

# Climate Emergency and Sustainability Policy Development and Scrutiny Panel

**Date: Monday, 14th November, 2022**

**Time: 4.00 pm**

**Venue: Council Chamber - Guildhall, Bath**

**Councillors:** Karen Walker, Joel Hirst, Shelley Bromley, Paul Crossley,  
Grant Johnson, Ruth Malloy, Lisa O'Brien, Ryan Wills and Dr Kumar



**Michaela Gay**

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## NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

## 3. Recording at Meetings:-

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

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**Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.**

Further details of the scheme can be found at:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

## 5. Emergency Evacuation Procedure

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<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

**Climate Emergency and Sustainability Policy Development and Scrutiny Panel - Monday,  
14th November, 2022**

**at 4.00 pm in the Council Chamber - Guildhall, Bath**

**A G E N D A**

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 6.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

- (a) The agenda item number in which they have an interest to declare.
- (b) The nature of their interest.
- (c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**,  
(as defined in Part 4.4 Appendix B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

6. ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

At the time of publication no notifications had been received.

7. MINUTES (Pages 7 - 12)

8. WECA SCRUTINY - PUBLIC TRANSPORT (Pages 13 - 16)

A briefing document is attached which gives an update on bus usage; challenges facing bus operators; Government and Local Authority funding for bus services and BANES role in public transport.

Representatives from WECA have been invited to attend.

9. PLANNING PERFORMANCE (Pages 17 - 26)

10. CABINET MEMBER UPDATE

The Cabinet Member will update the Panel on any relevant issues. Panel members may ask questions on the update provided.

11. PANEL WORKPLAN (Pages 27 - 30)

This report presents the latest workplan for the Panel. Any suggestions for further items or amendments to the current programme will be logged and scheduled in consultation with the Panel's Chair and supporting senior officers.

The Committee Administrator for this meeting is Michaela Gay who can be contacted on 01225 394411.

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**BATH AND NORTH EAST SOMERSET**

**MINUTES OF CLIMATE EMERGENCY AND SUSTAINABILITY POLICY DEVELOPMENT  
AND SCRUTINY PANEL MEETING**

Monday, 24th October, 2022

Present:- **Councillors** Karen Walker, Joel Hirst, Shelley Bromley, Paul Crossley,  
Ruth Malloy, Lisa O'Brien and Dr Kumar

Apologies for absence: Councillors: Grant Johnson and Ryan Wills

**36 WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting.

**37 EMERGENCY EVACUATION PROCEDURE**

The Chair drew attention to the emergency evacuation procedure.

**38 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Councillor Grant Johnson gave his apologies.

Councillor Ryan Wills gave his apologies.

Cabinet Member for Housing, Councillor Tom Davis gave his apologies.

**39 DECLARATIONS OF INTEREST**

There were none.

**40 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was none.

**41 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE STATEMENTS,  
PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING**

There were none.

**42 MINUTES**

The Panel confirmed the minutes of the previous meeting as a true record and they were duly signed by the Chair.

**43 CABINET MEMBER UPDATE**

The Cabinet Member for Climate and Sustainable Travel, Councillor Sarah Warren reported that she had nothing to add to her update given at the meeting of the Panel held on 10<sup>th</sup> October 2022.

#### **44 ECOLOGICAL EMERGENCY ACTION PLAN**

Stuart Gardiner, Green Infrastructure & Nature Recovery (Green Transformation) and Councillor Sarah Warren, Cabinet Member for Climate and Sustainable Travel gave a presentation to the Panel which covered the following:

- Background
- Why does it matter? Impacts of Wildlife loss
- Opportunities
- The need for an Action Plan
- What will the Action Plan be?
- Vision and Priorities – Nature Positive by 2030
- Key Messages
- Proposed Structure
- Action Plan Examples
- Timeline
- Plans for Engagement

Panel members asked the following questions and made the following points:

Councillor Bromley asked about the Action Plan regarding planning. The officer explained that these are preliminary discussions with indicative actions that may not be final.

