

Bath & North East Somerset Council

MEETING:	Cabinet	
MEETING DATE:	12th September 2012	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2464
TITLE:	Bath & North East Somerset Core Strategy: Inspector's preliminary conclusions and review of the Local Development Scheme	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1 - Brief for B&NES Core Strategy Review Appendix 2 –Summary of proposed amended Local Development Scheme		

1 THE ISSUE

1.1 The B&NES Core Strategy examination has been suspended in order to undertake further work on the Core Strategy including a review of the District's housing need in response to concerns made by the Examination Inspector. This requires a review of the Core Strategy programme which, because of its strategic nature, has implications for the preparation of other Plans such as the Placemaking Plan, the Gypsy & Travellers Site Allocations Plan and the Community Infrastructure Levy.

2 RECOMMENDATION

2.1 The Cabinet:

- notes the brief for the review of the Core Strategy in Appendix 1, and
- agrees the revised Local Development Scheme as set out in Appendix 2

3 FINANCIAL IMPLICATIONS

- 3.1 The work programme for the preparation of Local Development Framework Documents (LDF) is set out in the Local Development Scheme (LDS). The base budget for LDF work is around £200k for 2012/13. The extra work required on the Core Strategy requires a review of the LDS which in turn requires a review of the spending proposals. The key issue is that there are insufficient funds in the LDF budget for 2012/13 to undertake the work programme as planned as well as the additional work on the Core Strategy and the Gypsy & Travellers Plan stock take.
- 3.2 These extra costs are required to cover specialised advice but also to ensure the work is completed in as short a time frame as possible. Key requirements are demographic/ population expertise, viability assessments to ensure identified development locations are deliverable in light of new Government requirements, Sustainability Appraisals and transport/ technical assessments of new development options
- 3.3 The additional costs for the Gypsy & Traveller Sites Plan amount to around £30k and cover the Needs Assessment update as well as additional specialist technical work on sites.
- 3.4 The LDF budget for 2012/13 is sufficient to undertake the additional work on the Core Strategy, the stock take on the Gypsy and Traveller Site Plan and finalise the Supplementary Planning Documents (which are almost at completion). However in order to gain the benefits of progressing the Placemaking Plan in parallel with the Core Strategy and progress the Gypsy & Travellers' Plan, there will be a financial pressure on the LDF budget of up to £100k. These costs include both commissioning specialist technical studies and staff resources. The possibility of seconding staff to cover part of this is being investigated but any remaining costs would have to be funded by a drawdown from the current year's revenue resource contingency.

4 CORPORATE OBJECTIVES

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

5 THE REPORT

Core Strategy Inspector's Preliminary conclusions

- 5.1 The examination into the Bath & North East Somerset Council Core Strategy has been suspended in light of the Inspector's preliminary conclusions (refs ID/28 & 29 and (BNES/39). The suspension will enable further work to be undertaken to address the concerns raised by the Inspector.
- 5.2 The most substantive issue set out in ID/28 relates to the housing requirement for the district. The Inspector is of the view that the publication of the National Planning

Policy Framework (NPPF) during the course of the examination rendered the B&NES methodology for assigning housing need non-compliant with national policy. He therefore states that he could not come to a conclusion on the level of housing. The Inspector states that the concerns he has raised “suggest that the plan should be amended to facilitate more housing than currently planned and/or to enable some of the planned housing to be delivered sooner.”

- 5.3 The reasons for the Council’s preference for suspension as opposed to withdrawal are set out in the Council’s reply to the Inspector’s preliminary conclusions reference BNES/39.

Further work required on the Core Strategy

- 5.4 The Inspector’s key issues in respect of housing land are the need for;
- a NPPF compliant assessment of the housing requirement,
 - inclusion of the shortfall from the B&NES Local Plan in the housing figure;
 - a 20% buffer to the 5 year housing land supply;
 - flexibility in the events of delay in bringing forward the complex, brownfield
 - further work on the sequential and exception flood risk tests
 - a 15 year plan period following adoption
 - greater consideration of affordable housing requirements
- 5.5 There are also a limited number of other policies on which the Inspector has raised concerns and he has stated that he will clarify these shortly. These issues will also need to be addressed during the suspension.

