

Single Member Cabinet Decision

Executive  
Forward Plan  
Reference

**E2690**

**Review of the B&NES Local Development Scheme (LDS)**

<b>Decision maker/s</b>	<b>Cllr Tim Ball, Cabinet Member for Homes and Planning</b>
<b>The Issue</b>	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. The current B&NES LDS covering the period 2013 – 2017 is being reviewed to ensure it is up-to-date.
<b>Decision Date</b>	21/10/2014
<b>The decision</b>	<p>The Cabinet Member agrees that;</p> <ol style="list-style-type: none"><li>1. That the revised Local Development Scheme 2014- 2017/18 in Appendix 2 of the report is approved with the following amendment after para 2.5 of the LDS:</li></ol> <p>“The Joint Waste Core Strategy was adopted by the West of England Unitary Authorities in 2011 and, in conjunction with adjoining UAs, consideration will be given to its review towards the end of the LDS period.”</p> <ol style="list-style-type: none"><li>2. That the revised Neighbourhood Planning Protocol in Appendix 3 of the report is approved ( ).</li></ol>
<b>Rationale for decision</b>	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. 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.
<b>Financial and budget implications</b>	<p>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.</p> <p>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.</p> <p>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</p>

	<p>to a review of the B&amp;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&amp;NES LDS may require further revision to ensure co-ordination across the West of England.</p> <p>Resources beyond 2014/15 will be managed as part of the budgetary process and may require a further review of the LDS.</p>
<b>Issues considered</b>	Social Inclusion; Customer Focus; Sustainability; Property; Equality; Corporate; Maintenance of an LDS is a statutory requirements of Local Authorities
<b>Consultation undertaken</b>	Ward Councillor; Cabinet colleagues; Overview & Scrutiny Panel; Staff; Other B&NES Services; Service Users; Section 151 Finance Officer; Chief Executive; Monitoring Officer
<b>How consultation was carried out</b>	<p>The draft SMD report was circulated and a bespoke report prepared for Scrutiny Panel.</p> <p>The preparation of the LDS itself does not require public consultation although it will be published when approved.</p>
<b>Other options considered</b>	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.

<b>Signatures of Decision Makers</b>	
<b>Date of Signature</b>	
<b>Subject to Call-in until 5 Working days have elapsed following publication of the decision</b>	



## AMENDMENTS TO THE NEIGHBOURHOOD PLANNING PROTOCOL (SEPTEMBER 2014)

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<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	<i>Second text bubble in the sequence</i> <u>Submission of planning application</u> Applicant submits the following <ul style="list-style-type: none"> <li>• Application Forms</li> <li>• Drawings</li> <li>• Fee</li> <li>• Supporting information</li> </ul>
7	<i>Text bubble stating:</i> Re-consult <u>residents and consultees on changes to application</u> where necessary <i>Insert an arrow from the circle above "Negotiate with.."</i>
<b>Pre-application</b>	
9	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> <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>
<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 service. For large scale major applications a hard copy summary document may also be requested at Council Connect offices.
<b>Considering an application</b>	
12	Comments on planning applications must be made within a minimum of 21 days (for first consultation) and 14 days for re-

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	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. However, bodies such as Natural England will be allowed a longer period of time to comment on applications where this is prescribed by legislation.
<b>Figure 4</b>	
15	Applications of special interest <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 historic <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 e.g. the Local Strategic Partnership (LSP) is currently considering <u>and</u> how best to engage faith communities in the district in the Community Strategy.
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. 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. 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 <u>of Commerce</u> 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 will use <u>can use as appropriate</u> to encourage community involvement in the 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 comments and 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

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	Documents this will be presented to the Council, Cabinet or Cabinet member as appropriate.
34	Council Role: Approving Neighbourhoods Area Applications <u>Applications</u> for Parish and Town Councils
<b>Figure 11: Process for Processing Applications for Neighbourhood Forum Designation in Bath</b>	
36	<p><i>Orange comment bubble:</i></p> <p>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.</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>  <a href="http://locality.org.uk/resources/neighbourhood-planning-roadmap-">http://locality.org.uk/resources/neighbourhood-planning-roadmap-</a></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 site setting study <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 (known as an Arborist)</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>
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>• Notify Town and Parish Councils <u>are notified</u> of applications and notices within their area.</li> <li>• Placing <u>Applications and notices</u> Applications and notices <u>are placed</u> on the weekly lists – available to Ward Members and the public.</li> <li>• Advising <u>Applicants are advised</u> to contact their neighbours prior to carrying out any work.</li> <li>• Advising <u>Applicants 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	<i>Exceptions</i>