Councillor Bromley asked if we work with water companies and what Wessex Water are doing to improve water quality. The officer explained that there are good lines of engagement with Wessex Water and that they are keen to improve water quality with a drive to invest in nature-based solutions.

Councillor Hirst stated that he is keen to see momentum on this piece of work and, regarding consultation, are we going to construct a map of key stakeholders with a gap analysis and grow the custodial role. The officer explained that yes partnership working will be set up, there is value in empowering communities. We also have some ideas for enabling Parish and Town Councils. The Cabinet Member added that we are working with both large organisations and small local groups. The officer stated that we are looking to facilitate support groups within the City of Bath.

Councillor Hirst asked if any improvements regarding ecologic environments in terms of our list of buildings can be documented and ensure the planning system takes this into account. The Cabinet Member stated that we are already doing this and will be bringing forward a list. The officer added that we are looking at sites the Council owns to see how they can better manage nature. There has been a lack of capacity in national monitoring.



Councillor Dr Kumar stated that nature is collapsing at an alarming rate and stated that there seemed to be hollow words from the administration when residents are forced to drive miles to a tip.

There was some discussion around decisions made by previous administrations.

Councillor Crossley stated that the Action Plan was a good start. He mentioned the importance of working with residents, adding 'gardens, residents and streets' to the plan. He mentioned that shrubs were given away at one point and asked how we could work with residents and their gardens. The Cabinet Member stated that this was a good idea and can be added to the action plan. The officer confirmed that utilizing gardens is in the current draft of the plan. Councillor Walker mentioned that 500 trees had been distributed in Peasedown St John. The Cabinet Member stated that the Council do run tree give aways.

Councillor Crossley mentioned his concern about 6ft timber fencing being put up regularly and the need for people to understand how gardens connect with others.

Councillor O'Brien asked if there was any monitoring of uncut verges some of which had become tinder dry in the summer and stated that it would be useful to distribute seeds early in the season to Parish and Town Council for spreading on the verges. Councillor Walker asked that it be checked that planting be done in the right places so as not to compromise road vision/safety. The officer referenced the BathScape project. The Cabinet Member added that she is working with Parish and Town Council's to monitor verges.

Councillor O'Brien stated that this was an opportunity to encourage people to provide holes for hedgehogs. She hoped that more beavers would benefit rivers. The Cabinet Member thanked Councillor O'Brien for the suggestions and comments and stated that these ideas can be picked up.

Councillor Malloy made the following points:

- Where possible we could develop community gardens and, in some instances, allotments could be used to grow shared food.
- It is a worrying trend that people are paving their front gardens which reduces green space. Councillor O'Brien added that there are some issues with current planning rules on this.
- There are examples of initiatives where people are encouraged to break up stones in front gardens and grow plants.

The Cabinet Member thanked Councillor Malloy for raising these points, some of which could be tackled through the Local Plan. The officer added that there is information on the Council website about sustainable urban drainage systems.

The Chair thanked the officers and Cabinet Member.

## **45 ANNUAL HOMELESSNESS UPDATE**

Head of Housing - Graham Sabourn and Housing Strategy & Commissioning Manager – Ann Robbins introduced the report.

Panel members asked the following questions and made the following points:

Councillor Hirst asked about supported housing which plays a valuable role for vulnerable people. He asked if there would be an opportunity to grow more of these arrangements. The officer stated that it is an expandable service and, for example, two schemes had developed through opportunities where buildings became surplus. He added that Government funding could expand the scheme.

Councillor Hirst asked about the challenges in supplying large family (3/4 bedrooms) units and if there is anything that can be done to unblock this. The officer explained that the challenge is about encouraging occupiers to move into smaller properties or flats where appropriate. He stated that providing large units is challenging and expensive.

Councillor Bromley asked if supply of private rental units is going down? The officer answered that yes this is the case, especially in the city centre.

Councillor O'Brien asked if same sex siblings could share rooms – the officer stated that yes they would share room until age 12/13 years.

