

PARISHES LIAISON MEETING LOCAL DEVELOPMENT FRAMEWORK UPDATE
WEDNESDAY 22ND OCTOBER 2014

This briefing note covers the following items;

1. An update concerning the adopted B&NES Core Strategy.
2. The progress with the B&NES Place-Making Plan.
3. The progress with the B&NES Housing Development Boundaries Review.
4. The progress with the Community Infrastructure Levy Charging Schedule.
5. The progress with the B&NES Gypsies, Travellers and Travelling Show People Site Allocations Development Plan Document.

1. B&NES CORE STRATEGY

Adoption

- 1.1 The Core Strategy was adopted on 10th July 2014 and the six week legal challenge period closed on 22nd August. The Council has not received a legal challenge and therefore adoption of the Core Strategy is confirmed.
- 1.2 Following its adoption the Core Strategy is now part of the statutory Development Plan against which planning applications must be determined. The Development Plan for B&NES now comprises:
 - Joint Waste Core Strategy
 - B&NES Core Strategy
 - Saved B&NES Local Plan policies

Appeals

- 1.3 Whilst the Council now has a demonstrable 5 year housing land supply which has been recently been agreed by the Examination Inspector, the Planning Inspectorate have agreed that it can be tested through a planning application appeal. The applicant/developer for three sites (two in Paulton and one in

Bishop Sutton) requested a conjoined Inquiry so that they can test and discuss the Council's 5 year housing land supply position.

- 1.4 The Council objected to the appellants request, highlighting the fact that Simon Emerson as a senior Inspector has recently tested and agreed the supply through the Core Strategy Examination and that to allow it to be tested again effectively undermined his judgment and represents a re-opening of the debate at the Core Strategy Examination which has now closed. Despite the Council's objection PINS have agreed that an Inquiry be held in early 2015 to include the testing of land supply.

Urban Extension Sites

- 1.5 In allocating the 4 urban extension sites for development the Core Strategy requires that the developers prepare a Masterplan in consultation with the community and to be agreed by the Council. The Masterplan will inform subsequent planning applications and will be the means by which the form of development is established and solutions agreed to meet the key policy requirements e.g. relating to vehicular, cycling and pedestrian access; minimising and mitigating environmental impacts, protecting and enhancing key GI corridors/ assets etc.
- 1.6 All the developers have indicated their willingness and commitment to preparing Masterplans and to consult with the local communities. Advice on community involvement has been given by Council officers. It is envisaged that the developers will lead preparation of the Masterplans.
- 1.7 Following the technical work and community consultation it is envisaged that the Masterplan will be considered by Development Control Committee, prior to the submission and determination of planning applications. The LDF steering group will also be kept up to date of progress on the Masterplans and key issues arising.

2. B&NES PLACE-MAKING PLAN

Introduction

- 2.1 Preparation of the Placemaking Plan is underway and, together with the Core Strategy, it will be the primary document against which planning applications will be determined. The Placemaking Plan will complement the Core Strategy and will:
- (a) allocate development sites setting out the planning requirements,
 - (c) update district wide planning policies, and
 - (d) update infrastructure requirements
- 2.2 An options consultation is scheduled for November 2014 to January 2015. This provides the opportunity to engage widely with local communities, partners and stakeholders on the key issues and the alternative policy solutions before the Council agreed is preferred approach in a draft Plan.
- 2.3 The Plan will take account of the diversity of B&NES and will have bespoke sections for the different parts of the District. Key aspects are highlighted below.

BATH

- 2.4 The Consultation document will set out alternative options for the development of key sites in Bath. It will take account of the evidence in the Enterprise Area Masterplan.

KEYNSHAM

- 2.5 Where development proposals on key sites are already well progressed, the Placemaking Plan will confirm and re-iterate the planning requirements. For other sites, the Plan will set out the development requirements and the forthcoming options consultation will enable discussion on these. The Options Document will need to reflect the Draft Keynsham Transport Strategy and any specific transport infrastructure identified will also need to be included in the Infrastructure Delivery Plan. Key development sites include includes;
- Somerdale
 - Leisure Strategy proposals
 - Riverside

SOMER VALLEY

- 2.6 Additional greenfield sites adjoining settlements in the Somer Valley do not need to be allocated in the Placemaking Plan in order to meet the Core Strategy housing requirement. Therefore, the main focus of planning policy is on brownfield sites at Midsomer Norton and Radstock town centres.

