructure (Regulation 123) List**

**July 2014**

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## 1.0 INTRODUCTION

- 1.1. The Draft Community Infrastructure Levy (CIL) Charging Schedule is published under Regulation 16 of the CIL Regulations 2010 (as amended) so that representations can be made prior to its submission to the Secretary of State.
- 1.2. The consultation documents and evidence documents published are;
- B&NES Draft CIL Charging Schedule (see Section 5 of this document)
  - A Draft Infrastructure List in accordance with CIL Regulation 123 (See Section 6 of this document).
  - Economic Viability Study Update 2014 (Separate Document)
  - Revised Planning Obligations Supplementary Planning Document (Separate Document)
  - CIL Evidence Background Paper (2014) (Separate Document)
  - A Report on Consultation of the Preliminary Draft Charging Schedule (Separate Document)
- 1.3 This consultation runs from 24<sup>th</sup> July until 18<sup>th</sup> September 2014. Comments should be made via email to [cil@bathnes.gov.uk](mailto:cil@bathnes.gov.uk) or in writing to:

Community Infrastructure Levy  
Planning Policy, Bath and North East Somerset Council  
PO Box 5006 Bath BA1 1JG

- 1.4 A copy of the Draft Charging Schedule and Draft Infrastructure (Regulation 123) List Consultation Document and supporting documents are available for public inspection at:

Online at the Bath & North East Somerset Council website:  
[www.bathnes.gov.uk/CIL](http://www.bathnes.gov.uk/CIL)

Council One Stop Shops; between the hours of 8.30 am to 5.00 pm  
Mondays-Thursdays and 8.30 am to 4.30 pm on Fridays, at:

- The Bath One Stop Shop, 3-4 Manvers Street, Bath BA1 1JQ
- The Hollies, Midsomer Norton, Bath, BA3 2DP;
- Riverside, Temple Street, Keynsham, Bristol, BS31 1LA

All Public Libraries within the District including the mobile libraries during library opening times.

- 1.5 All representations will be considered by the Inspector as written representations. In addition, any persons or organisations making representations have the right to be heard at examination, should they choose to appear. The examination will normally take the format of a hearing, using an informal 'round table' format under the direction of the Inspector.

- 1.6 Please be aware that your comments will be published on the Council's website together with your name. A response form is available - If you do not have access to a computer, a paper form can be completed and sent to the Council. Copies of the response form are available from the Planning Policy team.
- 1.7 Should you have any questions please contact us on (01225) 477548 or email to [cil@bathnes.gov.uk](mailto:cil@bathnes.gov.uk).

## **2.0 TIMETABLE**

- 2.1 The B&NES Council has set a timetable to adopt a Community Infrastructure Charging Schedule by April 2015. Table 1 below outlines the key stages and timetable for adoption of CIL:

**Table 1: Key stages relating to the adoption of the CIL Charging Schedule**

<b>Key Stage</b>	<b>Dates</b>
Draft Charging Schedule Consultation	July - September 2014
Draft Charging Schedule submitted to Secretary of State	October / November 2014
Draft Charging Schedule examined in public by Independent Examiner	December 2014/January 2015
Final version of Draft Charging Schedule adopted by Council	By April 2015

## **3.0 GENERAL PRINCIPLES OF THE COMMUNITY INFRASTRUCTURE LEVY**

### **What is the Community Infrastructure Levy (CIL)?**

- 3.1 The CIL enables local planning authorities to raise funds from developers undertaking new building projects in their area to provide key infrastructure needed as a result of development. It is intended to supplement other funds to provide new infrastructure in the District – it is not intended to provide the full costs associated with all the infrastructure required.
- 3.2 The charge is an amount that must be paid in pounds sterling (£) per m<sup>2</sup> of qualifying development. CIL rates are set by the charging authority, in this case B&NES, in a charging schedule. The schedule sets out the CIL rates by type and size of development for all development liable for the charge.



## **Legislative Background**

- 3.3 The CIL Charging Schedule must comply with relevant legislation, and the National Planning Policy Framework (2012). The Planning Act 2008 (Part 11) made provision for the introduction of the Community Infrastructure Levy (CIL). Regulations governing the preparation and operation of CIL Charging Schedule were first introduced in April 2010, and have subsequently been amended a number of times - the CIL (Amendment) Regulations 2011, the CIL (Amendment) Regulations 2012, the CIL (Amendment) Regulations 2013, and the CIL (Amendment) Regulations 2014. In addition, Part 6, Chapter 2 of the Localism Act 2011 has the effect of amending parts of the Planning Act 2008 as it relates to CIL.
- 3.4 The Department for Communities and Local Government has issued Community Infrastructure Levy Guidance (February 2014) which provides a detailed guide to the CIL Regulations and the Charging Schedule. The guidance can be found at the following link
- [http://www.planningportal.gov.uk/uploads/cil/cil\\_guidance\\_main.pdf](http://www.planningportal.gov.uk/uploads/cil/cil_guidance_main.pdf)
- 3.5 CIL Regulations 2010 (Part 11) (as amended) also incorporate a corresponding scaling back of tariff based approaches to planning obligations under Section 106 of the Town and Country Planning Act 1990. Details of the changes can be found within the section below on the “Relationship between CIL and Section 106 agreements”.

## **What development will be liable for CIL?**

- 3.6 The CIL Regulations 2010 (as amended) and the Government CIL Guidance February 2014 provide detailed guidance on what is liable for CIL, what is exempt, and what types of relief are available.
- 3.7 The following development types will be liable for CIL:
- Development comprising 100m<sup>2</sup> or more of additional new build floorspace
  - Development of less than 100m<sup>2</sup> of new build floorspace that results in the creation of one or more dwellings (note exemptions for self-builders below)
  - The conversion of a building that is no longer in lawful use.
- 3.8 Development exempt from CIL includes:
- Where there is no extension of floorspace as a result of the development.
  - Net additional new development of less than 100 square metres gross internal area (Minor Development Exemptions) – unless this is the creation of one or more dwellings, in which case the levy is payable.

- Houses, flats, residential annexes and residential extensions which are built by 'self-builders' that meet the self-build relief criteria
  - Development resulting from a change of use, where the building has been in continuous use for at least six months in the three years prior to the development being permitted, and no new floorspace is created.
  - "Social housing" that meets the relief criteria.
  - Charitable development by registered charities that meets the relief criteria including that the development is used for charitable purposes.
  - Any development where the total chargeable amount is less than £50 (this is deemed as zero rated).
  - Buildings and structures into which people do not normally go.
- 3.9 Where buildings are demolished or converted to make way for new buildings, the charge will be based on the floorspace of the new buildings less the floorspace of the demolished/converted buildings, i.e. the net increase in floorspace. The Regulations require that the buildings must have been in lawful use for a continuous period of at least six months in the last three years prior to when planning permission first permits the development.
- 3.10 Where an outline planning permission is granted prior to the implementation date of the Charging Schedule, the reserved matters approvals will not be subject to a CIL liability. Applications under Section 73 of the Town and Country Planning Act 1990 to remove or vary a condition, including those relating to the extension of timescale for implement an existing consent, which results in a fresh planning permission being issued, will not give rise to a CIL liability, unless there is an increase in floorspace as a result of those changes, in which case the additional floorspace may be liable. If permission is sought for a materially different scheme, from the existing permission, requiring a new planning permission, then that development may be liable for CIL.

### **Relief from CIL**

- 3.11 The Community Infrastructure Levy Regulations make a number of exemptions and provisions for charging authorities to give relief from the levy. Some types of relief are compulsory; others are offered at the charging authority's discretion. 'Community Infrastructure Levy relief' means any exemption or reduction in liability to pay the levy.
- 3.12 A charging authority that decides to introduce a discretionary relief policy must publish a document setting out that policy. The document is not part of the charging schedule. The CIL Guidance states that the charging authority may publish the relief policy separately and at a different time to the publication of the charging schedule.

### **Discretionary charitable relief**

- 3.13 Discretionary charitable relief - Local authorities can provide discretionary relief from CIL where the proposed development is owned by a charity but will be used for non-charitable purposes and the buildings will be retained by the charity as an investment to fund the work of the charity.

### **Discretionary social housing relief**

- 3.14 A charging authority may offer further, discretionary, relief for affordable housing types which do not meet the criteria required for mandatory social housing relief and are not regulated through the National Rent Regime.
- 3.15 When applying for relief, a claimant must provide evidence that the chargeable development qualifies for social housing relief. The Regulations provide that dwellings no longer meeting these requirements must pay the levy.

### **Exceptional Circumstances Relief**

- 3.16 The Regulations allow charging authorities to permit discretionary relief from CIL, where exceptional circumstances can be demonstrated. The key requirements are that the site must have a Section 106 agreement in place; the charging authority must consider that paying the full CIL liability would have an unacceptable impact on the development's viability; and the relief must not constitute notifiable state aid.

### **Instalment policy:**

- 3.17 A charging authority can set its own levy payment deadlines and/or offer the option of paying by instalments. If it does so, it must publish an instalments policy on its website and make it available for inspection at its principal offices. It requires at least 28 days' notice to adopt or change the policy. Where no instalment policy is in place, payment is due in full at the end of 60 days after development commenced. The Council is considering the following instalment policy, however the final policy will be published at the time that the CIL Charging Schedule is adopted:

"Where the total CIL liability is greater than £35,000, CIL payments would be accepted in the following instalments;

- 33% on 60 days after development commenced
- 33% 12 months after development commenced
- 34% 18 months after development commenced."

### **What can CIL be spent on?**

- 3.18 The money raised through CIL must be spent on infrastructure needed to support the development of the B&NES area. The Council must specify the

projects/types it intends to spend CIL receipts on, in what is known as an Infrastructure List or 'Regulation 123 List'. Please see below at **Section 6**.

- 3.19 The CIL (Amendment) Regulations 2013, requires that the Council pass a proportion of the CIL funds to the neighbourhoods in which the chargeable development takes place. The neighbourhood proportion of CIL can be spent on a wider range of items than the scope of the district wide infrastructure list under Regulation 123. In areas where there is a Neighbourhood Plan in place prior to planning permission being granted; or permission was granted by a Neighbourhood Development Order, the Council must pass 25% of Community Infrastructure Levy funds from developments within those areas to the relevant local council area (Town and Parish Councils). Where there is no Neighbourhood Plan this amount is 15%, subject to a cap of £100 per household in the local council area, per year.
- 3.20 Communities without a Parish or Town Council, such as Bath, will still benefit from the neighbourhood proportion of CIL funds (15% capped or 25% uncapped). In these areas the Council will include the arrangements for the spend of local CIL income in its options for strengthening community representation and civic governance within Bath.

#### **The relationship between CIL and Section 106 agreements**

- 3.21 Following the adoption of a Charging Schedule, CIL will replace Section 106 Agreements (S.106) (of the Town and Country Planning Act 1990) as the primary tool to pool contributions towards delivering the infrastructure necessary to support the sustainable development of the District. The provision of affordable housing lies outside of the remit of CIL and will continue to be secured through S.106 Agreements. S.106 Agreements will be significantly scaled back so that the Council will only be able to request S.106 planning obligations, alongside Planning Conditions, for on-site specific infrastructure (eg open space and facilities) and off-site infrastructure (eg highway access works) and facilities or services that are essential for the development to take place, or are needed to mitigate the impact of a specific development at site or neighbourhood level. The principle is that all CIL liable developments must pay CIL as well as contribute to any site specific requirements to be secured through S.106 Agreements.
- 3.22 As set out in the CIL regulations, the Council will only be able to pool up to five separate S.106 contributions towards the implementation of a specific item of infrastructure (which is not being funded by CIL receipts).
- 3.23 In order to explain the relationship between CIL and S.106 agreements, the **Planning Obligations Supplementary Planning Document (SPD) (2009)** has been revised to explain how CIL and S.106 agreements will operate together. A draft Revised Planning Obligations SPD accompanies this consultation.

## **4.0 EVIDENCE BASE**

- 4.1 Appropriate available evidence must be used to inform the CIL rate setting process, based on an assessment of infrastructure necessary to support new development and the economic viability of development. The CIL Regulations 2010 (as amended) require that in setting rates, the charging authority

*“must strike an appropriate balance between -*

- (a) the desirability of funding from CIL (in whole or in part) the actual and expected estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and*
- (b) the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area.”*

- 4.2 This section considers the background evidence used for setting the proposed CIL rates within B&NES Draft Charging Schedule. Please also see the separate Infrastructure funding gap evidence paper.
- 4.3 The following documents are required or recommended for preparing a sound Charging Schedule.
- An up to date development plan for the area
  - A broad assessment of the likely impact of CIL on the viability of development across the District
  - Details of infrastructure required to support the level of development set out in the development plan / Core Strategy, and evidence of the potential funding gap between the estimated total cost of infrastructure required, and the other actual and expected sources of funding.
- 4.4 The B&NES Draft Charging Schedule has been informed by the following:
- Informal Consultation and Stakeholder engagement.
  - CIL Preliminary Draft Charging Schedule; schedule of consultation responses and Report on Consultation (Separate documents).
  - B&NES Core Strategy (2014),
  - Infrastructure Delivery Programme (Updated 2014)
  - CIL Viability Assessment (2012 and May 2014 Update) (Separate Documents)

### **Informal Consultation and Stakeholder Engagement**

- 4.5 The first formal round of consultation, the Preliminary Draft CIL Charging Schedule (PDCS), took place between 18th April and 8th June 2012. A total of 37 representations were received. A summary of comments received and the Council’s responses to those comments can be found in the PDCS Consultation Report, available with this consultation. These comments have

been taken into account in the preparation of the Council's Draft Charging Schedule, which is now the subject of this second formal round of consultation.

- 4.6 A wide range of stakeholders were consulted throughout the evidence gathering process for the Preliminary Draft Charging Schedule consultation. In particular, in order to ensure that the viability assessment is as fully reflective of conditions on the ground as possible, a workshop was held with representatives of local business and development sectors on 17<sup>th</sup> Oct 2011. This was to discuss and agree various assumptions used in the viability appraisals.
- 4.7 As part of the preparation of the viability testing to inform the Draft Charging Schedule, a letter was circulated to developers requesting evidence for consideration in the preparation of the economic viability study in March 2014. Evidence was sought on sales values, development costs and existing land values for residential development, and rents, yields and development costs for commercial development. No data has been offered on these issues.

### **B&NES Core Strategy**

- 4.8 The B&NES Core Strategy (Local Plan Part 1 2014), is the principal planning document for guiding development in B&NES district to 2029. It sets out an up-to-date and robust strategic planning framework for the district, indicates the scale and broad locations for housing growth and other strategic development needs, and sets out environmental protection policies.

### **Infrastructure Delivery Programme**

- 4.9 The B&NES Infrastructure Delivery Programme (IDP) covers the range of infrastructure requirements for all statutory providers and public services. The IDP is a "live" document that will be regularly updated to take account of updated information on costs and priorities, changing needs and circumstances over the plan period. The IDP sets out the body or department responsible for delivery and funding of the infrastructure, the estimated cost of the infrastructure, whether there are any sources of funding secured, timescale and priority. The IDP does not provide details of ongoing operation and maintenance costs.
- 4.10 The CIL Regulations require that each charging authority justifies the need to charge CIL by presenting appropriate available evidence on infrastructure requirements and the funding gap. A separate paper – "Community Infrastructure Levy Funding Gap Evidence Paper" - provides an assessment of the infrastructure requirements based on the IDP, and the funding gap.

## CIL Economic Viability Assessment

- 4.13 A key part of the evidence underpinning the draft Charging Schedule is the viability evidence which examines the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across the area.
- 4.14 The Council commissioned BNP Paribas to undertake a CIL viability study to inform the Draft Charging Schedule. The study assessed the viability and financial capacity of a range of development scenarios to pay CIL using a standard residual land value, and yield capitalisation, development appraisal approach, and made recommendations to the Council on CIL rates. The appraisals assume a range of land values to reflect differences in location within the district and types of site. The consultants' approach to assessing the impact of CIL has been scrutinised through successful CIL examinations for other local authorities.
- 4.17 ***The BNP CIL Viability Assessment Update Report 2014*** accompanies this consultation document and the Draft Charging Schedule.

## 5. COMMUNITY INFRASTRUCTURE LEVY DRAFT CHARGING SCHEDULE

5.1 The Bath and North East Somerset District (B&NES) Council is proposing to charge the CIL in respect of the development at the following rates;

Development Type	Location	CIL charge £/m <sup>2</sup>
RESIDENTIAL (Class C3) including Specialised, Extra Care and Retired Accommodation	District wide	£100
RESIDENTIAL	Strategic Sites /urban extension	£50
HOTEL (Class C1)	In Bath	£100
	Rest of District	£ Nil
RETAIL In-centre / High Street Retail	Bath city centre	£150
	Other centres	£ Nil
SUPERMARKETS, SUPERSTORES AND RETAIL WAREHOUSE (over 280m <sup>2</sup> )	District wide	£150
OFFICES (Class B1)	District wide	£ Nil
INDUSTRIAL AND WAREHOUSING	District wide	£Nil
STUDENT ACCOMMODATION	On Campus with submarket rents to be set in section 106 agreement	£ Nil
	Off Campus	£200
ANY OTHER DEVELOPMENT	District wide	£ Nil

### Definitions

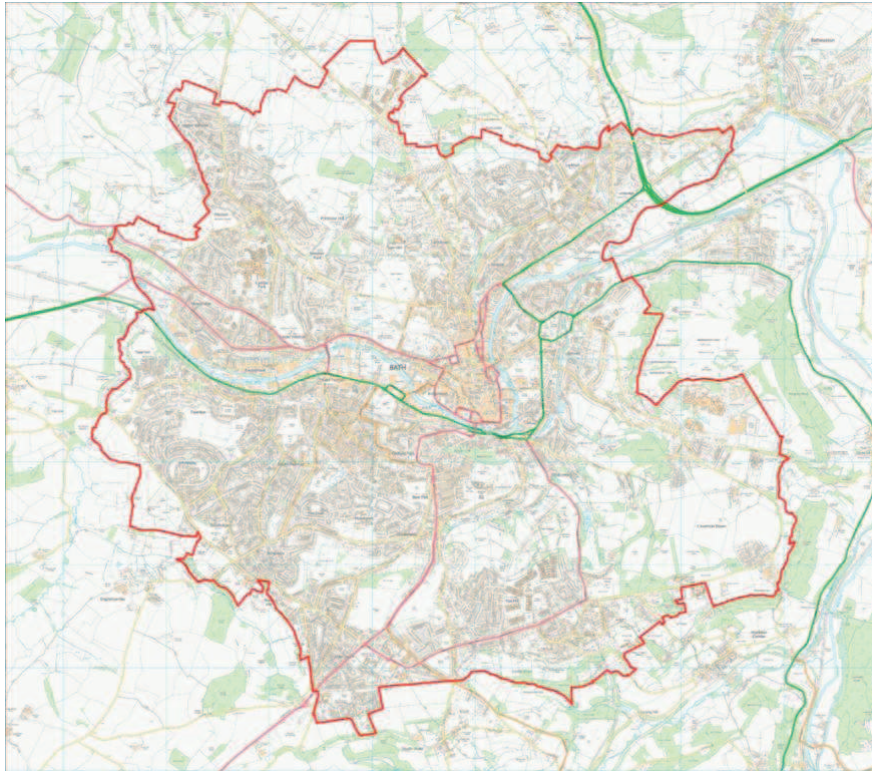
- Strategic sites / urban extension  
As defined within the Core Strategy (Policies B3A, B3C, KE3A, KE4 and RA5)
- Retail (Class A1/A2/A3/A4/A5)  
- In-centre / High Street Retail as defined within the Core Strategy
- Supermarket - large format convenience-led stores. The area used for the sale of goods will be above that applied for the purposes of the Sunday Trading Act of 280 m<sup>2</sup> sales area.
- Student Accommodation (purpose built accommodation for students).  
(Planning Use Classes under Town and Country Planning (Use Classes) Order 1987 (as amended))

The Bath and North East Somerset District (B&NES) Council Draft Charging Schedule has been prepared in accordance with the Part 11 of the Town and Country Planning Act 2008 (as amended) and the Community Infrastructure Regulations 2010 (as amended).

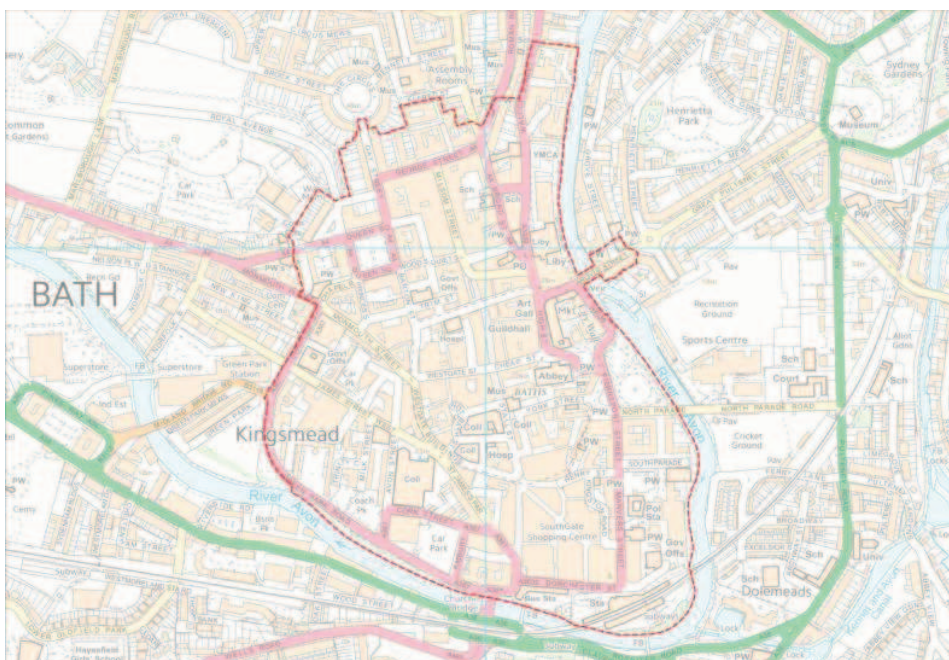


The attached plans identify the locations and boundaries to which the residential and non-residential CIL charges apply.

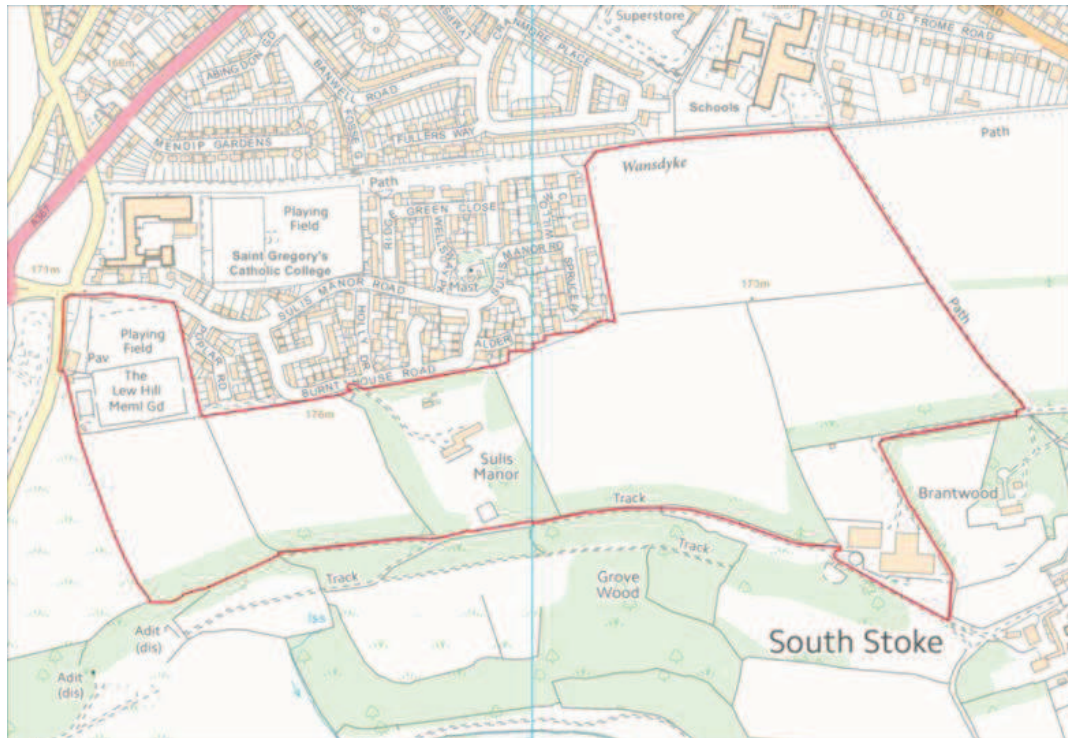
### **Plan 1- The CIL Charging Zone for hotel development in Bath**



### **Plan 2 - The Charging Zone for Bath City Centre Retail development**



### Plan 3 Strategic Site: Land adjoining Odd Down Charging Zone

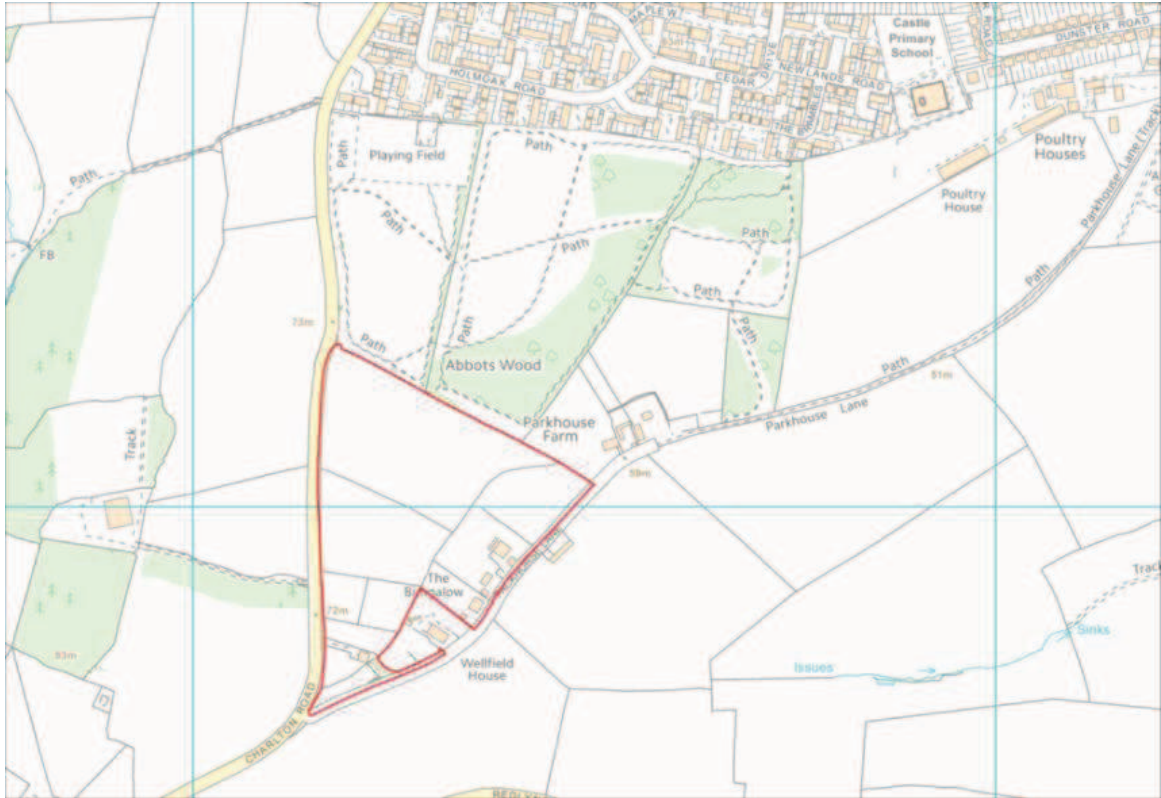


### Plan 4 Strategic Site: Land adjoining East Keynsham Charging Zone

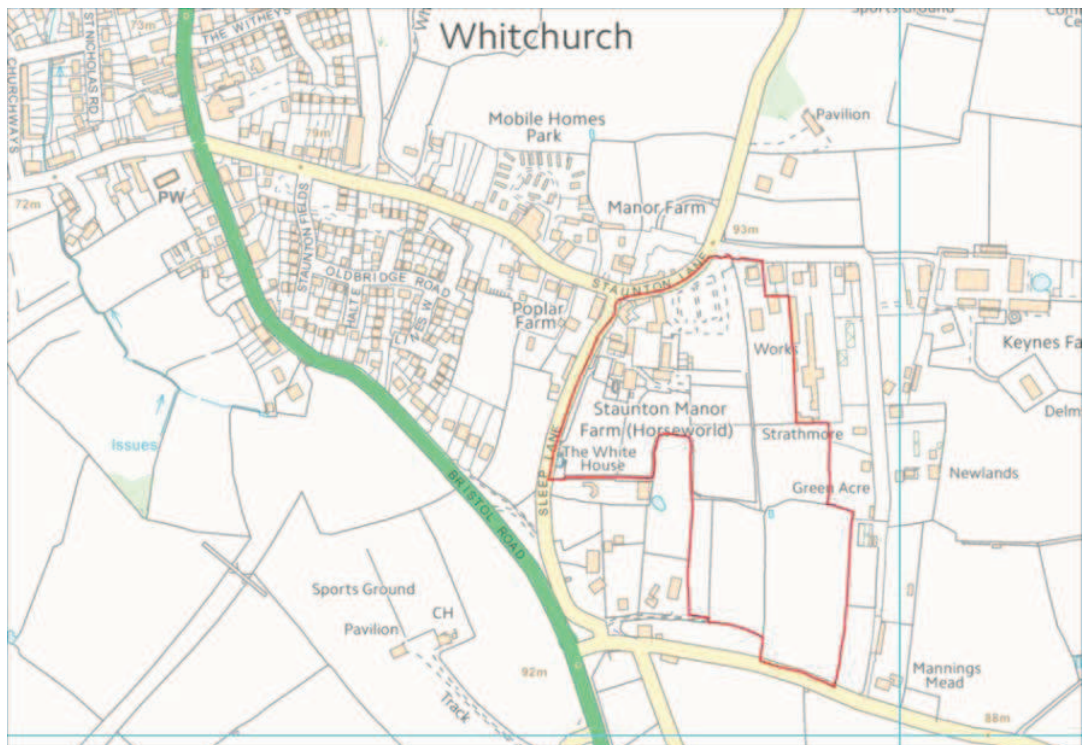


### Plan 5 Strategic Site: Land adjoining South West Keynsham Charging Zone





**Plan 6 Strategic Site: Land at Whitchurch Charging Zone**



## Calculation of CIL Charge

CIL charges will be calculated in accordance with CIL Regulation 40 (as amended) of the Community Infrastructure Levy Regulations 2010 (as amended). The chargeable amount will relate to the net additional Gross Internal Area and the CIL rate as set out in the Charging Schedule, index linked using the Royal Institution of Chartered Surveyors' All-in Tender Price Index figures for the year in which the planning permission is granted and the year in which this charging schedule took effect.

