## ANNEX 3: Briefing Note – Bath and North East Somerset Core Strategy

1.0 Introduction and Background

1.1 This note comprises a resume of key points and necessary actions relating to processes and other requirements in taking the Bath and North East Somerset Core Strategy DPD ("the CSDPD") forward to adoption. It focuses principally on the pre-production and production stages of developing the CSDPD. It is written at "entry level" with a largely non-planning professional audience in mind and consequently is neither exhaustive nor, except where unavoidable, particularly detailed. Suggested points for discussion are flagged up at the end of each of the paper's four main sections.

1.2 The Planning and Compensation Act 2004 introduced a statutory duty on Local Planning Authorities (LPAs) to prepare a Local Development Framework (LDF). The LDF comprises a set of planning policy and related documents that, taken together, set out the LPA's policies and proposals for the future sustainable development of its administrative area.

Diagram 1 the LDF
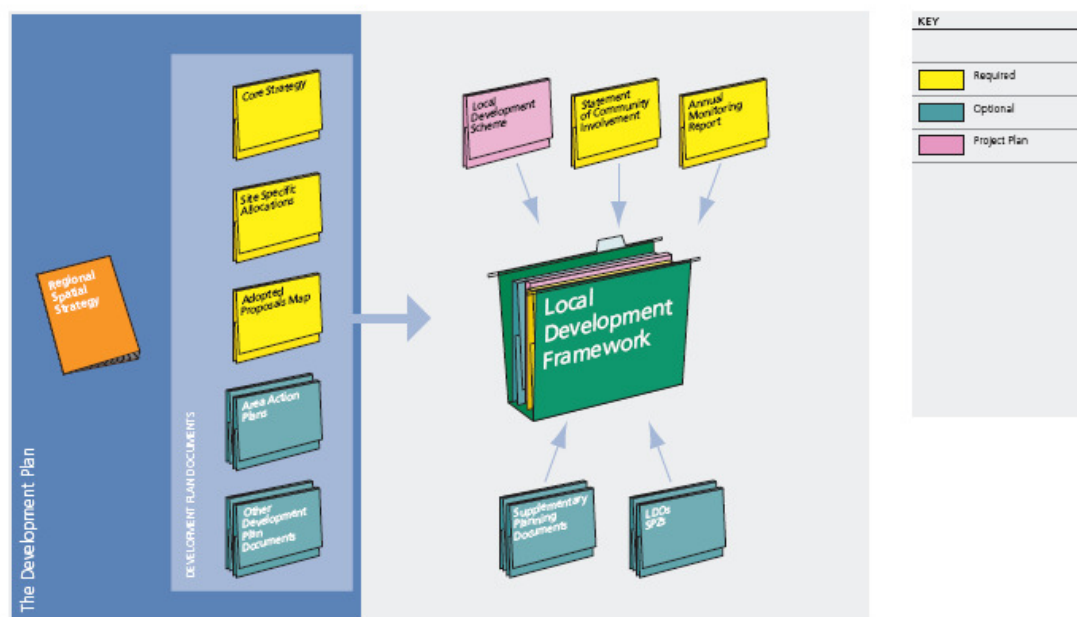
1.3 The CSDPD is the foundation stone of the LDF. It sets out the LPA's strategic-level policies and dictates the nature and scope of subordinate DPDs and other non-DPD policy documents (such as Supplementary Planning Documents).

1.4 In conjunction with the presentational/formatting changes ushered in by the LDF, six key changes lie at the heart of the new system:

- the concept of "spatial planning";
- a strong emphasis on the delivery end of the process – requiring measurable, targeted policies;
- the "front loading" of the system – requiring intensive consultation and public participation at the pre-submission stages of the CSDPD process;
- imbedded sustainability appraisal (SA);

- an examination into the "soundness" of the CSDPD conducted by the Planning Inspectorate and an appointed EiP (Examination in Public) Panel; and
- a binding Panel Report following the EiP – which removes the Council's ability to accept or reject the Inspector's recommendations. Once the Council submits the CSDPD for examination it effectively loses control of the process.

