

# Bath & North East Somerset Council

MEETING	<b>Cabinet</b>	
MEETING	<b>2<sup>nd</sup> December 2015</b>	EXECUTIVE FORWARD PLAN REFERENCE:
		<b>E 2787</b>
TITLE:	<b>Bath &amp; North East Somerset Placemaking Plan (Pre-submission Draft)</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
<ul style="list-style-type: none"><li>• Attachment 1 The pre-submission draft B&amp;NES Placemaking Plan (NOTE: Given the large file size of the plan can be only viewed on Council's website at <a href="http://www.bathnes.gov.uk/services/planning-and-building-control/planning-policy/placemaking-plan/placemaking-plan-pre">http://www.bathnes.gov.uk/services/planning-and-building-control/planning-policy/placemaking-plan/placemaking-plan-pre</a>)</li><li>• Attachment 2 Public consultation arrangements</li></ul>		

## 1 THE ISSUE

1.1 This report seeks Cabinet approval of the Pre-submission Draft Placemaking Plan for public consultation prior to submission to the Secretary of State for examination.

## 2 RECOMMENDATION

2.1 That Cabinet

- Approves the Pre-submission Draft Placemaking Plan in Attachment 1 for public consultation from 16<sup>th</sup> December 2015 to 3<sup>rd</sup> February 2016,
- Approves the Draft Placemaking Plan for Development Management purposes,
- Delegates authority to the Divisional Director for Development, in consultation with the Cabinet Member for Homes & Planning, to make minor changes to the Draft Placemaking to correct errors and inconsistencies to the Plan prior to publication,

- Recommends to Full Council that it resolves to submit the Draft Placemaking Plan, along with representations received through the public consultation, to the secretary of state for examination, and
- Agrees the public consultation arrangements in Attachment 2.

### 3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 Preparation of the Placemaking Plan has been funded from the LDF budget. The costs of the examination and adoption in 2016/17 will also need to be funded from the LDF budget.
- 3.2 Preparation of land-use planning policies will inevitably have an impact on value of land & buildings.

### 4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Draft Placemaking Plan has been prepared in compliance with the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”) and The Town and Country Planning (Local Planning) (England) Regulations 2012 (“the Regulations”). Once adopted, it will be a statutory Development Plan Document (“DPD”).
- 4.2 Preparation of the Draft Placemaking Plan has also accorded with national policy in the National Planning Policy Framework (NPPF) and guidance in the National Planning Practice Guidance (NPPG). In particular, the Council has sought to ensure that the plan is sound in that it (inter alia);
- Has been **positively prepared** – the plan seeks to meet objectively assessed development and infrastructure requirements, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits;
  - Is **justified** – the plan is the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
  - Is **effective** – the plan is deliverable; and
  - Is **consistent with national policy** – the plan enables the delivery of sustainable development
- 4.3 The Draft Placemaking Plan has been subject to a fully integrated Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) in line with the requirements of the SEA Regulations (Statutory Instrument 2004 No. 1633: The Environmental Assessment of Plans and Programmes Regulations 2004).
- 4.4 The Draft Placemaking Plan will be used for Development Management purposes but will not have the statutory force of section 38(6) of the Planning and Compulsory Purchase Act 2004 until any objections received have been addressed via the examination process and the plan is adopted. In light of the stage of preparation the plan has reached, it will be an important material consideration in the determination of planning applications.
- 4.5 Any existing Development Plan policies superseded by the Placemaking Plan are set out in Appendix 1 to the draft Plan (Regulation 8(5)).

4.6 The Housing & Planning Bill 2015 is likely to have implications for some of the policy approaches in both the Placemaking Plan and the Core Strategy but it is premature to seek to pre-empt the Bill's enactment and so any issues arising will need to be addressed via the examination process.

## 5 THE REPORT

5.1 The Placemaking Plan will provides a district-wide suite of planning policies for B&NES, complementing the strategic framework in the Core Strategy. The Core Strategy forms Part 1 of the B&NES Local Plan and the draft Placemaking Plan is Part 2. The Plans have been combined for clarity but it is only the Placemaking Plan part which is the subject of this report. In a few instances, the Placemaking Plan contains a policy that is intended to supersede a policy or text in the Core Strategy. These superseded policies are identified in the document (Regulation 8(5) of the 2012 Regulations).