Implications for preparation of other LDF Plans

- 5.6 The suspension of the Core Strategy has logistical implications for the preparation of other LDF documents, most significantly the Placemaking Plan, CIL and the Gypsy & Traveller Sites Plan. These documents can only be progressed in alignment with the Core Strategy and there are resource implications of the extra workload. Therefore the Council’s programme for the preparation of planning documents in the Local Development Scheme (LDS) needs to be reviewed. The proposed revised LDS is summarised in Appendix 3.
- 5.7 There is considerable benefit to the preparation of the Placemaking Plan alongside the Core Strategy. Not only will the Core Strategy work entail a review of the Strategic Housing Land Availability Assessment (SHLAA) but progressing the Placemaking Plan it will provide the evidence that the development sites are deliverable and that there is have a robust assessment of capacity, thereby addressing the Inspector’s concerns about housing delivery.
- 5.8 The proposed programme includes the finalisation of a number of plans and guidance nearing their completion including the Sustainable Construction and Retrofitting SPD, the World Heritage Site Setting SPD, the Green Infrastructure Strategy, the scheme for promoting the Bath's cultural events (not an SPD) and the Neighbourhood Planning Protocol.

Approach to Core Strategy Review

- 5.9 It is essential that the further work required on the Core Strategy is undertaken swiftly and in a way which meets the tests of soundness. A particular issue is the

need to ensure that the requirements of the duty to co-operate are met. A number of other Core Strategies have not been adoptable because they have fallen foul of this requirement. Particular consideration needs to be given to working with Bristol City Council.

- 5.10 A Brief for the further work on Core Strategy is included in Appendix 1. The brief sets out the way in which the Council will re-assess the housing need, revise the spatial Strategy and co-operate with neighbouring authorities and other statutory consultees. The timetable for this work is set out below.

Revised CORE STRATEGY timetable

<i>Review evidence (including SHMA)</i>	<i>Sept to Jan 2013</i>
<i>Develop changes to strategy (if required)</i>	<i>Now to Jan 2013</i>
<i>Update & clarify other matters in Annex to ID/28 (4 months - overlap with 1&2 above)</i>	<i>Now to Dec 2012</i>
<i>Council agrees changes to Core Strategy</i>	<i>Feb-March 2013</i>
<i>Consult & consider comments</i>	<i>April -May 2013</i>
<i>Resume exam & hearings (Confirm date with Inspectorate)</i>	<i>July 2013</i>
<i>Inspector's Report (Confirm date with Inspectorate)</i>	<i>Oct 2013</i>
<i>Adopt</i>	<i>Dec 2013</i>

6 RISK MANAGEMENT

- 6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.
- 6.2 It should be noted that there is the risk that the Inspector might still not find the Core Strategy sound which means that it will need to be withdrawn. However the chances of this occurring are limited by the Council's clarification of its methodology for undertaking the further work and to ensure that it is closely aligned with the requirements of national policy.
- 6.3 The Inspector's conclusions have given the Council a particular challenge with regard to the duty to co-operate in that the other West of England authorities already have adopted or well advanced Core Strategies and do not envisage a review of the supporting evidence or the spatial strategies at this stage.

7 EQUALITIES

7.1 An Equalities Impact Assessment was undertaken and the main issues arising were:

- The further work to be undertaken by the Council to address concerns raised by the Inspector includes an NPPF compliant assessment of the full housing requirement for B&NES. As outlined in the brief for the review of the Core Strategy, this will identify the scale and mix of housing and the range of tenures that is likely to be needed over the plan period which addresses the need for all types of housing, including affordable housing and the needs of different groups in the community. This will achieve a positive outcome for all equalities groups.
- As stated in the risk management section above there is a limited risk that the Inspector might still not find the Core Strategy sound and that it will have to be withdrawn. In this scenario there would be potential for adverse impacts for all equalities groups through non-delivery of the many positive impacts of the Core Strategy that were identified through the October 2010 EqlA. Examples include provision of less affordable homes, no policy on housing mix, and no policies promoting a mixed economy.