Councillor O'Brien asked if there was any evidence that people were coming here for temporary accommodation from other areas. The officer explained that no, certain local criteria has to be met. He added that we compare favourably to the national average and neighbouring authorities regarding temporary accommodation.

Regarding the 'Rough Sleepers' part of the report, Councillor O'Brien congratulated the team. She stated that strides had been made in holistic access and a major catalyst was the Government saying 'Everybody In' during the Covid pandemic.

Councillor Crossley praised the excellent work of the team. He asked about the programme working in prisons. The officer replied that she could send some data to Panel members. She stated that it was early days regarding the crime justice post. There was agreement that local members should be shown around the extension to the Dartmouth Avenue provision.

Councillor Walker asked about younger people with drug and alcohol issues. The officer stated that she rarely sees anyone under 25.

Councillor Dr Kumar asked why the problem in St Mary's Church yard is not resolved. The officer explained that there is an impact on the environment and the team do work with cleansing teams and Bath BID. Issues can be reported via street link and the outreach team will be told. Some rough sleepers resist, and can be used to life on the street. Councillor Dr Kumar asked if there is extra allowance for owning a dog. The officer confirmed that this is not true.

The Chair thanked the officers for the update.

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## **46 COUNCIL HOUSE BUILDING PROGRAMME**

Head of Housing - Graham Sabourn introduced the report.

Panel members asked the following questions and made the following points:

Councillor Hirst asked how the model of shared ownership can be grown. The officer stated that we have concentrated on the social rent side because that is the area of greatest need. Shared ownership will be considered in the larger pipeline.

Councillor Hirst congratulated the team on delivering and asked if there are ambitions beyond the 255 homes in the pipeline. The officer stated that this would be down to the political ambitions of the administration but that the Cabinet Member has publicly expressed wider ambitions.

Councillor Malloy asked if it is possible to design flats that could be combined to create a larger property – obviously this flexible housing would be mainly new builds. The officer stated that this could be considered in supported housing, there would be a number of challenges in permanent social housing.

Councillor Malloy asked if the end of the 6 month 'Homes for Ukraine' scheme had led to an uplift in the need for social housing. The officer responded that there had been an uplift and some placements had fallen through before the 6 month period.

Councillor Dr Kumar asked if a tweet about 26 new council houses was true. He asked why the council worked through ADL rather than in-house. The officer confirmed that the number of units is 26 (20 – Grosvenor Place; 4 – purchased on the open market and 2 new build). He further explained that officers do not set values – there is a red book valuation (external market value).

Councillor Dr Kumar asked if the Panel were aware of some instances of poor quality Curo housing. He asked if Curo were selling off social housing. Councillor Walker stated that she was unsure on the type of properties being surveyed by Curo. The officer stated that if residents are concerned, they can come to the Council as we have authority regarding poor housing conditions.

Councillor O'Brien stated that a substantial portion of social housing is underutilized yet there is a significant number on 'homesearch' – we should be realistic while not wishing to upset people. This could do a lot toward our housing issues. The officer agreed and stated that the national evidence also shows much under occupation. We have to address it.

The Chair thanked the officers.

## **47 PANEL WORKPLAN**

The Panel noted the future workplan

The meeting ended at 6.12 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

## 1. Bus Update

The bus is the most popular form of public transport in the UK with 1.5 billion local bus journeys being completed between April 2021 – March 2022.

Bus use in the West of England Combined Authority and North Somerset area had grown steadily over the fifteen years prior to the Covid pandemic, albeit from a relatively low base. Table below is taken from the West of England Bus Service Improvement Plan 2021 (<https://www.westofengland-ca.gov.uk/what-we-do/transport/bus-service-improvement-plan/> p21) .