A summary of how the CIL charge will be calculated is as follows:

$$\frac{\text{CIL Rate (R)} \times \text{Chargeable Gross Internal Area (A)} \times \text{BCIS Tender Price Index (Ip)}}{\text{BCIS Tender Price Index (Ic)}}$$

where

R= CIL Rate as set out in the Charging Schedule for relevant use/ area

A = net increase in gross internal floor area

Ip = The BCIS All-in Tender Price Index for the year in which planning permission was granted

Ic = The BCIS All-in Tender Price Index for the year in which the charging schedule containing rate R took effect (and the figure for a given year is the figure for 1st November of the preceding year )

## **6.0 DRAFT INFRASTRUCTURE LIST (Draft REGULATION 123 LIST)**

- 6.1** Charging Authorities must prepare a Reg 123 list which sets out those types of infrastructure on which CIL could be spent and the list must be included as part of the evidence at CIL examination. The B&NES Reg 123 list is based on the Council's Infrastructure Delivery Plan (IDP) which underpins the Core Strategy.
- 6.2** The following table comprises Bath & North East Somerset Council's Regulation 123 list, which includes the infrastructure that the Council may apply CIL revenues to.

- Strategic Transport Infrastructure including cycling and walking infrastructure, and public transport (excluding development specific mitigation works on, or directly related to, a development site)
- Green infrastructure to deliver the requirements set out in the Green Infrastructure Strategy, including specific green space requirements identified in the Green Space strategy (excluding on site provisions)
- The Early Years provision sets out in the Childcare Sufficiency Assessment
- School Schemes set out in the Schools Organisation Plan (Except primary schools and places required by strategic site proposals)
- Social Infrastructure, including social and community facilities, sports, recreational, play infrastructure and Youth provision, and cultural facilities (excluding on site provisions)
- Strategic Energy Infrastructure (excluding on site provisions)
- Health and Well-being Infrastructure
- Strategic Waste Facilities

## 7.0 FURTHER INFORMATION

Further information about the Community Infrastructure Levy can be obtained from the following:

### Useful Website Links

#### **Bath and North East Somerset Council**

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

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

#### **Planning Portal**

[www.planningportal.gov.uk](http://www.planningportal.gov.uk)

#### **Planning Advisory Service**

[www.pas.gov.uk](http://www.pas.gov.uk)

### Relevant Legislation and Government Guidance

- Planning Act 2008 (November 2008)
- The Community Infrastructure Levy Regulations 2010 (March 2010)
- The Community Infrastructure Levy (Amendment) Regulations 2011 (March 2011)
- Localism Act 2011 (November 2011)
- The Community Infrastructure Levy (Amendment) Regulations 2012 (November 2012)
- The Community Infrastructure Levy (Amendment) Regulations 2013 (April 2013)
- The Community Infrastructure Levy (Amendment) Regulations 2014 (February 2014)

Department for Communities and Local Government (DCLG) Community Infrastructure Levy Guidance (February 2014)

## **ATTACHMENT 2**

### **Bath & North East Somerset Council**

#### **Draft Planning Obligations Supplementary Planning Document**

**Final Draft**

**July 2014**

**Note: This Supplementary Planning Document (SPD) contains details of financial contributions calculated from formulae in prices current at the time of preparation of the document. All financial contributions will be updated at the time of the adoption of the SPD in line with the relevant price index.**



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#### **4. APPENDICES**

## **Executive Summary**

The aim of this Supplementary Planning Document (SPD) is to provide clear guidance in respect of Bath & North East Somerset Council's approach to Section 106 Planning Obligations. The planning policy basis for this SPD is set out within the National Planning Policy Framework (NPPF) (March 2012), National Planning Practice Guidance (NPPG) (March 2014) and Policy CP13 (Infrastructure Provision) of the Council's adopted Core Strategy. This SPD supersedes the Planning Obligations SPD published in 2009 and also Appendix C of the Bath Western Riverside SPD (March 2008).

The SPD provides guidance in relation to Planning Obligations in respect of 9 key policy areas:

- Affordable Housing including Extracare Housing
- Transport Infrastructure Works
- Public Transport
- Green Infrastructure
- Tree Replacement
- Adoption of On-Site Green Space, Allotments and Landscaping Schemes
- Targeted Recruitment and Training & Mitigation
- Fire Hydrants
- Education Facilities

The SPD sets out in detail the national and local planning policy context and demonstrates how the SPD is in conformity with this policy background. It also contains information in relation to the way that Development Management Planning Officers will prioritise planning obligations; the process that will be followed by the Council in seeking planning obligations; the drafting of legal agreements and the liability for costs associated with the preparation of such agreements.

The SPD also sets out the way that the Council will consider the impact of planning obligations on the viability of development proposals; how the Council will ensure that there is no duplication between Section 106 planning obligations and the Community Infrastructure Levy (CIL); and the Council's approach to the monitoring of the delivery of planning obligations, including the Monitoring Fee that will be required.

The SPD then addresses each of the 9 topic areas detailed above in turn, providing background information to each obligation type, the planning policy context for the obligation, the relevant trigger for an obligation to be sought, the level of contribution that will be required and contact details to obtain further information in respect of each obligation.

Lastly, the Appendices to the SPD set out additional relevant supporting information, working examples of the calculation of obligations and pro forma agreements for use by developers.

For more information on *the Planning Obligations Supplementary Planning Document* please contact the Planning Policy team at:  
[planning\\_policy@bathnes.gov.uk](mailto:planning_policy@bathnes.gov.uk)

This document can also be viewed on our website:  
[www.bathnes.gov.uk/planningpolicy](http://www.bathnes.gov.uk/planningpolicy)

Telephone: 01225 477548  
Fax: 01225 394199

## **1.0 INTRODUCTION**

### **1.1 Purpose and Scope of the SPD**

- 1.1.1 This SPD sets out Bath & North East Somerset Council's ('The Council') requirements in respect of planning obligations to be secured from development. The SPD replaces the previous version, which was adopted July 2009, and takes account of the introduction of the Council's CIL Charging Schedule.
- 1.1.2 The SPD provides further detail to the Council's Core Strategy, which provides the strategic planning policy framework for the development of the Bath and North East Somerset administrative area up to 2029, and will assist the Council in its aim of delivering sustainable development throughout the plan period.
- 1.1.3 The SPD provides the detail to Core Strategy Policy CP13, which is the Council's policy that establishes that new development must be supported by the timely delivery of the required infrastructure to provide balanced and more self-contained communities. The policy also confirms that the planning obligations sought by the Council will be based on this SPD and its successors.
- 1.1.4 It is anticipated that this SPD will provide useful guidance for developers, planning officers, elected Councillors and members of the public in respect of the type and level of obligations that developments of different type and size will be expected to deliver.

### **1.2 The Council's overall approach to Planning Obligations**

- 1.2.1 Part 1 of the SPD focuses on the general matters relating to the Council's approach to planning obligations and demonstrates how the SPD complies with national and local planning policy, including the CIL Regulations as amended. Part 1 also sets out the Council's approach to viability and the relevant procedural matters.

### **1.3 The types of obligations that the Council may seek to secure**

- 1.3.1 Part 2 of the SPD focuses on the type of planning obligations that the Council will seek to secure through the Section 106 mechanism. It sets out the policy context and, where appropriate, the trigger above which obligations will be sought in relation to each obligation type. The obligation types are as follows:

- Affordable Housing including Extracare Housing
- Transport Infrastructure Works

- Public Transport
- Green Infrastructure
- Adoption of On-Site Green Space, Allotments and Landscaping Schemes
- Tree Replacement
- Targeted Recruitment and Training & Supply-chain Protocol
- Fire Hydrants
- Education facilities
- Other Site Specific Measures

1.3.2 The Affordable Housing section of the SPD contains significantly more detail than other sections, by reason that Affordable Housing obligations will be secured solely through the Section 106 mechanism, without funding from CIL. This is in accordance with the CIL Regulations 2010 as amended.

## **PART 1**

### **2.1 National Policy Context**

- 2.1.1 Section 106 of the Town & Country Planning Act 1990, as amended by Section 12 of the 1991 Planning and Compensation Act, sets out the legislative background against which planning obligations may be sought. In addition, Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 and the CIL (Amendment) Regulations 2011, 2012, 2013 and 2014 are additional legislative regulations. Paragraphs 203 to 205 of the National Planning Policy Framework (NPPF) (March 2012) set out Government policy in relation to planning obligations.
- 2.1.2 From April 2015, or the date on which a CIL Charging Schedule is adopted if this is sooner, it will not be possible for local planning authorities to seek planning obligations for strategic infrastructure using the existing Section 106 mechanism. For this reason the tariff based approach set out in the Council's previous Planning Obligations SPD adopted July 2009 will no longer be fit for purpose.
- 2.1.3 In addition, the CIL Regulations require that Section 106 contributions cannot be pooled from more than five developments to provide new infrastructure, with the exception of Crossrail.
- 2.1.4 Regulation 122 and Paragraph 204 of the NPPF set out the tests that must be satisfied in order for obligations to be required in respect of development proposals. A planning obligation must be:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development
- 2.1.5 Planning obligations satisfying the above tests will be limited to site specific obligations required to mitigate the impact of a particular development, however in relation to very large developments the use of Section 106 agreements could also extend to strategic infrastructure such as new schools; primary healthcare; and strategic highway and transportation improvements if they are needed as part of the development.

2.1.6 In addition to planning obligations that meet the above tests, the provision of affordable housing will remain within the remit of Section 106 obligations.

2.1.7 As discussed earlier, this SPD provides the detail to Policy CP13 of the Council's adopted Core Strategy. As such, given that the Core Strategy has been found to be sound by the Examination Inspector, and therefore in conformity with the NPPF, it is clear that this SPD is also in conformity with the NPPF.

## **2.2 Local Policy Context**

2.2.1 The Bath and North East Somerset Public Service Board agreed the vision below.

'Bath and North East Somerset will be internationally renowned as a beautifully inventive and entrepreneurial 21st century place with a strong social purpose and a spirit of wellbeing, where everyone is invited to think big – a 'connected' area ready to create an extraordinary legacy for future generations.'

2.2.2 This vision is based on three work streams 'living', 'working' and 'getting around' and details are provided by the strategies below.

'Living' – Health and Wellbeing Strategy

'Working – Economic Strategy

'Getting around' – Transport Strategy

2.2.3 The Core Strategy is the spatial expression of those and is a key policy document for Bath & North East Somerset that puts in place a strategic planning framework to guide change and development in the District over the next 20 years and beyond.

2.2.4 Delivery of the growth set out in the Council's Core Strategy will need to be supported by the provision of necessary infrastructure. Policy CP13 of the Core Strategy sets out the Council's broad requirements in this regard. The key District wide infrastructure requirements are identified in the Council's Infrastructure Delivery Programme.

2.2.5 The Council's long-term economic and regeneration aspirations for the main urban centres within the District are set out in the Economic Strategy.



- 2.2.6 This SPD provides the detail to Policy CP13 of the Core Strategy and is therefore in conformity with the Council's statutory development plan.

**POLICY CP13 Infrastructure provision**

New developments must be supported by the timely delivery of the required infrastructure to provide balanced and more self-contained communities.

The Council will work in partnership with adjoining authorities, local communities and relevant agencies and providers to ensure that social, physical and green infrastructure is retained and improved for communities.

Developer contributions will be based on the Planning Obligations SPD and its successors.

Infrastructure proposals should not cause harm to the integrity of European wildlife sites which cannot be mitigated.

Planning obligations will be sought with regard to the national and local policy context set out above.

**2.3 Priorities for planning obligations**

- 2.3.1 It is essential that developers enter into early discussion with the Council's planning officers at an early stage about planning obligations that may be required for their development, by the Council. It is not possible to provide a priority list of planning obligations that may be sought, by reason that the relative importance of an obligation will be dependent on the development proposal being considered. This will be a judgment to be made by the Development Management Planning Officer who is considering the planning application.
- 2.3.2 In making this judgment, Planning Officers will have regard to the Development Plan; adopted Neighbourhood Plans; advice from statutory consultees, the financial viability of the proposals if necessary; and individual site characteristics.
- 2.3.3 The use of planning obligations has to be appropriate so knowing when to use them is important. The Planning Officer will have regard to the CIL Regulation 122 tests to determine if a particular obligation sought satisfies the legal tests

## **2.4 Planning Conditions process**

- 2.4.1 The National Planning Policy Framework states that planning obligations should only be used where it is not possible to address unacceptable impacts of development proposals through a planning condition. Where a planning obligation is required it must be secured by legal agreement. Where the nature of the obligations required is relatively simple and it is not necessary for the Council to be a signatory to the legal agreement, applicants are encouraged to submit a Unilateral Undertaking for consideration by the Council. Where a Unilateral Undertaking is not appropriate a Section 106 agreement will be required, which will be drafted by the Council's Legal & Democratic Services Team. The applicant will be required to pay the legal costs reasonably incurred in respect of preparing a Section 106 agreement or reviewing a Unilateral Undertaking.
- 2.4.2 Applicants should agree with the Development Management Planning Officer the most appropriate mechanism to secure planning obligations at an early stage in the planning process.

## **2.5 Viability**

- 2.5.1 If an applicant considers that the level of planning obligations required would render their proposal unviable, then the applicant will be expected to provide the full financial details of the proposal to the Council, in a financial appraisal submitted and signed by an appropriately qualified and independent financial professional. For the Council to consider a viability argument, it will be essential that the developer shares information substantiating this on an open book basis. The following information will be required:
- Site or building acquisition cost and existing use value
  - Construction costs and programme
  - Fees and other on costs
  - Projected sale prices of dwellings
  - Gross and net margin
  - Other costs and receipts
  - Other relevant information dependent on the nature of the obligation(s)
- 2.5.2 In assessing the viability of a development in terms of the delivery of subsidy free affordable housing, the Council will have regard to the average supportable deficit

figures in Appendix 1 to determine the likely income deriving from the transfer of the affordable housing units to a registered provider.

2.5.3 The Council will commission an independent chartered surveyor (or suitably qualified and independent financial professional) to interrogate any economic viability assessment provided by a developer. The costs of this work are to be met by the developer. The information will be kept confidential.

2.5.4 If there is any disagreement on the financial appraisal, the Council will expect the developer to agree to adjudication by an independent person, usually a Fellow or Member of the Royal Institution of Chartered Surveyors. The costs of the adjudication will be met by the developer.

## **2.6 Preventing duplication with the CIL**

2.6.1 From April 2015 (or the date that the Council introduces CIL, if this is earlier) the CIL Regulations restrict the use of pooled contributions towards items that may be funded by CIL. At that point, no more may be agreed in respect of a specific infrastructure project or a type of infrastructure through a Section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy.

2.6.2 In respect of planning obligations secured prior to 6 April 2010; these can continue to be used to fund Infrastructure items.

2.6.3 In respect of affordable housing, which cannot be funded by CIL, there is no restriction in terms of the numbers of obligations that may be pooled, but due regard must be given to the wider policies and guidance on planning obligations set out in the NPPF and NPPG.

2.6.4 To ensure developers do not pay twice for the same items, the Council will publish a Regulation 123 list of infrastructure that the Council intends will be, or may be, wholly or partly funded by CIL. These types of infrastructure cannot therefore be funded through new Section 106 planning obligations.

2.6.5 In order to increase transparency and certainty as to what infrastructure may be funded from CIL (and thus what may still be secured through planning obligations),

the Council's Regulation 123 list will be reviewed and amended going forward to ensure that it represents an up to date list of Infrastructure to be funded by CIL.

## **2.7 Planning Obligations Monitoring Fee**

- 2.7.1 The monitoring of Section 106 planning obligations will be undertaken by the Council's Section 106 Monitoring Officer to ensure that the obligations of both the developer and Council are met. The costs incurred by the Council of monitoring planning obligations will be met by the developer and will be payable upon completion of the Section 106 agreement or Unilateral Undertaking. The fee will be equal to 15% of the application fee. However, a Monitoring Fee will not be required in cases where a CIL payment is due, in addition to the entering into of planning obligations.

## **2.8 Index Linking**

- 2.8.1 All financial contributions calculated from formulae contained in this SPD are to be index linked from the date of adoption of the SPD. Most other financial contributions are to be index linked to the date that Committee or Delegated approval is given for the relevant planning application. The exception is where commuted maintenance payments are required and in these instances the payment will be index linked from the point at which the maintenance costs are agreed.

## **2.9 Late Payments**

- 2.9.1 Where payment of a financial contribution is made after the date upon which it was due for payment, interest will be charged at a rate of 4% above the base lending rate. The interest due will be calculated after the indexed sum has been calculated.

## **PART 2**

### **3.1 Affordable Housing including Extracare housing**

#### **Introduction**

- 3.1.1 The delivery of affordable homes for those in housing need in Bath & North East Somerset is a key strategic priority, and the Council is committed to maximising delivery through planning obligations as well as encouraging our developer and housing association partners to deliver schemes for 100% affordable housing. The Core Strategy 'Strategic Objective 5' is all about meeting the housing needs of the District and states:

#### ***Strategic Objective 5: Meet housing needs***

- enabling the delivery of new homes needed to respond to expected demographic and social changes and as far as possible to support the labour supply to meet our economic development objectives
  - ensuring that the new homes provided are of high quality design and reflect and cater for a range of incomes and types of household, including those in need of affordable housing
- 3.1.2 The Council is committed to securing the delivery of homes for local people that are affordable, adaptable, safe and sustainable. These homes will be integrated into the wider development and shall be part of places where people want to live.
- 3.1.3 The need for affordable housing in the District is high and the Core Strategy makes provision for 3,290 new affordable homes over the plan period.
- 3.1.4 This housing chapter of the SPD should be read in conjunction with up to date supporting informing from the Council including the relevant Strategies and Delivery plans for housing sitting beneath the Corporate Health & Wellbeing Strategy and the Economic Strategy.

#### **National Policy**

- 3.1.5 Local Authorities have a statutory duty to provide housing for households in local housing need and to prevent homelessness.

- 3.1.6 The National Planning Policy Framework (NPPF) provides the overarching national requirements for planning policy and provides for a definition of affordable housing and associated products and tenures.

### **Bath & North East Somerset Core Strategy**

- 3.1.7 The adopted Core Strategy contains two specific policy areas on affordable housing delivery, which have been independently tested in viability terms. There is a presumption of full compliance with Core Strategy and SPD requirements on all housing development sites that meet the criteria in CP9:

#### ***POLICY CP9 Affordable housing***

##### ***Large sites***

*Affordable housing will be required as on-site provision in developments of 10 dwellings or 0.5 hectare (whichever is the lower threshold applies) and above. The following percentage targets will be sought:*

*40% in Prime Bath, Bath North and East, Bath Rural Hinterland;*

*30% in Bath North and West, Bath South, Keynsham and Saltford, Midsomer Norton, Westfield, Radstock, Peasedown St John, Paulton and Chew Valley.*

*This is on a grant free basis with the presumption that on site provision is expected.*

##### ***Small sites***

*Residential developments on small sites from 5 to 9 dwellings or from 0.25 up to 0.49 hectare (whichever is the lower threshold applies) should provide either on site provision or an appropriate financial contribution towards the provision of affordable housing with commuted sum calculations. The target level of affordable housing for these small sites will be 20% for AH area 1 and 15% for AH area 2 %, half that of large sites, in order to encourage delivery.*

*In terms of the affordable housing on small sites, the Council will first consider if on site provision is appropriate. In some instances, the Council will accept a commuted sum in lieu of on-site provision. This should be agreed with housing and planning officers at an early stage.*

**Viability**

*For both large and small sites the viability of the proposed development should be taken into account, including:*

- Whether grant or other public subsidy is available*
- Whether there are exceptional build or other development costs*
- The achievement of other planning objectives*
- The tenure and size mix of the affordable housing to be provided*

*A higher proportion of affordable housing may be sought where supported by the assessment of viability of the proposed development.*

**Sub-division and phasing**

*Where it is proposed to phase development or sub-divide sites, or where only part of a site is subject to a planning application, the Council will take account of the whole of the site when determining whether it falls above or below the thresholds set out above.*

**Property Size and Mix**

*Residential developments delivering on-site affordable housing should provide a mix of affordable housing units and contribute to the creation of mixed, balanced and inclusive communities. The size and type of affordable units will be determined by the Council to reflect the identified housing needs and site suitability.*

*The type and size profile of the affordable housing will be guided by the Strategic Housing Market Assessment and other local housing requirements but the Council will aim for at least 60% of the affordable housing to be family houses including some large 4/5 bed dwellings.*

**Other**

*All affordable housing delivered through this policy should remain at an affordable price for future eligible households, in the event of any sales or staircasing affecting affordable housing unit(s) delivered through CP9 then an arrangement will be made to recycle the receipts/subsidy for the provision of new alternative affordable housing located elsewhere within Bath and North East Somerset. Affordable Housing should be integrated within a development and should not be distinguishable from market housing.*



<b>Affordable Housing</b>	<b>Sub-Market Areas</b>	<b>Postcode</b>
<b>Area 1: 40%</b>	Prime Bath	BA1 2, BA1 1, BA2 4
	Bath North and East	BA1 5, BA1 6, BA2 6, BA11 7, SN14 8, and SN13 8
	Bath Rural	BA1 9, BA1 8, BA2 7, BA2 9 and BA2 0,
<b>Area 2: 30%</b>	Bath North and West	BA1 4 and BA1 3
	Bath South	BA2 1, BA2 2, BA2 3 and BA2 5
	Keynsham and Saltford	BS31 1, BS31 2, BS31 3,
	Midsomer Norton, Radstock, Westfield, Peasedown St John and Paulton	BS39 7, BA3 2, BA3 3 and BA2
	Chew Valley	BS40 6, BS40 8, BS39 4, BS39 5, BS39 6 and BS14 0

### **What will developers have to provide?**

3.1.8 It is important that developers make early contact with the Housing Enabling & Development Team through Development Management in order to discuss the affordable housing requirements for any proposed development.

3.1.9 The Council will require the developer to provide the following information prior to agreeing the planning contribution in terms of affordable housing to ensure that the proposals comply with current Affordable Housing Policies, SPD requirements and supporting information / earlier guidance provided by the Council:

- Details of the mix of housing, number of units, type of units (e.g. social rented/intermediate), size of units
- Details of design layout and construction standards (e.g location of affordable units, phasing of development, compliance with design standards).
- Independently audited evidence of compliance with SPD requirements using HCA HQIs, Habinteg Lifetime Homes, Habinteg Wheelchair user standards and Secure by Design (or any successor equivalents).
- For outline planning applications, the S.106 agreement will establish the broad requirements for affordable housing delivery and will make the detailed submissions a requirement of the Reserved Matters application/s.

- Details on affordability of the affordable housing units.
- How the affordable housing provision complies with Policy CP9.

### **Delivering Affordable Housing in Bath & North East Somerset**

3.1.10 Affordable housing tenure types that are likely to be considered in the District are detailed in Table 3.1.A below:

**Table 3.1.A**

<b>Tenure</b>	<b>Description</b>
Social Rent	<p>Rented housing to be let at a figure no more than 100% of the rent level as determined by the National Rent Regime for target rents.</p> <p>THIS IS THE COUNCIL'S PREFERRED RENTED TENURE</p>
Affordable Rent Tenure	<p>Rented housing to be let at up to 80% of local market rents (including service charges). Affordable Rent Tenure rents are generally higher than social rents</p> <p>AFFORDABLE RENT TENURE CAN ONLY BE USED WHERE HOMES ARE BEING DELIVERED WITH Homes and Communities Agency (HCA) FUNDING OR AS PART OF AN RP'S CONTRACT WITH THE HCA</p>
Intermediate Rent	Rented housing at a level above that of Social Rent but up to 80% of local market rent (including service charges).
Shared Ownership	The purchaser buys an initial share from a HARP who retains and charges rent on the remaining equity. The purchaser may acquire further equity shares until the whole home is owned (unless this is restricted, e.g. some rural schemes)
Discounted Market	Homes that are sold, usually on a freehold basis with a permanent % discount from open market value that is secured through land registry covenants. The level of discount will not be less than 25% and will be determined with regard to local incomes and house prices to ensure affordability.

3.1.11 Homes that do not meet the NPPF definition of affordable housing, (e.g. some forms of “low cost market housing”) will not be considered as affordable housing for planning purposes. Low cost market housing is housing at the cheaper end of the market, which may help to meet the needs of first time buyers, single employed people or key workers. Low-cost market housing can play a useful role in meeting the District’s wider housing demand and achieving an appropriate housing mix. Developers are encouraged to supply a proportion of such homes to meet the wider needs of the housing market.

3.1.12 The Council’s definition of affordable housing encompasses both *general needs housing* provision and *supported housing* of different affordable tenures to meet the needs of the elderly and other vulnerable groups.

3.1.13 Extra Care housing is NOT specifically considered as an affordable housing tenure and is subject to Core Strategy Policy CP9.

#### **Ensuring affordability of homes delivered in Bath & NE Somerset**

3.1.14 In line with National Government limits, B&NES Homesearch policy has set the maximum ceiling on gross total income for households requiring an affordable home as £60,000.

3.1.15 This is a blunt tool, and the Council expects the cost of different affordable housing products to reflect different types of need in the District. All affordable housing products should be delivered within set affordability limits. The Council expects an overarching affordability test where no one living in an affordable home in the District has to pay more than **25%** of their total gross household income in meeting their total housing costs where:

**Gross Income** = all monies coming into the household from earned income before tax, return on investments & savings, Universal Credit / welfare benefits including housing benefit but excluding Constant Attendance Allowance and Exceptionally Severe Disablement Allowance (or any successor equivalent)

**Total Housing Cost** = all mortgage related, rent and service charge costs associated with the property but excluding utility bills and council tax.

A secondary test of affordability will be required to demonstrate equality in housing costs across the district.