These changes and what they mean (or imply) are touched on at appropriate points below.

1.5 The remainder of this note looks in turn at:

- CSDPD – purpose and general requirements;
- Preparing the CSDPD – key stages, activities and timescale;
- Preparing the CSDPD – process requirements;
- Preparing the CSDPD – resource and organisational requirements

2.0 **CSDPD – purpose and general requirements**

2.1 The CSDPD should set out the key elements of the planning framework for the area. It should comprise a spatial vision and strategic objectives for the area; a spatial strategy; core policies; and a monitoring and implementation framework with clear objectives for achieving delivery (see Section 3 below). It must be kept up-to-date and, once adopted, all other development plan documents must be in conformity with it. The CSDPD should normally be the first development plan document to be produced.

2.2 The CSDPD should draw on any strategies of the local authority and other organisations that have implications for the development and use of land e.g. the community strategy and local transport plan. Where appropriate, the core strategy should provide an integrated approach to the implementation of these aspects of other strategies. The CSDPD should set out the long term spatial vision for the authority's area and the strategic policies required to deliver that vision. It should seek to implement the spatial and transport policies of the regional spatial strategy and incorporate its housing requirement. It should set out broad locations for delivering the housing and other strategic development needs such as employment, retail, leisure, community, essential public services and transport development.

2.3 The CSDPD should contain clear and concise policies for delivering the strategy which will apply to the whole of the LPA's area or to locations within it, but should not identify individual sites. These should be dealt with under site specific allocations development plan documents or area action development plan documents. Where it can be justified that it is not possible to identify site specific allocations to meet the identified needs of the area, criteria-based policies should be set out in the CSDPD to establish the framework for assessing any unforeseen proposals, such as windfall development.

2.4 General locations for strategic development, major transportation issues, and main patterns of movement and constraints may be set out in a key diagram which will illustrate the broad strategy for the area in a diagrammatic format. The key diagram also provides the means to show links and relationships with other strategies and with the plans of neighbouring areas.

2.5   The LPA should ensure that policies and proposals in the CSDPD provide certainty for the future. The time horizon of the core strategy should be for a period of at least 10 years from the date of adoption. However the CSDPD should aim to look ahead to any longer-term time horizon which is set out in the regional spatial strategy (RSS). The core strategy should be kept under review and the horizon rolled forward in subsequent reviews of the document.