8 RATIONALE

8.1 The Council is required to have a Core Strategy in Place and hence this is the first priority in the preparation of Local Development Framework Documents.

8.2 The Council is also required to have an up-to-date Local Development Scheme.

9 OTHER OPTIONS CONSIDERED

9.1 Suspension is favoured over withdrawal because the Government has urged Local Authorities to ensure that an up-to-date Plan is in place as quickly as possible (NPPF para 184). The delay to the Core Strategy has significant implications for the Council. It will delay the preparation of CIL potentially affecting CIL income from April 2014 and it will delay the adoption of other Plans currently under preparation. It may have an impact on housing delivery because of the delay in providing clarity and direction for key development sites. In addition, the delay lengthens the uncertainty for residents, developers and all those with an interest in the development process. A suspension would entail less of a delay than a complete withdrawal.

9.2 Furthermore, a withdrawal will mean the removal of the entire emerging policy framework in the Core Strategy requiring the Council to fall back on less up-to-date Local Plan policies and the NPPF. Even those emerging Core Strategy policies which are potentially sound would be lost.

9.3 Work on the Placemaking Plan (PMP) could be delayed until after the Core Strategy is completed. Reasons for progressing the Placemaking Plan in good time include;

- One of the Core Strategy Inspector's concerns with the Core Strategy was the lack of convincing evidence on site availability, suitability and deliverability. Preparation of the PMP alongside the Core Strategy will provide the evidence that our development sites are deliverable and that we have a robust assessment of capacity.

- Preparation of the PMP now will reduce demands to do Neighbourhood Plans (and thereby costs on the Council) i.e. a number of local communities have stated that they would rather work through the PMP in identify development sites rather than as a separate neighbourhood Plan.
- Related to the above, the Core Strategy Inspector endorsed B&NES' approach to development in rural areas which entails a review of Housing Development Boundaries and housing sites in villages. If progress is not made in the PMP, then it is likely to be done through predatory planning applications and appeal.
- Some Local Plan policies are becoming increasingly out-of date and the NPPF's presumption in favour of development will make it increasingly difficult for the Council to determine applications in line with its own strategy.
- Preparation of the PMP is one of the only effective tools that the Council has to facilitate development delivery i.e. it provides clarity and a smoother path through the Planning system, thereby facilitating New Homes Bonus and S.106 contributions/CIL.
- The PMP plays a key role in delivering the Council's regeneration objectives and enables high quality development and co-ordination of development with infrastructure provision.
- Preparation of the PMP now enables co-ordination with the preparation of the Gypsy & Traveller Sites Plan and a further assessment of the opportunities for Traveller sites outside the Green Belt.
- It enables co-ordination of public consultation in Spring 2013 of the Core Strategy, the PMP, CIL and Gypsy & Traveller Sites Plan facilitating a more coordinated strategy and financial savings.
- SHLAA will need to be reviewed any case as part of the further work on the Core Strategy which will benefit enormously from being aligned with work on site allocations in the PMP.

10 CONSULTATION

10.1 *Cabinet members; Overview & Scrutiny Panel; Section 151 Finance Officer; Chief Executive; Monitoring Officer*

10.2 No consultation is required on the revisions to the LDS. However public consultation will be required on the changes to the Core Strategy and is integral to the preparation of other DPDs. Stages of consultation are set out in Appendix 2.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

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

12 ADVICE SOUGHT

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

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Sponsoring Cabinet Member	<i>Councillor Tim Ball</i>
Background papers	<i>Local Development Scheme 2011-2014 Inspector's Preliminary Conclusions (Ref ID/28) B&NES Response to the Inspector BNES/39 Inspector's agreement of suspension ID/29</i>
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