Midsomer Norton

- 2.7 Midsomer Norton Town Council is preparing Neighbourhood Plan which will become part of the statutory Development Plan upon adoption. the District Council will work closely with Midsomer Norton Council to ensure a cohesive and effective policy framework for the town through the Placemaking Plan and the Neighbourhood Plan.
- 2.8 Key sites in Midsomer Norton for inclusion in the options consultation are;
- South Road Car Park
 - Welton Bibby & Baron.
- 2.9 The infrastructure requirements, including transport measures, will also need to be identified

Radstock

- 2.10 There are a number of development opportunities within and adjoining the town centre (see below). The Core Strategy provides a high level context and there is a need to work with the community to develop a more detailed vision/set of objectives for the town centre. Discussions have taken place with Radstock Town Council who is keen to progress this work. Any proposals for redevelopment of sites undertaken through the Radstock & Westfield Development Advisory Group (R&WDAG) will need to be expressed through the Placemaking Plan process.
- 2.11 The town centre vision/objectives will need to form the framework for determining the future use of sites. Initial discussions with the Town Council have highlighted important issues such as improving the town centre environment and retail offer, improving green infrastructure, infrastructure provision, and provision of medium sized industrial units. Consultation on the options document will then be the vehicle for working with the community and other stakeholders to identify the future use for the sites and key placemaking principles which will then be outlined in the Draft Plan. The impacts of development will also need to be assessed, including transport, and infrastructure measures to mitigate these impacts will need to be identified in the Draft Plan.
- 2.12 Some of the key sites in the town include;
- Charlton Timber Yard, Frome Road
 - Ryman Engineering Services, Frome Road

- Surplus land at Radstock College
- Radstock County Infants
- Sites at Coomb End

Extension to Old Mills Industrial Estate

- 2.13 This is a large and important allocation for employment uses. It has been seen as important in order to provide the opportunity to facilitate economic growth and job creation in the local area in light of previous employment land losses and the need to generate jobs. However the site has not come forward for development since allocated and its future will need to be discussed in the options consultation

RURAL AREAS

- 2.14 In line with national policy and sustainability principles, the Core Strategy seeks to restrain new development in rural areas in comparison with the urban areas, although provision is made to meet local needs, such as affordable housing, and to facilitate growth and change in the rural economy. New development is focussed at those settlements which have a range of local facilities, good public transport access and community support. The strict controls in the Green Belt will continue to be applied to large parts of the rural areas and there is restraint on development that would be out of scale or harm the character of the open countryside.
- 2.15 The Core Strategy currently sets out housing expectations in the rural area of around 1,100 dwellings over the Plan period of 2011-2029. To deliver this housing in the rural areas the Core Strategy has a number of policies which will be applied to the villages within the District (see below).
- 2.16 Local communities co-ordinated and led by town and parish councils have undertaken a significant amount of valuable work in response to the Localism agenda to assess the character of their local communities; identify assets/sites for protection (focussing particularly on Local Green Space) and identify and assess potential sites for development where needed. This work has been supported by B&NES Council, including through the provision of training and toolkits on character and site assessment. Following validation and review of the submitted assessments by B&NES officers the outputs from the town and parish council's work informs and will be reflected in the Options document. In some parishes multiple sites are potentially suitable for development and will be presented as options, including, where appropriate, confirmation of a preferred option. In other parishes potentially suitable opportunities are more limited and it may not be possible to present options. Further discussion and feedback is on-going with individual parishes.

- 2.17 The Placemaking Plan options consultation provides the opportunity to bring all this work together as part of a broad consultation exercise. It provides the opportunity for consultation on proposed development sites, as well as other alternatives considered.
- 2.18 With regard to the character assessments B&NES Council is exploring the possibility of reviewing these so that they can be endorsed by the Council as a material consideration in the determination of planning applications. This would also require a separate public consultation on individual character assessments to ensure they could be given weight in the planning application determination process.