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	There are instances where work is exempt from the normal tree application or notification process. The Councils' <u>Council's</u> permission is not required for cutting down or carrying out work on trees which are dead, dying or have become dangerous.
50	Arboricultural association <u>Association</u>
<b>Figure 15: How is a tree works notification for trees protected by a conservation area processed?</b>	
51	Pre notification advice: owner advised to seek professional advice from an Arborist Owner or agent submits the notification ( <u>often</u> known as a 'six week notice') 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> 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.
<b>FIGURE 16: How is proposed tree felling to trees protected by landscape conditions or a section 106 agreement processed?</b>	
51	Owner advised to seek professional advice from a tree specialist (known as an Arborist)
51	<i>Footnote</i> <i>A site visit may reveal that major works which would have a significant impact on the visual amenity or health of a tree (such as a crown reduction greater than 30% or felling <u>such as a crown reduction which does not follow the recommendations within the current BS 3998</u>) 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.</i>
<b>Other tools and tips for communities</b>	
55	<i>Pink text bubble</i> The Council is progressing <u>As part of the preparation of</u> its first Green Infrastructure Strategy. It, <u>the Council</u> held a consultation launch event for stakeholders, <u>. This provided the opportunity</u> a chance to find out more and to encourage networking between the wide range of stakeholders with an impact on <u>green infrastructure.</u> <u>The Green Infrastructure Strategy is now adopted.</u>
56	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 is developing <u>has adopted</u> a Strategy to make better use of these natural assets. The strategy should <u>provides</u> a valuable resources for developing neighbourhood plans.
<b>Appendix A: community involvement toolkit</b>	
58	<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>
58	<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

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	quirky approach or with a more social event.
58	<p><i>Notification of consultation periods in local newspapers</i>  Statutory Requirement. <u>Consultation periods will be publicised using local media.</u> Likely to make use of The Bath Chronicle, The Somerset Guardian, the Western Daily Press, Norton Radstock Journal, Bristol Evening Post as well as free newspapers. This is a statutory requirement. Notifications are usually published on Thursdays.</p>
59	<p><i>Area notification where site allocations proposed</i>  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.  <u>Notification of development proposals subject to consultation can be achieved in a number of ways (see also Local Publicity).</u>  <u>Direct notification to properties adjoining a proposed site allocation is a quick and effective method of notifying those who will be affected.</u> General notification to other properties in the vicinity of a proposed site allocation is useful in raising awareness.</p>
<b>Appendix B: Statutory consultees</b>	
64	<p><i>Specific Consultation Bodies</i>  The Town &amp; Country Planning (Local Development <u>Planning</u>) (England) Regulations 2004 <u>2012</u> specify that the following bodies must be consulted if the council Council considers that body will be affected by what is proposed to be covered in a Local Development Document.</p> <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>– – North Wiltshire District Council</li> <li>– Somerset County Council</li> <li>– South Gloucestershire Council</li> <li>– West Wiltshire District Council</li> <li>– Wiltshire County Council</li> </ul> </li> <li>• Natural England (formerly Countryside Agency &amp; English Nature)</li> <li>• Environment Agency</li> <li>• English Heritage (HBMC)</li> <li>• Historic Buildings and Monuments Commission for England</li> </ul>
64	<p><i>Wiltshire Parish Councils</i>  Box  Colerne  Limpley Stoke  Monkton Farleigh</p>



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	<p>Westwood Winsley <u>Marshfield</u> <u>Limpley Stoke</u> <u>Monkton Farleigh</u> <u>Westwood</u></p> <p><i>South Gloucestershire</i> Parish Councils Bitton Cold Ashton Hanham Abbots Marshfield Limpley Stoke Monkton Farleigh Westwood</p>
65	<p><i>Relevant Government Departments</i> The Government Office for the South West (GOSW) will be the first point of contact for consultation with central government departments. 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 (through GOSW)</li> <li>• Department for Environment, Food and Rural Affairs</li> <li>• Department for Transport (through GOSW)</li> <li>• Department of Health (through relevant Regional Public Health Group)</li> <li>• Department of Trade and Industry (through GOSW)</li> </ul>
65	<p><i>Other Consultees</i> Environmental Groups at national, regional and local level including: National Forest Company; Council for the Protection of Rural England; Cotswolds Conservation Board; Friends of the Earth; Royal Society for the Protection of Birds; <u>West of England Nature Partnership</u>; Wildlife Trusts &amp; Woodland Trust.</p>