3.0   **Preparing the CSDPD – Key Stages, Activities and Timescale**

3.1   The progression of the CSDPD must have regard both to statutory and content stages. The key statutory stages are set out in diagram 2 overleaf. The pre-submission content process (diagram 3) represents the progression of activities that need to be undertaken at the *pre-production* and *production* stages (Regulations 25-28) of the statutory process. It is not necessary for the purposes of this initial briefing note to detail the work requirements of the subsequent statutory stages. It will be noted that, according to Government guidance (PPS12), the production of the CSDPD will take at least three years, with the emphasised production stage taking at least one year.
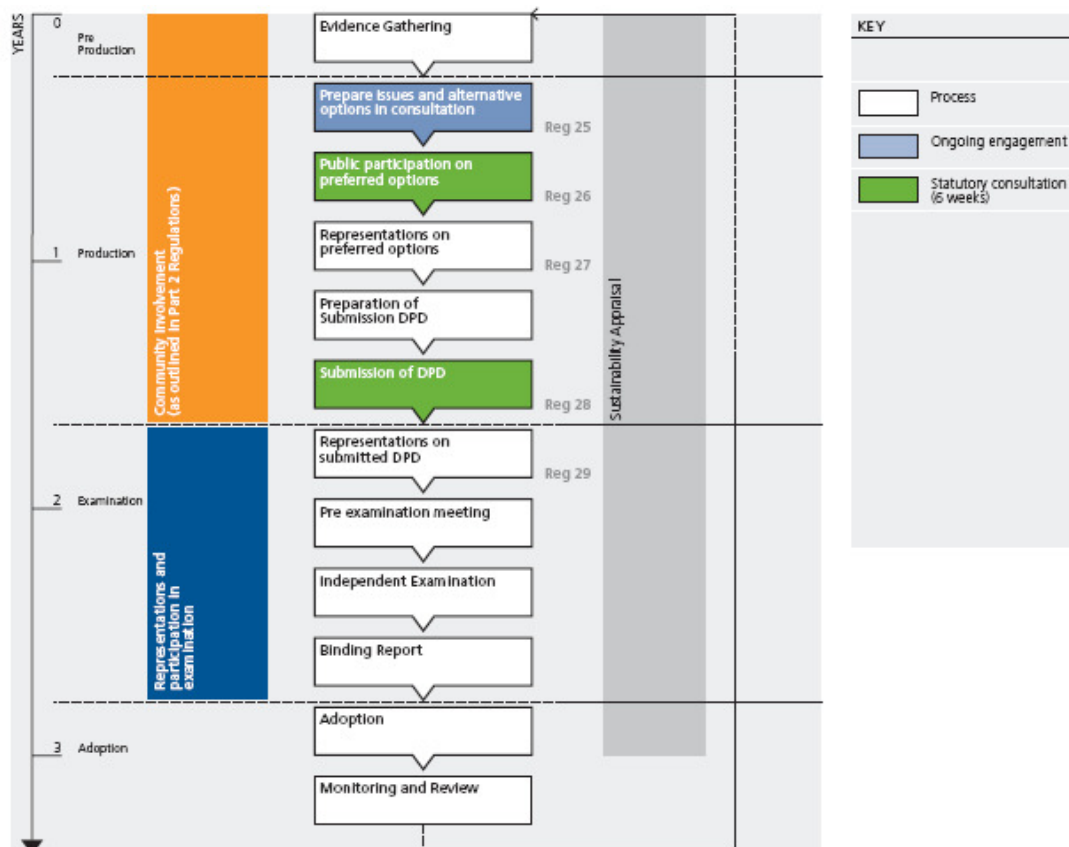
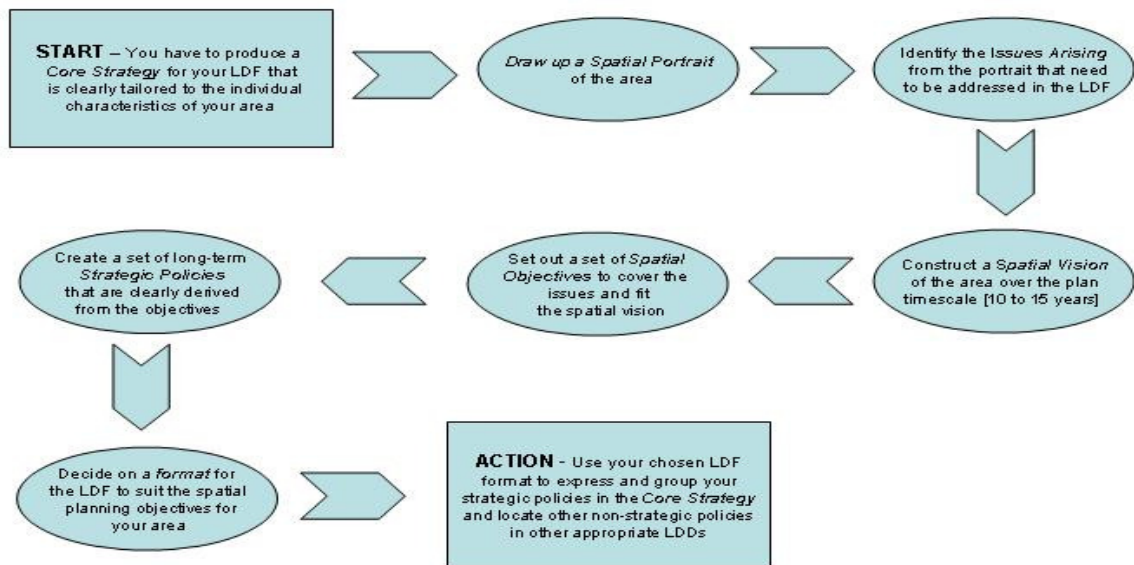