3. B&NES HOUSING DEVELOPMENT BOUNDARIES REVIEW

- 3.1 The review of the Housing Development Boundary (HDBs) entails collaborative working; site surveys and taking into account unimplemented planning permissions. Particular care is being taken to exclude areas which, if developed, would harm interests of acknowledged importance such as valued landscapes, nature conservation sites, the character of the settlement or would involve building in the open countryside or cause access problems.
- 3.2 To enable the Parish Councils to contribute to the HDB review, the Council developed 4 principles which are being applied in considering the HDBs of each village or Town Council area. A briefing note and further information was sent to all Parish Councils.
- 3.3 To date approximately 15 Parish Councils have formally submitted reviewed HDBs. It is proposed that these reviewed HDB maps will be published in the Placemaking Plan Options document for comment. The remaining villages HDBs will be reviewed by the Council and published in the draft Placemaking Plan for comment next year.

4. COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE

- 4.1 The CIL Draft Charging Schedule (DCS) was agreed by Cabinet on 16th July for consultation and the consultation period has now ended. Around 35 representations were received from;

Respondent/ Organisation
Reginald Williams
NHS England
The Coal Authority
Watkins Jones Group
The Abbey Residents Association (TARA)
Theatres Trust
Highways Agency
Asda Stores Ltd
Curo Enterprise Ltd
Dunkerton Parish Council
Sport England
Initiative in B&NES and Bath Chamber of Commerce
Anita Tyrrell
The Canal& River Trust
Saltford Parish Council
Square Bay (Bath) Ltd
Valley Parishes Alliance
Ediston Real Estate
McCarthy and Stone Retirement Lifestyles Ltd
Whitbread plc.
Macmullen Associates (on behalf of various clients)
FOBRA
Natural England
SW HARP Consortium
Sainsbury's Supermarkets Ltd
University of Bath
IM Properties
Environment Agency
Midsomer Norton Town Council
House Builder Consortium
Mactaggart and Mickel
Hignett Family Trust
Unite Group
South West Transport Network Rail Futures
English Heritage

4.2 The key issues arising are summarised below;

Comment	Council's Response
Concern Evidence Base is not robust enough and an appropriate balance has not been struck. (funding gap information not sufficient, Viability Assessment assumptions not adequate, etc)	<p>The Council considers that the draft charging schedule sets an appropriate balance between helping to fund necessary infrastructure based on the Council Infrastructure Delivery Programme and the potential effect of the proposed rates on the economic viability of development across the district based on the Viability Assessment.</p> <p>The Viability Assessment has been undertaken by BNP Paribas who has extensive successful CIL experience.</p>
Concerned that the residential CIL will have a significant effect on overall property prices	<p>It is fundamental to the CIL regime that a reduction in development land value is inevitable to accommodate it as a cost of development. Given that new housing supply represents a very small proportion of overall housing supply (taken alongside second hand properties), developers will simply not be able to pass on the costs of CIL to purchasers.</p>
Concern Viability Assessment does not make sufficient allowance (£1,000 per dwelling) for residual s106 and s278.	<p>£1,000 is reasonable assumption. Analysis of s106 agreements in B&NES signed in 2011, 2012 and 2013(calendar years) indicates that the average site related contribution per dwelling is £987.</p>
MoD site should be set £Nil – they are subject to are large s.106 and CIL. Viability Assessment does not test the scenario reflects the development such as MoD sites.	<p>The Viability Assessment sampling reflects a selection of the different types of sites across the district based on the housing trajectory (Strategic Housing Land Viability Assessment). Applications for all three MoD sites are already submitted and expected to be determined prior to the adoption of CIL. ie not subject to CIL.</p> <p>However, if there is a delay, s.106 can be renegotiated or the Council may consider the use of CIL Payment in Kind.</p>
MoD Ensleigh Extension site (Policy B3C Royal High Playing Field) is subject to £50 CIL but no boundary is included.	<p>The Placemaking Plan will define the boundary and will be included before the adoption of CIL. However, to be helpful , a map will be produced and publicised before the hearing</p>
Strategic Sites should be set £Nil rather than £50 due to the scale of s.106 contributions	<p>No detailed evidence has been submitted to undermine the cost assumptions and to substantiate claims for a nil rate of CIL.</p>
Request to make Discretionary	<p>The Council is not currently proposing to offer</p>

