

Bath & North East Somerset Council	
MEETING:	Council
MEETING:	13th July 2017
TITLE:	B&NES Placemaking Plan 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 Placemaking Plan</p> <p>Attachment 2: Schedule of Minor Modifications to the B&NES Placemaking Plan</p> <p>Attachment 3: Schedule of adopted Supplementary Planning Documents/Guidance to be supplementary to the Placemaking Plan</p>	

1 THE ISSUE

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

2 RECOMMENDATION

- 2.1 That the Council;
 - (1) accepts the Main Modifications listed in attachment 1, which the Inspector considers are needed to make the Plan sound in accordance with section 20 (5) of the Planning and Compulsory Purchase Act 2004 (as amended);
 - (2) agrees the Minor Modifications listed in attachment 2 to the B&NES Placemaking Plan, which are needed to ensure clarity, consistency and factual accuracy in the Plan;

- (3) adopts the B&NES Placemaking Plan (Local Plan Part 2) as modified in (a) and (b) above, including for the purposes of section 38(6) of the Planning & Compulsory Purchase Act;
- (4) agrees the B&NES Policies Map is amended in line with (a) and (b) above;
- (5) acknowledges that the adopted Supplementary Planning Documents/Guidance listed in attachment 3 should supplement the B&NES Development Plan; and
- (6) delegates responsibility to the Divisional Director for Development, in consultation with the Cabinet Member for Homes & Planning, to make minor textual amendments to the Placemaking Plan prior to publication.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 Preparation of the Placemaking Plan has been funded from the LDF Budget, along with input from a range of services. Adoption of the Placemaking Plan:
- a) establishes an up to date set of policies for the determination of planning applications.
 - b) provides greater clarity for all involved in the development process, including the Council; developers; landowners and other stakeholders
 - c) 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 and the associated objectives regarding business rates uplift);
 - d) confirms the infrastructure needed to support the planned growth through the Infrastructure Delivery Plan to ensure the proper alignment of new development with infrastructure;
 - e) facilitates the delivery of additional housing which 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 Under Section 113 of the Planning and Compulsory Purchase Act 2004 there is a 6 week period for a legal challenge to the adoption of the Placemaking Plan to be made. No contingency budget for any such challenge is identified.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Placemaking Plan is a statutory Development Plan Document (DPD) and its preparation processes are prescribed by statute and regulations. Of particular relevance here is section 20 of the Planning and Compulsory Purchase Act 2004 (as amended).
- 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 Placemaking Plan 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 Placemaking Plan.
- 4.4 In this case the Inspector has made recommendations for modifications which she considers are necessary in order for the Placemaking Plan 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 Human Rights Act and Equality Act implications. The adoption of the Placemaking Plan 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 Placemaking Plan as it will improve the planning of the district as a whole. The Placemaking Plan has been through an extensive stakeholder engagement and public 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 Placemaking Plan is proportionate and necessary in the circumstances and compliant with the responsibilities placed upon the Council under such mentioned Acts.
- 4.6 The Placemaking Plan is the Council's spatial expression of the Council's policy on a broad range of issues such as climate change, housing, employment, recreation, ecology, sustainable construction, landscape, heritage, community facilities and infrastructure. 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 Placemaking Plan as proposed to be adopted (incorporating the Inspector's recommended main modifications) which summarises how SA has informed the Placemaking Plan 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 of the Placemaking Plan policies at key stages of the plan preparation and this was subsumed into the SA.
- 4.9 Under section 33A of the Planning & Compulsory Purchase Act 2004 (as amended) the Council has a duty to co-operate (engage constructively, actively and on an on-going basis) with prescribed bodies on strategic cross boundary issues. The Council produced a Statement of Compliance with the duty. The Inspector has concluded that the duty to co-operate has been met.

5 THE REPORT

Background

- 5.1 Once adopted the Placemaking Plan, alongside the already adopted 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.
- 5.2 If the Placemaking Plan is successfully adopted it will replace or make obsolete nearly all of the currently saved policies in the 2007 B&NES Local Plan. The only saved B&NES Local Plan policy that will remain part of the statutory Development Plan will be Policy GDS.1 relating to four specific sites allocated in the 2007 Local Plan where development is not yet complete. As explained in paragraph 5.5 below the Placemaking Plan complements and gives effect to the strategic policy framework in the Core Strategy. However, upon adoption some policies of the Core Strategy will be superseded by the equivalent policies in the Placemaking Plan.
- 5.3 Upon adoption of the Placemaking Plan there will be a primary up to date development plan led basis for determining planning applications under section 38(6) of the Planning & Compulsory Purchase Act, comprising:
- (1) The Core Strategy
 - (2) The Joint Waste Core Strategy
 - (3) The adopted Placemaking Plan
 - (4) Saved policies in the B&NES Local Plan (those not replaced though the Core Strategy, Placemaking Plan and Joint Waste Core Strategy)
- 5.4 These are supplemented by a suite of adopted Supplementary Planning Documents which are capable of being material considerations and continue to supplement the Placemaking Plan (see attachment 3).