**Table 1: Passenger journeys on local bus services by local authority area (million) <sup>4</sup>**

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Bath and North East Somerset	12.2	12.9	12.4	11.9	14.7	12.0
Bristol	32.7	35.7	39.1	38.4	42.8	40.3
North Somerset	5.7	6.0	7.7	7.6	5.5	5.3
South Gloucestershire	8.0	8.8	10.6	10.4	9.3	8.4
<b>TOTAL</b>	<b>58.6</b>	<b>63.5</b>	<b>69.8</b>	<b>68.3</b>	<b>72.3</b>	<b>66.0</b>

When Covid hit in 2020, the Government's message was to limit social contacts and on public transport to maintain a social distance and for the elderly to avoid it. The long running public service campaign by the Government has left a legacy message that has resulted in bus usage never recovering to pre Covid levels. For example, France which had a less strident public transport message about Covid, have seen bus patronage levels now recovered to pre Covid levels.

### a. Challenges Facing Bus Operators

Bus operators have face continued challenges as we come out of Covid.

#### i. Reduced patronage levels

Bus patronage levels have not recovered to pre Covid levels. In the West of England Combined Authority region bus patronage is currently around 76% of pre Covid levels. First Bus has said that most of its m-ticket customers have returned but they are making fewer journeys than previously.

Travel by holders of concessionary bus passes (older people and those with disabilities) has recovered to only 63% of the pre-Covid level. .

It's clear that the pandemic accelerated changes in lifestyles, with more working at home and online shopping.

#### ii. Operating Cost Inflation

Costs for bus operators have gone up dramatically, this is reflected in tender prices increasing by about 45% over the past year in the CA. This is due to:

- Escalation in fuel prices (following the invasion of Ukraine).

- There is a nationwide shortage of bus drivers.
  - First West of England has stated that their region is one of the two worst affected regions for bus driver shortages in the UK (the other region is Glasgow).
  - Bus drivers have left the bus industry for more highly-paid occupations such as lorry driving or less stressful occupations such as van driving
  - To try and retain existing bus drivers and attract new entrants, salaries have increased. For example, a starting salary at First Bus in the Bath depot is now £27k.
- iii. Bus companies are commercial businesses and are under no obligation to continue to operate routes that are no longer viable.
- b. Government and local authority funding for bus services

i. Bus Recovery Grant

Throughout Covid, there was a succession of funding initiatives from central government to support the bus industry. These have been extended as recovery has been slower than expected. The current emergency funding will end in March 2023.

We await a decision from the new Government as to whether there will be any further extensions of bus support grants.

ii. Bus Back Better

The Government in March 2021 launched Bus Back Better, the new strategy for buses in England outside of London. £3billion was earmarked to help improve bus services.

The Government however later decided to use nearly £2 billion of the £3 billion earmarked to help improve bus services to fund its bus support grants during Covid.

As part of Bus Back Better, each Local Transport Authority in the England was required to develop and submit an 'ambitious' Bus Service Improvement Plan (BSIP) and a bid for funding to deliver it.. The Government fund was hugely oversubscribed with the total number of Bus Service Improvement Plans totalling over £9 billion. Of the 79 BSIPs submitted to the Department for Transport, only 31 LTAs received an award.

The joint bid by the West of England Combined Authority and North Somerset Council was awarded £105.5m, consisting of £48m capital for North Somerset and £57.5m revenue for both authorities. Alongside this, the CA was awarded £540m in the City Region Sustainable Transport Settlement of which £407m is being used on bus infrastructure.

West of England Combined Authority is still awaiting the final confirmation of its Bus Service Improvement Plan funding allocation. However, the first phase of a fare reduction package has already been implemented.

- iii. Former Transport Secretary, Grant Shapps, announced in September 2022 that the Government would implement a £2 fare cap on a single journey to start in January 2023 (and run through to March 2023). Bus operators would voluntarily enter the Department of Transport scheme.

Given the new PM and Transport Secretary, we await final confirmation that this scheme will go ahead.

- iv Reimbursement to bus operators for concessionary travel was maintained at the pre-Covid level despite the dramatic fall in bus use by passholders during the pandemic and the subsequent period of recovery.
- v Financial support for non-commercial bus services by the CA (funded through the Transport Levy on its constituent councils) was increased by transferring an underspend on concessionary travel to the bus service support budget

c. October bus cuts and mitigation

On October 9<sup>th</sup> 2022, over 20 routes were withdrawn (or part of the route cut) by First West of England in the West of England region. This included commercial services that were no longer viable and contracted services that the company could no longer commit to resource, because of the driver shortage.