- 3.1.16 Bath & North East Somerset exhibits a wide range of property values and housing costs. In higher value areas, delivering homes that are truly affordable is a challenge and a simple expression of housing costs as a proportion of the housing market is inappropriate if we are to deliver an equitable affordable housing supply across the District.
- 3.1.17 Both Social Rent and Affordable Rent Tenures have their basis in local property values and in high value areas even affordable housing costs can be excessive. For all affordable rented tenures, the total housing cost (including service charges) for the tenant should not exceed the appropriate Local Housing Allowance (LHA) set by the National Valuations Office (<http://www.voa.gov.uk/corporate/RentOfficers/LHADirect.html> )
- 3.1.18 Whilst LHA levels are considered the absolute ceiling for affordable housing costs, the LHA for larger properties are disproportionately higher than target rent levels than they are for smaller units. Affordable housing delivery for all rented units will be scrutinised to ensure that a pragmatic assessment of affordability is taken that ensures residents of affordable housing in higher value areas are not unduly disadvantaged through the location of their home. Developers are encouraged to seek guidance from a HARP and discuss provisional out turn rent levels on a development with the Housing Enabling & Development Team at an early stage.
- 3.1.19 Access to Low Cost Home Ownership should be equitable with the cost of accessing the local private rented market. For shared ownership products, the Council will not seek to impose strict parameters on % equity sales and % rent charged. Instead, proposals for the total housing cost for the shared ownership should reflect the total housing cost of accessing the lower quartile private rented market in the District taking into consideration the overarching 25% income test for affordability.
- 3.1.20 The total housing cost of other low cost home ownership products will be assessed in direct relation to the cost of accessing the private rental market and the agreed target audience for the development. Discounted Market homes will be sold at no more than 75% of the open market value.

3.1.21 The Service Charge payable by the occupants of any Affordable Housing Unit shall be limited to no more than £500 per annum from 1<sup>st</sup> April 2015 and Index Linked annually from the date of occupation thereafter.

3.1.22 In all instances, the affordability caps on these homes will be sought in perpetuity and appropriate clauses will be used in Planning Agreements to secure this.

### **Housing & Tenure mix**

#### **Bath & North East Somerset Core Strategy:**

3.1.23 **The Core Strategy CP 10 sets out the policy for housing mix**

**Policy CP10** New housing development, both market and affordable must provide for a variety of housing types and size to accommodate a range of different households, including families, single people and low income households as evidenced by local needs assessments (e.g. B&NES Residential Review, 2007) and the Strategic Housing Market Assessments or future evidence.

The mix of housing should contribute to providing choice in tenure and housing type, having regard to the existing mix of dwellings in the locality and the character and accessibility of the location.

Housing developments will also need to contribute to the provision of homes that are suitable for the needs of older people, disabled people and those with other special needs (including supported housing projects), in a way that integrates all households into the community.

The specific accommodation needs of older people will be addressed through the Placemaking Plan, including considering the allocation of appropriate sites.

3.1.24 The range of affordable housing units will reflect the pattern of open market homes proposed. The Council will expect to see proportions of open market and affordable homes provided for all unit types proposed on the development.

3.1.25 Unless specifically agreed otherwise:

- all 2 bed dwellings will be provided as 2 bedroom 4 person family houses

- On wholly or primarily flatted developments, 2 bed homes will be required to be for 4 people.
- 1 bed properties will be for 2 people
- 3 bed homes will be for 5 people

(See Table 3.1B below for expectations on minimum unit size and occupancy levels)

3.1.26 Where affordable flats are proposed on a development dominated by houses, the Council's preference is for house type flats to promote tenure blindness and reduce the communal elements of the scheme.

3.1.27 Policy CP9 aims for at least 60% of the affordable housing to be family Houses including some 4 and 5 bed dwellings. Where strategic evidence supports a higher proportion of family homes, this proportion will be increased.

3.1.28 Evidence from the 2013 Strategic Housing Market assessment continues to support an affordable housing requirement for 75% homes for social rent and 25% intermediate housing.

### **Delivering Specialist and Supported Housing**

3.1.29 All affordable homes delivered through policy CP9 will be adaptable and will deliver a proportion of wheelchair user accommodation.

3.1.30 Where a strategic demand for other forms of specialist or supported housing is identified for the development area, the Council will seek to negotiate appropriate provision and will take into account the additional costs that may be associated in specialist delivery when determining the level of affordable homes delivered or the availability of subsidy.

3.1.31 The Council does not support artificial use of age restrictions on general needs affordable housing. If a developer wishes to deliver homes for older people as an alternative to mainstream affordable housing, there will be an expectation that design and layout will be appropriate to the proposed client group and that a clear justification for the proposal can be made in terms of meeting the Council's strategic visions for housing for older people.

3.1.32 Such developments will be assessed against the 10 HAPPI principles which are considered critical to achieving excellence in housing for older people. See Appendix 2.

3.1.33 Proposals for Extracare Housing will also be assessed with regard to the Housing LIN standards for Extracare development to ensure that adequate consideration has been given to designing and developing a scheme appropriate for a frail elderly client group. See Appendix 3.

### **Implementing Policy CP9**

#### **Thresholds**

3.1.34 **The Council will have regard to the gross number of dwellings being proposed when considering whether Policy CP9 is applicable to an application, regardless of the replacement or conversion of any existing residential dwellings on the site**

3.1.35 The Council will be mindful of applications that deliberately seek to circumvent the relevant threshold for affordable housing and will not permit any benefit to be gained from this. Proposals for residential development just below the relevant thresholds must be based on the assessed housing potential of a site and not an attempt to avoid the provision of affordable housing. Sites presented just below threshold levels will be scrutinised in terms of site/ownership boundaries, density and unit mix to ensure that land is not used inefficiently or in a piecemeal fashion to produce a scheme that avoids affordable housing contributions.

#### **Mixed Use Sites**

3.1.36 Mixed-use planning applications, where the residential element meets the thresholds identified in CP9, will be expected to enter into a legal agreement to provide affordable housing in line with Policy. Mixed-use sites will be scrutinised to ensure the artificial reduction of residential land is not being used to avoid affordable housing contributions.

#### **Phasing on Large Sites**

3.1.37 On large sites where development will be phased, it is expected that the affordable housing will be developed at the same time as the market housing and a phasing plan submitted as part of the affordable housing master-plan. Generally, in respect of



each phase, no more than 25% of open market dwellings should be occupied until 25% of the affordable housing units have been constructed and transferred to the affordable housing provider ready for immediate occupation.

3.1.38 No more than 85% of open market dwellings on each phase should be occupied until 100% of the affordable homes have been transferred to affordable housing provider, ready for immediate occupation.

3.1.39 Each phase will be expected to deliver a proportional level of affordable housing to ensure even distribution across the development.

### **Conversions and Change of Use**

3.1.40 Core Strategy Policy CP9 applies to the conversion of any building for residential purposes that requires planning permission, whether or not it is already in residential use.

### **Specialist Residential Development**

3.1.41 The requirement for affordable housing extends to Extra Care, sheltered/ retirement dwellings and any other forms of housing with care and support that has a C3 Planning Use Class. For the avoidance of doubt this requirement does not apply to accommodation at residential institutions, with a C2 planning use class, for people in need of care such as care homes or nursing homes where such accommodation is confirmed in writing by the Council as being non self-contained accommodation. Please see **Appendix 3** for standards.

### **Design, Layout and Construction Standards**

3.1.42 Affordable housing should not be distinguishable from market housing in terms of location, appearance, build quality and materials. Reductions in size, use of substandard materials, or poor finishing and detailing should not be perceived as an acceptable shortcut to achieving scheme viability. Delivering affordable housing as flats on a largely housing-focussed development will not be acceptable.

### **Clustering of affordable housing units**

3.1.43 On sites larger than 30 units the Council wishes to see at most a cluster of 8 affordable houses or 8 affordable flats in a block. On smaller sites, housing layouts should consist of clusters of no more than 4 affordable units. Clusters of affordable

housing will not share boundaries, within or across separate phases of development. Any deviation from this will be determined in discussion with the Council's Housing Enabling and Planning Officers.

3.1.44 On primarily flatted developments a scheme by scheme consideration will be taken on clustering of units to address housing management and service charge concerns.

3.1.45 Planning layouts submitted as part of an application must clearly show the location of affordable housing units and identify their tenure and size and the location of wheelchair user units. For outline applications, this affordable housing layout plan will be part of reserved matters applications.

### **Design and Standards**

3.1.46 There is a requirement for layout plans to be independently audited to demonstrate compliance with the standards below, and that this will be submitted as part of the Affordable Housing Statement either as part of the Planning or Reserved Matters Application.

3.1.47 An independent post completion audit will also be required to ensure construction has taken place to meet the details of the following standards. If non-compliance is identified, financial compensation will be sought to reflect the reasonable cost of rectifying the failure to comply.

3.1.48 The Council expects the affordable units secured through policy CP9 to meet the following standards:

#### Internal space standards:

3.1.49 All affordable homes will comply with the Council's minimum internal space standards, as follows:

**Table 3.1.B**

<b>Dwelling Type</b>	<b>Minimum internal size m<sup>2</sup></b>
1 bed 2 person flat	46
2bed 4 person flat	67

3.1.50	2 bed 4 person house	75	<u>Lifetime Homes</u> 90% of affordable units should meet the Lifetime
	3bed 5 person house – 2 storey	85	
	3bed 5 person house – 3 storey	95	
	4bed 6 person house – 2 storey	100	
	4 bed 6 person house – 3 storey	105	
	Anything larger	105 = 10m <sup>2</sup>	

Homes standard as defined by Habinteg (<http://www.lifetimehomes.org.uk>) This applies to all units including flats above ground floor, where it is expected that access arrangements take into account the mobility needs of current and future occupants.

- 3.1.51 Compliance with Lifetime Homes requirements will not be delivered at the detriment of living space in the dwelling and the Council expects the minimum HCA HQI standards to be met for all rooms in order to provide for a range of furniture layouts and to ensure appropriate storage space.

#### Wheelchair Homes

- 3.1.52 A minimum of 10% of affordable units should be built to full wheelchair user standards as defined by Habinteg (<http://www.habinteg.org.uk/main.cfm?type=WCHDG>). The Council will use up to date evidence from Its Homesearch Register and Sirona to determine the nature and tenure of the wheelchair units to be provided.

#### Secure by Design

- 3.1.53 Developers will demonstrate that scheme layout, design and specification will achieve SDB requirements (<http://www.securedbydesign.com>).

#### Gardens and outdoor space

- 3.1.54 There is an expectation that all affordable homes of 2 or more bedrooms will have access to a secure, private garden. In flatted developments, appropriate communal outdoor space will be provided.

#### Flexibility in design

- 3.1.55 The Council welcomes the development of homes that are flexible in design and can adapt to changing household patterns. This may include house-type flats which could

convert to a family home and double bedrooms with potential to be split to deliver HQI compliant single rooms.

3.1.56 NOTE: the Government is currently working on the development of a National Housing Standard. The Housing Standards Review consultation took place during autumn 2013 and included the development of 3 national housing accessibility standards in Part M of the Building Regulations:

- Level 1 – mandatory minimum (equivalent to existing part M with minor improvements)
- Level 2 – optional level for accessible and adaptable housing (equivalent to a streamlined Lifetime Home Standard)
- Level 3 – optional level for wheelchair housing (single national standard)

3.1.57 Consultation also took place on development of appropriate space standards to complement these 3 levels of accessibility requirements.

3.1.58 If a National Housing Standard is implemented this will take precedent over the local standards included in this SPD. It would be the Council's intention to seek 90% of all affordable homes to a Level 2 standard and 10% to Level 3 to mirror current requirements.

### **Occupation of Affordable Homes**

3.1.59 Affordable housing delivered through Core Strategy policies may only be occupied by persons eligible for, and in need of affordable housing, who are unable to afford to buy or rent an appropriate property locally on the open market and who fulfil the criteria for affordable housing as laid out in the Council's Allocations Policy.

(<http://www.homesearchbathnes.org.uk/NovaWeb/Infrastructure/ViewLibraryDocument.aspx?ObjectID=497> )

Bath & North East Somerset 'Homesearch'

3.1.60 The Council operates a Choice Based Lettings (CBL) system called Homesearch for the allocation of rented affordable housing. Intermediate housing products for sale, such as shared ownership, are currently allocated through the Help to Buy agent

covering the West of England. 100% of initial lettings of rented affordable homes will be allocated through Homesearch and a minimum of 75% of all relets.

- 3.1.61 All initial and all resales of shared ownership or other low cost home ownership will be through the Help to Buy agent, Radian ( [www.helptobuysouth.co.uk](http://www.helptobuysouth.co.uk) ) or any successor arrangements, to households who fulfil the occupancy criteria laid down in the Homesearch policy.

#### Sustainable Lettings Plans

- 3.1.62 Also known as Local Letting Plans, these are allocations plans specific to a development that address the complex lettings or sales issues that can affect a new development. Sitting under the broad requirements of the Homesearch Policy, these plans allow time limited restrictions or requirements on allocations that ensure the affordable homes on new developments are allocated to promote the creation of mixed communities. Developers will be required to work with the RP and the Council to consider if a sustainable lettings plan is an appropriate tool for allocating affordable homes on a new site.

#### **Management Standards and Perpetuity Arrangements**

- 3.1.63 The Council will require a mechanism to be in place to ensure that affordable housing remains affordable and available to those in housing need in perpetuity. The involvement of a Housing Association Registered Provider registered with the Homes and Communities Agency is the most effective way of developing a successful, well managed scheme that will ensure that the benefits of affordable housing are secured in perpetuity.

#### **Working with a Registered Provider**

##### B&NES Housing Partnership

- 3.1.64 The Council operates a partnership arrangement with RPs seeking to develop new affordable homes. This partnership is made up of approved Registered Providers who are committed to delivering good quality, well designed, sustainable, adaptable affordable homes in the District which meet strategic housing aims and fulfil excellent housing management standards. It is expected that Developers will engage with one of these partner RPs to deliver the affordable housing secured on a development.

##### Delivering Homes outside of the B&NES Housing Partnership

- 3.1.65 If the developer has specific reasons to work with a different affordable housing provider, the Council acknowledges it cannot seek to prevent this. However, the chosen provider must demonstrate that they can adhere to the Council's minimum housing management standards relating to; housing income management; estate management; tenancy management; housing or specialist support, void property management and lettings; resident involvement; and maintenance. These are available on request.

#### Delivering affordable homes without an RP partner

- 3.1.66 Where a developer proposes to develop and manage the affordable homes without the involvement of a RP, planning obligations and a legal agreement must be signed to ensure nomination rights, occupancy controls other arrangements are in place to guarantee initial and subsequent affordability and compliance with housing management standards. Alternative providers will be expected to sign up to a non-partner housing agreement that stipulates the expected delivery standards for housing development and management. Allocation of rented affordable homes will be through Homesearch and the developer will be expected to sign up to the adopted Homesearch Nomination agreement.[available on request]
- 3.1.67 There will be safeguarding clauses inserted into the S.106 and housing agreement which ensure alternative ownership / management arrangements will be secured in the event that the initial arrangements fail to meet expected standards or provider cannot continue to own or manage the affordable homes. Reversion to open market housing will not be considered as an acceptable alternative in the first instance and any agreement to allow this will be accompanied by payment of a commuted sum in accordance with the requirements of **Appendix 1**
- 3.1.68 The Council will reject *any* proposed alternative provider if it cannot be robustly demonstrated that they can meet the Council's required management and delivery standards.

#### **Enabling Fees**

- 3.1.69 An Enabling Fee (subject to annual review) will be incurred on each affordable housing unit delivered in Bath & North East Somerset and the wider West of England sub region. These fees are designed to help with the provision of an affordable housing enabling service, assisting with the financial, legal, social, economic and environmental objectives required to secure and maximise affordable housing

delivery and additional services. Where it is agreed in the legal planning agreement that a Partner RP will deliver the affordable homes, the enabling fee will not form part of the S.106 agreement as this is already secured through partnership arrangements.

3.1.70 Enabling fees will become part of the Planning Agreement if a non-partner RP or developer / third party will deliver the affordable homes. They will be payable under the following terms:

- The fee is paid to the council on entering a building contract or at start on site by the developer, re-chargeable directly or indirectly by the organisation retaining ownership of the affordable housing unit.
- The fee is a non-qualifying cost in respect of any bid for public subsidy.
- The fee applies to all affordable housing units (i.e. including both rented and intermediate units, re-provision/ remodelling, extra care housing, rural housing, 100% affordable housing sites, mixed tenure sites and those procured through S.106 negotiations and delivered either with or without public subsidy).
- The fees cannot be paid from HARP reserves which have been accumulated via Social Housing Grant (SHG) funded schemes such as Recycled Capital Grant Fund (RCGF).

3.1.71 The Council's Housing Enabling and Development Team will advise on the level of Enabling Fee payable at the time of development. Please also see the Council's Housing Services Charging Policy.

[http://www.bathnes.gov.uk/sites/default/files/siteimages/Housing/Strategyandperformance/charging\\_policy\\_2014.docx](http://www.bathnes.gov.uk/sites/default/files/siteimages/Housing/Strategyandperformance/charging_policy_2014.docx)

### **Securing affordable homes in perpetuity**

3.1.72 The Council's intention is to provide affordable housing which is available for first and subsequent occupiers, in perpetuity, and will use appropriate clauses in the S.106 planning agreement to secure this.

### **Rented affordable housing**

3.1.73 Rented affordable housing that is delivered without public subsidy is exempt from the requirements of the Right to Acquire. However, tenants in grant funded rented housing may exercise their legal Right to Acquire. In this case the Council will



require that any net capital receipt is recycled towards the provision of additional affordable housing in Bath and North East Somerset.

#### Social Rented housing

- 3.1.74 RPs are under pressure from the Homes and Communities Agency to convert existing social rented homes to the Affordable Rented Tenure in order to generate a higher rental return and improve borrowing capacity to fund new affordable homes. The Council wishes to maintain the affordability of rented stock in the district and will seek to prevent rent conversion of new homes delivered through the planning system.

#### Intermediate housing

- 3.1.75 Intermediate housing may be lost as affordable housing through stair casing to full ownership. In order to be able to replace it, the Council will require net capital receipts to be recycled for the provision of additional affordable housing in the district. There may be exceptional circumstances where the Council allows the stair casing receipts to be recycled into the existing scheme if it can be demonstrated that it will significantly improve affordability levels for purchasers in need of intermediate housing.

#### Mortgagee in possession

- 3.1.76 Whilst the council wishes to see the retention of affordable homes in the sector and will restrict opportunities for these homes to be lost to the market, it recognises that these restrictions make it difficult for the RP to bring private finance into the scheme through borrowing and prevent shared owners from mortgaging their property. An appropriately worded Mortgagee in possession clause will be allowed on all affordable housing schemes to ensure it will achieve the criteria required by banks and other lenders and is agreed by the Council.

#### **Affordable Housing Led Development**

- 3.1.77 Where a development is being brought forward for 100% affordable housing, or is affordable housing led with an element of open market housing proposed to cross-subsidise affordable housing delivery, it is acknowledged that strict adherence to the requirements of policy CP9 might be counter-productive to development.

3.1.78 This will be determined in discussion with the Housing Enabling & Development Team and Planning Officers and decisions to allow deviation from Policy CP9 will be made with regard to meeting strategic housing requirements.

3.1.79 Clauses in the S.106 agreement will be used to ensure that any waiver from CP9 requirements results in the delivery of the agreed housing outcomes. Fall-back clauses will be used to ensure developments will deliver, as a minimum, the requirements of this SPD should the proposed affordable housing scheme not proceed.

#### **When On Site Provision cannot be achieved**

3.1.80 There is a presumption towards the on-site provision of affordable housing. However, in exceptional situations where on-site provision is not proposed, the developer will need to provide the following:

- sound and detailed reasons why affordable housing cannot be provided on-site and/or
- sound and detailed reasons why affordable housing cannot be provided off-site in the vicinity of the proposal, and
- show how off-site provision or a commuted sum contribute to the creation of mixed communities in the local authority area

3.1.81 If the Council agrees that an off-site contribution is the appropriate delivery mechanisms to meet the affordable housing requirement, there are two options for consideration:

1) Development of affordable homes on an alternative site, delivery to be secured through planning conditions / s106 agreement. The formula provided in Appendix 1 will be used to determine the number of affordable homes to be delivered in lieu of on-site provision.

2) Payment of a commuted sum calculated in accordance with the formula found in Appendix 1. This sum will be paid to the Council at commencement of development, ring-fenced to support the delivery of affordable housing across the District and will not be time limited.

### **Delivering Affordable Homes in Rural Areas**

#### **3.1.82 The Core Strategy states:**

Strategic Issues: Although rural Bath & North East Somerset is made up of a wide variety of settlements with locally distinctive character, there are a number of strategic issues (both challenges and opportunities) that are common across most of the rural area:

- Lack of affordable housing to meet local needs may impact on the social sustainability of the rural areas and exacerbate difficulties for an ageing population.

#### **3.1.83 Supporting housing development that promotes both community and economic sustainability in rural areas is a key priority for the Council. Rural affordable homes can be delivered in Bath & North East Somerset through two routes:**

- Rural Placemaking
- Exception site development

#### **Rural Growth**

#### **3.1.84 The Core Strategy has established support for a limited amount of housing growth in the rural areas of Bath & North East Somerset which will be delivered through the Placemaking Plan.**

#### **3.1.85 Sites that come forward for development under the Placemaking Plan will be subject to all of the requirements of policy CP9.**

#### **3.1.86 It is highly unlikely that a commuted sum for the delivery of affordable housing will be considered an acceptable alternative to onsite provision UNLESS there is an agreed alternative site that has been secured for the delivery of a higher quantum of affordable housing to meet the needs of the parish.**

#### **3.1.87 Affordable Homes delivered under CP9 are NOT subject to the same, strict occupancy controls as homes delivered on rural exception sites, but the Council's Homeseach allocations policy does provide for a local connections approach to allocating the homes.**

#### **3.1.88 Particular scrutiny will be given to sites being brought forward under the Placemaking Plan to ensure that affordable housing thresholds are not being artificially avoided.**

#### Delivery of rural affordable homes on Exception Sites

3.1.89 For villages that are not expecting growth through the Placemaking agenda, or where Placemaking does not deliver sufficient affordable homes to meet local need, the Council's exceptions policy can be used to deliver affordable homes. The rural exceptions policy allows the release of land that would not normally be used for housing for development of 100% affordable housing, on small sites and where there is a demonstrated local need:

#### **POLICY RA4: Rural Exceptions Sites**

As an exception to other policies of the Development Plan, residential development of 100% affordable housing will be permitted provided that:

- a: it meets a demonstrated local need for affordable housing
- b: the housing remains affordable in perpetuity
- c: occupancy of the affordable housing would remain, as a first priority, for those with demonstrated local connections
- d: the development is in scale and keeping with the form and character of its location
- e: the development is well related to community services and facilities

A small proportion of market housing will be appropriate only where it can be demonstrated that the market housing is essential to cross-subsidise the affordable housing and that the site would be unviable without this cross-subsidy.

#### Role of the local community in exception site delivery

3.1.90 The Parish Council should be a key stakeholder in developing homes under policy RA4. There is a presumption that they will work very closely with the Council and housing provider on all aspects of delivery. The parish council may use a Neighbourhood Planning forum or other community group to be the key liaison point on affordable housing delivery.

#### Affordable Housing Provider

3.1.91 The Council's partner Registered Providers are considered the most appropriate developers of rural affordable housing. Other business and organisations may be able to provide the Council's expected housing development, management and

allocations standards and will be considered for the development of rural affordable homes if this is supported by the Community.

- 3.1.92 The Council welcomes the creation of Community Land Trusts for the delivery of rural affordable homes ( <http://www.communitylandtrusts.org.uk/home> )

#### Identifying Local Housing Need

- 3.1.93 Development of an exception site will only be supported where there is robust evidence of local housing need. The Council has developed its preferred approach to local housing surveys but other evidence may be considered to support exception site development including Neighbourhood Plans and information from the Council's Homesearch register. Tenure mix, unit sizes and scale of development will be dictated by the robust and timely evidence of local need.

#### Site identification

- 3.1.94 In accordance with national best practice, sites should be identified through a sequential approach which includes assessment of the economic, social and environmental impacts of development. The availability of land is a key consideration in prioritising potential exception sites. Where a sequential assessment of sites has been carried out as part of Placemaking, this will advise but not automatically replace site search process for affordable housing.

#### Cross subsidy

- 3.1.95 It is acknowledged that the levels of public subsidy available to deliver affordable housing are unlikely to allow the delivery of 100% affordable housing on exception sites. In order to ensure delivery, the council will support a small proportion of market housing where it can be *demonstrated* cross subsidy is required to fund the affordable housing units. There are no prescribed ratios for the number of cross-subsidy units but it is imperative that the majority of the scheme is affordable. Market units are *only* justifiable if they facilitate the delivery of the affordable units.
- 3.1.96 Developers are expected to consider the wider housing needs of the community when determining the nature of cross-subsidy units provided.

#### Scale of development

- 3.1.97 Exception site development should be appropriate in scale and character to its surroundings. The number of homes proposed will be determined in discussion with

Planning and Housing Enabling taking firstly into account the level of housing need identified and then the need for any open market units to cross-subsidise delivery. The nature of the site, the size and sustainability of the settlement, as well as the views of the community, will all help influence the scale of exception site development. Developers should note that the council is unlikely to support an approach where housing numbers are based on the entirety of identified local need.

#### Local Occupancy Criteria

3.1.98 Exception sites are developed to meet the affordable housing needs of people with local connections to the parish. This includes residents of the parish or group of parishes, individuals with strong local links such as those having family in the parish or parishes, or who have lived there for a significant period or are employed in the area. Prioritisation of local connections will be agreed within individual S.106 agreements. The Council's Homesearch Register will be used for the allocation of all rented homes.

3.1.99 Shared ownership homes may be sold through the Help to Buy Agent for the region or directly by the housing provider.

3.1.100 Cross-subsidy units WILL NOT be subject to local occupancy conditions and will be available for sale or rent on the open market without restriction.

#### Perpetuity arrangements

3.1.101 Exception site development will only be permitted where the homes are made available as affordable homes for local people in perpetuity. Perpetuity arrangements will be secured in the S.106 agreement. There will be a requirement for a maximum shared ownership sale of 80% and the use of restrictive clauses in the S.106 agreement that prevent any disposal of the affordable housing units on the open market.

3.1.102 An appropriately worded Mortgagee in Possession clause will be allowed in order for both the affordable housing provider and any subsequent shared owners to secure housing finance from lenders.

#### Meeting wider affordable housing expectations

3.1.103 The developer is expected to meet the requirements on housing standards that apply to the delivery of affordable homes through policy CP9, with the exception of

an automatic requirement for wheelchair units. This provision will be determined by local evidence of need.

3.1.104 Further detailed, guidance on the provision of affordable homes in rural areas is available from Bath & North East Somerset Council through:

- Neighbourhood Planning advice
- Placemaking Plan
- Housing Services Enabling & Development Team
- Other links / sign posting



## **3.2 Transport Infrastructure Works**

### **Introduction and Policy Background**

- 3.2.1 New transport infrastructure, or improvements to existing infrastructure, is often required to ensure that developments can be accessed in a safe and appropriate manner. In addition, appropriate transport infrastructure can play a vital role in delivering the Council's sustainability aims and reducing reliance on the private motor car.
- 3.2.2 The need for transport infrastructure works is recognised at paragraph 32 of the National Planning Policy Framework (NPPF) and throughout the Council's adopted Core Strategy. In addition, Manual for Streets 2 and the Design Manual for Road and Bridge works are relevant.

### **CIL vs S106**

- 3.2.3 Where transport infrastructure works are of a strategic nature they will be included in the Council's Infrastructure Delivery Programme and Infrastructure /Regulation 123 list and will be delivered through other mechanisms including CIL. For works that are directly related to a particular development and are required on-site or close to the site, the developer will be required to enter into a Section 106 legal agreement to secure the works required.

### **Trigger for the Obligation**

- 3.2.4 There is no trigger in relation to the need for transport infrastructure works, as it will be dependent on the development that is proposed. As such, requirements will be assessed on a case by case basis.

### **Level of Contribution**

- 3.2.5 The level of the contribution will be dependent on the measures that are required to make the development acceptable in planning terms. As such, it is not possible to set a standard contribution. Developers are encouraged to engage with the Council's Highway Officers at an early stage in the development process to establish and agree any measures that are required. The Council will ordinarily require the developer to make a financial contribution in order that the required works can be delivered, however some works, such as new/revised junctions may be agreed to be carried out by the developer.

3.2.6 Two categories of required transport infrastructure have been identified;

- Access and local works
- On-site works, services or incentives

3.2.7 Each of these is considered in detail below.

#### **Access and Local Works**

3.2.8 All development, irrespective of size, must be capable of being accessed safely by vehicles, including public transport, pedestrians, cyclists and people with disabilities. To achieve this, the developer may need to carry out and/or fund on and off site works that are directly related to the development. The type of works secured under this heading may include:

- new junction/site access works for all modes;
- works for cycle, pedestrian and disabled facilities close to the site that provide a route for cyclists, pedestrians and the disabled into the site;
- traffic calming close to the site if there is a risk of the development generating unsuitable traffic on residential roads close by;
- parking controls in nearby streets where there is a risk of overspill parking from the development;
- individualised marketing projects to promote sustainable travel;
- commuted sums for maintenance of structures, drainage systems, traffic signals and enhanced paving materials;
- environmental improvements for the benefit of pedestrians

#### **On-site works, services or incentives**

3.2.9 On-site works, services and incentives required to encourage occupants of residential development to use more sustainable modes of travel to access local services may also be sought by planning condition and/or as part of a Section 106 Agreement. Measures to encourage visitors, employees and customers of non-residential development to travel by a means other than private car may also be sought as part of Section 106.

