

Bath & North East Somerset Council	
MEETING/ DECISION MAKER:	Council
MEETING/ DECISION DATE:	10th July 2014
TITLE:	B&NES Core Strategy Inspector's Report
WARD:	All
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Attachment 1: Schedule of Main Modifications to the B&NES Core Strategy</p> <p>Attachment 2: Schedule of Minor Modifications to the B&NES Core Strategy</p> <p>Attachment 3: Schedule of adopted Supplementary Planning Documents Guidance to be supplementary to the Core Strategy</p>	

1 THE ISSUE

- 1.1 The Inspector has completed his examination of the B&NES Core Strategy and has concluded that the submitted Core Strategy can be made sound, subject to a schedule of 'main modifications' (Attachment 1). The Council now needs to decide whether it accepts the Inspector's recommendations thereby enabling it to formally adopt the Core Strategy. If the Council does not accept all of the Inspectors' recommendations, then it cannot adopt the Core Strategy.
- 1.2 There are also a number of minor modifications arising from the Inspector's modifications needed to ensure consistency and clarity.

2 RECOMMENDATION

- 2.1 That the Council;
- a) accepts the main modifications listed in Attachment 1, which the Inspector considers are needed to make the Plan sound in accordance with section 23 (3) of the Planning and Compulsory Purchase Act 2004;

- b) agrees the Minor Modifications listed in Attachment 2 to the B&NES Core Strategy, which are needed to ensure consistency and accuracy in the Plan;
- c) adopts the B&NES Core Strategy (Local Plan Part 1) as modified in (a) and (b) above for the purposes of section 38(6) of the Planning & Compulsory Purchase Act;
- d) agrees the B&NES Policies Map is amended in line with (a) and (b) above;
- e) agrees that the adopted Supplementary Planning Documents/Guidance listed in Attachment 3 should supplement the Core Strategy; and
- f) delegates responsibility to the Divisional Director for Development, in consultation with the Cabinet Member for Homes & Planning, to make minor textual amendments to the Core Strategy prior to publication.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 Preparation of the Core Strategy has been funded from the LDF Budget, along with input from a range of services. Adoption of the Core Strategy;

- Provides greater certainty for investment decisions in the District (and helps the Council to achieve its agreed aspirations for economic growth as part of the local Enterprise Partnership);
- Confirms the basis for the preparation of the Enterprise Area Masterplan and the associated objectives regarding business rates uplift;
- Confirms the infrastructure needed to support the planned growth through the Infrastructure Delivery Plan to ensure the proper alignment of new development with infrastructure;
- Enables the preparation of the Community Infrastructure Levy which could secure between £12 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;
- The increased housing provision addresses a clearly identified need for new housing in the district. In addition, under the current funding regime, it will also increase New Homes Bonus receipts and contribute to the Council Tax base.

3.2 There is a 6 week period within which any legal challenges to the adoption of the Core Strategy on procedural grounds can be made. No contingency budget for any such challenge is identified.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 The Core Strategy is a statutory Development Plan Document (DPD) and its preparation processes are prescribed by statute and regulations. Of particular relevance here is section 23 of the Planning and Compulsory Purchase Act 2004.