Diagram 2 – the statutory process

Diagram 3 – key production stage activities

3.2   Unpacking the production stage activities in diagram 3:

3.2.1   The Spatial Portrait

The spatial portrait should set the context for the Local Development Framework as a whole. It should start the Bath and North East Somerset CSDPD. Whilst it need not be longer than five or six paragraphs, it should show clearly the main attributes of an individual area in terms of its geography, economy, environment, social and cultural characteristics, patterns of movement etc. In particular, it should:

- Identify the functional relationships between land uses and settlements, both within the plan area and across a wider hinterland. This should identify any inter-dependencies that exist between places as well as conflicting or competing relationships;
- Articulate the diversity and specific needs of local communities and of the whole plan area;
- Define the local character and distinctiveness of landscape and townscape;
- Identify main transport linkages and levels of accessibility in the plan area;
- Set out the key '*drivers of change*' - these might be social, economic, demographic and environmental; or a combination of all four;
- Identify current and future issues; and
- It might include an historic perspective (e.g. what economic changes have impacted on the area in the last decade) and the current situation (e.g. increasing social polarisation and out-migration from the main centre).

3.2.2   The Spatial Vision

Drawing upon the identified issues, the next step is to develop a comprehensive and ambitious spatial vision for Bath and North East Somerset. It must be suitable for the community and other stakeholders to "sign-up" to it.

Maintaining the spatial theme, this vision will need to articulate a sense of local identity so readers will clearly be able to understand how the locality will have changed by the end of the plan period in physical, economic, social and environmental terms. It must not be restricted to matters that can be implemented through the planning system.

The Spatial Vision will need to give expression to other strategies and programmes, including regeneration, economic development, transport, education, housing, health, waste, energy, recycling, environmental protection and culture.

The Vision should paint a picture of Bath and North East Somerset's individual vision for its area that captures local people's imagination whilst avoiding the use of anodyne aspirational phrases that could apply to anywhere in England.

A bland or general vision statement for B&NES will not be sufficient for spatial planning. The vision should clearly reflect sustainable development principles, be the spatial expression of the Community Strategy, unless this would bring it out of general conformity with the RSS, and must explain how B&NES might change, both in terms of its geography and its socio-economic characteristics. It also needs to identify clearly the outcomes sought.

3.2.3   The Spatial Objectives

The spatial objectives are derived from the identified issues and the spatial vision. They illustrate, in a meaningful way, how the strategy contributes to the outcomes outlined in the spatial vision. Whilst the objectives should be clear, focused and concise, they should not be overly narrow or mechanistic. Examples of spatial objectives could include:

• Meeting the housing needs of the area as identified in RSS;
• Providing affordable housing for those in need;
• Reducing the need to travel by car;
• Revitalising the centres of major towns;
• Regenerating and diversifying the local economy;
• Improving public transport accessibility in town centres;
• Promoting rural diversification, improving public transport accessibility and access to local services and amenities;
• Improving environmental quality;
• Promoting high quality design in new developments
• Ensuring sufficient provision of social and cultural facilities; and
• Enhancing biodiversity in key areas.

These illustrative spatial objectives clearly lack spatial reference, specificity and focused outputs. B&NES will need to develop much more refined spatial objectives tailored to the district with clear outputs, targets and indicators. Alternatively, it could choose to bring out some of these detailed aspects as part of the development of spatial policies

3.2.4 <u>The Spatial Policies</u>   (see example policy at Appendix 2)

Having developed the context for spatial plan policies (by way of the spatial portrait, identified issues, spatial vision and spatial objectives), we will now need to translate the objectives into meaningful spatial policies. This should occur during the later stages of the production phase, i.e. as we move from the Preferred Options report to the Submission DPD (see Diagram 2 above).

The link between spatial objectives and policies must be set out clearly for the reader. An objective without relevant policies is of no value to a spatial plan, nor are policies that lack a 'parent' objective. Before beginning to develop a spatial policy, it is necessary to understand the relationship between the output sought and what is required to achieve that output.