3.2.10 The type of works secured under this heading may include, on site cycle, pedestrian, disabled and public transport facilities travel plans (for employment/retail/educational developments, which may include matters such as car sharing, free bus passes,

interest free loans for cycle/bus pass purchase. Lockers, showers, provision of travel information, car park charging amongst other things) provision of travel information, cycles and free bus passes (in residential development).

### **Bond**

- 3.2.11 Where the developer is required to carry out works on the public highway, the works will need to be supported by a Bond to cover the cost of the works.

### **Traffic Regulation Orders**

- 3.2.12 A Traffic Regulation Order (TRO) will often be required where there is a requirement for highway infrastructure works as part of a development. The developer is expected to pay the cost of the TRO, which will be calculated on a case by case basis.

### **Further Information**

- 3.2.13 For further information please contact the Council's Highways Department.

### **3.3 Public Transport**

#### **Introduction and Policy Background**

- 3.3.1 Public transport is a key element of sustainable development and is recognised as such in the National Planning Policy Framework (NPPF); West of England Joint Local Transport Plan 3 2011–2026 (JLTP3); emerging Bath Transport Strategy; and throughout the Council's Core Strategy. The Council is committed to delivering and improving a comprehensive, district wide public transport network to reduce dependency on private motor car based travel which is acknowledged as being a key component in reducing carbon emissions and delivering sustainable development.

#### **CIL vs S106**

- 3.3.2 It is anticipated that the majority of public transport measures will be delivered through other mechanisms including CIL as they are strategic infrastructure projects. These projects will be included in the Council's Infrastructure Delivery Plan and Regulation 123 list. However, there will be instances where public transport facilities are required to make a development acceptable in planning terms and are directly related to a particular development. Examples of this include the provision of a new bus stop or bus lane to serve a development. In these cases the developer will be required to enter into a Section 106 agreement to secure the provision of the required measures.

#### **Trigger for the Obligation**

- 3.3.3 There is no trigger in relation to the need for public transport measures, as it will be dependent on the development that is proposed. Public transport requirements will be assessed on a case by case basis. Where there is a requirement for public transport measures, the developer will be required to enter into a Section 106 agreement to secure the provision of the required measures.

#### **Level of Contribution**

- 3.3.4 The level of the contribution sought will be dependent on the measures that are required to make the development acceptable in planning terms. As such, it is not possible to set a standard contribution. Developers are encouraged to engage with the Council's Highway Officers at an early stage in the development process to establish and agree any measures that are required. The Council will ordinarily require the developer to make a financial contribution in order that the required works can be delivered.

### **Further Information**

3.3.5 For further information please contact the Council's Highways Department.

### **3.4 Green Infrastructure**

#### **Introduction and Policy Background**

3.4.1 The Council's Green Infrastructure Strategy adopted March 2013 sets out the vision and requirements in respect of Green Infrastructure within the District and provides the detail to Core Strategy Policy CP7. The importance of green infrastructure is firmly embedded in the NPPF which states "Local Planning authorities should: set out a strategic approach in their local plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure".

3.4.2 In addition, the NPPF states that the planning system should contribute to and enhance the natural and local environment by 'minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.' By 2026 the Council and its partners will have worked with the community to achieve a well-used, managed, connected and expanding network of green infrastructure which provides a wealth of benefits for people, place and nature. The Council recognises that Green Infrastructure is a key element in delivering the following benefits and sustainable development within Bath and North East Somerset:

- Supporting healthy lifestyles and thriving communities
- Providing active access to the outdoors
- Enhancing landscape character and built heritage
- Enhancing biodiversity
- Supporting healthy ecosystems
- Providing climate change solutions
- Invigorating the local economy and natural tourism
- Enhancing sense of place

### **Triggers for the Obligation**

- 3.4.3 Strategic green infrastructure will be delivered through a number of mechanisms including CIL. Developers are also required to have due regard to the Strategy, or any amended or replacement Strategy, when formulating development proposals to ensure that the aims of the Strategy are delivered at the local level. Green infrastructure should be central to the design of new developments. Proposals should respect and enhance green infrastructure within the site and demonstrate strong links to the wider network. Development proposals that do not address green infrastructure adequately are likely to be considered unacceptable. The impact of new development on green infrastructure will be assessed through the Development Management process and specific development management policies will be included in the Placemaking Plan.
- 3.4.4 Given that green infrastructure needs to be an integral part of development proposals, there is no specific threshold above which Green Infrastructure must be considered. Developers should engage with the Council at an early stage in the planning process to establish requirements in respect of their specific proposals.

### **Further Information**

- 3.4.5 For further information please contact the Council's Environment Team.



### **3.5 Tree Replacement**

#### **Introduction**

- 3.5.1 The Council requires trees of value to be retained and protected through the planning process and to be given due consideration on all developments. This should encourage developers to plant suitable numbers of replacement trees on site and in appropriate locations, but where this is not possible this policy provides a mechanism where replacement trees can be planted in a near-by location. Developers will be expected to demonstrate why on-site replacement is not possible or appropriate before off-site replacement is accepted. In this way the green infrastructure of the district can be maintained and enhanced hand in hand with development.
- 3.5.2 The advantages of this fixed number replacement system include the following:
1. It encourages trees to be protected on development sites.
  2. It ensures that trees lost as a result of development are adequately replaced on site or near the development site in all situations.
  3. Every development that impacts trees is likely to produce the information required to reach a value for compensation as a matter of routine (a measurement of the trunk diameter for the trees affected).
  4. It is quick and doesn't require the costs of employing experts.
  5. No specific training is necessary to use this system beyond the ability to identify if a tree has less than 10 years useful life expectancy.
  6. It is a system that is understood by most arboriculturists, developers, and planning officers which is a great strength in the context of planning application negotiations.
  7. It conforms to the Community Infrastructure Levy Regulations (2010) and developers can clearly understand how many trees will be planted for the money that they pay.
- 3.5.3 It is expected that developers will adopt a reasonable approach to the issue of tree replacement; however in the event that trees are felled prior to the submission of a planning application it will be possible for stumps to be measured and these measurements used to work out how many new trees need to be planted.

### **Policy Background**

- 3.5.4 The justification for requiring obligations in respect of new or compensatory tree planting is set out in Policies CP6, CP7 and CP13 of the Council's Core Strategy. In addition, paragraphs 109 and 114 of the National Planning Policy Framework (NPPF); and the Council's Green Infrastructure Strategy and Green Space Strategy are relevant.

### **Trigger for Obligation**

- 3.5.5 Obligations in respect of trees will be required:
- Where trees covered by categories A, B and C of BS 5837 (Trees in relation to construction) are removed as part of a development, and replacement planting is required on public land
- 3.5.6 Tree planting will either take place on open ground or in areas of hard standing such as pavements. Where planting can take place directly into open ground the contribution will be lower than where the planting is in areas of hard standing. This is due to the need to plant trees located in areas of hard standing in an engineered tree pit.
- 3.5.7 All tree planting on public land is to be undertaken by the Council to ensure a consistent approach and level of quality, and to reduce the likelihood of new tree stock failing to survive.

### **Level of Contribution**

- 3.5.8 The contribution covers the cost of providing the tree pit (where appropriate), purchasing, planting, protecting, establishing and initially maintaining the new tree. The level of contribution is as follows:

Tree in open ground (no tree pit required) **£735.28**

Tree in hard standing (tree pit required) **£1,913.08**

- 3.5.9 The "open ground" figure will apply in the following circumstances:
- Where development results in the loss of Council owned trees in open ground
  - Where development results in the loss of trees on the development site, and is unable to provide replacement tree planting on site.

3.5.10 In both these cases the Council will provide replacement tree planting in the nearest appropriate area of open space.

3.5.11 The “hard standing” figure will apply in the following circumstances:

- Where development results in the loss of Council owned trees in areas of hard standing.
- Where new tree planting in hard standing is required to mitigate the impact of development (for example street trees required as part of highway improvements).

3.5.12 In the first of these cases the Council will locate replacement tree planting in areas of hard standing as close as reasonably practical to the development site; and in the second of these cases the Council will implement tree planting in specific locations identified through the planning approval process.

#### **The fixed number replacement**

3.5.13 This fixed number replacement system is a non-expert system designed specifically for reaching an acceptable degree of compensation for the loss of trees as a result of new development. The number of replacement trees that it requires developers to plant is generated from a table based on the principle of more value being given to larger trees. When setting the criteria the aim was to develop a system that would replace canopy cover of the tree that is lost within 5-10 years whilst generating a level of compensation that is a fair and realistic outcome for tree replacements in a planning context. The system requires a maximum of eight trees to replace any tree lost as a result of development, which is considered to be the level of replacement provision to make development acceptable in planning terms.

3.5.14 The number of trees required to compensate for loss of existing trees depends upon the size of the trees to be lost. This is set out in the following table:

**Table 3.5.A**

<b>Trunk Diameter of Tree lost to development (cm measured at 1.5 metres above ground level)</b>	<b>Number of Replacement Trees</b>
Less than 15	0 - 1
15 - 19.9	1
20 - 29.9	2
30 - 39.9	3
40 - 49.9	4
50 - 59.9	5
60 - 69.9	6
70 - 79.9	7
80 +	8

3.5.15 The developer has the option to undertake on-site replacement planting themselves, in accordance with the Council's specification (this would involve opening up a tree pit and planting the tree to the specification). In these instances the developer would be required to pay a maintenance contribution to the Council to cover 15 years maintenance.

#### **Further Information**

3.5.16 Developers are expected to engage with the Council at an early stage of the planning process in relation to tree replacement and are therefore encouraged to contact the Council's Environment Team.

### **3.6 Adoption of On-Site Green Space, Allotments and Landscaping Schemes**

#### **Introduction and Policy Background**

- 3.6.1 Whilst the Council expects that the majority of green space and allotment facilities will be delivered by CIL, there will be instances where on-site provision comes forward as part of a development. In addition, landscaping schemes that are secured by a Section 106 agreement will form part of a development in many cases.
- 3.6.2 Such facilities may be offered to the Council or its nominee (usually a Town or Parish Council) by a developer for adoption as Council owned and maintained provision. In principle the Council will adopt these facilities subject to a number of conditions, which are set out below.
- 3.6.3 The adoption of green space provision, allotment facilities and landscaping schemes is supported by Policy CP7 and Policy CP13 of the Council's adopted Core Strategy, the Council's Green Infrastructure Strategy adopted March 2013 and the Council's adopted Green Space Strategy.

#### **Trigger for the Obligation**

- 3.6.4 There is no trigger in relation to the adoption of the aforementioned facilities, as it will be dependent on the developer offering the particular facility to the Council for adoption.

#### **Conditions to be met for adoption to be considered acceptable**

1. The provision offered to the Council for adoption must, in the case of formal green space; natural green space; and allotment provision, be useable, and, in the case of landscaping schemes, be of high quality. There are no specific standards against which the Council will undertake this assessment, as it will be dependent on the individual site characteristics. As such, an assessment will be made on a case by case basis.
2. The provision offered to the Council for adoption must be maintained by the developer to the satisfaction of the Council for a period of not less than 12 months after being provided on site. In some cases this period may be extended

(e.g. if remedial works required prior to transfer are not completed within an agreed timescale).

3. The developer must pay to the Council a commuted sum to cover the cost of maintaining the provision for a 20 year period. The commuted sum payable will be dependent on the type of provision to be adopted and will be calculated in accordance with the following formulas:

- **Formal green space and landscaping schemes** = Amount of provision to be adopted in m2 x £84.58
- **Natural green space** = Amount of provision to be adopted in m2 x £23.90
- **Allotments** = Amount of provision to be adopted in m2 x £19.96

The above rates will be increased annually in line with inflation.

- 3.6.5 The commuted sums set out above will be secured by a Section 106 legal agreement, which will include provision for the commuted sums to be indexed from the date that the Section 106 is signed to the date of payment.

#### **Further Information**

- 3.6.6 For further information please contact the Council's Parks and Estates Team or Environment Team.

### 3.7 **Targeted Recruitment and Training & Mitigation**

#### **Introduction**

- 3.7.1 The B&NES labour market is relatively strong compared to the rest of the West of England, however there are issues with over 4% of 16 – 24 year olds Not in Education, Employment & Training (NEET), over 6,000 residents claiming out of work benefits and both average work place and resident wages below local, regional and national averages. There is also a reported shortage of skilled construction workers locally, which puts pressure on the local labour market and could if not adequately addressed affect future developments.
- 3.7.2 Construction can provide a stable and sustainable source of employment for B&NES residents and the potential to secure Targeted, Recruitment & Training opportunities through construction is essential to enable the labour market to remain buoyant and deliver a suitably trained work force to meet the sector's labour demand.

#### **Policy Justification**

- 3.7.3 The National Planning Policy Framework 2012 reaffirms the objective of the Planning process as `achieving sustainable development` and refers to the 2005 UK Sustainable Development Strategy where the definition of sustainable development includes:

***Ensuring a Strong, Healthy and Just Society:** Meeting the diverse needs of all people in existing and future communities, promoting personal wellbeing, social cohesion and inclusion, and creating equal opportunity for all.<sup>1</sup>*

- 3.7.4 This element has been addressed in the Council's Core Strategy which recognises the need to address socio-economic differences in the Council area and increase local employment. The latter will also help reduce commuting, and therefore the number of transport trips. Core Strategy Objective 6 includes *promoting and delivering employment, training and regeneration opportunities that can contribute to a reduction in the health and social inequalities across the District*, and Core Strategy Objective 6e states that:

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<sup>1</sup> DEFRA. *Securing the Future: delivering UK sustainable development strategy. March 2005*



*'Delivery of economic development will also be facilitated by the B&NES Economic Strategy, the Regeneration Delivery Plans and the Development Management process. Working alongside local communities and partners will be essential to deliver the ambitions of the Economic Strategy and developers may be asked to support the objectives of the Strategy through a Targeted Recruitment, Training and Supply-chain Protocol.'*

3.7.5 These commitments are reflected in the Councils Planning Obligations SPD

3.7.6 Further to this the Council's Economic and Health & Wellbeing Strategies are also committed to tackling issues of worklessness, inequality and the effects that this can have on the health & wellbeing of residents, whilst also providing a sustainable supply of employment that is responsive to the areas needs.

#### **Trigger for Contribution**

3.7.7 The Council will require developers to agree a Targeted Recruitment and Training (TR&T) target and contribution where the proposed development is above the following thresholds:

- Residential : 10 units of housing and above
  - Non Residential /Commercial Premises over 1000sq ft

3.7.8 Mixed use developments will also be included if either the residential or non-residential/ commercial elements exceed the thresholds above.

3.7.9 Developers will also be required to provide a contribution if employment space is lost. The threshold for this is as follows:

- Where development results in the loss of 1,000m<sup>2</sup> or more of Gross Internal Area of employment floor space.

#### **Targeted Recruitment & Training - Targets & Contributions**

3.7.10 The TR&T outcomes and contribution are calculated using estimated costs of development with an aim of providing opportunities for at least 5% of the construction work force being a New Entrant Trainee (NET). The definition of a NET is a B&NES resident who is:

- a person leaving full-time education or training or the Council's Care Service, or a person who has left fulltime education / training / care and who the Council accepts as not having obtained permanent full-time employment in a job that is appropriate to their education and training; or
- a person who has been registered unemployed, or who is otherwise accepted by the Council as being non-employed, who is seeking a job with training and mentoring in order to re-access employment;
- a person that was a 'new entrant trainee' prior to achieving their current or recent employment and who is accepted by the Council as requiring a further period of work and training in order to achieve accreditation and /or be able to operate in the labour market.
- a person undertaking a training or education course.

3.7.11 There are three distinct TR&T outcomes defined for NETs as follows

- Work Experience placements on site of no less than 16 hours per opportunity
- Apprenticeship starts on site
- New jobs created on site advertised through the Department of Work & Pensions (DWP) and filled by DWP clients.

3.7.12 The contribution is intended to support NETs entering into TR&T activity providing training, travel and equipment costs. These figures have been estimated in consultation with the B&NES Learning Partnership. The breakdown of costs are as follows:

- Work Experience - £150 per opportunity. This is provide any necessary training (CSCS card), work safety ware or travel expenses.
- Apprenticeship starts - £2000 per opportunity. This is to provide funds to support training and necessary work safety ware.
- New Jobs Advertised and filled with DWP - £150 per opportunity. This is to provide any necessary training (CSCS card), work safety ware or travel expenses, for those entering into employment.
- There are also set up and management costs, which are an additional 10% of the total contribution.

3.7.13 An estimated NET outcome and financial contribution framework has been provided in Table 3.7.A & B for both residential and non-residential/ commercial

developments. It must be noted that these are estimates within the dwelling and floor space ranges and developers are encouraged to contact B&NES Community Regeneration team as early as possible in the planning process to establish an exact level of NET outcome and contribution relevant to individual developments.

**Table 3.7.A.**

<b>Residential</b>	<b>Band 1</b>	<b>Band 2</b>	<b>Band 3</b>	<b>Band 4</b>	<b>Band 5</b>	<b>Band 6</b>	<b>Band 7</b>	
<b>Dwellings Range</b>	<b>10 - 19</b>	<b>20 - 29</b>	<b>30 - 39</b>	<b>40 -59</b>	<b>60 - 79</b>	<b>80 - 99</b>	<b>100 - 149</b>	
<b>Work Placements</b>	3	5	6	8	10	14	20	
<b>Apprenticeship Starts</b>	0	0	0	1	2	2	3	
<b>New Jobs Advertised through DWP</b>	0	0	0	1	2	2	2	
<b>Contribution (£)</b>	<b>£ 450</b>	<b>£ 750</b>	<b>£ 900</b>	<b>£ 3350</b>	<b>£ 5800</b>	<b>£ 6250</b>	<b>£ 9300</b>	
<b>Residential</b>	<b>Band 8</b>	<b>Band 9</b>	<b>Band 10</b>	<b>Band 11</b>	<b>Band 12</b>	<b>Band 13</b>	<b>Band 14</b>	<b>Band 15</b>
<b>Dwellings Range</b>	<b>150 - 199</b>	<b>200 -249</b>	<b>250 - 299</b>	<b>300 -349</b>	<b>350- 399</b>	<b>400 - 449</b>	<b>450-499</b>	<b>500 - 700</b>
<b>Work Placements</b>	28	36	45	54	63	72	81	100
<b>Apprenticeship Starts</b>	4	5	6	6	7	7	8	10
<b>New Jobs Advertised through DWP</b>	3	4	4	5	5	6	6	10
<b>Contribution (£)</b>	<b>£ 12650</b>	<b>£ 16000</b>	<b>£ 19350</b>	<b>£ 20850</b>	<b>£ 24200</b>	<b>£ 25700</b>	<b>£ 29050</b>	<b>£ 50000</b>

**Table 3.7.B.**

<b>Non-Residential/ Commercial – Sq ft Range</b>	<b>1000 - 5000</b>	<b>5000 - 10000</b>	<b>10000 - 15000</b>
Work Placements	8	11	20
Apprenticeship Starts	0	2	4
New Jobs Advertised through DWP	0	2	4
<b>Contribution (£)</b>	<b>£ 1200</b>	<b>£ 4100</b>	<b>£ 11600</b>

### **Mitigation for the loss of employment space**

3.7.14 The loss of employment space and the effect on residents also needs to be mitigated. Where employment space is lost, the purpose of the obligation is to compensate for this loss by contributing to the provision of training and support to enable displaced employees and people who may have sought employment at the site, to gain employment elsewhere.

3.7.15 Contributions that mitigate the loss of employment space are calculated by estimating the total employment level of a premises that is being lost to a non-employment use. It is accepted that not all those who are or could potentially be employed on the site will need retraining, so an estimate of a third of the potential employee volume is used. The cost for an individual to retrain can vary widely with costs ranging from £500 to in excess of £4000. It is not appropriate to expect developers to provide the full level of expense, therefore the Council regards a contribution of £2000 per employment as reasonable contribution. This is also in line with the apprenticeship contribution.

3.7.16 The number of square metres of floor space required per employee is as set out in Appendix 4.

#### **Example**

- (a) Loss of 2,000m<sup>2</sup> of B2 Industrial space to residential development
- |                              |   |
|------------------------------|---|
| Potential number of employee | $2,000 \text{ m}^2 / 36 = 55.5$                       |
| Employee requiring retaining | $55.5 / 3 = 18.5$                                     |
| Contributions required       | $18.5 \times £2000 = £37,000$ mitigation contribution |

#### **Contractors, sub-contractors and occupiers.**

3.7.17 It is the developer's responsibility to take the steps to ensure that they obtain the cooperation of contractors and sub-contractors and the occupiers of buildings so as to enable the TR&T outcomes can be met.

#### **TR&T Method Statement & Management Board**

3.7.18 It is a requirement of the developer to provide a method statement produced in partnership with the B&NES Learning Partnership that will outline the delivery of the TR&T outcomes. The developer will also be required to participate and contribute to a TR&T Management Board supported by the B&NES Learning Partnership that will have the overall responsibility of delivering the outcomes.

#### **Further Information**

3.7.19 Developers are expected to engage with the Council at an early stage of the planning process in relation to Targeted Recruitment and Training & Mitigation and are therefore encouraged to contact the Council's Community Regeneration team.

### **3.8 Fire Hydrants**

#### **Background**

- 3.8.1 Building regulations require major new development to be within 100m of a fire hydrant. The vast majority of development in Bath and North East Somerset is already within 100m of a fire hydrant, and therefore this obligation will only be occasionally required. However, there are areas, primarily around the fringes of the city and on undeveloped land, that are not within 100m of a fire hydrant. In these circumstances, Avon Fire and Rescue Service require the provision of a new fire hydrant in an accessible location within 100m of the development.
- 3.8.2 Avon Fire and Rescue Service are consulted on all major planning applications and they will notify the Council when a fire hydrant obligation is required.

#### **Policy Background**

- 3.8.3 The relevant section of the Building Regulations that require the provision of fire hydrants is Approved Document B – Fire Safety Volume 2 Part B5 (Access and facilities for the fire service), Section 15 (Fire mains and hydrants). The justification for requiring obligations in respect of the provision of fire hydrants is set out in Policy CP13 of the Council's Core Strategy.

#### **Trigger for Obligation**

- 3.8.4 Obligations in respect of Fire Hydrants will be required where both the following criteria apply:
- Where the development is for 10 or more dwellings or in excess of 1,000 m<sup>2</sup> of commercial floor space; and
  - Where the development will be erected more than 100m from the nearest existing fire hydrant.

#### **Level of Contribution**

- 3.8.5 The Avon Fire and Rescue Service have calculated the cost of installation and five years maintenance of a fire hydrant to be £1,500 per hydrant.

**Trigger for Payment**

- 3.8.6 The provision of a fire hydrant is essential for safety reasons, and therefore where a new hydrant is required it must be operational prior to the occupation of the relevant development. In order to enable Avon Fire and Rescue Service to arrange installation of the new hydrant prior to occupation, the contribution will be required upon commencement of the development.

### **3.9 Education Facilities**

#### **Policy Background**

- 3.9.1 The policy justification for requesting planning contributions for Children's Services flows down from 'The Schools White Paper: Higher Standards, Better Schools For All', the '14-19 Education and Skills White Paper' at national/regional level and the Bath & North East Somerset Core Strategy Policy CP13, and the National Planning Policy Framework.

#### **Trigger for Obligation**

- 3.9.2 The Core Strategy facilitates five urban extension sites as follows:

Policy B3A	Land adjoining Odd Down	300 homes
Policy B3C	Extension to MoD Ensleigh	120 homes
Policy KE3A	Keynsham East	220 – 250 homes
Policy KE3B	Keynsham South West	180 – 200 homes
Policy RA5	Whitchurch	200 homes

- 3.9.3 The urban extension developments result in the capacity of local primary schools being exceeded, therefore contributions are required to make either on-site provision or financial contributions towards primary school places.

- 3.9.4 The type of provision required:

- **Primary School Provision**

Where additional school capacity is required in the area of the development. The determination of whether or not there is sufficient school capacity available in the school or schools that serve the area of the development will be made with reference to the current school capacity figures and Planned Admission Numbers, and to a projection of future pupil numbers based on current numbers on roll, births and resident population data as outlined in the published School Organisation Plan. Projections will also be adjusted to include pupils calculated to be generated from previously approved developments.

#### **What Developers Will Have to Provide**

- 3.9.5 Where an existing off-site primary school is to be extended or upgraded, the cost per place multiplier including Location Factor will be used to calculate a contribution.

Where the development creates a requirement for a new on-site school, the developer will be expected to pay the full cost of construction, including design fees and charges, furniture and equipment and provide the site free of charge, as the cost per place multiplier is based only on the average of new build costs and extension costs and not the full cost of building new whole schools. The space and accommodation requirements will be calculated by reference to the maximum areas as outlined in the latest DfE school area guidelines. The specification will also need to comply with current Council design, build and space requirements, meet best practice for the type of school and Government advice on design and environmental issues. This would also apply if it was agreed that the developer could provide the additional accommodation in kind rather than make a financial contribution.

3.9.6 A formula is set out for the calculation and the following paragraphs and tables provide a breakdown of the expected planning obligations costs the developer will in most cases have to meet. The elements in the formulae below will be subject to annual review in line with government guidance and where new or updated information becomes available from relevant government or Council departments that update current use values or cost indicators, the Council will make amendments to levels of contribution on this basis.

3.9.7 The cost per place multiplier is based on the assessment made by the Government of the cost of building a primary school place in 2008-09, updated by applying the latest Royal Institute of Chartered Surveyors (RICS) Building Cost Information Service (BCIS) All-in Tender Price Index. Also the DfE issue a Location Factor for each Local Authority which is derived from the Building Cost Information Service (BCIS) run by the Royal Institute of Chartered Surveyors (RICS). This Location Factor is applied to the cost per place multiplier to arrive at the cost of providing a place in Bath and North East Somerset. This multiplier will be reviewed annually and may be updated every financial year.

3.9.8 The current cost per place multiplier that will be used when calculating contributions is as follows:

**Table 3.9.A**

<b>Primary School per place</b>	<b>£11,810.00</b>
---------------------------------	-------------------



3.9.9 The current DfE Location Factor for Bath and North East Somerset is as follows:

**Table 3.9.B**

<b>Location Factor</b>	1.08
------------------------	------

3.9.10 Therefore the current cost per place multiplier (including Location Factor) that will be used when calculating contributions is as follows:

**Table 3.9.C**

<b>Primary School per place</b>	£ 12,754.80
---------------------------------	-------------

3.9.11 The Council will be notified of the proposed mix of dwellings in the development and the following pupil yield figures based on type of dwelling and number of bedrooms will be used to calculate the contribution:

**Table 3.9.D**

	<b>No. of bedrooms</b>					
	<b>Flats</b>		<b>Houses</b>			
	<b>2</b>	<b>3+</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5+</b>
<b>Primary pupils per 100 dwellings</b>	4	30	9	30	46	65

3.9.13 Where the precise housing mix is not known the following will apply:

31 primary school pupils per 100 dwellings

3.9.14 Bed sits, temporary housing and any dwellings designated for restricted use such as student accommodation, sheltered housing for the elderly or adults with learning difficulties etc. would not normally be expected to contribute as the number of children generated would be marginal or nil. All other new dwellings of 2 bedrooms or more will be included in the calculations.

3.9.15 The following table shows the contribution per dwelling:

**Table 3.9.E**

	<b>No. of bedrooms</b>
--	------------------------

	Flats		Houses			
	2	3+	2	3	4	5+
<b>Primary per dwellings</b>	£510.19	£3,826.44	£1,147.93	£3,826.44	£5,867.20	£8,290.62

3.9.16 All capital sums will be indexed from signature of the Section 106 agreement or Unilateral Undertaking up to the payment date using the RICS BCIS All-In Tender Price Index.

3.9.17 Developer contributions are required to be made in full prior to or on commencement of development.

#### **Substantial Residential Development (generally in excess of 300 units)**

3.9.18 Apart from primary school provision required for urban extensions, improvements and expansions to schools will be funded through CIL rather than planning obligations. However development proposals of in the region of 300 or more residential units may come forward that may generate a need for a new education facility due to the increase in the resident population resulting from the development.

3.9.19 In such cases, the provision of a new education facility will be required through planning obligations, as the infrastructure is required to specifically mitigate the impact of the development. The assessment of whether these facilities are required will be based on the following:

- A new education facility will be required if the development will generate sufficient children to necessitate its provision and if the Council can demonstrate that the children generated by the development cannot be provided for within existing educational accommodation in the local area.