Additionally, HTC Group went into Administration in September, and this meant the collapse of the Bristol Community Transport bus services..

The CA was able to attract other bus operators to take on some of the withdrawn services and mitigate other changes but no operator was willing to take on services 11, 12, 20 and 42 in Bath.

2. B&NES' role in Public Transport

B&NES's role in Public Transport is as the Highway Authority. B&NES is responsible for bus stop infrastructure such as bus shelters, timetable cases, flag poles, Kassel kerbs, bus lanes.

The West of England Combined Authority is responsible for procuring bus services, for providing bus information (such as timetables), Real Time Information and marketing, for operating the English national concessionary travel schemes and for funding local community transport schemes.

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<b>Bath &amp; North East Somerset Council</b>	
MEETING	<b>Climate Emergency and Sustainability Policy Development and Scrutiny Panel</b>
MEETING DATE:	<b>14<sup>th</sup> November 2022</b>
TITLE:	<b>Planning Performance</b>
WARD:	All
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b> None	

## **1 THE ISSUE**

1.1 This report provides an overview on the performance of the Planning Service in relation to the speed and quality of decision-making.

## **2 RECOMMENDATION**

2.1 The Panel is asked to;

- a) Note the report
- b) Make suggestions on where performance can be improved

## **3 THE REPORT**

### **Introduction**

- 3.1 One of the key roles of the Council is to fulfil its role as a statutory Planning Authority. These statutory functions relate to the determination of planning applications, the preparation of planning policies, undertaking the enforcement function and duties with respect of heritage and the environment. Decisions are taken by Council, Cabinet, Planning Committee or delegated to officers depending on the statutory requirements and the Council's Constitution.
- 3.2 It is the Government's view that the planning system plays a vital role in delivering the economic growth of this country and therefore critically important that planning

departments have the capacity, skills and tools to support economic growth and development now and into the future.

- 3.3 The Service consists of around 60 people in 6 teams (see structure Chart in Appendix 1) organised around the functions listed above. The planning service plays a pivotal role in delivering many of the council's corporate objectives, particularly in delivering on the Climate and ecological emergencies

### Development Management

- 3.4 Planning applications are dealt with by the 2 Development Management teams but also by the Enforcement & Planning & Conservation Teams. The number of applications received has been volatile in the last few years, largely as a result of the Covid pandemic. Having increased by around 8% in 2021 (reflecting a similar increase nationally), the number of applications received has now dropped by 8% this year (10% nationally) – see Table 1. However, individual case officer workloads remain high – add stats This year's Staff survey – planning more concerned about high workloads than other parts of the council.

*Table 1 – Planning Application Performance*

Application nos.	2020-2021				2021-2022			
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
Received	695	768	774	621	643	710	610	618
Refused %	10%	5%	6%	6%	8%	8%	7%	6%

- 3.5 Notwithstanding the pressures and volatile workloads, overall performance has remained good. National performance targets require that local planning authorities who determine fewer than 70% for minor applications and fewer than 60% of major applications in time would face special measures (qv). Table 2 below demonstrates that B&NES performs well against the national targets. It also performs well compared with its West of England neighbours, despite receiving the highest average applications per resident, see Table 3.

*Table 2 – Applications Determined Within Target Times*

% of planning applications in time	2020-2021				2021-2022			
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
Majors	82%	80%	100%	100%	89%	100%	100%	100%
Minors	88%	93%	90%	83%	86%	83%	90%	90%
Others	94%	91%	92%	89%	88%	88%	89%	87%

*Note:*

**Major** – 10+ dwellings/0.5 hectares and over, 1000+ sqm/1 hectare and over

**Minor** – 1-10 dwellings/less than 0.5 hectares, Up to 999 sqm/under 1 hectare

**Other** – changes of use, householder development, adverts, listed building consents, lawful development certificates, notifications, etc