- 4.2 All DPDs are subject to public examination by an independent Inspector appointed by the Secretary of State who must ascertain if a plan is 'sound'. Soundness is defined in the National Planning Policy Framework (NPPF).
- 4.3 The Inspector can make binding recommendations about how the Core Strategy should be modified in order to make it sound. It is also possible for the Council to make minor modifications which do not materially affect the policies in the Core Strategy.
- 4.4 In this case the Inspector has made recommendations for modifications which he considers are necessary in order for the Core Strategy to be considered sound. Officers have also recommended various minor amendments which are needed to ensure consistency and clarity.
- 4.5 Consideration has been given to the Human Rights Act 1998. The adoption of the Core Strategy is a key part of the Council's function as the local planning authority and having an up to date Development Plan will enable the Council to perform that role more effectively. It is considered that there is a considerable public benefit to adopting the Core Strategy as it will improve the planning of the district as a whole. The Core Strategy has been through an extensive consultation process and has been examined by an independent Inspector who has recommended various modifications. As such, it is considered that the adoption of the modified Core Strategy does not raise any significant issues under the European Convention on Human Rights.
- 4.6 The Core Strategy is the Council's spatial expression of the Council's policy on a broad range of issues such as housing, employment, recreation, ecology, sustainable construction, landscape heritage, community facilities, infrastructure with climate change as a cross-cutting theme. Its preparation has entailed ensuring compliance with a range of procedural requirements, including:
- Sustainability Appraisal (SA) and Habitat Regulations Assessment (HRA) undertaken at each key stage during the preparation of the Core Strategy
 - Consultation Statements which summarised how the Council engaged with the general public throughout the process
- 4.7 Background papers to this report include the SA of the Core Strategy as proposed to be adopted (incorporating the Inspector's recommended main modifications) which summarises how SA has informed the Core Strategy preparation process and outlines the sustainability effects of the strategy and an equivalent statement relating to the HRA.
- 4.8 Although not a requirement under the regulations, the Council has also undertaken a Health Impact Assessment and Equalities Impact Assessment of the Core Strategy policies at key stages of the plan preparation. With regard to the Health Impact Assessment this was undertaken as a separate assessment up to and including the Draft Core Strategy and for the stages during the Examination it was subsumed into the SA.
- 4.9 The regulations governing the respective responsibilities of Cabinet and Council are complex. In essence, it is the role of Cabinet to oversee all necessary activity to ensure that the composite plan and associated documents are in a form that can be recommended to Council as complying with all relevant requirements. It is Council's role to consider these documents and if satisfied as to their

compliance with those requirements to formally adopt them as part of the Council's Policy and Budget framework.

5 THE REPORT

Background

- 5.1 Once adopted the Core Strategy sets out the Council's corporate position on issues relating to the development and use of land in the District. It is the spatial expression of its vision and objectives. It will have the full weight of s.38(6) of the Planning & Compulsory Purchase Act 2004 and will be the primary consideration in the determination of planning applications. If the Core Strategy is successfully adopted, the Council's full Development Plan will be:
- a) The adopted Core Strategy
 - b) The Joint Waste Core Strategy
 - c) Saved policies in the B&NES Local Plan (those not replaced though the Core Strategy and Joint Waste Core Strategy)
- 5.2 These are supplemented by a suite of adopted Supplementary Planning Documents which continue to supplement the Core Strategy (see attachment 3). The Core Strategy is a strategic document and so the Placemaking Plan is now being progressed in order to provide more detailed policy for some sites and issues.

Scope

- 5.3 The Core Strategy therefore:
- a) Establishes the quantum of development, including jobs, housing and other uses, to be provided for up to 2029
 - b) Sets out the spatial strategy for accommodating the needed development
 - c) Confirms the extent of the general extent of the Green Belt
 - d) Provides detailed planning policy for specific locations
 - e) Sets out qualitative policies on how development should take place eg form, design, sustainable construction, etc
 - f) identifies infrastructure needed to ensure sustainable development
 - g) sets out the approach for protecting of environmental assets
 - h) establishes the need for community facilities and how these are to be secured, such as affordable housing.

Main Modifications

- 5.4 The Core Strategy was submitted May 2011 for examination. The Inspector's role has been to ascertain whether the plan is sound as set out in para 182 of the National Planning Policy Framework. In summary, this means whether the Plan;
- seeks to meet objectively assessed development and infrastructure requirements,
 - Is the most appropriate strategy, when considered against the reasonable alternatives,
 - Is based on proportionate evidence;

- Is deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Is Consistent with national policy

5.5 The examination has been complicated by substantial changes to the legislative framework during the process including the abolition of RSS, the passing of the Localism Act and significant revisions to national planning policy. As a result, the examination has taken longer than planned with the need for the Council to undertake further work and propose changes in response to areas of unsoundness. This is increasingly the experience of a considerable number of other Local Authorities.