#### **Further Information**

3.9.20 For further information please contact the Council's Schools Capital and Organisation Team.

### **3.10 Other Site Specific Measures**

3.10.1 Other site specific measures may be necessary and planning obligations including the following areas may also be sought. Requirements will be assessed on a case by case basis. It is recommended that applicants and developers engage with the Council at an early stage to determine if their specific proposal will result in a requirement for obligations such as;

- Sustainability
- Waste and Recycling
- Public Realm including funding of Legible Signage
- Drainage
- Ecological measures where a development has an adverse impact on local habitats and ecology, or the provision of alternative habitats to compensate for any loss.

#### **Policy Background**

3.10.2 The justification for requiring obligations in respect of site-specific measures is set out in Policy CP 13 of the Council's Core Strategy.

#### **Trigger for Obligation**

3.10.3 Site Specific obligations could be required from any development type, irrespective of size, and consequently there is no threshold below which an obligation will not be required. The determining factor is whether the development creates an impact that requires mitigation.

## **APPENDICES**

### **Appendix 1 (Affordable Housing): Options in lieu of on-site delivery of affordable homes**

#### **Delivering affordable homes Off-Site**

Where the Council accepts that off-site provision is appropriate, the example below shows how the quantum of units delivered as alternative provision will be calculated.

This calculation is based on an approach which combines the initial total housing numbers proposed *plus* the additional homes to be provided elsewhere.

**Example 1:** For schemes where 40% affordable housing is expected the following formula will be used to calculate the number of off-site affordable units required.

$$B = (A \times 40) / 60$$

Where

B = No of affordable homes required off site

A = No of market homes provided on applicants site

For example,

Site for 100 units, *all* of which will be market housing as off-site provision has been agreed.

$$B = (100 \times 40) / 60 = 66.6$$

In this example, the number of off-site dwellings required are **67** (after rounding to nearest whole number) i.e. 40% of the combined total of 167 units

**Example 2:** For schemes where 30% affordable housing is expected the following formula will be used to calculate the number of off-site affordable units required.

$$B = (A \times 30) / 70$$

Where

B = No of affordable homes required off site

A = No of market homes provided on applicants site

For example,

Site for 100 units, *all* of which will be market housing as off-site provision has been agreed.

$$B = (100 \times 30) / 70 = 42.8$$

In this example, the number of off-site dwellings required are **43** (after rounding to nearest whole number) i.e. 30% of the combined total of 143 units

### Commuted Sum Formula

In very exceptional cases where the Council accepts neither on-site or off-site can be provided, the following formula should be used:

#### Step 1

Calculate the number of off-site affordable housing units in line with example 1.

#### Step 2

Take the supportable deficit, the amount payable by the Affordable Housing Provider (AHP), away from the full market value of the market houses as if provided on site.

For example:

Step 1: 100 unit residential application in the 40% AH zone, all of which to be market housing – calculations from example 1 above show that 67 affordable homes are required as of- site contribution.

Step 2: Total Notional Market value of the 67 'affordable' properties = £13,400,000

(assuming MV of £200,000 per unit)

Less notional price payable by AHP\* = £ 4,714,814

Therefore the commuted sum = £ 8,685,186

Using Example 1 above, the table below summarises the comparison of developer contributions between an off-site or commuted sum (CS) approach and on site provision (OS):

**Table 1A**

	Off-site / Commuted sum	On site
No market units constructed on site	100	60
MV of private units	£20m	£13m
No of affordable units @ 40%	67	40
MV affordable	£13.4m	£8m
Price paid for AH	£4.7m	£2.8m
Developer contribution	£8.7m	£5.2m

(assuming MV of £200,000 per unit)

The formula for Step 2 is as follows:

$$CS = MV - SD$$

Where:

CS = Commuted Sum

MV = Market Value of affordable housing with vacant possession/no restrictions

SD = Supportable Deficit (amount payable without the need for grant by a (RSL or AHP)

\* notional price payable by an AHP based on agreed likely mix of affordable housing units that would otherwise be delivered and the supportable deficit figures for the unit & tenure types and Planning zone.

### Guide to Supportable Deficit Figures

The Council does not prescribe what amount RSLs or AHPs should pay developers for affordable housing contributions, provided it is delivered on a grant free basis with all the outputs of Policy CP9 and this SPD fully met. However to calculate commuted sum contributions the Council has given below supportable deficit figures that are to be used for the sole purpose of calculating these sums. They are:

**Table 1B**

	<b>High value area 1 40% AH</b>	<b>Lower value area 2 30% AH</b>
<b>social rent</b>		
1bed flat	£72,278	£62,460
2bed flat	£93,163	£73,972
2bed house	£101,471	£83,291
3bed house	£121,742	£106,200
4bed house	£143,198	£117,831
<b>shared ownership</b>		
1bed flat	£73,120	£55,538
2bed flat	£102,888	£65,400
2bed house	£113,820	£81,348
3bed house	£143,959	£97,485
4bed house	£179,228	£128,262

High value area - Prime Bath, Bath North and East, Bath rural hinterland

Low value area - Bath North and West, Bath South, Norton/Radstock, Keynsham

[Link to map showing 30% / 40% zones]

These figures are an average of Supportable deficit figures gathered from the Council's key RP partners where the RP's were instructed to:

- Use reasonable Jan 99 values
- Use reasonable market rent levels
- SO to be in line with AH policy and affordability
- All other normal viability assumptions

(note supportable deficit figures will be updated periodically to reflect market conditions)

## **Appendix 2 (Affordable Housing) Housing our Ageing Population**

### **Housing our Ageing Population: Plan for Implementation**

*'Housing for older people should become an exemplar for mainstream housing, and meet higher design standards for space and quality. Local Planning Authorities should play a key role to ensure delivery of desirable housing in great places, tuned to local need and demand.'* (HAPPI12)

The All Party Parliamentary Group on Housing and Care for Older People published *Housing our Ageing Population: Plan for Implementation* (also known as HAPPI2) in November 2012. In addition to some of the elements highlighted above, the HAPPI2 guide also identified ten elements that were critical to achieving “age-inclusive” housing. These were:

- Generous internal space standards:
- Plenty of natural light in the home and circulation spaces:
- Balconies and outdoor space, avoiding internal corridors and single-aspect flats:
- Adaptability and “care aware” design which is ready for emerging assistive technologies:
- Circulation spaces that encourage interaction and avoid an “institutional feel”:
- Shared facilities and community hubs where these are lacking in the neighbourhood:
- Plants, trees and the natural environment:
- High levels of energy efficiency, with good ventilation to avoid overheating:
- Extra storage for belongings and bicycles:
- Shared external areas such as “home zones” that give priority to pedestrians.

The full HAPPI report can be found here:

[http://www.homesandcommunities.co.uk/sites/default/files/happi\\_final\\_report\\_-\\_031209.pdf](http://www.homesandcommunities.co.uk/sites/default/files/happi_final_report_-_031209.pdf)



### Appendix 3 Necessary Elements for future Extra Care developments

The Council wishes to see Extracare development that reflects national best practice, ensuring that the housing provision will also be appropriate to meet the social, mobility and care needs of the growing number of vulnerable older people in the District.

**Table 3A - Extracare Standards**

1. Dwellings	Essential	Desirable	Commentary
Minimum size of dwellings:			The desirable dwelling size standard is based on <i>Design principles for extra care</i> (Housing LIN factsheet 6). The minimums reflect current standards in some private sector retirement schemes.
One bed for 2 persons	50m <sup>2</sup>	54+m <sup>2</sup>	
Two bed for 3 persons	60m <sup>2</sup>	68+m <sup>2</sup>	
Mix of one and two bed properties	x		
Some three bed properties		x	
Minimum scale 45-50 dwellings		x	
Must be self-contained	x		
Including an adaptable kitchen appropriate for the client group	x		
2. Standards	Essential	Desirable	Commentary
Registered Provider follows HCA standards	x		Care Standards Act 2000 does not apply to extra care despite the care element of extra care schemes having to register with the CQC.
Lifetime home standards	x		
Design Principles for extra care (Housing LIN factsheet 6)		x	
Compliance with the 10 HAPPI principals			See below*
3. Facilities			
Communal lounges	x		The range of facilities will be more extensive the larger the development and should also complement what else is available in the near community. This is not an exhaustive list but reflects what has been developed/provided in other schemes
Restaurant/dining room	x		
Tea/coffee making area	x		
Activity/hobby rooms		x	
Communal WCs	x		
Assisted bathroom	x		
Hairdressing/beauty therapy	x		
Informal seating space		x	
Scooter store	x		
Car Parking	x		
Manager's office	x		
Care staff office	x		
Staff rest room including changing/lockers		x	
Guest room with en-suite		x	
Laundry (if no washing machines in flats)	x		
Catering kitchen		x	
Cleaners storage	x		
General storage		x	

Lift/motor room	x	x	A lift is essential if housing complex is spread over more than one floor.
Refuse store/bin room	x		
Shop, gym, library, IT room, cinema		x	
Treatment/therapy room		x	
<b>4. Care and Support</b>	<b>Essential</b>	<b>Desirable</b>	<b>Commentary</b>
24 hour on site care	x		Due to the unpredictable nature of need in extra care settings, it is more viable for one care provider to operate within a “scheme” although this may not be practicable if a resident is insistent on retaining an established care arrangement.
Emergency alarm	x		
Door opening and CCTV	x		
Assistive Technology personalised		x	
Environmental sensor	x		
Meals provision	x		
Catering standard kitchen		x	
Culture that promotes independent living but discourages social isolation	x		Although meals need to be provided, it is not essential that these are produced on site.

\*The All Party Parliamentary Group on Housing and Care for Older People published *Housing our Ageing Population: Plan for Implementation* (also known as HAPPI2) in November 2012. In addition to some of the elements highlighted above, the HAPPI2 guide also identified ten elements that were critical to achieving “age-inclusive” housing. These were:

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- Balconies and outdoor space, avoiding internal corridors and single-aspect flats:
- Adaptability and “care aware” design which is ready for emerging assistive technologies:
- Circulation spaces that encourage interaction and avoid an “institutional feel”:
- Shared facilities and community hubs where these are lacking in the neighbourhood:
- Plants, trees and the natural environment:
- High levels of energy efficiency, with good ventilation to avoid overheating:
- Extra storage for belongings and bicycles:
- Shared external areas such as “home zones” that give priority to pedestrians.

A proportion of units within extra care schemes must be suitable for wheelchair use. The *Wheelchair Housing Design Guide – 2<sup>nd</sup> Edition* (2006) written by Stephen Thorpe and the Habinteg Housing Association highlighted the following standards in relation to the design of lifetime properties for wheelchair users. These standards include:

**Table 3B**

	Minimum standard
<b>Landing/Entering property</b>	
Gradient inside buildings	No more than 1:20
Landings outside front door	1500mm by 1500mm
Door widths	At least 800mm*
Door handle height	Between 900 and 1000mm from the floor
Door lock	Between 800 and 900mm from the floor
<b>Inside flat - hallway</b>	
Entry phone	1000mm from the floor
Front door "swing"	1200mm*
Postbox	Letter cage fitted as standard
Passageway width	At least 900mm*
<b>Kitchen</b>	
Storage units - height	Between 300 and 1500mm
Storage units - depth	No more than 300mm
Worktops and sinks - height	Between 750 and 910mm
Worktops and sinks - depth	No more than 650mm
<b>Turning spaces</b>	<b>1100mm throughout the flat</b> <b>Therefore, this space needs to be allowed within all areas to enable turning capacity for wheelchairs</b>

\*Consistent

throughout

housing

unit

## Appendix 4 (Economic Development)

**Table 4A: Employment Densities**

<b>Use Class</b>	<b>Use Type</b>	<b>Area per FTE (m2)</b>
<b>Industrial</b>		
B2	General	36
B1 ( c )	Light Industrial	47
<b>Warehouse</b>		
B8	General	70
<b>Office</b>		
B1 (a)	General Office	12
<b>Retail</b>		
A1	High Street	19
A1	Food Store	17
A2	Financial & Professional Services	16
A3	Restaurants & Cafes	18
<b>Leisure &amp; Visitor Attractions</b>		
C1	General Hotels	1 employee per 2 bedrooms
D2	Amusement & Entertainment Centres	70

Bath & North East Somerset Council		
MEETING	Policy Development & Scrutiny Panel	
MEETING	16 <sup>th</sup> September 2014	
TITLE:	Review of the B&NES Local Development Scheme (LDS)	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 – Summary of amended Local Development Scheme		
Appendix 2 – Draft Local Development Scheme		
Appendix 3 – Amendments to the Neighbourhood Planning Protocol		

## **1 THE ISSUE**

- 1.1 Local Authorities are required to maintain an up-to-date Local Development Scheme which sets out the programme for preparation of planning policy documents for at least the next 3 years. This enables local communities, the development industry and others with an interest in the development process to engage in plan preparation with some certainty. A plan must be prepared in accordance with the LDS in order to be found sound at examination.
- 1.2. The current LDS covering the period 2013 – 2017 is being reviewed to ensure it is up-to-date. The revisions take into account capacity and resource availability.

## **2 RECOMMENDATION**

- 2.1 That the Panel comment on;
  - a. the revised Local Development Scheme 2014- 2017 in Appendix 2
  - b. the revised Neighbourhood Planning Protocol is approved Appendix 3.

### 3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The cost of preparation of Planning Policy documents in 2014/15 will be covered from within the approved £200k LDF budget and staff time from the approved Planning Policy Team budget. Because these plans are the spatial expression of corporate policies, their preparation also requires the input from a variety of services within the Council; this is in the form of staff time and does not have additional financial implications as this forms part of approved budgets.
- 3.2 There are no financial savings arising from the short term delay in the Travellers' Sites Plan as the work will still need to be completed largely within the existing programme.
- 3.3 The preparation of the West of England Joint Planning Strategy has begun with preparatory work being undertaken during 2014/15. The majority of the work is likely to be undertaken during 2015/16 leading to review of the B&NES Core Strategy in 2016/17. However, the detailed programme and the working arrangements are currently under consideration and will entail the four UAs working collaboratively. Once the programme and working arrangements are agreed, the B&NES LDS may require further revision to ensure co-ordination across the West of England.
- 3.4 Resources beyond 2014/15 will be managed as part of the budgetary process and may require a further review of the LDS.

### 4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The maintenance of a LDS is a statutory requirement under the Planning and Compulsory Purchase Act 2011. It is the starting point for residents and stakeholders to find out what planning policies relate to their area and how they will be reviewed.
- 4.2 Documents in the LDS contain planning policies which have implications relating to equalities, sustainability, natural environment, planning, public health and equalities, including legal requirements. However the LDS itself does not have any direct implications on these matters.

### 5 THE REPORT

#### Background

- 5.1 The Planning Act requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (the Plan-led system). The **Local Development Scheme** (LDS) sets out the up-to-date Development Plan for B&NES and how and when this is being reviewed. It identifies what planning policies documents are required and when and how these will be prepared. Any proposals which allocate land for development or which set out new policy must be contained within a Development Plan Document (DPD) and be subject to public examination. The Council can also supplement DPDs with supplementary planning documents (SPD) if needed. Any other document will have limited weight in the planning system. In the absence of up-to-date policy, the National Planning Policy Framework (NPPF) takes precedence.

## **The existing LDS 2013-2014**

5.2 The priorities in the existing LDS are:

- adoption of the Core Strategy 2014 and its future review;
- adoption of the Placemaking Plan 2016;
- adoption of the Gypsy, Travellers & Travelling Showpeople Sites Allocation Plan 2016;
- approval of CIL & revision to the Planning Obligations SPD 2015; and
- preparation of other SPDs, amendment to the Policies Map, publication of monitoring reports and ongoing support for Neighbourhood Plans.

5.3 The B&NES Development plan, as at August 2014, includes:

- B&NES Core Strategy
- Joint Waste Core Strategy (2011)
- Saved policies from the B&NES Local Plan (2007)
- B&NES Policies Map

## **Changes to the LDS**

5.4 Key changes relate to the need to revise the programme for the preparation of the Gypsy and Traveller DPD and to recognise the preparation of the West of England Joint Planning Strategy.

## **Gypsy and Traveller DPD**

5.5 Whilst the accommodation needs of the travelling community are included in the Core Strategy in terms of numbers of pitches/plots, the identification of sites is taking place through the Gypsies, Travellers & Travelling Showpeople Sites Plan. The DPD reached a Preferred Options stage in July 2012.

5.6 It is crucial that B&NES works with adjoining Authorities in order to conform with the requirements of the Duty to Cooperate. Failure to demonstrate that this has been undertaken consistent with the NPPF and S110 of the Localism Act 2011 will run the significant risk that any subsequent plan is found unsound at examination and will attract criticism that the West of England is failing to work and plan strategically for matters that have cross boundary implications.

5.7 Joint working with the adjoining authorities is required on both;

- assessing the level of need, ensuring there is no duplication, and
- ensuring that the respective policy frameworks in the individual AUs are consistent so that the most sustainable locations for new sites are identified, and that reasonable options outside the Green Belt are explored before considering Green Belt sites.

5.8 B&NES has therefore been working with WoE and other adjoining LAs on both these aspects. Whilst progress is being made within West of England on ensuring consistency

on the assessment of need, work on the co-ordination of the respective strategies for site identification is not significantly advanced to inform the next stage of the B&NES DPD by the date anticipated. The publication of revised set of site options is scheduled to be agreed for consultation in November 2014. To ensure that soundness of the DPD is not undermined, it is therefore necessary to review the timetable. To seek to progress prematurely to identify and consult on options would risk the soundness of the plan making it vulnerable to legal challenge under the Duty to Co-operate.

- 5.9 The proposed revised programme does not significantly affect the date the DPD is currently anticipated to be adopted, December 2016. This is because work on other parts of the Plan can still continue and the work being undertaken with West of England UAs will provide evidence and assessments which will benefit the later stages of the plan preparation process.

- 5.10 It is also recommended that the title of the plan should be renamed to the more simple "Travellers' Sites Allocation Plan"

### ***Placemaking Plan***

- 5.11 Recent experience of the time needed for the examination reporting process enables a review of the Placemaking Plan programme and the anticipated adoption date to be brought forward from December 2016 to September 2016.

- 5.12 In order to meet the District's immediate housing needs the Council is relying on implementation of the four Strategic Sites (urban extensions) allocated in the Core Strategy to begin within the next five years. Developers will be required to prepare a comprehensive Masterplan through public consultation which will need to be agreed by the Council. It is expected that work on the Masterplans will start during the next year and whilst this approach will avoid additional resource pressures on the Council to prepare Masterplans, it will require input from the Council's Development Team.

### ***West of England Joint Planning Strategy /Plan review***

- 5.13 In February 2014, the four West of England UAs agreed to prepare a Joint Planning Strategy (JPS) in light of the need to meet the requirements of the Duty to Co-operate on respective reviews of the Core Strategies. The delay to the Traveller's Plan in the short term will enable preparatory work to be undertaken this year with West of England colleagues in order to establish the project. The Council has committed itself to an early partial review of the Core Strategy in conjunction with adjoining UAs in around 2016 and then a routine 5 year review in 2019, five years post adoption. The nature and scope of the JPS is still being considered by the WoE UAS but intensive work is likely to be needed over 2015/16 and this has been recognised in the Planning Policy budget.

### ***Neighbourhood Planning Protocol***

- 5.14 The Council's Neighbourhood Planning Protocol (adopted September 2012) sets out how the Council plans to engage with local communities on planning issues and is the Council's Statement of Community Involvement. A review of the NPP has been undertaken resulting in minor amendments and updates. These are listed in Appendix 3.

### ***Neighbourhood Plans***

- 5.15 Currently only one NP has been prepared and submitted for examination but a total of 9 Neighbourhood Areas have been designated and the number of communities in B&NES preparing Neighbourhood Plans is increasing. The Council has a statutory obligation to support local communities in their preparation of Neighbourhood Plans. This includes advice and assistance in the preparation of plans, validation of plans, arranging their examinations and referenda, and then adopting them as part of the Development Plan for



B&NES. The LDS makes provision for a moderate number of NPs to come forward over the next few years. A significant increase in the number of NPs will cause a pressure on the Planning Service. Local communities are being encouraged to work with B&NES on the Placemaking Plan as an alternative.

### ***Authority Monitoring Reports and other evidence***

- 5.16 The Council is required to publish monitoring statistics relating to the LDF on such as house building rates and employment space completions. These provide useful information for other Council Services and members of the public and this will continue to feature as an on-going task in the LDS.
- 5.17 The Council is also required to keep other evidence up-to-date such as the Strategic Housing Land Availability Assessment (SHLAA) and the Infrastructure Delivery Plan (IDP) to ensure new development is properly aligned with necessary infrastructure.

### ***Other Guidance/Supplementary Planning Documents***

- 5.18 The Planning Service receives on-going requests to prepare policy guidance or Supplementary Planning Documents from both internal and external source. Many of these are of insufficient urgency to take priority over any of the above items although the preparation of some of these would have significant merit in providing greater clarity for developers and in streamlining decisions-making. There might be capacity in late 2016 to begin preparation of some of these although none of these can be firmly timetabled at this stage.
- 5.19 However there are three SPDs which are included in the LDS. These are;
  - a. The update to the **Planning Contributions SPD** in conjunction with the preparation of CIL;
  - b. The **Sustainable Construction and Retrofitting SPD**: This SPD was adopted in February 2013 and Cabinet requested that Energy Efficiency & Renewable Energy Guidance For Listed Buildings and Undesignated Historic Buildings part of this SPD is reviewed in September 2014 in conjunction with other services including the Sustainability Team. This review will be informed by forthcoming new guidance / advice from English Heritage and the review will determine whether there is a need yet to amend the SPD.
  - c. The **Locally Important Buildings SPD**: This SPD is linked to saved Policy BH.5 in the B&NES Local Plan. This policy will be reviewed in the Placemaking Plan and will be updated to more closely reflect the NPPF focus on 'heritage assets' with options published as part of the November 2014 public consultation. Work on the SPD, or similar guidance, will be undertaken during 2014/15 with expertise from the Planning Conservation Team.
- 5.20 A review of the Bath HMO SPD might also be required in the LDS period, depending on the outcome of monitoring

## 6 RATIONALE

- 6.1 Setting out publically the Development Plan work Programme through the LDS establishes clarity for residents, businesses and other bodies and sets out a clear programme to enable stakeholder engagement at key stages in the process.
- 6.2 It also helps to ensure that Local Authorities prioritise their key objectives and ensure that appropriate resources are available to prepare plans over 2 or 3 financial years.

## 7 OTHER OPTIONS CONSIDERED

- 7.1 None. The Council is required to maintain an up-to-date LDS although it has some discretion over its content. In practice, the required planning documents will be those needed to deliver both the requirements of the NPPF and the Council's own objectives.

## 8 CONSULTATION

- 8.1 Requirements to engage local communities, statutory undertakers and other bodies are embedded in the planning acts and regulations. The production of all planning documents entails public engagement as set out in the Council's Neighbourhood Planning Protocol. The arrangements for public consultation on each plan are set out in the LDS.
- 8.2 The preparation of the LDS itself does not require public consultation although it will be published when approved.

## 9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.
- 9.2 The delay in the preparation of the Travellers' sites plan could delay the provision of site delivery with equality implications. However, the reasons for the delay are justified, as explained in this report and moreover, the Council has sought to progress sites for the travelling community in the interim.

<b>Contact person</b>	<i>Lisa Bartlett 01225 477550</i> <i>Simon de Beer, Policy &amp; Environment Manager, 01225 477616</i>
<b>Background papers</b>	West of England Memorandum of Understanding on a Joint Planning Strategy
<b>Please contact the report author if you need to access this report in an alternative format</b>	

## APPENDIX 1: SUMMARY OF REVISED LOCAL DEVELOPMENT SCHEME

**AMENDED BATH & NORTH EAST SOMERSET LOCAL DEVELOPMENT SCHEME 2014-2018**

[illegible]

<b>M</b>	Policies Map changes	<b>S</b>	Submit Plan
<b>O</b>	Options consultation	<b>H</b>	Hearings
<b>D</b>	Draft Plan	<b>R</b>	Report
<b>P</b>	Publish AMR	<b>A</b>	Adoption/Approval



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# LOCAL DEVELOPMENT SCHEME

2014 - 2017

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# 1. INTRODUCTION

## The Local Development Scheme

- 1.1 The Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011, requires all local planning authorities to prepare and maintain a Local Development Scheme (LDS). The LDS is a timetable for the production of the Local Plan, Development Plan Documents and Supplementary Planning Documents that the Council is preparing, or intends to prepare. These documents are known collectively as Local Development Documents (LDDs). It is the starting point for residents and stakeholders to find out what planning policies relate to their area and how these will be reviewed.
- 1.2 The LDS should be kept up-to-date. It was last reviewed in September 2013. To cover the period 2014- 2017/18, the amendments comprising this version of Local Development Scheme were agreed in September 2014.
- 1.3 The Local Development Scheme came into effect on xxx September 2014.

A Glossary of terms used in this document is set out at **Appendix C**

## Local Development Framework

- 1.4 The Local Development Framework comprises a portfolio of locally prepared planning documents (Local Development Documents). It also includes related documents such as the Authority's Annual Monitoring Report (AMR) and the Statement of Community Involvement (SCI).
- 1.5 Local Development Documents (LDD) include:

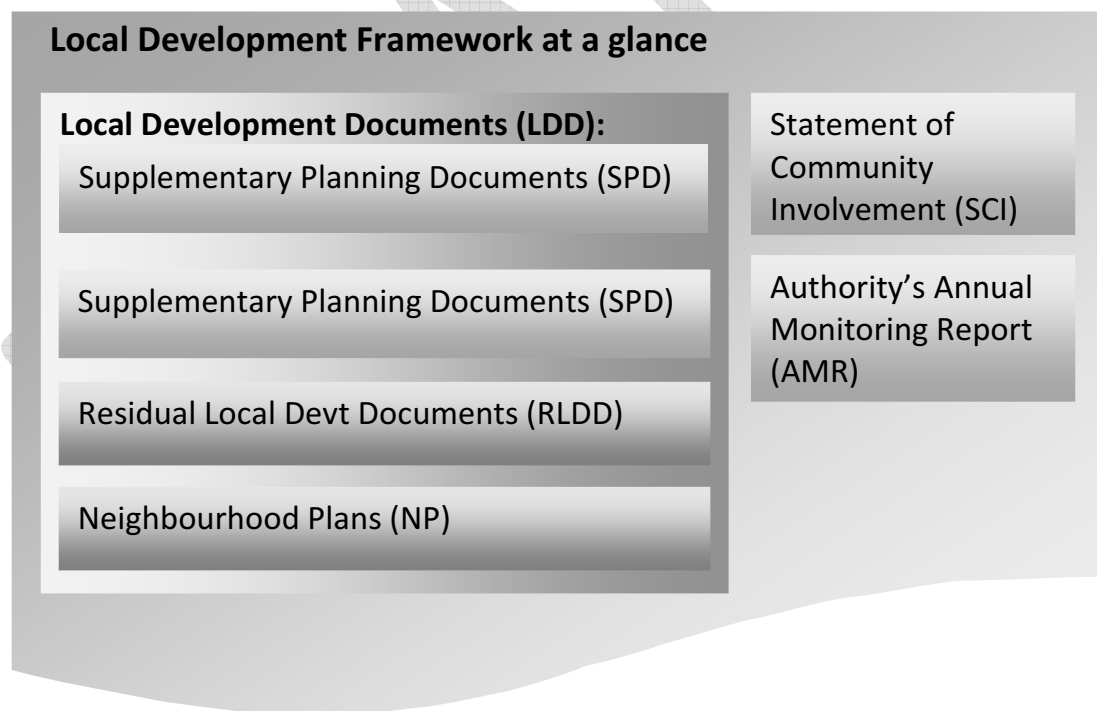
***Development Plan Documents (DPD)*** . These set out policies and proposals and have development plan status and therefore have full weight in the determination of planning applications (see paragraph 1.9). They will be subject to community involvement and Sustainability Appraisal/Strategic Environmental Assessment throughout their preparation and will be subject to independent examination. They

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include Local Plans & Neighbourhood Plans. The policies map should illustrate geographically the Local Plan policies.

***Supplementary Planning Documents (SPD)*** : Supplementary Planning Documents do not have statutory development plan status but are useful in providing more detailed guidance and support for policies and proposals in Development Plan Documents. They are quicker to prepare as they are not subject to independent examination. Whilst they constitute a material consideration in the determination of planning applications they cannot be used to formulate planning policy or designate sites. They will however be subject to community involvement and where appropriate Sustainability Appraisal during preparation.

- 1.6 **Residual Local Development Documents:** This is any other document which does not fall within the remit of a DPD or an SPD.



## **The Development Plan for Bath & North East Somerset**

- 1.7 Section 38(6) of the Planning and Compensation Act stipulates that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. This gives considerable weight to Development Plan Documents.