One way of understanding this relationship is to set out the output (which should stem from a spatial objective) and then map out all the local strategies, initiatives and actors within the B&NES area that will have an impact in terms of achieving the output. As an example, Diagram 4 diagram below identifies a number of relevant strategies, agents and stakeholders that affect the spatial objective of meeting local housing needs.

Diagram 4: potential players in developing a CSDPD housing policy
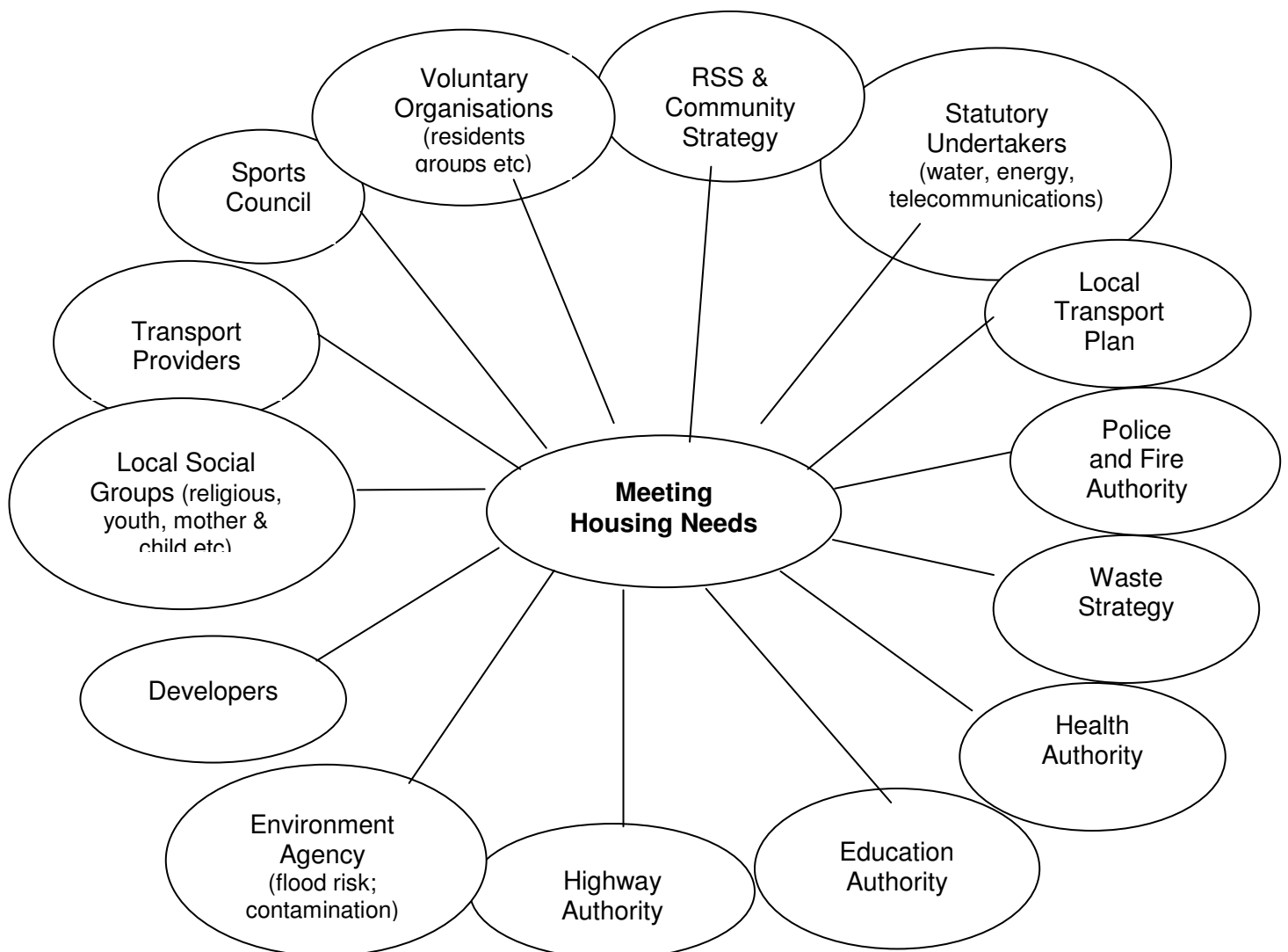
4.0   **Preparing the CSDPD – Process Requirements**