Scope

- 5.5 The already adopted Core Strategy establishes the quantum of development to be provided for between 2011 and 2029 and sets out the strategic policy framework. In effect it forms Part 1 of the Local Plan. The Placemaking Plan complements the strategic framework of the Core Strategy by allocating specific sites for development; setting out detailed development requirements and design principles for these sites; and setting out a range of policies for managing development and protecting valued assets across the District. In effect it forms Part 2 of the Local Plan. For the purposes of clarity and convenience for Plan users only the Council combined the Plans at the publication stage. However, it must be noted that the Placemaking Plan is a separate DPD in its own right.
- 5.6 The purpose of the Placemaking Plan is therefore to give effect to the strategic policies of the Core Strategy and not to review the strategic policies. Certain limited policies of the Core Strategy will be superseded by the Placemaking Plan

on its adoption and such policies are stated and identified in the submitted Placemaking Plan in accordance with regulation 8(5) of the Town & County Planning (Local Planning) (England) Regulations 2012.

- 5.7 The Placemaking Plan is structured on a place basis and comprises place specific volumes and one outlining the policies that apply District-wide. The Placemaking Plan:
- a) allocates a range of sites to meet development needs in Bath, Keynsham, Somer Valley and the rural areas. These sites are allocated for housing and a range of other uses (primarily employment, hotels and retail)
 - b) establishes development requirements and design principles to guide development on the allocated sites
 - c) sets out a broad range of policies for managing development on allocated and non-allocated sites and protecting valued assets split into sections on:
 - Responding to a changing climate
 - Environmental quality
 - Building strong and vibrant communities
 - A prosperous economy
 - Promoting sustainable transport
 - Minerals
 - Infrastructure

Main Modifications

- 5.8 The Placemaking Plan was submitted April 2016 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 is:
- Positively prepared - it seeks to meet objectively assessed development and infrastructure requirements,
 - Justified - the most appropriate strategy, when considered against the reasonable alternatives, and is based on proportionate evidence;
 - Effective - deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - Consistent with national policy
- 5.9 In accordance with section 20(7C) of the Planning & Compulsory Purchase Act 2004 the Council requested that if necessary the Inspector should recommend any main modifications needed to rectify matter that make the plan as submitted for Examination unsound and therefore, incapable of adoption. Through the Examination hearings the Inspector indicated that some modifications would be necessary to make the Plan sound. The scope and wording of the main modifications needed for soundness, along with other minor proposed changes, were agreed by the Inspector (see document ID/18), prior to 6 weeks public consultation during January & February 2017. The Inspector has considered the representations received in preparing her Report.

- 5.10 The Inspector has concluded that with the main modifications which were subject to consultation in January & February 2017 the Placemaking Plan is sound and capable of adoption. The main modifications required to the Plan are set out in attachment 1.

Other Minor Modifications

- 5.11 Whilst not necessary for soundness it is recommended that a number of other minor modifications to the submitted Plan are made for reasons of clarity, consistency and factual accuracy. These minor modifications are set out in attachment 2 and include those consulted on during the Examination in January & February this year.

6 RATIONALE

- 6.1 Adoption of the Placemaking Plan brings with it significant benefits and reduces other risks to the Council. In particular;
- (1) Once adopted the Council can give full weight to the Placemaking Plan in planning decisions thereby reducing the vulnerability to planning applications which may not be aligned to the Council's development plan,
 - (2) It facilitates delivery of corporate objectives by providing clarity on key development locations and on the delivery of housing and economic growth
 - (3) It provides certainty to local communities and the development industry on the location and form of new development.

7 OTHER OPTIONS CONSIDERED

- 7.1 The Council must comply with the provisions set out in s.23 of the Planning & Compulsory Purchase Act 2004 regarding the adoption of local development documents. If the Council rejects one or more of Inspector's recommended modifications, it cannot then proceed to adopt the Placemaking Plan. The Council therefore has three options:
- (a) adopt the Placemaking Plan with the modifications recommended by the Inspector; or
 - (b) adopt the Placemaking Plan with the modifications recommended by the Inspector and the minor modifications recommended by officers; or
 - c) resolve not to adopt the Placemaking Plan.
- 7.2 In the case of (c), the Council would need to withdraw the Placemaking Plan and progress preparation of a new style Local Plan. This would leave the Council more vulnerable to speculative non development plan led planning applications in the absence of an up-to-date policy framework whilst this new Local Plan is prepared. It would be at least a number of years before a new Local Plan might be in place.

8 CONSULTATION

- 8.1 Preparation of the Placemaking Plan 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 Placemaking Plan 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.

Contact person	<i>Richard Daone 01225 477546</i> <i>Simon De Beer 01225 477616</i>
Background papers	<i>B&NES Placemaking Plan Inspector's Report June 2017</i> <i>Composite copy of the B&NES Placemaking Plan including Main & Minor modifications to the Submitted Placemaking Plan 2017</i> <i>Sustainability Appraisal of the Placemaking Plan as proposed to be adopted including SA Adoption Statement;</i> <i>Habitat Regulations Assessment Adoption Statement</i> <i>Planning & Compulsory Purchase Act 2004 (as amended)</i> <i>Town & Country Planning Regulations 2012</i> <i>National Planning Policy Framework 2012</i>
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