5.2 The draft Placemaking Plan includes;

- Spatial frameworks for Bath, Keynsham, the Somer Valley & the Rural Areas. It allocates sites for development where these are necessary to deliver the strategy, setting out the required land-use mix and the development principles.
- Designations where there is a need to identify and protect valued assets, such as important open hillsides or Local Green Space
- Identifies schemes to be implemented such as road or cycleway improvements
- Generic criteria-based planning policies

5.3 In Bath, the key issue is how to facilitate the Council's ambitions for growth and change in a relatively small city, recognized for its unique heritage and environment and constrained by the Green Belt. The development of the spatial strategy has therefore required that the Council make choices, in order to ensure its key priorities are met. The Plan reflects the ambitions of the Economic Strategy the Housing & Well-being Strategy and the Bath Transport Strategy. In particular the proposals of the Bath Enterprise Area Masterplan have been incorporated. The Plan highlights the transport interventions that are needed to realise the District's growth proposals.

5.4 In Keynsham, the Plan seeks to build on the growing strengths of the town, providing a Masterplan for future change. This takes account of the significant growth contained in the Core Strategy.

5.5 In the Somer Valley, the Plan focuses on regeneration in light of the Core Strategy objectives of seeking a greater balance between homes and jobs. Both Midsomer Norton and Westfield are preparing their own Neighbourhood Plans and the Placemaking Plan complements the Neighbourhood Plans.

5.6 In the rural areas, B&NES has worked closely with the parishes to produce spatial frameworks for inclusion either in the Placemaking Plan or in their own Neighbourhood Plans. The approach has been to identify locations for new

development where required in consultation with the local communities whilst identifying the key environmental assets for protection and conservation.

5.7 It is essential that new development is properly aligned with the necessary infrastructure and so the B&NES Infrastructure Delivery Plan has been updated alongside the preparation of the Placemaking Plan. Key infrastructure requirements have been identified where they are critical to the delivery.

5.8 The future stages in the preparation process will be for the Council to comply with the statutory requirements concerning publication and receiving representations relating to the Draft Placemaking Plan and for Full Council to agree submission of the Draft Placemaking Plan for independent examination by an Inspector appointed on behalf of the Secretary of State. Also submitted alongside the Draft Placemaking Plan to the Secretary of State will be the schedule of public representations received by the Council. It is for the appointed examination Inspector to consider the issues raised in the public representations in his / her role to assess the soundness of the Draft Placemaking Plan as with the other requirements of S20 (5) of the 2004 Act. As a result the Council will not be formally considering the representations received from the next stage.

## **6 RATIONALE**

6.1 The UK Planning system is a Plan-led system. This means that planning applications for development must be determined in accordance with Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework requires that each Local Authority should produce a Local Plan for its area and the importance of having it up to date. The Placemaking Plan will be Part 2 of that for the Council's area.

## **7 OTHER OPTIONS CONSIDERED**

7.1 None. Publication of a Draft Placemaking Plan and submission for independent examination are statutory requirements of a DPD as required by the 2004 Act and the Regulations. The Council does not have discretion to depart from this process.

7.2 In deciding its preferred spatial strategy, the Council has assessed the reasonable options. It has chosen the most appropriate strategy in light of the evidence, as guided by the sustainability appraisal.

## **8 CONSULTATION**

8.1 Preparation of the Placemaking Plan has entailed extensive community engagement, both formal and informal pursuing a range of consultation and engagement methods as set out in the Neighbourhood Planning Protocol (the Council's Statement of Community Involvement).

8.2 The Placemaking Plan Launch document was published for consultation in July 2013 and the Options document was published for consultation in November 2014. Around 1,000 comments were received each on the Launch document and Options document.

8.3 Alongside these more formal consultations, the Council has continued to work closely with the Town and Parish Councils, community groups and local

representatives in order to draw up a policy framework which takes into account local aspirations and concerns. The Council has also liaised with statutory consultees (such as Historic England, Natural England and the Environment Agency) as necessary to address any issues raised. This front loaded approach is aimed at resolving as many issues as possible early in the process in the preparation of the Placemaking Plan and it is underpinned by evidence to ensure the Plan is 'sound' when submitted for Examination.