4.1   The CSDPD process requirements derive directly or indirectly from legislation, and principally centre on:
- the hierarchical development plan system that requires, for example, the CSDPD to be in "general conformity" with the RSS (policed by the Regional Planning Body);
- consistency with national policy guidance (policed by GOSW);
- the need to "have regard" to the Community Strategy – in practice this is interpreted by DCLG as meaning that the plan must give spatial expression to the Community Strategy (the new White Paper sets out the Government's intent to make the relationship between the Com Strategy and Core Strategy even closer);
- sustainability appraisal;
- testing for gender, race, social inequality and "rural proofing"; and
- the tests of "soundness" of the DPD which incorporate many of the preceding points.

For the purposes of this note the implications of the tests of soundness will briefly be looked at.

4.2   The Act states that the planning authority must not submit a DPD to examination unless they have complied with relevant requirements in regulations and they think the document is ready for independent examination. PPS 12 says that the presumption is that the DPD is sound unless it is shown to be otherwise as a result of evidence considered at the examination. A DPD found to be unsound will be rejected by the EiP Panel and will not therefore be capable of adoption. Paragraph 4.24 says that a DPD will be sound if it meets the following nine tests:

procedural
1   it has been prepared in accordance with the local development plan scheme;

2   it has been prepared in compliance with the statement of community involvement, or with the minimum requirements set out in the Regulations where no SCI exists;

3   the plan and its policies have been subjected to sustainability appraisal;

conformity
4   it is a spatial plan which is consistent with national planning policy and in general conformity with the RSS for the region, or in London the spatial development strategy, and it has had proper regard to any other relevant plans, policies and strategies relating to the area or adjoining areas;
(It will be noted that there are in fact three constituent parts to this test)

 5   it has had regard to the authority's community strategy;

coherence, consistency and effectiveness
6   the strategies/policies/allocations in the plan are coherent and consistent within and between DPDs prepared by the authority and by neighbouring authorities, where cross boundary issues are relevant;

7   the strategies/policies/allocations represent the most appropriate in all the circumstances, having considered the relevant alternatives, and are founded on a robust and credible evidence base;

8   there are clear mechanisms for implementation and monitoring;

9   the plan is reasonably flexible to enable it to deal with changing circumstances

A brief report on the early experiences of the Planning Inspectorate in examining DPDs is attached at Appendix 3 to this Annex.

4.3   Taking Test 7 as an example, it is implicit in this test that the planning authority must have identified and evaluated reasonable alternatives in coming to its strategy or proposals. Moreover, this is a core requirement of sustainability appraisal and compliance with the Strategic Environmental Assessment Directive. The requirement to show the development and evaluation of alternative strategies means that it will not be acceptable to argue that there are no real choices available. This applies particularly at the production stages of the CSDPD when the spatial vision and spatial objectives are being formulated. An extract from the Planning Advisory Service *LDF Soundness Self-Assessment Toolkit* which relates to the Preferred Options stage (Regulation 26) activities and that focuses particularly on the requirements of Test 7 is set below.

Question	Test	Other tests	Further guidance	Planned action
How have you ensured that your elected members and key partners understand and accept that it is a requirement of the LDF system that all reasonable options should be identified and evaluated?	7 best alternative given evidence	3, 4	Creating LDFs Sec 8.4 and Checklist 8b L & D project Sec 8	
How will you develop alternative strategies out of identified issues and options? Can you demonstrate that the evidence points to the preferred options as the best alternative for the DPD?	7 best alternative given evidence	3, 4, 5	L & D project Sec 8	
How will alternatives (and options which may be common to several alternatives) be evaluated, both in SA and more generally?	7 best alternative given evidence	3, 7, 8, 9	SA guide Appendix 11 L & D project Secs 6 and 8	
How will the report of preferred options set out why alternatives or options are rejected, as well as how the preferred options were arrived at?	7 best alternative given evidence	2, 3, 4	SA guide paras 3.3.11 – 3.3.14 L & D project Sec 8	
Have you agreed the correct level of detail for the policies to be included in the preferred options that will give certainty but avoid unnecessary policy wording detail, relevant to the type of DPD being prepared?	7 best alternative given evidence	9	Creating LDFs Checklist 8d L & D project Sec 8 POS policies guide Ch 3, 4 and 5	

