

## Bath & North East Somerset Council

DECISION MAKER:	Cllr Tim Ball, Cabinet Member for Homes and Planning	
DECISION DATE:	On or after 20 <sup>th</sup> September 2014 (single Member decision)	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2690
TITLE:	Review of the B&NES Local Development Scheme (LDS)	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b> <b>Appendix 1 – Summary of amended Local Development Scheme</b> <b>Appendix 2 – Draft Local Development Scheme</b> <b>Appendix 3 – Amendments to the Neighbourhood Planning Protocol</b>		

### 1 THE ISSUE

- 1.1 Local Authorities are required to maintain an up-to-date Local Development Scheme (LDS) 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 revised Local Development Scheme 2014- 2017/18 in Appendix 2 is approved
- 2.2 That the revised Neighbourhood Planning Protocol is approved (Appendix 3).
- 2.3 That delegated authority is granted to the Divisional Director Development, in conjunction with the Cabinet Member for Homes and Planning, to make editorial amendments to ensure the LDS and the Neighbourhood Planning Protocol (NPP) are up-to-date and to correct any errors before publication.

### **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 a 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 West of England UAs 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 West of England (WoE) and other adjoining LAs on both these aspects. Whilst progress is being made within WoE 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 WoE 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 WoE UAs agreed to preparer 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 WoE 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 Neighbourhood Plan (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 NPs is increasing. The Council has a statutory obligation to support local communities in their preparation of NPs. 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 indicators 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 sources. 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 decision-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 Obligations 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 the 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 as 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 in public 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>	