*Table 3 – Applications Determined Within Target Times – West of England*

<i>Planning authority</i>	<i>Total applications received 2022-21</i>	<i>Total applications permitted</i>	<i>% of applications permitted</i>	<i>% of major applications granted in time</i>	<i>% of non-major applications granted in time</i>
<b>England</b>	<b>459,331</b>	<b>373,433</b>	<b>88</b>	<b>86.0</b>	72.2
B&NES	2,486	2,118	93	92.1	91.2
Bristol,	3,165	2,491	89	79.7	90.8
North Som	1,515	1,572	94	91.8	79.1
South Glos	1,905	1,752	87	69.8	69.7

- 3.6 The national target timescales for applications are 13 weeks for Major applications and 8 weeks for minor and other applications which includes Listed Buildings and Householder. (This excludes some Prior Approvals which have a 6-week timescale and some Notifications have a 4 week timescale and these will be deemed consent unless we refuse within that timescale). Where negotiations on Major, Minor and Other applications are making the timescale impossible to achieve, officers negotiate an Extension of Time with the applicant which sets a new deadline and allows the applications to meet the 'in time' targets as set by the national performance reporting framework.
- 3.7 The quality of decision making is measured by the number of appeals which are dismissed. If most appeals are dismissed by the inspectorate, then officers and Planning Committee made the correct decision to refuse the application. B&NES appeals performance has been very good recently, as shown in Table 4

*Table 4 - Planning Appeals*

	<b>Oct – Dec 2021</b>	<b>Jan – Mar 2022</b>	<b>Apr – Jun 2022</b>	<b>Jul – Sep 2022</b>
Appeals lodged	14	24	20	8
Appeals decided	21	21	19	5
Appeals allowed	42%	21%	21%	0%
Appeals dismissed	58%	79%	79%	100%

- 3.8 The Government is starting to scrutinize planning performance more closely and more Local Authorities are now being put into special measures on the basis of poor performance in both speed and quality. Going into special measures means that developers can choose to submit their applications to the Inspectorate (PINS) rather than the Local Authority.
- 3.9 However, it is important to note that the Development Management is more than just ensuring efficient processes and that it makes a major contribution to the quality of our places and delivering the Council's and local aspirations. Annex 1 provides illustrates this with specific examples

### **Enforcement**

- 3.10 This Planning and Enforcement Team takes a proactive approach to planning breaches by working with those in breach to find a planning solution through pre application advice and submission of a planning application rather than strictly policing. This approach results in better outcomes for communities and supports

income generation through application fees. Table 5 shows that the Enforcement Team's performance is good despite the recent increase in workload.

*Table 5 – Enforcement*

	Oct – Dec 2021	Jan – Mar 2022	Apr – Jun 2022	Jul – Sep 2022
Investigations launched	61	118	113	140
Investigations in hand	263	298	356	407
Investigations closed	70	86	58	84
Enforcement Notices issued	2	0	0	2
Planning Contravention Notices served	3	1	4	1

### Planning and Conservation

- 3.11 The **Planning and Conservation Team** deal with dual listed building and planning applications as well as works to tree notices, TPOs. The team also supports the rest of Planning and other departments by providing specialist advice on Heritage, Ecology, Landscape, Urban Design and Archaeology. It is worth noting that there is no fee for listed building applications and works to trees both of which are relatively high in B&NES due to the World Heritage Site and rural areas.

*Table 6 - Works to Trees*

	Oct – Dec 2021	Jan – Mar 2022	Apr – Jun 2022	Jul – Sep 2022
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	27	28	23	18
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	89%	86%	96%	100%
Number of notifications for works to trees within a Conservation Area (CA)	250	177	148	173
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	97%	98%	96%	93%

### Scheme of Delegation

- 3.12 The [Scheme of Delegation](#) sets out the role of officers and the planning committee in relation to planning matters and decision making. The good performance in terms of speed of decision- making is facilitated by the high proportion of applications being delegated to officers and this is the approach taken by most authorities and is encouraged nationally.