Appendix 1 to Annex 3 – Spatial Planning

Current attempts to define "Spatial Planning" tend to be rather abstruse. For example, the concept is opaquely defined by the Planning Officer's Society as:

A process aimed at achieving sustainable development, including good design. It is based upon a development plan that enables local planning authorities and other organisations to co-ordinate their activities, achieve agreed objectives and manage changes affecting the area.

It's not that difficult – in theory at least. Spatial planning is about integration and co-ordination of strategies and objectives from a range of sources that share a common focal point in that they have an impact upon the use of space and the nature of place. And it's given expression though policies in the LDF that don't have to rely for their implementation on the grant or refusal of planning permission. So when we make a policy for development of an area that relies upon the provision, for instance, of sewerage infrastructure we can state in the policy that this will be delivered by the responsible authority and set out when and how it will be done (clearly, with their written agreement to the policy). Under the old system we simply couldn't do that.

Traditional land-use planning has an approach to development that focuses upon the regulation and control of land. Spatial planning has a wider, more inclusive, approach. It aims to ensure the best use of land by weighing-up competing demands. Spatial planning is still concerned with the physical aspects of location and land use but, by taking account of economic, social and environmental matters, it considers aspects that influence space as well as place. These aspects may include access and movement (as now), health, education, employment, crime prevention etc. By bringing together such a wide range of factors, spatial planning becomes a key delivery mechanism for achieving sustainable development. Other key principles of spatial planning include:

- it assists with the philosophy of 'plan monitor and manage';

- it derives from the unique features or characteristics of an area. By considering the needs and problems of communities, it can help to identify the spatial '*drivers of change*' within an area. This in turn allows plans to express a sense of place for their area from which spatial vision and objectives can be derived;

- it is an inclusive approach that informs, as well as takes account of, other strategies and programmes, especially the Community Strategy (as far as possible, spatial planning should be the spatial expression of the Community Strategy). This could include regeneration, economic development, education, housing, health, waste, energy, recycling, environmental protection and culture;

- it facilitates new forms of partnership and engagement with a range of bodies including communities, stakeholders and business. This will assist co-ordinated action on a wide range issues including design and creating attractive public spaces; and

- it focuses on outcomes by setting out agreed delivery plans that have regard to the investment and operational plans of relevant infrastructure and public service providers.

Appendix 2 to Annex 3 – Example of a Strategic Spatial Policy

Spatial objective: "*Meeting the housing needs of the area by creating enough decent homes each year to meet the needs of residents; this is approximately 1,000 to 1,200 units per annum between 2006 – 2016*"

eg Policy XX

At least 11,000 dwellings will be built in the plan area by 2016 in ways that assist the creation of sustainable communities. They will be constructed at a rate of approximately 800 to 1,000 units per annum during the first three years and 1,000 to 1,400 thereafter. The total includes an allowance of 100 to 150 dwellings on unidentified windfall sites. A range of providers, principally the private sector and registered social landlords, will supply the new dwellings. During the first three years, at least 25% of new units will be 'affordable dwellings'; thereafter the proportion of 'affordable dwellings' will rise to 35%.

If the rate of net additional dwellings falls below an average of 900 units per annum, or the proportion of affordable housing falls below 25%, over the first three years of the Plan, the authority will review the allocations in the Plan with the housing and infrastructure providers. It may seek the accelerated development of later phases or selected reserve sites in order to meet the current housing needs of the area.