- 
- 1.8 With the adoption of the Core Strategy in July 2014 the development plan for Bath and North East Somerset now comprises:

### **The B&NES Development Plan**

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**Bath & North East  
Somerset Core Strategy**  
adopted July 2014

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**Saved policies from the  
Bath & North East  
Somerset Local Plan**  
adopted October 2007<sup>1</sup>

These policies will be saved for an indefinite period. Some have been replaced by the policies in the Core Strategy (set out in Appendix 1 of the Core Strategy) and the remaining policies are being reviewed through the Placemaking Plan.

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**Joint Waste Core Strategy  
DPD (JWCS)** adopted  
March 2011

This supersedes all existing Local Plan policies on Waste apart from Policies WM.4 and WM.9 which will be reviewed through the Placemaking Plan. The JWCS sets out the waste planning strategy for the West of England, addressing the planning aspects of the waste hierarchy promoting waste minimisation, recycling/ composting, recovery and disposal.

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**The Policies Map**  
(previously known as the  
Proposals Map)

This illustrates all the allocations and designations set out in the DPDs. It will be revised as each new DPD is adopted where there are allocations or designations. The existing Local Plan Policies Map will be amended to give geographical expression to the Core Strategy and the Placemaking Plan. Proposed amendments to the Policies Map will be publicised alongside the appropriate DPD.

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<sup>1</sup> The Schedule of saved Local Plan policies can be viewed [here](#).

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- 1.10 There are currently no adopted Neighbourhood Plans or Neighbourhood Development Orders in B&NES but a number of neighbour hood plans are under preparation.
- 1.11 Emerging DPDs will carry weight as set out in the NPPF.

### Other related planning documents

- 1.11 Other key planning related documents the Council is required to produce are a Statement of Community Involvement, a Monitoring Report and a Policies Map as explained below.
- 1.12 The **Neighbourhood Planning Protocol (NPP)** was adopted in September 2012 and sets out how the following new mechanisms will operate:
- Neighbourhood Fora,
  - Neighbourhood Referenda
  - Neighbourhood Development Orders
  - Community Right to Build
- 1.13 The NPP also incorporates a review of the Council's **Statement of Community Involvement** which was adopted in 2007. This helps to ensure that the Council is in a position to respond to the Localism agenda efficiently and coherently. This will enable communities to understand the range of opportunities to interact with and take an active role in planning in their locality.
- 1.14 A minor review of the NPP has been undertaken to ensure the information is factually correct and up to date and any anomalies rectified.
- 1.15 The **Authority's Monitoring Report (AMR)** assesses whether plan production is on target and the extent to which policies in local development documents are being implemented. It monitors key data such as housing completions, growth in office space and losses in industrial space. It will also monitor CIL once finalised. The AMR is based upon the period 1<sup>st</sup> April to 31<sup>st</sup> March each year.

## Bath & North East Somerset's Local Development Framework in 2014

### Development Plan for B&NES

#### Local Development Documents Current

##### Development Plan Documents

- B&NES Core Strategy
- Joint Waste Core Strategy (2011)
- Saved policies from the B&NES Local Plan (2007)\*
- B&NES Policies Map

##### Supplementary Planning Documents

##### Other documents

- Authority's Monitoring Report
- Neighbourhood Planning Protocol (*includes the Council's Statement of Community Involvement*)

#### Local Development Documents Under preparation

##### Development Plan Documents

- Placemaking Plan
- Gypsies, Travellers and Showpeople Site Allocations DPD
- Neighbourhood Plans

##### Supplementary Planning Documents

- Planning Obligations SPD (review)

##### Other documents

- Community Infrastructure Levy

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## 2. LOCAL DEVELOPMENT FRAMEWORK PRODUCTION 2014 - 2017

### Progress

#### Development Plan Documents

Plan  
adopted

2.1 The **Core Strategy** sets out the long term planning framework for Bath & North East Somerset. It includes a spatial vision and spatial objectives looking ahead to 2029. It will ensure an up-to-date and robust strategic planning framework for the district. It also gives spatial expression to the Sustainable Community Strategy and the Council Vision. A key diagram defines the broad locations for delivering housing and other strategic development needs as well as setting out policies to protect the environment. The Core Strategy forms **Part 1 of the Local Plan** to comply with the NPPF requirement to produce a Local Plan. It was adopted by the Council on 10<sup>th</sup> July 2014.

2.3 The Core Strategy is scheduled for an early partial review in conjunction with the preparation of the West of England Joint Planning Strategy and a routine review five years after its adoption in 2019.

2.4 The Core Strategy is supported by an **Infrastructure Delivery Plan** to ensure the strategic proposals are deliverable and aligned with infrastructure needs. Linked to this is the Planning Obligations SPD which will be revised. The Core Strategy and the Placemaking Plan (see below) will both need to be underpinned by the **Community Infrastructure Levy (CIL)** to address infrastructure funding issues and ensure growth happens in a planned way. Work on the CIL begun in 2011 and its timetable is set out on page 23.

No  
change  
to profile

2.5 The Local Development Framework needs to prepare for growth through facilitating delivery of key development sites. The Core Strategy will therefore be complemented by the production of the **Placemaking Plan (PMP)**. The Placemaking Plan DPD will form **Part 2 of the Local Plan** (see also paragraph 2.1 above) and will identify development site allocations and changes to Development Management policies. It will set out the development parameters for site allocations in the context of their surroundings. It will specify the delivery mechanisms drawing on key evidence such as the Strategic Housing Land Availability Assessment (SHLAA). The DPD will be structured to take account of the different

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needs of the varying locations across the District. The programme for this DPD is set out on page 18.

Profile  
updated

- 2.6 The **Gypsies, Travellers and Travelling Showpeople Site Allocations** DPD will establish the location of a number of sites suitable to meet the permanent and transit accommodation needs of Gypsies and Travellers in the District. The DPD reached a Preferred Options stage in July 2012. The further site assessment work needed, the requirement to work jointly with adjoining authorities (Duty to Cooperate) to ensure that all non-Green Belt options are fully explored has affected progress and has necessitated a review of current the timetable. The revised timetable is set out in the Document profiles on page 19.
- 2.7 The Localism Act introduces **Neighbourhood Plans**. These will be prepared by local neighbourhoods under the auspices of the Local Authority and once adopted they will form part of the Development Plan. To facilitate this process, the Council has introduced a **Neighbourhood Planning Protocol 'My Neighbourhood'** which incorporates the Statement of Community Involvement. The Government is currently funding Neighbourhood Planning support. Between April 2013 and March 2015 *Locality* in partnership with *Planning Aid England* and other partners will deliver the national support package for Neighbourhood Planning.
- 2.8 The current position on Neighbourhood Plans within Bath and North East Somerset Council is summarised below:
- **Freshford and Limpley Stoke Parish Councils** have prepared a draft Neighbourhood Plan which was submitted to B&NES and Wiltshire Council in July 2014. Following public consultation, this will proceed to examination in Autumn/Winter 2014.
  - **Clutton and Stowey Sutton Parish Councils and Midsomer Norton Town Council** are currently working on final neighbourhood planning drafts and are expecting to formally submit their Neighbourhood Plans to B&NES by the end of 2014 with examinations and referendums being held in Spring 2015.
  - **Stanton Drew, Timsbury, Englishcombe, Batheaston Parish Councils and the Chew Valley Parish Councils** which are working on a joint Neighbourhood Plan are currently collating the evidence base for their Plans by holding consultation events and sending out

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questionnaires. The next stages will be for the parishes to start developing planning policies.

## Supplementary Planning Documents

- 2.9 A **Planning Obligations SPD** was adopted in 2009 and is a key document in setting out a coordinated approach to securing contributions from development. It currently supplements saved policies in the Bath & North East Somerset Local Plan (2007) but it is a 'living document' and will be reviewed from time to time to take account of new information. In order to ensure that it is aligned with up-to-date policy, especially the Core Strategy, it will be revised together with the new Community Infrastructure Levy.
- 2.10 The **Energy Efficiency and Renewable Energy Guidance for Listed Buildings and Undesignated Historic Buildings** was adopted in September 2013 as an Appendix to the Sustainable Construction and Retrofitting Supplementary Planning Document for use determining Listed Building Consent and Planning Applications. A review of the SPD is scheduled for late 2014.
- 2.11 The Locally Important Buildings SPD will be finalized during 2014/15. Other SPDs will be prepared depending on their urgency and as resources permit..

Plan  
adopted

## Other related planning documents

- 2.12 The Council is preparing a **Community Infrastructure Levy (CIL)**. This will enable the Council to raise funds from new development in order to fund the timely delivery of infrastructure. Preparation of a CIL requires an adopted Core Strategy and it includes a charging schedule and a spending regime based on development proposals in the LDF. Its preparation will entail viability assessments so as not to inhibit development and input from stakeholders. The Infrastructure Delivery Programme will need to be kept up-to-date. The Localism Act requires the allocation of a proportion of CIL revenues raised back to neighbourhoods where development takes place. Procedures will need to be established.

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- 2.13 Work undertaken so far on the Core Strategy, the Placemaking Plan and with the local community, along with the requirements arising from the NPPF, stress the importance of ensuring a sufficient environmental evidence base. The 2011 Natural Environment White Paper and work with West of England Nature Partnership also require the preparation of environmental strategies which will be a material consideration in plan preparation and planning decisions and provide the necessary evidence for plan-making. This includes a Trees and Woodland Strategy, Landscape Character Assessments and Design Guidance. These are described in more detail in **Appendix B**.
- 2.14 Although only the work essential to the preparation of the key Development Plan Documents and CIL will be prioritized for the duration of this LDS, there may be scope to initiate some of environmental strategies, in connection with corporate and national priorities
- 2.15 The four West of England Authorities have agreed a memorandum of understanding to prepare a Joint Planning Strategy (JPS). The JPS will provide a formal coordinated strategic context to inform local plan reviews. It will identify: the overall quantum of housing and jobs within the West of England and their distribution across the sub-region; the overall spatial strategy; strategic priorities; and strategic infrastructure necessary to deliver the spatial strategy for the West of England. Joint studies will be procured to support this process.

### **LDD Content and Key Milestones**

- 2.16 The **LDS Summary timetable** setting out an overview of the programme and key milestones for the production of Bath & North East Somerset Local Development Framework is set out on page 16 and provides a schedule of the LDDs to be prepared during the next 3 years. This is followed by the individual profiles for each LDD.



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### 3. THE EVIDENCE BASE

3.1 The strategies, policies and proposals in the Local Development Documents must be founded on a robust evidence base. A considerable amount of data is available at national and regional level. A number of studies have been commissioned to inform the preparation of its Local Development Framework and other Council strategies. There are also opportunities for the Council to improve its data collection and management strategies. The full **Evidence Base** informing the Local Development Framework is listed on and is accessible via the Council's website. The evidence base covers the subjects listed below:

- Economic
- Environment
- Flood Risk
- Housing and the Strategic Housing Land Availability Assessment (SHLAA)
- Infrastructure
- Recreation, Cultural and Services
- Retail
- Sustainability
- Transport
- Urban Design, Landscape, and Heritage
- Waste
- Green Infrastructure Strategy
- Green Space Strategy

3.2 Other studies not covered by the categories above can be found here. A comprehensive list of documents supporting the Core Strategy can be found on the **Core Documents List** and is supplemented by a series of **topic papers** also available within the Evidence Base.



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## 4. PRODUCTION ARRANGEMENTS FOR THE LOCAL DEVELOPMENT FRAMEWORK

### Sustainability Appraisal and Strategic Environmental Assessment

- 4.1 The development of DPDs and SPDs in the Bath & North East Somerset Local Development Framework will be informed by Sustainability Appraisal. Sustainability Appraisal is an iterative process through which the economic, social and environmental effects of a plan under preparation are assessed. It incorporates the requirements of Strategic Environmental Assessment (SEA) as required by EU SEA Directive 2001/42 on the Assessment of certain Plans and Programmes on the Environment. The appraisal process will draw heavily on the evidence base.
- 4.2 In order to protect the integrity of European sites, Local Authorities are obliged to carry out Appropriate Assessment (AA) as a part of the planning process under the Habitats Directive. AA has been and will continue to be carried out in conjunction with the SA as recommended by the Guidance.

### Review and Monitoring

- 4.3 Review and monitoring are crucial to the successful delivery of the spatial vision and objectives of the LDF and will be undertaken on a continuous pro-active basis. The **Authority's Monitoring Report** is prepared for each financial year (see also paragraph 1.15). It has a dual purpose which is to:
- monitor progress of preparation of planning documents against agreed milestones in the LDS
  - assess the implementation of DPD policies against targets which will influence policy review and other decisions

### Resources and Arrangements for Production

- 4.4 The Planning Service co-ordinates the preparation of Local Development Documents in liaison with other relevant Services across the Council. The document profiles (page 17 onwards) outline the responsibilities for document preparation.

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## Joint Working

- 4.5 Bath & North East Somerset Council works jointly with Bristol, North Somerset and South Gloucestershire Unitary Authorities (UAs) on sub-regional planning and cross boundary issues. Section 110 of the Localism Act sets out a new '**duty to co-operate**'. In addition to the other West of England UAs referred to above the Council engages actively with the neighbouring authorities of Mendip District Council and Wiltshire Council on strategic issues. The '**duty to co-operate**' applies to all local planning authorities and a number of other public bodies including:
- Environment Agency
  - English Heritage
  - Natural England
  - Civil Aviation Authority
  - Homes and Communities Agency
  - Primary Care Trusts
  - Office of the Rail Regulator
  - Highways Agency
  - Integrated Transport Authorities
  - Highways Authorities
- 4.6 These bodies are required to cooperate with Councils on issues of common concern to develop sound Development Plans.
- 4.7 The authorities are also working with business leaders as part of the Local Enterprise Partnership (LEP) for the West of England. The LEP does not have a direct role in spatial planning but there is a need for co-ordination in activities. Similarly the Council is committed to working collaboratively with the West of England Nature Partnership (WENP) which accords with advice in the NPPF.

## Member Arrangements and the LDF

- 4.8 A bespoke Local Development Framework Steering Group guides the production of the Council planning policies and advises the Cabinet Member for Homes and Planning. Decisions on DPDs are made by Full Council in accordance with the Council constitution and other LDDs are agreed as appropriate.

## Risk Assessment

- 4.9 It is often difficult to anticipate all potential risks which could affect the Local Development Framework programme. There are a number of factors that could affect the Council's ability to deliver the Local Development Framework in accordance with the programme outlined for each of the LDD Profiles. Actions to manage these risks have been identified.

Area of Risk	Likelihood/Impact	Mitigation Measures
Programme slippage	<p><b>Medium/High</b></p> <p>Failure to meet the key milestones for LDDs in the LDS is detrimental to the reputation of the local planning authority. Absence of up to date Development Plan likely to lead to unplanned developments across the district. The deadlines for preparing the Local Development Framework are very challenging given the greater emphasis on community consultation.</p> <p><b>High risk</b></p> <p>Political process lead to delays</p>	<p>Ensure that progress is carefully monitored and that priority is given to achieving the key milestones set out in the LDS.</p> <p>Allow for contingency in the programmes.</p> <p>Use efficient project management.</p> <p>Ensure elected members are properly briefed throughout the plan preparation process including through the LDF Steering Group.</p>
Adequate staff resources	<p><b>Low/Medium</b></p> <p>Should cuts to local government funding together with the current restructuring of Council Services impact on the Planning Services, the potential loss of experienced staff would impact on the preparation of LDDs and heightens the risk of programme slippage.</p>	<p>Ensure that sufficient staff resources with the necessary experience and expertise are available for the production of LDDs.</p> <p>Consider seconding staff from other Services in the Council and/or joint working with neighbouring authorities.</p> <p>Subject to the availability of financial resources, employ temporary staff or consultants.</p>
Financial resources	<p><b>Medium/High</b></p> <p>It is important that there are sufficient financial resources available to prepare LDDs, including for consultants (where necessary), to secure and maintain robust</p>	<p>Ensure the LDS influences budgetary decisions to ensure sufficient resources are in place including a suitable level of contingency. However cuts to local government funding are</p>

	evidence base, community consultation and engagement, and for the Examination process in the case of DPDs.	outside the Council's direct control.
Competing work priorities	<b>Medium/High</b> The Policy Team is involved in a wide range of spatial policy work. Planning applications for major unplanned developments are resource-heavy. There is a risk that the Team's work is diverted from plan making by other unforeseen work pressures such as involvement in planning appeal inquiries, regeneration projects and responding to consultation on emerging Government policies.	Ensure that progress on the Local Development Framework remains a high priority and at certain times other work will have to take a much lower priority. Consideration may then need to be given to outsourcing work to prevent delays in progress.
Evidence base	<b>Low/Medium</b> Lack of an up -to date evidence base will affect the soundness of a DPD	Maintain a proportionate and up to date evidence base. Ensure all policies and proposals can be fully justified with evidence.
Level of public interest in plan making	<b>Medium/High</b> Historically the level of public interest in LDDs has been high during previous consultations and engagement exercises. An unanticipated high level of responses could result in a delay in the programme.	Ensure that resources are in place at appropriate times to ensure representations are dealt with promptly and efficiently.
Neighbourhood Planning	<b>Medium/High</b> An additional stress on staff resources is the requirements to provide professional and technical advice to support Parish and Town Councils in progressing Neighbourhood Plans.	Maintain close liaison with Parish and Town Councils to monitor the scale of work required. Consider to what extent neighbourhood planning aspirations can be delivered through LDDs to reduce costs

## BATH & NORTH EAST SOMERSET LOCAL DEVELOPMENT SCHEME 2014-2018

[illegible]

	<b>M</b>	Policies Map changes		<b>S</b>	Submit Plan
	<b>O</b>	Options consultation		<b>H</b>	Hearings
	<b>D</b>	Draft Plan		<b>R</b>	Report
	<b>P</b>	Publish AMR		<b>A</b>	Adoption/Approval
<b>D</b>		Draft Plan	<b>A</b>		Adoption

# LOCAL DEVELOPMENT DOCUMENT PROFILES

## PART 1: DEVELOPMENT PLAN DOCUMENTS

CORE STRATEGY DPD REVIEW/JOINT PLANNING STRATEGY		
The Core Strategy will be reviewed around every five years following adoption. However, there will be an early partial review in about in conjunction with the review of West of England Authorities in about 2016		
Role and Content	The Core Strategy sets out the spatial vision, spatial objectives, core policies and a delivery strategy for the development of the district and framework for development management It will be underpinned by an Infrastructure Delivery Plan to ensure a deliverable strategy. This may be incorporated with the Placemaking Plan in due course to form a single Local Plan	
Status	Development Plan Document	
Geographic Coverage	District wide	
TIMETABLE & MILESTONES		
The milestones for the Core Strategy Review/JPS, both achieved and those planned, are set out below.		
Issues Consultation		
Publication of issues and alternative options for public consultation including indication of the Council’s preferred options <b>(Reg 25)</b>		
Publication of proposed Submission DPD <b>(Reg 27)</b> and draft SA report		to
Submission to Secretary of State <b>(Reg 30)</b> with final SA Report		be
Examination Hearings Period		completed
Update evidence base and develop policy options <b>(Reg 18)</b>		
Council agrees changes to Core Strategy		
Publication of changes to draft Core Strategy for public consultation		
Resume Examination		
Hearing sessions		
Receive Inspector’s Report		
Adoption		
ARRANGEMENTS FOR PRODUCTION		
Resources required and management arrangements	Co-ordination with West of England through the Planning, Housing and Communities Board and the Joint Transport Board. Supporting evidence prepared corporately.	
Community/ stakeholder involvement	In accordance with the Town and Country Planning (Local Development) (England) Regulations and the Neighbourhood Planning Protocol.	
POST-PRODUCTION		
Monitoring & Review	The implementation of the objectives and policies of the Core Strategy will be monitored as part of the AMR as set out in the submission Core Strategy.	

## LOCAL DEVELOPMENT DOCUMENT PROFILES

PLACEMAKING PLAN DPD	
Role and Content	<p>This is a place focussed plan, containing both site allocations and updated planning policies for Development management. The Plan will:</p> <ul style="list-style-type: none"> <li>Facilitate the delivery of key development sites by providing the necessary level of policy guidance and site requirements to meet Council objectives</li> <li>safeguard and enhance the quality and diversity of places in B&amp;NES and identify opportunities for change.</li> <li>set out the housing supply and other development commitments to meet development needs to 2029.</li> <li>be prepared in a collaborative way in order to respond to Localism.</li> <li>Address how infrastructure requirements will be met</li> <li>Preparation to be aligned with production of CIL</li> </ul>
Status	Development Plan Document
Conformity	National Policy Framework; National Planning Policy Guidance
Geographic Coverage	District-wide but area based
TIMETABLE & MILESTONES	
Pre-production period including commencement of document preparation	September 2013
Issues and alternative options consultation ( <b>Reg 18</b> )	November 2014
Publication of and consultation on proposed Submission DPD ( <b>Reg 19</b> ) and draft SA report	September/October 2015
Submission to Secretary of State ( <b>Reg 22</b> ) with final SA Report	January 2016
Examination Hearings Period	April 2016
Receipt of Inspector's report	July 2016
Adoption and publication	September 2016
ARRANGEMENTS FOR PRODUCTION	
Resources required and management arrangements	Prepared by Planning and Transport Services in conjunction with other Services and consultant expertise where required. Corporate steer by the LDF Steering Group with key stages to be agreed at Cabinet and/or Council.
Key Evidence:	SHLAA, IDP.
Community and stakeholder involvement	In accordance with Regulations 18 and 19 of the Town and County Planning (Local Planning) (England) Regulations 2012 and the Neighbourhood Planning Protocol Take account of previous consultation on Core Strategy and Economic Regeneration Delivery Plans.
POST-PRODUCTION	
Implementation, Monitoring & Review	The implementation of the objectives and policies of the DPD will be monitored as part of the AMR.

## LOCAL DEVELOPMENT DOCUMENT PROFILES

<b>GYPSES, TRAVELLERS AND TRAVELLING SHOWPEOPLE SITE ALLOCATIONS DPD</b>	
Role and Content	Allocate specific sites to meet the accommodation needs of the travelling community
Status	Development Plan Document
Chain of conformity	National Policy, draft Core Strategy, Bath & North East Somerset Local Plan
Geographic Coverage	District-wide
<b>TIMETABLE &amp; MILESTONES</b>	
Commencement and early stakeholder and community engagement in document preparation	July 2009
Publication of issues and alternative options for consultation <b>(Reg 25)</b> <sup>2</sup>	November 2011 – January 2012 (Issues & Options - call for sites and site assessment criteria)
Publication of preferred options for consultation <b>(Reg 18)</b>	June – July 2012 (alternative and preferred sites)
Publication of revised set of site options for consultation	<b>May/June 2015</b>
Publication and public participation on draft DPD <b>(Reg 19)</b> and draft SA report	<b>November 2015</b>
Submission to Secretary of State <b>(Reg 22)</b> with final SA Report	<b>March 2016</b>
Commencement of Hearings	<b>June 2016</b>
Receipt of Inspector's report	<b>October 2016</b>
Adoption and publication	February 2017
<b>ARRANGEMENTS FOR PRODUCTION</b>	
Resources required and management arrangements	Prepared by Planning Services in collaboration with other relevant Council Service areas, external authorities service providers and specialist consultant advisors as required. Key stages to be agreed at Cabinet and Council. The Policies Map will be revised accordingly. Cost to be shared between the Services.
Community and stakeholder involvement	In accordance with Regulations 18 and 19 of the Town and County Planning (Local Planning) (England) Regulations 2012 and the Neighbourhood Planning Protocol
<b>POST-PRODUCTION</b>	
Monitoring & Review	The DPD will be monitored as part of the AMR and will be reviewed if the monitoring highlights such a need.

<sup>2</sup> Prepared under the Town and County Planning (Local Development) (England) (Amendment) Regulations 2008 until March 2012.



## LOCAL DEVELOPMENT DOCUMENT PROFILES

### ***PART 2: SUPPLEMENTARY PLANNING DOCUMENTS***

These will be prepared depending on their urgency and where resources permit. Currently work on three SPDs is scheduled

- Planning Obligations SPD update (in conjunction with the preparation of CIL)
- Sustainable Construction and Retrofitting SPD (listed Buildings section)
- The Locally Important Buildings SPD.
- A review of the Bath HMO SPD might also be required in the LDS period, depending on the outcome of monitoring

## LOCAL DEVELOPMENT DOCUMENT PROFILES

### ***PART 3: OTHER LOCAL DEVELOPMENT DOCUMENTS***

<b>POLICIES MAP (Proposals Map)</b>	
Role and Content	The Policies Map identifies site-specific proposals, designations, and locations and areas to which specific policies in other DPDs apply on an Ordnance Survey base map and will include inset maps. This map evolves with each Development Plan Document.
Status	Development Plan Document
Conformity	Conformity with other Development Plan Documents (DPDs).
Geographic Coverage	District-wide
<b>TIMETABLE &amp; MILESTONES</b>	
The production of the Policies Map is dependent on the timetable of DPDs which require the geographical expression of location of site-specific proposals and area based policies and will be updated as DPDs are adopted.	
<b>ARRANGEMENTS FOR PRODUCTION</b>	
Resources required and management arrangements	Prepared by Planning Services with Corporate GIS and technical support. Preparation of printed versions and interactive electronic versions will be outsourced as required. Key stages to be agreed at Cabinet and Council.
Community and stakeholder involvement	In accordance with Regulations 18 and 19 of the Town and County Planning (Local Planning) (England) Regulations 2012 and the Neighbourhood Planning Protocol.
<b>POST-PRODUCTION</b>	
Monitoring & Review	An amendment to the Policies Map is contingent on the outcome of the monitoring and review of DPDs.

## LOCAL DEVELOPMENT DOCUMENT PROFILES

<b>NEIGHBOURHOOD PLANNING PROTOCOL</b> <b>(STATEMENT OF COMMUNITY INVOLVEMENT)</b>	
Role and Content	The SCI sets out how the community, stakeholders and interested parties are involved in the production of plans and proposals for the District and the determination of planning applications. The NPP reflects the localism agenda and sets out the engagement processes, guidance for the establishment of Neighbourhood Fora, preparation of Neighbourhood Plans and Neighbourhood Development Orders.
Status	LDD
Chain of conformity	Must at least meet the minimum requirements set out in the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008. The SCI has regard to the Council's corporate communication strategy.
Geographic Coverage	Whole District
TIMETABLE & MILESTONES	
Addendum published alongside adopted SCI	
Revisions to the SCI finalised and agreed by Council	
ARRANGEMENTS FOR PRODUCTION	
Resources required and management arrangements	Prepared by Planning service in conjunction with Policy & Partnerships Team and in consultation with Member portfolio holder. Agreed by the Council/Cabinet.
Community and stakeholder involvement	The revisions to the SCI will entail community engagement
POST-PRODUCTION	
Monitoring & Review	To be reviewed on an ongoing basis in response to problems or successes consulting on LDDs or planning applications and as part of the AMR and changes in government legislation

## LOCAL DEVELOPMENT DOCUMENT PROFILES

<b>COMMUNITY INFRASTRUCTURE LEVY (CIL)</b>	
Role and Content	The CIL is a levy on new development to fund the timely delivery of infrastructure needed to support development.
Status	Local Development Document
Chain of conformity	Core Strategy; Infrastructure Delivery Programme
Geographic Coverage	Whole District
<b>TIMETABLE &amp; MILESTONES</b>	
Commence	July 2011
Public consultation on Preliminary Draft Charging Schedule	March-April 2012
Public consultation on Draft Charging Schedule	July 2014
Submission	October 2014
Hearings	December 2014/Jan 2015
Report	February/March 2015
Adoption	By April 2015
<b>ARRANGEMENTS FOR PRODUCTION</b>	
Resources required and management arrangements	<p>Charging schedule and a spending regime based on development proposals in the LDF, viability assessments &amp; the Infrastructure Delivery Programme to be prepared by the Planning &amp; Transport Service in conjunction with other Council services. This will be overseen by the LDF Steering Group with decisions made by Cabinet/Council. The work will be co-ordinated by the Officer Development Co-ordination Group with input from external developers/stakeholders as required.</p> <p>Other key tasks are:</p> <ul style="list-style-type: none"> <li>– Clarifying the proportion to be allocated back to neighbourhoods</li> <li>– Establish enforcement arrangements/penalisation for non-payment</li> </ul>
Community and stakeholder involvement	<p>Community engagement in preparation of charging schedule, spending regime and neighbourhood element in accordance with the Neighbourhood Planning Protocol</p> <p>Public examination</p>
<b>POST-PRODUCTION</b>	
Implementation	<p>B&amp;NES, as both the charging and collecting authority will issue a liability notice on grant of planning permission. The levy is paid on commencement of and during development.</p> <p>Establish collection arrangements</p>
Monitoring and Review	A report on the levy raised and what it is spent on will be included in the AMR.