5.6 Altogether, there have been 3 major sets of changes to the Core Strategy, all of which were subject to public consultation. Through the examination, the Inspector has considered these changes, the underlying evidence and the public comments. The Core Strategy has therefore had thorough, public scrutiny with substantial public involvement. Nearly 5,000 comments were made since the Plan was submitted.

5.7 The Inspector's role has been to assess whether the May 2011 submitted plan is sound and therefore many of the changes he is recommending incorporate the changes agreed by the Council since May 2011. Many of the changes will therefore be familiar. Therefore, some of the key areas of changes to the submitted plan are;

- a) A revised target for market and affordable housing,
- b) Updated jobs and employment space targets for the different places within the district
- c) Amendments to the policy seeking affordable housing
- d) Changes to the spatial strategy including the allocation of urban extensions , including site development requirements
- e) An updated gypsy & traveller accommodation requirement
- f) A updated Pan period to run from 2011 to 2029 instead of 2006 to 2026
- g) Revised Plan review arrangements

6 RATIONALE

6.1 Adoption of the Core Strategy brings with it significant benefits and reduces other risks to the Council. In particular;

- a) Once adopted the Council can give full weight to the Core Strategy in planning decisions thereby reducing the vulnerability to harmful planning applications,
- b) It enables progress to be made on the preparation of the CIL which has to be in place by early Spring 2015 in order to maximise income for the Council
- c) It facilitates delivery of corporate objectives by providing clarity on key development locations and on the delivery of housing and economic growth

- d) It provides certainty to local communities and the development industry on the location of new development.

7 OTHER OPTIONS CONSIDERED

7.1 The options open to the Council are set out in s.23 of the Planning & Compulsory Purchase Act 2004. If the Council rejects one or more of Inspector's recommended modifications, it cannot then proceed to adopt the Core Strategy. The Council therefore has three options:

- (a) adopt the Core Strategy with the modifications recommended by the Inspector; or
- (b) adopt the Core Strategy with the modifications recommended by the Inspector and the minor modifications recommended by officers; or
- (c) resolve not to adopt the Core Strategy.

7.2 In the case of (c), the Council would need to withdraw the Core Strategy and begin preparation of a new style Local Plan. Because the Duty to Cooperate would now apply, this work would need to be done in conjunction with adjoining authorities as part of a wider review of West of England plans. It would be a number of years before a new Local Plan could be put in place

8 CONSULTATION

8.1 Preparation of the Core Strategy has entailed considerable consultation and community engagement, both formal and informal. This has been undertaken in accordance with Council's consultation strategy set out in the adopted Neighbourhood Planning Protocol. The consultation and engagement are set out in the Core Strategy consultation statement.

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.

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Background papers	<p><i>B&NES Core Strategy Inspector's Report June 2014</i></p> <p><i>Composite copy of the B&NES Core Strategy including Main & Minor modifications to the Submitted Core Strategy 2014</i></p> <p><i>Planning & Compulsory Purchase Act 2004</i></p> <p><i>Town & Country Planning Regulations 2012</i></p> <p><i>Neighbourhood Planning Protocol 2012</i></p> <p><i>Core Strategy consultation statement 2014</i></p> <p><i>Sustainability Appraisal of the Core Strategy as proposed to be</i></p>

	<p><i>adopted including SA Adoption Statement;</i></p> <p><i>Sustainability Appraisal (SA) of the Core Strategy as proposed to be adopted comprising: SA Adoption Statement; SA Report; and Policy Appraisal Matrix</i></p> <p><i>Habitat Regulations Assessment Adoption Statement</i></p> <p><i>National Planning Policy Framework 2012</i></p> <p><i>National Planning Policy Guidance 2014</i></p>
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