The housing will be developed at locations that have the capacity (or the required capacity can be provided by specified deadlines) to accommodate the additional population. The following criteria will be applied to ensure adequate capacity and to contribute towards the creation of sustainable communities:

- *Schools and skills training facilities will be developed in conjunction with education and training services to suit the identified needs of residents and local employers;*
- *Health centres, community centres, sports and recreation facilities will be provided by the health and social services to accommodate the projected population;*
- *A range of shops and services catering for day-to-day needs will be available within a reasonable journey by foot;*
- *Public transport will provide convenient access to town centres where a wide range of shops, services and social and leisure facilities are available;*
- *A road and path network will be developed to ensure that housing development can be accessed safely by foot and bicycle as well as public transport and private vehicles;*
- *Provision of infrastructure including telecommunications, water supply, drainage, energy supply and social and leisure facilities (e.g. churches, youth facilities, sports pitches and areas for informal recreation), waste and recycling facilities will be co-ordinated with the occupation of the housing; and*
- *Buildings, public spaces, streets and neighbourhoods will be constructed to high standards of design that respect the landscape and character of the area*

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Local Development Frameworks: Early Experiences Examining Development Plan Documents

re-Submission preparation

- Authorities should be able to show at examination what option or options were consulted upon at preferred options stage and how they arrived at the submission document.
- Appropriate assessment under the Habitats Regulations should be done before the Council submit the Development Plan Document (DPD).
- Evidence must be complete on submission. Local Planning Authorities (LPAs) should be clear that evidence should inform the Plan and not be put together after submission to justify what is already in the submitted document.
- LPAs should recognise that the submitted plan should be the last word of the authority (paragraph 4.15 of Planning Policy Statement 12). Post submission changes should be the exception (box under paragraph 4.18 PPS12).
- LPAs should consider the chain of conformity in preparing their documents. Lower level DPDs should be in conformity with the core strategy. If the core strategy is unsound those lower level DPDs are probably unsound. Alternative approaches may be appropriate where there is a sound and up-to-date strategic framework or where there are significant delivery issues that require early consideration of, for example, an Area Action Plan.

Post submission process

- LPAs should carry out a proper and objective self-assessment (the Planning Advisory Service provide a toolkit) and ensure that all procedures are properly followed.
- LPAs should not accept as duly made either aspects of representations or entire representations which do not relate to the content of the submitted DPD.

- The examination is not the time to be submitting new material. All relevant evidence/information should be put before and considered by the LPA during the preparation process.

The examination

- The examination process starts on submission and finishes on the issue of the draft report to the LPA for 'fact check'.
- The Inspector may hold early exploratory meetings to clarify any significant issues relating to soundness. If necessary, the Inspector will raise any fundamental concerns about the soundness of the document under examination at the Pre Examination Meeting.
- The Inspector may hold procedural meetings or hold hearing sessions at various stages throughout the plan process (subject to meeting the requirements of the Town and Country Planning (Local Development) (England) Regulations 2004).
- Inspectors will apply tests of soundness rigorously. They will not turn a 'blind eye' to poor quality documents which will ultimately slow down delivery of priorities on the ground

The report

- The Inspector will not be able to recommend changes in a binding report unless he/she can be sure the plan as changed would not be vulnerable to challenge on the grounds that the proper procedures had not been followed [in particular in relation to the Sustainability Appraisal process and proper community involvement].

DPD content

- Core strategies are where tough decisions need to be made: strategic decisions cannot be left to subsequent DPDs. If

strategic decisions are devolved to subsequent DPDs, Inspectors will find it difficult to test the relationships between the DPDs.

- DPDs should show how national policy and the Regional Spatial Strategy (in London, the Spatial Development Strategy) are developed to give local distinctiveness (otherwise the DPD adds little value to what is already available). Examples of adding value would be providing greater detail which elaborate higher policy (e.g. choosing a particular target within a prescribed range) or making an exception to higher policy provided that there is a justified reason to do so, based on relevant evidence of a local need.

- Inspectors need to establish whether the plan will achieve what is intended by being able to measure the policies/proposals. Derivation of targets should be properly explained. There should also be a clear evidence base for specific numbers and percentages.

- Building in flexibility: Inspectors need to be clear whether and how the LPA's approach might accommodate a change resulting from the emerging Regional Spatial Strategy (in London, the Spatial Development Strategy)