Reliefs available – (Exceptional Circumstances relief, Charitable Reliefs – Bath Uni)	discretionary relief for exceptional circumstances, social housing or charitable relief, however, this will be kept under constant review.
Residential rates too high, particularly compared to neighbouring authorities	<p>The B&NES evidence is robust. No detailed evidence has been submitted to undermine the cost assumptions.</p> <p>Councils are required to set CIL rates which balance the need to fund infrastructure within the district and the ability of development to afford the CIL charge. CIL must be predicated on economic viability and if the viability of surrounding authorities means that lower rates are appropriate then it is correct that lower rates are set in these areas</p>
The rate for specialised and EXTRA CARE DEVELOPMENT is too high. Assumptions made in the assessment are not robust. (now subject to affordable housing and CIL)	<p>No detailed evidence has been provided to show that extra care developments would be unable to afford CIL at the proposed rate.</p> <p>The Viability Assessment was undertaken based on the Core Strategy Policy and affordable housing requirement is taken into account for a C3 (residential use class).</p>
The rate for Student Accommodation (off campus) is too high. Assumptions made in the assessment are not robust. They have provided some actual rent information which is lower than our assumption	Substantial buffers built in for the proposed rate should be able to absorb some differences.
The rate for large retail is too high. Assumptions made in the assessment not robust.	No detailed evidence has been provided to show that large retail would be unable to afford CIL at the proposed rate.
The rate for Hotels is too high. Assumptions made in the assessment not robust.	No detailed evidence has been provided. The proposed approach is justified by appropriate available evidence relating to economic viability.
Concerns regarding the Instalment policy (Should it apply for total liabilities below £35,000 or should it be more flexible for strategic sites?)	<p>The introduction and application of an instalments policy remain a matter for the Council and is not a subject for the examination.</p> <p>The Council consider the instalment policy reasonable, given the need for infrastructure to be in place to serve new development occupiers</p>
Regulation 123 list is too high level. No process is set for how funds will	B&NES is developing mechanisms for the prioritisation and allocation of CIL funding which will

be allocated.	be subject to consideration and approval by the Council.
Town and Parish Council expressed concern at the complexity of the system and administration of CIL funding	25% (with Neighbourhood Plan) or 15% (no Neighbourhood Plan) will be automatically passed on to local Parish/Town Councils. The Council will prepare a guidance note relating to local funds.
Concerned to ensure the Charging Schedule sets out its review arrangements.	Agreed. The Council will put in place review mechanisms to monitor the impact of CIL.

- 4.3 In order to meet the deadline of April 2015 when s.106 contributions are scaled back, the CIL is being progressed as quickly as possible. Arrangements are being made for the Inspectorate to hold the examination before Christmas 2014. To achieve this, the Draft Charging Schedule and the comments received have been submitted to the Secretary of State under the delegated arrangements agreed by Cabinet in July 2014 so that the examination can be arranged.

CIL Programme to approval	
LDF Steering Group	25 th September 2014
Submission	Late Oct/Nov 2014
Examination	January 2015
Adoption	April/May 2015
Scrutiny panel	Sept 2014

- 4.4 CIL income is intended for supporting infrastructure and whilst the B&NES Regulation 123 sets out the broad categories for spend, it does not specify precise items. Now that the CIL has been submitted, further consideration can be given to how CIL income from 2014/15 onwards will be spent and the arrangements for making decisions.

5. GYPSIES, TRAVELLERS AND TRAVELLING SHOW PEOPLE SITE ALLOCATIONS PLAN

The B&NES Local Development Scheme

- 5.1 Local Authorities are required to maintain an up-to-date Local Development Scheme (LDS) which sets out the forward programme for the preparation of planning policy documents. 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.
- 5.2 The current B&NES LDS covering the period 2013 – 2017 is being reviewed in September 2014 to ensure it is up-to-date. The revisions take into account corporate priorities and resource availability.
- 5.3 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

- 5.4 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. Site options were published in July 2012 and this consultation led to the need for further work to be undertaken.
- 5.5 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 S.110 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.
- 5.6 Joint working with the adjoining authorities is required on both;
 - assessing the level of need, ensuring there is consistency in approach and 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.
- 5.7 B&NES has therefore been working with WoE and other adjoining Local Authorities 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.

- 5.8 At the same time, the Government has issued a consultation on the planning policy on Gypsy & traveller's sites. The District Council is intending to respond by the November deadline and the Parish & Town Councils also have the opportunity to do so.
- 5.8 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 internally and with West of England UAs will provide evidence and assessments which will benefit the later stages of the plan preparation process.
- 5.9 It is also recommended that the title of the plan should be renamed to the more simple "Travellers' Sites Allocation Plan"