## Natural Environment and Urban Design Evidence and Strategies

1. The West of England Nature Partnership (WENP) launched in June 2013 is one of 47 Local Nature Partnerships given statutory status by Defra. The WENP will develop and advocate an investment strategy for the natural environment of the West of England that provides a range of essential services to support economic development and public health. The WENP aims to provide coherent and cohesive representation of a range of stakeholders concerned for the natural environment and work in partnership with economic development agencies, health authorities and other statutory bodies to create a truly joined up approach in the West of England. The National Planning Policy Framework (NPPF) states that local planning authorities should work collaboratively with Local Nature Partnerships.

### *Landscape*

2. One of the core principles the NPPF is that planning should recognise the intrinsic character and beauty of the countryside. Landscape Character Assessment is the tool that informs judgements on the value of landscapes and should be undertaken at a scale appropriate to local and neighbourhood plan-making. The rural character assessment of the District was carried out in 2003 and an assessment of Bath was carried out in 2005 as a precursor to more detailed Conservation Appraisals across Bath which are still pending, and are dependent on available resources.
3. The District is vulnerable to impacts on the landscape and visual character because the existing character assessments carried out to current methodologies to accord with government policy. A District landscape character assessment carried out in partnership between the Council, and parishes and local communities is needed. This will inform planning decisions and will help to provide the context for other related assessments including local planning initiatives such as Neighbourhood Plans where these are undertaken.

### *Trees and Woodland Strategy*

4. The need for a tree and woodland strategy has been identified through a number of related studies (Public Realm and Movement Strategy, Green Space Strategy, Green Infrastructure Strategy etc.). This is especially relevant with the high level of public interest in this area following the governments proposed sell off of the public forestry estate and the risks of significant landscape scale tree loss through ash die-back and other tree related disease. The objective is to produce, adopt and implement a collaborative strategy for protecting, developing and managing a thriving, benefit-generating treescape which is in tune with local needs and aspirations.

### *Ecology*

5. In 2011 Government published a Natural Environment White Paper setting out its goals and vision for the natural environment followed later that year by Biodiversity 2020 Government's biodiversity strategy. The NPPF sets out the requirement to map ecological corridors and also to be able to respond to biodiversity offsetting. There is a need for the council to review/consider these needs and set out its approach, this should ideally be done to tie in with the plan review.

### *Design*

6. As part of updating district wide design standards for the Placemaking Plan (see para 5.4 of LDS Review) there may be scope to prepare an 'Evolving Place' project, an SPD providing planning applicants with guidelines on achieving Good Design. This would incorporate the requirement in NPPF for Local Authorities to 'deliver a wide range of high quality homes' (chapter 7, pp14-16) together with 'Promoting Healthy Communities' (NPPF chapter 8 pp17-19) into a detailed and comprehensive guidance document for use in planning prepared with input across Council services and the public and based on describing how to meet the relevant Core Strategy Policy CP6 'Environmental Quality' and NPPF requirements as well as integrating relevant corporate strategies.

## Status of current Supplementary Planning Documents and Guidance

*At its meeting on 10<sup>th</sup> July 2014 the Council agreed that the following adopted Supplementary Planning Documents and Guidance should also supplement the Core Strategy.*

**Agricultural Building Design Guidelines for the Mendip Hills AONB** (published 2001, revised 2013) supplements saved Policy NE.2 in the Bath & North East Somerset Local Plan.

**Archaeology in Bath & North East Somerset SPG** (May 2004) and **Archaeology in Bath SPG** (May 2004) supports saved Policies BH.11, BH.12 and BH.13 in the Bath & North East Somerset Local Plan.

**Bath City-wide Character Appraisal** (August 2005) supports saved Policies BH.6, BH.8, BH.15, D.1, D.2, D.4, HG.7, GB.2, NE.1, NE.2, NE.3, NE.12 and NE.15 in the Bath & North East Somerset Local Plan.

**Bath Western Riverside SPD** (March 2008) supplements Bath & North East Somerset's Local Plan site allocation Policy GDS.1/B1.

**Existing Dwellings in the Green Belt SPD** (October 2008) supplements saved Policies HG.14 and HG.15 in the Bath & North East Somerset Local Plan.

**Guidelines for Horse-related Development for the Mendip Hills AONB** (published 2004, revised 2012) supplements saved Policies NE.2 and SR.12 in the Bath & North East Somerset Local Plan.

**Houses in Multiple Occupation in Bath SPD with Article 4 Direction for HMO in Bath** (June 2013) introduces a new threshold policy which supplements Policy HG.12 in the Bath & North East Somerset Local Plan

### Conservation Area Appraisals

The Council has a number of Conservation Areas, the following of which are SPD or a material consideration

- Paulton Conservation Area Statement (2003)
- Chew Magna Conservation Area Statement (2003)
- Midsomer Norton and Welton Conservation Area Statement(2004)
- South Stoke Conservation Area Appraisal (March 2014)
- Hinton Blewett Conservation Area Appraisal (July 2014)
- Combe Hay Conservation Area Appraisal (July 2014)
- Claverton Conservation Area Appraisal
- Freshford and Sharpstone Conservation Area Appraisal
- Pensford Conservation Area Appraisal
- Radstock Conservation Area Appraisal
- Wellow Conservation Area Appraisal
- Woollard Conservation Area Appraisal

### **Village Design Statements**

- Peasedown St. John Village Statement (2001)
- Hallatrow & High Littleton Design Statement (2003)
- Paulton Village Design Statement (2003)
- Bathford Village Design Statement (2005)
- Chew Magna Village Design Statement (2006)
- Larkhall Character Statement and Development Principles (1998)

**Planning Obligations SPD** (July 2009) supplements saved Policy IMP.1 in the Bath & North East Somerset Local Plan.

**Retrofitting & Sustainable Construction SPD** (February 2013) supplements saved the Bath & North East Somerset Council Local Plan and Policies CP1 and CP2 of the Core Strategy once it is adopted.

### **Rural Landscapes of Bath & North East Somerset: A Landscape Character**

**Assessment** (February 2003) supports saved Policy NE.1 in the Bath & North East Somerset Local Plan.

**Streetscape Manual SPD** (April 2005) supplements saved Policy D.2 in the Bath & North East Somerset Local Plan.

**Walcot Street Works** (1997), **Cherishing Outdoor Places** (1994), and **External Building Materials Local Design Guide** supplement the Bath & North East Somerset Local Plan.

**City of Bath World Heritage Site Setting SPD** (August 2013) supplements Core Strategy Policy B4.



## GLOSSARY OF TERMS

- AAP** An **Area Action Plan** can be used to provide a planning framework for areas of change and areas of conservation. Area Action Plans will have the status of Development Plan Documents.
- AMR** The **Authority's Monitoring Report** will assess the implementation of the Local Development Scheme and the extent to which policies in Local Development Documents are being successfully implemented. Previously known as an Annual Monitoring Report.
- CS** **Core strategy:** sets out the long-term spatial vision for the local planning authority area, the spatial objectives and a strategic policy framework to deliver that vision. The Core Strategy will have the status of a *Development Plan Document* and will form Part 1 of the new style Local Plan.
- DP** **Development Plan:** as set out in Section 38(6) of the Act, an authority's development plan consists of the relevant *Development Plan Documents* contained within its *Local Development Framework*.
- DPD** **Development Plan Document:** spatial planning documents that are subject to independent examination will form the *Development Plan*. They can include a *Core Strategy*, *Site Specific Allocations of land*, and *Area Action Plans* (where needed). Other Development Plan Documents, including generic Development Control Policies, can be produced. They will all be shown geographically on an *adopted Policies Map*.
- LDF** **Local Development Framework:** the name for the portfolio of *Local Development Documents*. It consists of *Development Plan Documents*, *Supplementary Planning Documents*, a *Statement of Community Involvement*, the *Local Development Scheme* and *Annual Monitoring Reports*. Together these documents will provide the framework for delivering the spatial planning strategy for a local authority area.
- LDD** **Local Development Document:** the collective term for Development Plan Documents, Supplementary Planning Documents and the Neighbourhood Planning Protocol.
- LDS** **Local Development Scheme:** sets out the programme for preparing *Local Development Documents*.
- LEP** **Local Enterprise Partnerships:** locally-owned partnerships between local authorities and businesses and play a central role in determining local economic priorities and undertaking activities to drive economic growth and the creation of local jobs.
- NPP** **Neighbourhood Planning Protocol:** sets out mechanisms for:
- Neighbourhood Fora
  - Neighbourhood Referenda

- Neighbourhood Development Orders
- Community Right to Build

This includes a review of the Council's Statement of Community Involvement.

**NPPF National Planning Policy Framework** sets out the Government's planning policies for England and how these are expected to be implemented. It replaces all previous planning policy guidance notes and planning policy statements.

**PMP Placemaking Plan:** a Development Plan Document being prepared to complement the strategic framework in the Core Strategy by setting out detailed development principles for identified sites and other policies for managing development across Bath & North East Somerset. It will form Part 2 of the new style Local Plan.

**Policies Map:** previously referred to as the **Proposals Map** and illustrates geographically the policies and proposals in the Development Plan Documents (DPD) on an Ordnance Survey map. Inset Maps show policies and proposals for specific parts of the district. It will need to be revised each time a new DPD is adopted.

**RSS Regional Spatial Strategy:** set out the region's policies in relation to the development and use of land and forms part of the *development plan* for local planning authorities. Regional strategies remained part of the development plan until they were formally revoked by the Secretary of State in May 2013.

**Saved policies or plans:** existing adopted development plans are saved for three years from the date of commencement of *the Act*. Any policies in old style development plans adopted after commencement of the Act will become saved policies for three years from their adoption or approval.

**SA Sustainability Appraisal:** tool for appraising policies to ensure they reflect sustainable development objectives. Sustainability Appraisals are required in the Act to be undertaken for all local development documents.

**SEA Strategic environmental assessment:** a generic term used to describe environmental assessment as applied to policies, plans and programmes. The European 'SEA Directive' (2001/42/EC) requires a formal 'environmental assessment of certain plans and programmes, including those in the field of planning and land use'.

**SPD Supplementary Planning Document:** provide supplementary information in respect of the policies in *Development Plan Documents*. They do not form part of the Development Plan and are not subject to independent Examination.

**This document can be made available in a range of community languages, large print, Braille, on tape, electronic and accessible formats from the Planning Policy Team Tel (01225 477548) Fax (01225 477617), Minicom (01225 477535).**

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## APPENDIX 3: AMENDMENTS TO THE NEIGHBOURHOOD PLANNING PROTOCOL

Page	Proposed amendment
<b>Have your say on planning applications - Introduction</b>	
5	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 1 is a summary diagram outlining the process of determining a planning application. The Council aims to determine <u>these small</u> planning applications within 8 weeks of validation.
<b>Figure 1 'Summary diagram to show how a planning application is decided'</b>	
6	<p><i>Second text bubble in the sequence</i></p> <p><u>Submission of planning application</u></p> <p>Applicant submits the following</p> <ul style="list-style-type: none"> <li>• Application Forms</li> <li>• Drawings</li> <li>• Fee</li> <li>• Supporting information</li> </ul>
7	<p><i>Text bubble stating:</i></p> <p>Re-consult <u>residents and consultees on changes to application</u> where necessary</p> <p><i>Insert an arrow from the circle above "Negotiate with.."</i></p>
<b>Pre-application</b>	
9	<p>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 at <a href="http://live.bathnes.gov.uk/services/planning-and-building-control/apply-planning-permission/you-apply">live.bathnes.gov.uk/services/planning-and-building-control/apply-planning-permission/you-apply</a></p> <p><u>As a trial, the Council is amending its Development Team procedure so as to seek the views of elected members on the most significant Development Team proposals at pre-application stage.</u></p>
<b>Submission of Application</b>	
11	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

Page	Proposed amendment
	service. <del>For large scale major applications a hard copy summary document may also be requested at Council Connect offices.</del>
<b>Considering an application</b>	
12	Comments on planning applications must be made within a minimum of 21 days (for first consultation) and 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 <u>but will be considered by officers where possible</u> when determining the application. <del>However, bodies such as Natural England will be allowed a longer period of time to comment on applications where this is prescribed by legislation.</del>
<b>Figure 4</b>	
15	Applications of <del>special interest</del> <u>particular significance or importance</u> are also highlighted on the “Specials Interests” page during their consultation period.
<b>Heritage Assets - Introduction</b>	
17	The significance of locally important, undesignated heritage assets is specifically noted in the Local Planning Authority's policies and they are included in the Historic Environment Record. The impact of development proposals on undesignated <del>historic</del> <u>heritage</u> assets are a material consideration in the determination of planning applications.
<b>Getting involved in Planning Policy</b>	
20	City of Bath World Heritage Site Setting Study SPD
<b>Figure 5: Target groups we need to involve in the preparation of the LDF</b>	
22	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 <del>e.g. the Local Strategic Partnership (LSP) is currently considering and</del> how best to engage faith communities <del>in the district in the Community Strategy.</del>
22	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. <del>The Economic Development 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.</del> The four West of England councils <u>and the Local Enterprise Partnership (LEP) published a Planning Toolkit in 2012 which aims for a more positive and consistent planning system based on collaboration and engagement including with business.</u> In addition, direct links will be made with local Chambers and with the local representatives of the Federation of Small Businesses.
<b>How will we engage you?</b>	
23	Appendix B presents a toolbox of methods which the Council <del>will use</del> <u>can use as appropriate</u> to encourage community involvement in the

Page	Proposed amendment
	creation of the LDF and go beyond the statutory minimum requirements.
<b>What will happen to your views and comments?</b>	
26	A schedule of comments made during the consultation will be available for public inspection, together with the Council's response to the issues raised. The <del>comments and</del> responses will be agreed by the Council, Cabinet or Cabinet member as appropriate. Please note we cannot treat any comments made as confidential.
26	A statement of compliance to the Neighbourhood Planning Protocol will be produced. This statement will outline how the Local Authority has complied with the Neighbourhood Planning Protocol. <u>This statement will often form part of the consultation report.</u> 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.
<b>Figure 11: Process for Processing Applications for Neighbourhood Forum Designation in Bath</b>	
36	<p><i>Orange comment bubble:</i></p> <p><del>If you already have a Parish or Town Plan that you still think is up to date you could skip to step 3 (see page 40). However, you will still need to formally apply to designate your Neighbourhood Area, although where no change to your parish area this will be undertaken quickly via a delegated decision.</del></p> <p><u>The Neighbourhood Planning Roadmap Guide produced by locality, is a useful resource. It includes a series of worksheets and helpful lists of tasks and checklists.</u></p> <p><u><a href="http://locality.org.uk/resources/neighbourhood-planning-roadmap-">http://locality.org.uk/resources/neighbourhood-planning-roadmap-</a></u></p>
<b>The importance of trees - Introduction</b>	
48	The importance of our trees is embedded in the Council's policy documents such as the Bath and North East Somerset Local Plan, Core Strategy, Green Infrastructure Strategy, Landscape Character Assessment and the City of Bath World Heritage <del>site setting study</del> <u>Site Setting SPD.</u>
<b>Figure 14: How is an application for tree works for trees protected by a Tree Preservation Order decided by the Council?</b>	
49	<p>Pre-application advice: owner advised to seek professional advice from an a tree specialist <del>(known as an Arborist)</del></p> <p>Application checked for completeness (validation) – applicant contacted if incomplete or vague, <u>for instance, the use of percentages to describe crown reductions is not acceptable.</u></p> <p>Acknowledgement sent, application <u>and all accompanying details and documents</u> 'placed on weekly list and public web site, tree owners notified if application is made by a neighbour.</p>

Page	Proposed amendment
49/50	<p><i>Publicity</i></p> <p>The Council publicises <u>all details provided with</u> Tree Protection Order applications notifications to undertake work to protected trees in the following ways:</p> <ul style="list-style-type: none"> <li>• All applications and notices <u>and accompanying details and documents</u> are recorded on the public planning database and on the Council website. A decision will not be made within 21 days of the registration of an application or notification unless there are exceptional circumstances for doing so.</li> <li>• <del>Notify</del> Town and Parish Councils <u>are notified</u> of applications and notices within their area.</li> <li>• <del>Placing Applications</del> and notices <u>Applications and notices are placed</u> on the weekly lists – available to Ward Members and the public.</li> <li>• <del>Advising Applicants</del> <u>are advised</u> to contact their neighbours prior to carrying out any work.</li> <li>• <del>Advising Applicants</del> <u>are advised</u> to contact tree owners if the applications or notices relate to neighbouring trees and seek their consent if the work extends beyond the boundary.</li> </ul>
50	<p><i>Exceptions</i></p> <p>There are instances where work is exempt from the normal tree application or notification process. The <del>Councils'</del> <u>Council's</u> permission is not required for cutting down or carrying out work on trees which are dead, <del>dying</del> or have become dangerous.</p>
50	Arboricultural <del>association</del> <u>Association</u>
<b>Figure 15: How is a tree works notification for trees protected by a conservation area processed?</b>	
51	<p>Pre notification advice: owner advised to seek professional advice <del>from an Arborist</del></p> <p>Owner or agent submits the notification (<u>often</u> known as a 'six week notice')</p> <p>Validation (notification checked for completeness) – applicant contacted if incomplete or vague. <u>The use of percentages to describe tree crown reductions is not recommended.</u></p> <p>Acknowledgement sent, notification <u>and all accompanying details and documents</u> placed registered on weekly list and public web site, tree owners notified if notification is made by a neighbour.</p>
<b>FIGURE 16: How is proposed tree felling to trees protected by landscape conditions or a section 106 agreement processed?</b>	
51	<p>Owner advised to seek professional advice from a tree specialist (<del>known as an Arborist</del>)</p>
51	<p><i>Footnote</i></p> <p><i>A site visit may reveal that major works which would have a significant impact on the visual amenity or health of a tree (<del>such as a crown</del></i></p>



Page	Proposed amendment
	<del>reduction greater than 30% or felling such as a crown reduction which does not follow the recommendations within the current BS 3998) relates to an important tree which is highly visible. Where sound arboricultural reasons support the proposal immediate neighbours will be notified by <u>letter and/or</u> either cards or site notice and Ward Councillors or Parish and Town Councils notified.</del>
<b>Other tools and tips for communities</b>	
55	<i>Pink text bubble</i> <del>The Council is progressing</del> <u>As part of the preparation of</u> its first Green Infrastructure Strategy. <del>It, the Council</del> held a consultation launch event for stakeholders. <del>This provided the opportunity a chance</del> to find out more and to encourage networking between the wide range of stakeholders with an impact on green infrastructure. <u>The Green Infrastructure Strategy is now adopted.</u>
66	Green Infrastructure is the term used to describe the networks of natural spaces and corridors within our urban and rural areas which support the health and wellbeing of local communities. The Council <del>is developing</del> <u>has adopted</u> a Strategy to make better use of these natural assets. The strategy <del>should</del> <u>provides</u> <del>a valuable resources for developing neighbourhood plans.</del>
<b>Appendix A: community involvement toolkit</b>	
68	<u>Please note this list is not exhaustive but is intended as a guide. The methods of engagement employed should be reasonable, appropriate and proportionate to the intended aims of the consultation.</u>
68	<i>Orange text bubble</i> These pages list a number of tried and tested methods of consultation and engagement <u>which can be used as appropriate</u> . Creativity is an important element of a stimulating and successful engagement strategy, be it through an unusual venue or quirky approach or with a more social event.
	<i>Area notification where site allocations proposed</i> <del>Notification by letter of development proposals under consultation in local area. Letters sent to addresses in the vicinity of a proposed site allocation. The size and parameters of the area are to be determined by the size and nature of the site allocation proposed.</del> <u>Notification of development proposals subject to consultation can be achieved in a number of ways (see also Local Publicity). Direct notification to properties adjoining a proposed site allocation is a quick and effective method of notifying those who will be affected. General notification to other properties in the vicinity of a proposed site allocation is useful in raising awareness.</u>
<b>Appendix B: Statutory consultees</b>	
64	<i>Specific Consultation Bodies</i> The Town & Country Planning (Local Development <u>Planning</u> ) (England) Regulations 2004 <u>2012</u> specify that the following bodies must be consulted if the <del>council</del> Council considers that body will be affected by what is proposed to be covered in a Local Development Document.

Page	Proposed amendment
	<ul style="list-style-type: none"> <li>• Local Authorities adjoining Bath &amp; North East Somerset:               <ul style="list-style-type: none"> <li>– Bristol City Council</li> <li>– Mendip District Council</li> <li>– North Somerset Council</li> <li>– <del>North Wiltshire District Council</del></li> <li>– Somerset County Council</li> <li>– South Gloucestershire Council</li> <li>– <del>West Wiltshire District Council</del></li> <li>– Wiltshire County Council</li> </ul> </li> <li>• Natural England (<del>formerly Countryside Agency &amp; English Nature</del>)</li> <li>• Environment Agency</li> <li>• English Heritage (<del>HBMC</del>)</li> <li>• <del>Historic Buildings and Monuments Commission for England</del></li> </ul>
64	<p><i>Wiltshire Parish Councils</i></p> <p>Box</p> <p>Colerne</p> <p>Limpley Stoke</p> <p>Monkton Farleigh</p> <p>Westwood</p> <p>Winsley</p> <p><u>Marshfield</u></p> <p><u>Limpley Stoke</u></p> <p><u>Monkton Farleigh</u></p> <p><u>Westwood</u></p> <p><i>South Gloucestershire</i></p> <p>Parish Councils</p> <p>Bitton</p>

Page	Proposed amendment
	<p>Cold Ashton  Hanham Abbots  <del>Marshfield</del>  <del>Limpley Stoke</del>  <del>Monkton Farleigh</del>  <del>Westwood</del></p>
65	<p><i>Relevant Government Departments</i></p> <p><del>The Government Office for the South West (GOSW) will be the first point of contact for consultation with central government departments.</del></p> <p>We will consult any government departments or agencies where they have large landholdings in the area covered by a LDD. This will ensure that we are fully aware of the possible need for expansion of existing facilities or the likelihood of large scale land disposals taking place within the period of time covered by the LDD.</p> <ul style="list-style-type: none"> <li>• Home Office</li> <li>• Department for Education and Skills <del>(through GOSW)</del></li> <li>• Department for Environment, Food and Rural Affairs</li> <li>• Department for Transport <del>(through GOSW)</del></li> <li>• Department of Health <del>(through relevant Regional Public Health Group)</del></li> <li>• Department of Trade and Industry <del>(through GOSW)</del></li> <li>•</li> </ul>

### **The Government's Technical Consultation on Planning (published July 2014)**

1. The Government is currently consulting on proposals to simplify the Neighbourhood Planning process. The Government has recognised B&NES as a neighbourhood planning champion nationally; as such the changes proposed to the national regulations have been informed by (i) interviews with some of our neighbourhood planning groups and (ii) practitioner focus group including B&NES officers.
2. The changes proposed can be summarised as follows:
  - o New 10 week timeframe for deciding to designate Neighbourhood Areas, when applied for by a Parish Council (B&NES has already set up a streamlined process for this under delegated powers, which takes approx. 2 weeks)
  - o Removing one of the two 6 week statutory consultation periods required before the Plan is submitted to the Examiner (This is considered repetitive, and the change is supported)
  - o Requirement for those preparing a Neighbourhood Plan to consult certain landowners (This is already good practice, and the change is supported)
  - o Add a new basic condition for Examiner's to test the extent of consultation during Plan preparation (This is already good practice, and the change is supported)
  - o Clarify what should be submitted to the Local Planning Authority by those preparing a Neighbourhood Plan to meet EU obligations around Strategic Environmental Assessment (this is an area requiring further clarity, and the change is supported)
3. The changes to the national Neighbourhood Planning regulations will be incorporated into the B&NES Neighbourhood Planning Protocol, once these become enacted in legislation in 2014-15.

Bath & North East Somerset Council		
MEETING	Planning, Transportation and Environment Policy Development & Scrutiny Panel	
DATE:	16 <sup>th</sup> September 2014	
TITLE:	Air Quality Update	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 – Low Emission Zone Summary		
Appendix 2 - An assessment of the impacts of air quality on health within Air Quality Management areas in Bath and North East Somerset; key learning.		
Appendix 3 – Briefing Note on Air Quality Areas		

## **1 THE ISSUE**

1.1 To Provide an update to the Panel on:

- (1) the outcome of the Low Emission Zone feasibility study;
- (2) A summary of health effects associated with poor air quality;
- (3) The current situation in relation to the Saltford and Keynsham Air Quality Management Plans.

## **2 RECOMMENDATION**

2.1 The Panel are invited to note the report and offer any comments which can be fed into the Transportation Strategy and the forthcoming work on the Air Quality Action Plans for Saltford and Keynsham.

## **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 Development of the Air Quality Action Plans would require staff resources to identify locations where people more vulnerable to the effects of poor air quality may congregate e.g. Care Homes, Childcare providers and to conduct a literature review. This will be covered from within existing staff budgets. Production of leaflets, if required, will also be covered from existing budgets.
- 3.2 A bid is being submitted to DEFRA for an implementation plan / business case for 'Option 4' HGV/Bus: Euro-class 5 or better for 'Central Area' - inside A36 (see appendix 1).
- 3.3 Implementation of the action points of the Air Quality Action Plans will have significant resource implications but these are yet to be determined and will be subject to future decision making and budgetary process.

## **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 Bath and North East Somerset Council is required under Part IV of the Environment Act 1995 to periodically review and assess the air quality in their area in line with guidance issued by the Department for Environment, Food and Rural Affairs (DEFRA). Present and likely future quality of the air is compared to the National Air Quality Objectives. Where the objectives are found to be exceeded and are identified as areas of public exposure, an Air Quality Management Area (AQMA) must be declared.

## **5 THE REPORT**

- 5.1. Air Quality Action Plans (AQAP) are devised to address exceedances in pollution levels that led to the Council to determine an Air Quality Management Area. B&NES Council has received DEFRA funding to undertake a feasibility study for the introduction of a Low Emission Zone (LEZ) or other restrictions in the vicinity of the A36 Cleveland Bridge, Bath and model options for a reduction in heavy goods vehicles and engine standard stipulations.
- 5.2. The aims of the study were:
  - to identify to what extent the implementation of a Low Emission Zone would reduce levels of nitrogen oxides and fine particulate matter;
  - to identify the costs of introducing and managing an LEZ;
  - to identify options relating to the extent of the zone;
- 5.3 The summary report attached in appendix 1 outlines the method, the options considered, findings and provides conclusions and key learnings from the modelling undertaken.
- 5.4 The link between poor air quality and health effects are well documented. The report attached in appendix 2 summarises work completed by Public Health and Research & Intelligence teams to provide information on the health implications of poor air quality. The report briefly summarises the international evidence base on the health impacts of poor air quality. It also highlights recent work to explore

the health impacts of poor air quality in Bath & North East Somerset and suggests what further exploratory work could be completed.

- 5.5 Finally, the third report (appendix 3) outlines the current situation in relation to the Saltford and Keynsham Air Quality and the proposed steps to be undertaken prior to signing off the plans.

## **6 RATIONALE**

- 6.1 The outcome of the LEZ feasibility study will now be fed into the Transportation Strategy and the views and comments made by the Panel will be taken into account in devising AQAP's for Saltford and Keynsham.

## **7 OTHER OPTIONS CONSIDERED**

- 7.1 None.

## **8 CONSULTATION**

- 8.1 Consultation will be through circulation of this report in addition to the statutory public consultations.

## **9 RISK MANAGEMENT**

- 9.1 A risk assessment related to the implementation of any Low Emission Zone and new Air Quality Action Plans for Saltford and Keynsham will be undertaken, in compliance with the Council's decision making risk management guidance.

<b>Contact person</b>	<i>Aled Williams Tel: 01225396625</i> <i>Environmental Protection Manager</i>
<b>Background papers</b>	
<b>Please contact the report author if you need to access this report in an alternative format</b>	

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# Appendix 1-Summary of results from Low Emission Zone Feasibility study

## **Bath Low Emission Zone Feasibility Study (May 2014)**

B&NES Council has received DEFRA funding to undertake a feasibility study for the introduction of a Low Emission Zone (LEZ) or other restrictions in the vicinity of the A36 Cleveland Bridge, Bath and model options for a reduction in heavy goods vehicles and engine standard stipulations.

The aims of the study were:

- to identify to what extent the implementation of a Low Emission Zone would reduce levels of nitrogen oxides and fine particulate matter;
- to identify the costs of introducing and managing an LEZ;
- to identify options relating to the extent of the zone;

### **Elements of study:**

A range of models were used:

- **S-Paramics traffic model** provided data for emissions and dispersion models
- **Instantaneous Emissions Model (PHEM)**- outputs estimated the total 'source' emission of various pollutants for each link in each hour;
- **Dispersion modelling (B&NES)**- 'ADMS Urban' provides predicted concentrations at specified points and across wider areas

In addition there was consultation with HGV operators, bus companies, neighbouring authorities and the Highways Agency. A cost benefit analysis was also carried out.