8.4 An update on the Placemaking Plan process was presented to the Bath City Forum meeting on 13th October 2015. The meeting discussed the range of issues addressed in the Plan and raised particular concerns about the pressures on the City of Bath caused by University expansion, as well as highlighting the need for affordable and social housing in the City

8.5 The consultation on the Draft Placemaking Plan will be formal and focussed. Consultees will be invited to comment on whether the Draft Placemaking Plan meets the four tests of 'soundness' (positively prepared, justified, effective and consistent with national policy) and is legally compliant as required by the NPPF para 182. The broad programme of engagement activities previously undertaken as part of the Placemaking Plan Launch document and Options document consultation by virtue of Regulation 18 of the Regulations is not repeated in the forthcoming consultation.

8.6 The publication of the Plan for consultation is prescribed in Regulation 19 of the Regulations which entails making the Draft Placemaking plan and other documents publicly available together with notification of Consultees. Nevertheless where possible the Council will publicise the next stage of the process as far as is possible in addition to the statutory requirement in order for public awareness of the process and representations on the Draft Placemaking Plan to be made and in line with the Neighbourhood Planning Protocol.

8.7 The Council's Monitoring Officer, section 151 Officer and the Place Strategic Director have had the opportunity to input to this report and have cleared it for publication.

## 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.

<b>Contact person</b>	<i>Lisa Bartlett 01225 477550, Simon de Beer 01225 477616</i>
<b>Background papers</b>	<p><i>Key Policy</i></p> <ul style="list-style-type: none"> <li>• <i>B&amp;NES Core Strategy 2014</i></li> <li>• <i>National Planning Policy Framework</i></li> <li>• <i>National Planning Practice Guidance</i></li> <li>• <i>Extant Supplementary Planning Documents – such as the Planning Obligations SPD, HMO in Bath SPD, Sustainable</i></li> </ul>

*Construction & Retrofitting SPD etc.*

*Existing Key Evidence Base/Policy*

- *B&NES Economic Strategy*
- *B&NES Housing & Well-being Strategy*
- *Building Heights Study 2010*

*New Evidence Base to the Placemaking Plan:*

- *Bath Transport Strategy*
- *Office market demand in B&NES - current enquiries*
- *Lambert Smith Hampton Office Review/Demand Study*
- *Lambert Smith Hampton Industrial Review*
- *East of Bath P&R – assessment of options*
- *Existing P&R sites – assessment of options & identification of land for expansion*
- *Paramics modelling of Bath EA & other development mix proposed in Draft Plan*
- *Paramics modelling of development/transport interventions phasing*
- *Bath car parking strategy (off-street car parking provision)*
- *Commercial car parking standards in Bath & town centres (plus modelling of impact of parking standards in Bath on transport network)*
- *Housing mix for Bath (to support Economic Strategy)*
- *Bath CA Character Appraisal (phase 1- city centre/EA)*
- *Flooding – review & prepare sequential approach/exceptions test report (especially relevant for Bath EA sites)*
- *Keynsham Leisure Centre Options*
- *East Keynsham Employment Site Masterplan (helps determine waste site allocation)*
- *Transport Studies for Keynsham*
- *Midsomer Norton Town centre transport studies*
- *MSN: South Road Car park - deliverability/market assessment for retail*
- *MSN: Welton, Bibby & Baron – assess site capacity*
- *Viability – assess viability of development options on proposed allocations across the District*
- *GI – identification of key components of GI network for strategy diagrams*
- *GI – identification of GI network (District-wide) for Policies Map*
- *Landscape – review/identification of green spaces of importance*

*to landscape character (VIOS/IH)*

- *Green Spaces Strategy*
- *Playing Pitch Strategy*
- *Local centres – occupier/use survey of local centres (District-wide)*
- *WENP work - identifying GI/ecological corridors for Policies Map*
- *Student Numbers and Accommodation in Bath (Nov 2015 update)*
- *B&NES Local Green Space Summary Report*
- *B&NES Allotment Management Plan & Site Selection Criteria*
- *Commercial Signage & Tables and Chairs – Bath Design & Conservation Area Guidance (Nov, 2015 Draft) Bath Pattern Book – Parts 1 & 2*
- *B&NES Community Energy Strategy*
- *B&NES Enterprise Area District Heating Feasibility Study*
- *B&NES Renewable Energy Policy Evidence Summary Report*
- *B&NES Surface Water Management Plan*
- *West of England Sustainable Urban Drainage Developer Guide*