### **Scenarios tested:**

Using the modelling techniques, 5 options were tested, including the current baseline situation ('do nothing option'):

- **Do Nothing:** No changes assumed except Rossiter Road scheme and the effect of growth 2012-15
- **Option 1:** HGV: Only Euro-class 5 or better for the A4 London Road and Bathwick Street - 24hr restriction
- **Option 2:** HGV/Bus: Only Euro-class 5 or better for London Road and Bathwick Street - 24hr restriction
- **Option 3:** HGV: Only Euro-class 5 or better for London Road and Bathwick Street - between 3pm and 10am, lesser standard permitted between 10:00am-3:00pm
- **Option 4:** HGV/Bus: Euro-class 5 or better for 'Central Area' - inside A36

### **Assumptions made:**

- No diversions as a result of the LEZ to alternative routes e.g. A350 through Wiltshire
- All vehicles in LEZ options will be fully compliant with Euro engine standard stipulations

### **Headline results:**

- NO<sub>2</sub> emissions reduced by 7% in 'do nothing' option 2012-15
- NO<sub>2</sub> emissions reduced by 7% in option 2 and 6% in option 4 compared to 2015 'do nothing'
- PM10 emissions reduced by 43% in 'do nothing' option 2012-15

## Appendix 1-Summary of results from Low Emission Zone Feasibility study

- PM10 emissions reduced by 25% in option 2 and 21% in option 4 compared to 2015 'do nothing'
- **BUT THIS DOES NOT TRANSLATE TO RESULTING PREDICTED CONCENTRATIONS of NO<sub>2</sub> concentrations as follows:**

Receptor name	2012 Base	2015 Base	2015 LEZ option 1	2015 LEZ option 2	2015 LEZ option 3	2015 LEZ option 4
Anglo Terrace, London Road	64	61	60	59	60	60
Widcombe Parade*	58	40	40	39	40	40
Manvers Street	53	50	50	47	50	47
Dorchester Street	54	53	53	49	53	49
Wells Road (bottom)	46	45	45	44	45	44
Beckford Road	46	44	44	43	44	44
Bathwick Street, no. 12 (R11)	48	46	45	45	46	46
Windsor Bridge/ Lower Bristol Road	52	51	50	50	51	50

\* Widcombe Parade predictions reduced as a result of Rossiter Road/Widcombe scheme

- PM10 also modelled – already below national objective limit and similar results

### Conclusions:

- The expected changes in concentrations of NO<sub>2</sub> are relatively negligible
- The future year and LEZ scenarios were significantly better for PM emissions as newer vehicles have better particle filters, but road traffic exhaust emissions typically make only a small contribution to total concentrations of PM10, which is dominated by background concentrations
- The largest local changes in concentrations occur between the base-line 2012 and base-line 2015 values
- Turnover of the vehicle fleet towards newer vehicles with higher emission standards will inevitably occur over time, the benefits of the LEZ will diminish accordingly (unless the Euro standard of the LEZ is raised in the future)
- The costs incurred by HGV operators in retro-fitting or replacing vehicles to comply with a Euro 5 LEZ restriction on Bathwick Street/London could be considerable – circa £10m
- The cost effect on bus operators in Bath could also be high, particularly with an LEZ targeting the central area which will inevitably affect most if not all services. The current bus fleet has only about 12% of vehicles which are Euro 5, so most buses would need to be retro-fitted or replaced to achieve compliance. The overall cost is estimated to be circa £1.65M
- The Option 4 annual emissions reductions are comparable with Option 2 but, unlike the latter, are not reliant on introducing a restriction on HGVs using the Primary Road Network (PRN). Any such effect on the PRN is likely to be contested by both Wiltshire Council and

## Appendix 1-Summary of results from Low Emission Zone Feasibility study

the Highways Agency, as both objected to the 18 tonne weight restriction on turns between Bathwick Street and Beckford Road. Whilst the modelling has assumed 'no diversion', and thus full compliance with any restrictions affecting Bathwick Street/London Road, there may be some re-routing of HGVs but numbers likely to do so are difficult to quantify without detailed knowledge of typical origin-destination patterns

### Key Learnings:

- Little merit in pursuing options 1 or 2 (would be construed as having the same effect on the Primary Route Network as the 18t weight limit – objections from the Highways Agency and Wiltshire County Council)
- An LEZ in the central area (option 4) removes the PRN issue and is compatible with the Norwich and Oxford approaches where there was regulation of the bus route through a traffic regulation condition
- Central area restrictions could be extended to HGVs using central area for servicing/access – no option for diverting to other authorities. This option would also be supported by the Freight Transhipment Scheme using an electric vehicle
- Options 1, 2 or 3 will not necessarily remove any HGVs from London Road by encouraging use of alternative routes. The benefit assessed in this work is only that potentially achieved by attaining Euro 5 standard for the circa 70% of HGVs currently non-compliant now as opposed to an overall reduction in numbers as well due to diversion
- Emissions model assumes and predicts that concentrations may reduce anyway with turnover of the vehicle fleet

July 2014

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# **The impact of poor air quality on health**

## **Summary Report**

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### **Key messages**

- There is good international evidence to demonstrate the link between air pollution and certain health outcomes. This provides scientific arguments for taking decisive actions to improve air quality.
- There is also evidence to suggest that measures to improve air quality will benefit a number of health and wellbeing indicators, and can bring about benefits for the economy, environment, and climate change adaptation and mitigation.
- Understanding the impacts of air pollution on health outcomes for the Bath and North East Somerset population is difficult, and extensive academic research would be required to gain more detail than is currently available.

### **Purpose of this report**

This report summarises work completed by Public Health and Research & Intelligence to provide information on the health implications of poor air quality. The report briefly summarises the international evidence base on the health impacts of poor air quality. It also highlights recent work to explore the health impacts of poor air quality in Bath & North East Somerset.

### **Background**

Air pollution is defined as a chemical, physical (e.g. particulate matter), or biological agent that modifies the natural characteristics of the atmosphere. It is a serious issue, with exposure to manmade particulate matter (PM) alone estimated to reduce life expectancy of UK residents by approximately 6 months<sup>i</sup>.

Air pollution affects the more vulnerable members of society the most – the old and young and those suffering from asthma and heart and lung diseases. It also tends to be worse in heavily congested areas, where it exacerbates a poorer quality of life, increased social deprivation and decreased life expectancy.

Local authorities have a statutory duty to work towards meeting national objectives for reducing air pollution. If a local authority finds areas where the objectives are not likely to be achieved, it must declare it an Air Quality Management Area (AQMA), and develop an action plan to improve the air quality in these areas. There are currently three Air Quality Management Areas in B&NES; one in central Bath, one in Keynsham, and one in Salford. An Air Quality Action Plan is in place, which sets out the measures that are being used to reduce pollutant levels.

B&NES is not exceeding government air quality objectives for most pollutants. However, levels of nitrogen dioxide (NO<sub>2</sub>) in B&NES are not decreasing at the same rate as they are nationally. In areas where the national air quality objectives for NO<sub>2</sub> are exceeded in B&NES, there needs to be a reduction of between 4.9% and 73.3% in emissions in order to meet the objectives<sup>ii</sup>. Road traffic in B&NES contributes up to 92% of the total nitrogen dioxide (NO<sub>2</sub>) concentration<sup>iii</sup>.

## Known impacts of poor air quality on health

There is a large body of international evidence on the effects of outdoor air pollution on health. According to the World Health Organisation thousands of new scientific papers have been published on this topic in the last few years. To help the scientific community “make sense” of the evidence base, and inform policy and guidelines on air pollution, a number of large reviews of the evidence base have taken place in the last ten to fifteen years. These conclude that air pollution contributes to poor health, and provide scientific arguments for taking decisive actions to improve air quality.

The evidence base highlights the following:

Premature deaths: While air pollution is never the single cause of death, it is a factor which can exacerbate underlying health problems, including respiratory illnesses like asthma or chronic obstructive pulmonary disease (COPD), as well as cardiovascular conditions.

Poor air quality contributes to poor health and reduces life expectancy. It is estimated that 24,000 people in the UK have their lives shortened every year as a result of short-term exposure to air pollution<sup>iv</sup>. If new evidence was taken into account it is possible that this figure could now be as much as 35,000 per year<sup>v</sup>.

Short and long-term exposure impacts: National evidence also suggests that air pollution can have an impact on the respiratory system, can increase medication use and increase in hospital admissions. Long-term exposure can lead to permanent reductions in lung development and function, and a subsequent reduction in life expectancy. Air pollution is also linked to conditions such as asthma exacerbation, chronic bronchitis, heart and circulatory disease, and cancer<sup>vi</sup>.

The short and long term effects of exposure to air pollutants are set out in **Annex A**.

Inequalities: The impact of poor air quality on health is unequal with greater effects on unborn and very young children, older people, those with pre-existing heart and lung disease, the most economically deprived, and those exposed to relatively high levels of pollution due to where they live.

Wider impacts and costs: Poor air quality also contributes to higher hospital admissions, emergency visits, medication use, and associated service costs at the national level. A report by the Cabinet Office estimates that the wider cost of air pollution from transport (in urban areas) alone is between £4.5 and £10.6 billion. This compares with the costs associated with lost time through excess delays (£10.9b), accidents (£8.7b), physical inactivity (£9.8b), noise (£1.2-3.7b), and greenhouse gas emissions (£3-5b) from transport<sup>vii</sup>.

Measures to improve air quality will benefit a number of health and wellbeing indicators, and can bring about benefits for the economy, environment, and climate change adaptation and mitigation. The co-benefits of improving air quality are highlighted at **Annex B**.

## Actions taken in B&NES to improve air quality to date

Action is being taken across the Council to reduce poor air quality, including through the following Plans and Strategies:

- Air Quality Action Plan, 2011
- B&NES Environmental Sustainability Partnership's Strategy, 2012-2015
- B&NES Sustainable Community Strategy, 2009 - 2026
- West of England Joint Local Transport Plan, 2011-2026

## **Local exploratory work on air quality and health in B&NES**

Public Health and Research & Intelligence have completed some exploratory work on air quality and health, focussing on the areas within and around the Air Quality Management Areas (AQMA) in B&NES. This includes the following two pieces of work:

### Groups that may be more vulnerable to the negative impacts of poor air quality:

The analysis identifies which of the areas within and surrounding the AQMAs have higher than (B&NES) average levels of people that fall into one or more of the following five groups. These are groups of people that (according to the evidence base) are known to be more vulnerable to the negative impacts of poor air quality:

- Unborn and very young children
- Older people
- Those with pre-existing heart and lung disease
- The most economically deprived
- Those exposed to relatively high levels of pollution due to where they live.

However, a major limitation of this analysis is that the study areas used are large and include households that do not live in close proximity to a major road and so are not necessarily exposed to relatively high levels of air pollution.

### Hospital admissions within a 100 metre buffer of the AQMAs

Within this analysis the study area has been reduced to include (only) those households within a 100 metre buffer of the Air Quality Management Areas. This identified that there are specific concentrations of the following population types:

- Older People
- Lower income residents
- Young and transient renters

In addition to the resident population, there are also an estimated 26,500 employees within this zone.

A combination of these demographic factors means that is impossible to draw meaningful conclusions as to the local relationship between poor air quality and recorded health outcomes such as hospital admissions in Bath and North East Somerset. An area with predominantly older people will always have more admissions to hospital than a much younger area for example. It is only by accounting for these age differences first, that we can explore the impact of other factors such as air pollution. However, this has not been possible.

Gaining a more detailed statistical understanding of the impacts of local air pollution on health outcomes for the local population is very complex and requires a lot of resource and expertise. Such research projects are only usually tackled by Universities where they have specialist expertise and resource, and even then there can be limitations around the robustness of the findings.

### Future exploratory work

In view of this situation, and as there is a good body of international evidence to demonstrate the link between air pollution and certain health outcomes (as described earlier), it is recommended that the council accepts the position that air pollution does contribute to poor health rather than further investing in proving a direct local relationship. If this is accepted, future exploratory work could include the following:

- Identify the most effective methods of reducing air pollution (e.g. through a literature review).
- Identify whether there are any physical locations within the 100 metres buffer of the AQMAs where people that are more vulnerable to the negative effects of poor air quality may congregate (e.g. care homes, sheltered housing, nurseries/pre-school, general practices), and work with them to look at how they can reduce their exposure to poor air quality.



**Annex A: The short and long term effects of exposure to air pollutants (source WHO, 2004)<sup>viii</sup>:**

<b>Pollutant</b>	<b>Effects related to short term exposure</b>	<b>Effects related to long term exposure</b>
<b>Nitrogen Dioxide</b>	<ul style="list-style-type: none"> <li>• Effects on pulmonary function, particularly in asthmatics</li> <li>• Increase in airway allergic inflammatory reactions</li> <li>• Increase in hospital admissions</li> <li>• Increase in mortality</li> </ul>	<ul style="list-style-type: none"> <li>• Reduction in lung function</li> <li>• Increased probability of respiratory symptoms</li> </ul>
<b>Particulate matter (PM10)</b>	<ul style="list-style-type: none"> <li>• Lung inflammatory reactions</li> <li>• Respiratory symptoms</li> <li>• Adverse effects on the cardiovascular system</li> <li>• Increase in medication usage</li> <li>• Increase in hospital admissions</li> <li>• Increase in mortality</li> </ul>	<ul style="list-style-type: none"> <li>• Increase in lower respiratory symptoms</li> <li>• Reduction in lung function in children and adults</li> <li>• Increase in chronic obstructive pulmonary disease</li> <li>• Reduction in life expectancy, due to cardiopulmonary mortality and probably lung cancer</li> </ul> <p>WHO (2013) have also made the following observations:</p> <ul style="list-style-type: none"> <li>• Long term exposure is a cause of cardiovascular mortality and morbidity.</li> <li>• Additional studies linking long-term exposure to several new health outcomes, including atherosclerosis, adverse birth outcomes and childhood respiratory disease.</li> <li>• Emerging evidence that suggests possible links between long-term exposure and neurodevelopment and cognitive function, as well as other chronic disease conditions, such as diabetes.</li> </ul>
<b>Ozone</b>	<ul style="list-style-type: none"> <li>• Adverse effects on pulmonary function</li> <li>• Lung inflammatory reactions</li> <li>• Adverse effects on respiratory symptoms</li> <li>• Increase in medication usage</li> <li>• Increase in hospital admissions</li> <li>• Increase in mortality</li> <li>• New epidemiological and experimental data, suggest an effect on cognitive development and reproductive health, including preterm birth (WHO, 2009).</li> </ul>	<ul style="list-style-type: none"> <li>• Reduction in lung function development</li> </ul>

## **Annex B: Co-benefits in improving air quality**

The Greater London Authority (2012) highlight the range of potential benefits of measures to improve air quality, not only for the improvement of health and the reduction of health inequalities, but also for the economy, environment, climate change adaptation and mitigation<sup>ix</sup>.

**Biodiversity:** Long term exposure to pollutants can restrict the growth of plants and trees so improving air quality reduces costs to local authorities in replacing urban greenery as well as benefitting the environment.

**Economic benefits:** Improving air quality reduces the costs to local authorities of building maintenance and cleaning. The costs to the economy of the health impacts of poor air quality are significant.

**Climate Change:** Ozone, which is caused by pollutants such as NO<sub>x</sub> and volatile organic compounds (VOCs) reacting in sunlight are powerful greenhouse gases which contribute to global warming directly. Also black carbon (which is part of the particulate emissions from diesel engines) contributes to climate change.

### **Maximising the health benefits from improving air quality:**

Certain measures to improve air quality have significant co-benefits for health. These are listed below.

Motor traffic is responsible for air pollution and so measures that encourage people to use sustainable transport, such as walking and cycling would have the following benefits:

- Create an environment that is more pleasant to walk and cycle, hence increasing physical activity levels.
- Reduce risks of injury and death from road traffic collisions.
- Reduce community severance, increase community cohesion and social interactions.
- Reduce noise pollution.
- Contribute to reducing the urban heat island effect.

Greater number of trees and vegetation:

- Reduce risks from localised flooding.
- Contribute to urban cooling and help to contribute to reducing the urban heat island effect.
- Provide shade to enable people to keep cool and out of direct sunlight in sunny weather.
- Improve mental health and wellbeing.
- Improve resilience to climate change.

Improving the energy efficiency of homes would reduce emissions from heating systems, which would have the additional benefits of:

- Reducing fuel bills, thus reducing fuel poverty (which is the situation where households are required to spend more than 10% of their income to heat their homes to an appropriate temperature).
- Reduces likelihood of damp and mould occurring, which aggravate respiratory disease.
- Reduce the number of falls in the home (falls are more likely to occur in cold homes due to poor blood circulation).

- 
- <sup>i</sup> Defra (2010) *Air Pollution: Action in a Changing Climate*.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69340/pb13378-air-pollution.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69340/pb13378-air-pollution.pdf)
- <sup>ii</sup> Bath & North East Somerset Council (2013). *Air Quality Progress Report for Bath & North East Somerset Council*.
- <sup>iii</sup> Bath & North East Somerset Council (2014) Joint Strategic Needs Assessment  
<http://www.bathnes.gov.uk/services/your-council-and-democracy/local-research-and-statistics/wiki/about-jsna>
- <sup>iv</sup> COMEAP (1998) referenced in Parliamentary Environmental Audit Committee (2010). *Environmental Audit Committee - Fifth Report: Air Quality*  
<http://www.publications.parliament.uk/pa/cm200910/cmselect/cmenvaud/229/22902.htm>
- <sup>v</sup> Parliamentary Environmental Audit Committee (2010). *Environmental Audit Committee - Fifth Report: Air Quality*  
<http://www.publications.parliament.uk/pa/cm200910/cmselect/cmenvaud/229/22902.htm>
- <sup>vi</sup> Parliamentary Environmental Audit Committee (2010). *Environmental Audit Committee - Fifth Report: Air Quality*  
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- <sup>viii</sup> World Health Organisation (2004). *Systematic review of health aspects of air pollution in Europe* <http://www.euro.who.int/document/E83080.pdf>
- <sup>ix</sup> Greater London Authority (2012). *Air Quality in Greenwich: A Guide for Public Health Professionals*.  
<https://www.london.gov.uk/sites/default/files/RB%20Greenwich%20Air%20Quality%20Guidance.pdf>

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# Appendix 3

## Briefing Note-Air Quality Management Areas Action Plans

The Local Air Quality Management process places an obligation on all local authorities to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives are likely to be achieved. Where exceedances are considered likely, the local authority must then declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives.

The Council declared an Air Quality Management Area (AQMA) for annual average nitrogen dioxide (NO<sub>2</sub>) objective along the A4 London Road in Bath in February 2002. The AQMA was widened in August 2005 from 7 m to 70 m from the centre of the road along the London Road from London Street to Hanover Place and 20 m from the centre of the road from Hanover Place to the Batheaston Roundabout. The area was also extended to include Bathwick Street. The area was widened to include the major road network in July 2008. A further minor extension to the boundary of the AQMA was made in July 2013, and at this time the 1 hour objective was also included.

The Air Quality Action Plan for Bath was adopted by the Council in April 2011. A number of the measures identified in the plan have now been completed or are in development including the installation of electric vehicle charging infrastructure ([www.sourcewest.info](http://www.sourcewest.info)) and the completion of a Low Emission Zone Feasibility Study (see Appendix 1).

B&NES Council has declared additional AQMA's in Keynsham (declared in July 2010) and Saltford (declared in July 2013).

The Air Quality Action Plans for Keynsham and Saltford remain outstanding. The plans will be developed using a number of formal guidance documents released by DEFRA, Environmental Protection UK and other informal guidance notes.

The general process for getting these plans adopted will be:

1. Draft Action Plan

This includes reviewing practical measures for the area concerned and giving reasons why other options are not being considered. The cost benefit of the options needs to be considered in the development of the Action Plan.

2. Internal Consultation with relevant Council departments
3. Senior Management approval of Draft prior to public consultation
4. Informal Cabinet approval of Draft prior to public consultation
5. Full consultation with Statutory consultees, members of the public and relevant interested parties (minimum 8 weeks), including a workshop and online consultation
6. Redraft Action Plans to take account of consultation
7. Report to Cabinet/Full Council for adoption of the Action Plan (this is likely to be post elections due to time restraints on the process)

## Appendix 3

It is anticipated that adoption of these outstanding plans is likely to be in mid-2015 due to the time needed for approval, consultation and the democratic reporting process. The final times will also be constrained by the local elections.

The Environmental Monitoring team is currently working with the Transportation team on developing draft Action Plans prior to public consultation.

Bath & North East Somerset Council		
MEETING	Planning, Transport and Environment Policy Development & Scrutiny Panel	
MEETING DATE	16 <sup>th</sup> September 2014	
TITLE	Ford Signage De-Cluttering - Stowey	
WARD	Chew Valley South	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1: Corporate Risk Assessment – Ford Signing		

## 1 THE ISSUE

- 1.1 The Traffic Signs and General Directions (TSRG) recommends ford signage adjacent the site on each approach and advises of advanced signing at appropriate locations in order for approaching vehicles to change direction in advance and avoid the hazard. Where the ford has a constant flow of water a staff is required to ensure the road user is aware of the depth of water. These measures were implemented once investigation of all fords in the BANES area had been carried out. Unfortunately the Ward member or the relevant Parish Council's/ residents were not notified in advance of these signs being implemented. This is an area that needs to improve.
- 1.2 At the Planning, Transport & Environment PD&S Panel meeting on 19<sup>th</sup> May 2014 Councillor Pritchard requested the removal of the recently erected ford signs. These signs were erected following a Coroner Report of a fatality in Chew Stoke in which a motorist lost his life during a flooding incident at a ford in Pilgrim's Way. The report recommended a review of all ford sites throughout the County.
- 1.3 Following the issue being raised at the May Scrutiny Panel by Councillor Pritchard a site meeting took place to discuss the locations of signing within his Ward. Given the Coroners recommendation and TSRG advice it is not recommended to remove the ford signing adjacent each ford. However given the rural nature and objection to sign clutter it is recommended that advanced signing is removed where a road is not deemed to be strategically important, a rat run or has significant volumes of traffic. These recommendations have been applied to each individual site in the attached schedule.

## 2 RECOMMENDATION

- 2.1 It is recommended that, the identified advanced ford signage is removed as per the attached schedule.

## 3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 A funding source will be required and identified given that there are no funds to implement these remedial works. A De-Cluttering project is currently identified in the 2014/2015 capital budget of £15,000, which is reviewing a number of locations along the A37. It is recommended that £2,000 of this budget is allocated to this request for officer time and works costs.

## 4 CONSULTATION

- 4.1 An informal consultation has been carried out with Councillor Pritchard who would like all the ford signage within his Ward removed. There is no formal statutory consultation process required for ford signage or a Traffic Regulation Order (TRO) necessary to implement the proposals.



## 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.

<b>Contact person</b>	<i>Steve Blackmore, Traffic Management Manager (01225 39 5899)</i>
<b>Background papers</b>	None
<b>Please contact the report author if you need to access this report in an alternative format</b>	





	<p>There are two advanced warning signs located at the junction of the A368 and Stowey Bottom, the second at the junction of Redland Road.</p> <p>There are two further advanced warning signs either side of the ford between Stowey Bottom and Moorledge Road.</p>	<p>ford.</p> <p>The advanced sign at the Redland Lane junction is located on a road which is not considered a rat run. The forward visibility to this sign is restrictive given it is placed on the inside of a bend and the hedge bank adjacent.</p> <p>The advanced warning signs on Stowey Bottom at the junctions of the A368 and Moorledge Road are considered to be on a rat running route. Therefore the additional warning sign to the north is considered appropriate when balancing the detrimental aesthetic and environmental effects of the signing.</p> <p>This ford has some long standing ford signing at the ford itself. It is looking worn out and should be replaced reusing some of the signing to be removed if possible. A measuring level staff should also be installed at the ford.</p>	<p>Remove the advanced warning sign at the Redlands Lane junction</p>  <p>Install measuring staff at the ford.</p> 
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		<p>The additional advanced warning sign south of the ford is of limited value when considering the additional advanced warning sign at the junction to the A368 and is surplus to requirements</p>	<p>Remove the advanced ford warning sign south of the ford.</p> 
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**Assessment review date:**

**Assessor:**

**Manager:**

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# PLANNING, TRANSPORT AND ENVIRONMENT PDS FORWARD PLAN

This Forward Plan lists all the items coming to the Panel over the next few months.

Inevitably, some of the published information may change; Government guidance recognises that the plan is a best assessment, at the time of publication, of anticipated decision making. The online Forward Plan is updated regularly and can be seen on the Council's website at:

<http://democracy.bathnes.gov.uk/mgPlansHome.aspx?bcr=1>

The Forward Plan demonstrates the Council's commitment to openness and participation in decision making. It assists the Panel in planning their input to policy formulation and development, and in reviewing the work of the Cabinet.

*Should you wish to make representations, please contact the report author or Mark Dumford, Democratic Services (01225 394458). A formal agenda will be issued 5 clear working days before the meeting.*

*Agenda papers can be inspected on the Council's website and at the Guildhall (Bath), Hollies (Midsomer Norton), Riverside (Keynsham) and at Bath Central, Keynsham and Midsomer Norton public libraries.*

# Planning, Transport and Environment PDS Forward Plan

## Bath & North East Somerset Council

Anticipated business at future Panel meetings

Ref Date	Decision Maker/s	Title	Report Author Contact	Strategic Director Lead
<b>PLANNING, TRANSPORT AND ENVIRONMENT POLICY DEVELOPMENT &amp; SCRUTINY PANEL - 16TH SEPTEMBER 2014</b>				
16 Sep 2014	PTE PDS	Enterprise Area Master Plan	John Wilkinson Tel: 01225 396593	Louise Fradd
16 Jul 2014	Cabinet	Community Infrastructure Levy Draft Charging Schedule	Simon De Beer, Kaoru Jacques Tel: 01225 477616, Tel: 01225 477288	Louise Fradd
16 Sep 2014 <b>E2638</b>	PTE PDS			
16 September 2014 <b>E2690</b>	Cllr Tim Ball PTE PDS	Local Development Scheme Review	Simon De Beer Tel: 01225 477616	Louise Fradd
16 Sep 2014	PTE PDS	Air Quality in B&NES	Aled Williams Tel: 01225 396625	Louise Fradd
16 Sep 2014	PTE PDS	Proposed Ford Signage De-Cluttering - Chew Stoke South	Steve Blackmore Tel: 01225 395899	Louise Fradd
<b>PLANNING, TRANSPORT AND ENVIRONMENT POLICY DEVELOPMENT &amp; SCRUTINY PANEL - 4TH NOVEMBER 2014</b>				

Ref Date	Decision Maker/s	Title	Report Author Contact	Strategic Director Lead
4 Nov 2014 12 Nov 2014 <b>E2639</b>	PTE PDS  Cabinet	Placemaking Plan options for public consultation	Simon De Beer  Richard Daone Tel: 01225 477616  Tel: 01225 477546	Louise Fradd
4 Nov 2014	PTE PDS	Bath Transport Strategy - Consultation Feedback	Peter Dawson Tel: 01225 395181	Louise Fradd
4 Nov 2014	PTE PDS	East of Bath Park & Ride		Louise Fradd
10 Apr 2013 4 Nov 2014 <b>E2439</b>	Cabinet  PTE PDS	Bus Priority Measures in Dorchester St, Manvers St and Pierrepont St., Bath	Adrian Clarke Tel: 01225 395223	Louise Fradd
4 Nov 2014	PTE PDS	Keynsham Transport Strategy		Louise Fradd
<b>PLANNING, TRANSPORT AND ENVIRONMENT POLICY DEVELOPMENT &amp; SCRUTINY PANEL - 13TH JANUARY 2015</b>				
13 Jan 2015	PTE PDS	7.5T HGV Weight Restriction, The Street, Stowey	Matthew Smith Tel: 01225 396888	Louise Fradd

Ref Date	Decision Maker/s	Title	Report Author Contact	Strategic Director Lead
13 Jan 2015	PTE PDS	Allotments Strategy	Graham Evans Tel: 01225 396873	Louise Fradd
<b>PLANNING, TRANSPORT AND ENVIRONMENT POLICY DEVELOPMENT &amp; SCRUTINY PANEL - 3RD MARCH 2015</b>				
<b>FUTURE ITEMS</b>				
	PTE PDS	Closure Orders	Cathryn Humphries Tel: 01225 477645	Louise Fradd
	PTE PDS	Core Strategy Review	Simon De Beer Tel: 01225 477616	Louise Fradd
<div>Page 238</div> <div>The Forward Plan is administered by <b>DEMOCRATIC SERVICES</b>: Mark Durnford 01225 394458 Democratic_Services@bathnes.gov.uk</div>				