**Please contact the report author if you need to access this report in an alternative format**

## Attachment 2 – Proposed Consultation Strategy

### DRAFT PLACEMAKING PLAN - PROPOSED CONSULTATION STRATEGY

The Planning Regulations require that each of the statutory consultees, general consultation bodies, public and business community to be invited to make representations on the ‘soundness’ of the Draft Placemaking Plan (Proposed Submission Plan: Reg. 19).

This is a **formal stage** and consultees can only be invited to comment on whether the Plan meets the four tests of ‘soundness’ (positively prepared, justified, effective and consistent with national policy) and is legally compliant as required by the 2004 Act. The consultation will take place over a six week period between **16<sup>th</sup> December 2015 and 3<sup>rd</sup> February 2016**.

The table below therefore sets out how Bath & North East Somerset intends to engage with and/or consult at this key stage in the plan making process prior to the submission of the Placemaking Plan to the Secretary of State for Examination in January 2016. The Consultation Strategy has been prepared to ensure consultation with the community and other stakeholders is undertaken in compliance with the Council’s Neighbourhood Planning Protocol.

The timeline for preparation of the Placemaking Plan is outlined below.

Issues and alternative options consultation [ <b>Reg 18</b> ]	November 2014
Publication of and consultation on Draft Placemaking Plan DPD [ <b>Reg 19</b> ] and draft SA report	Late November 2015
Submission to Secretary of State [ <b>Reg 22</b> ] with final SA Report	Spring 2016
Examination Hearings Period	Summer 2016
Receipt of Inspector’s report	Autumn 2016
Adoption and publication	Winter 2016

## Proposed Consultation Strategy

### Commenting on the soundness and legally compliance of the Draft Placemaking Plan

#### Publicity

Provide information about this stage in the plan preparation process	<ul style="list-style-type: none"> <li>– Council’s website - News Items, links to consultation webpage News item and reminders via Council’s weekly e-bulletin, with link to Council’s online consultation calendar (as appropriate)</li> <li>– Twitter (as per the Council’s protocol)</li> <li>– Local Publicity: Posters/leaflets for display on notice boards and/or distribution, in Council offices, libraries and other key places as appropriate</li> </ul>
Media (Local Press, Council publications, newsletters, etc.)	Media briefing: <ul style="list-style-type: none"> <li>– Prepare press release</li> </ul>
Parish/Town Council meetings or	Briefing notes, presentations at meetings



## Commenting on the soundness and legally compliance of the Draft Placemaking Plan

neighbourhood or residents' forums in areas with no parishes

### Consultation

Advance notification by e-mail/letter

Mailout to all those on the mailing list (statutory consultees, non-statutory consultees, local residents & local/national organisations) explaining the purpose of the consultation, where to view the documents, how to respond - electronic mailout except where there is no e-mail address.

- Representations are only invited on the soundness and legal compliance of the Draft Placemaking Plan, using the standard response form for this stage in the process.

Make the Draft Placemaking Plan consultation documents available for public viewing on the Council's website

Placemaking Plan consultation webpage to include:

- Explanatory text about the consultation on the Draft Placemaking Plan
- Evidence underpinning the Draft Placemaking Plan
- Sustainability Appraisal
- Habitats Regulations Assessment
- Information on where to view the documents in person
- Explanatory note about the consultation
- Standard comments forms
- Contact details for further information
- Link to an online consultation

Make the Draft Placemaking Plan consultation documents available for public inspection at each Council's usual deposit stations (Council offices and public libraries)

Deposit station packs to include:

- Explanatory note about the consultation
- Draft Placemaking Plan
- Statement of representations procedure
- Sustainability Appraisal
- Habitats Regulations Assessment
- Consultation Statement
- Standard response forms
- Where to view the evidence base