*Table 7 – Number of Delegated Applications*

% delegated	2020-2021				2021-2022			
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
Application	96%	97%	97%	95%	95%	98%	95%	96%

- 3.13 There are some applications which have to be decided by Committee such as those from councillors or officers or applications with a viability assessment for affordable housing for example. And there are circumstances where, based on planning matters alone, parish councils and ward members can submit a Chair Referral to request an application is decided by Planning Committee. The Chair and Vice Chair decide if the application will be determined by committee or whether it will remain delegated to officers. The committee process allows members of the public to speak about the application and is web cast. All people who have commented on an application are notified when an application is going to be determined by committee and see pages 3 and 4 of the [Scheme of Delegation](#) for information about how applications go to committee

*Table 8 Chair referrals*

	Oct – Dec 2021	Jan – Mar 2022	Apr – Jun 2022	Jul – Sep 2022
Chair referral delegated	24	19	11	16
Chair referral to Planning Committee	11	11	10	14

### **Planning Policy Performance**

- 3.14 The Council has also performed well in terms of Planning Policy. The Council will have an up-to-date Local Plan once the Local Plan Partial Update is adopted. This means the Local Plan will now more closely reflect the Council's objectives allowing it to refuse development which does not accord with the Corporate Strategy. In addition, the Local Plan Partial Update will ensure the Council continues to have a robust housing land supply enabling it to resist inappropriate speculative planning applications.
- 3.15 Currently the published five-year land supply is 5.2 years. However, the Local Plan Partial Update has allocated additional sites and once adopted the five year land supply will rise to 7.21 years. Without adequate 5-year land supply council are vulnerable predatory planning applications
- 3.16 The Housing Delivery Test looks at the delivery of homes over the past three years against the Council's annual requirement. The current housing delivery test result is 184%. If the council fails the housing delivery test then they will lose control of their housing policies and are vulnerable to predatory planning applications. Therefore, it is important to retain a housing delivery test result of over 100%.
- 3.17 Central to the successful preparation of planning policies is the steer and co-ordination provided by cross-party Local Development Framework Group.

## **4 STATUTORY CONSIDERATIONS**

- 4.1 Section 62A of the Town and Country Planning Act 1990 enables the Secretary of State to intervene where speed & quality of decision making is poor. Those authorities that consistently perform poorly are placed in 'special measures' which allow for planning applications to be made directly to the Secretary of State without recourse for appeal.

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

- 5.1 The Service generates c.£2m p/a income from planning application fees and discretionary charges (eg Development Team, pre-apps, PPAs). This funds around 2/3rds of the Service's operating costs. The total amount of planning s.106 financial obligations received in 2021/2022 was £3.1m (excluding in-kind provision). Note that national fees are set by central government and the last fee increase was 5 years ago. There are proposals in the Levelling Up Bill that the government may increase planning fees in 2023/4 by 25% to 30% but fees would need to rise by about at least 40% to cover the cost of delivering the whole service.
- 5.2 Some Planning Policy work is covered by grant income such as Planning Delivery Grant and Neighbourhood Planning grant from the Government and other funding has come from the WECA Investment Fund.
- 5.3 The Council also has a Community Infrastructure Levy (CIL) and a Supplementary Planning Document on s/106. The CIL has been very successful in generating income to pay for infrastructure as evidenced in table 8 below.

*Table 8 – CIL Income*

2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	Total
£90,542	£1,538,504	£5,159,963	£4,305,939	£4,516,793	£1,619,168	£4,494,692	<b>£21,725,601</b>

## 6 RISK MANAGEMENT

- 6.1 Some of the risks in operating the Development Management Service include;
- Local Authorities are not in control of number or size of planning applications they receive which is dependent on the economic situation both nationally and locally. This presents difficulties managing workloads for individual officers and when caseloads are high as they are currently there will always be a detrimental effect on customer service which increases correspondence and complaints
  - Nationally the recommendation is that officers should carry caseloads of around 30-40, with less for Senior and Principal officers. Planning Officer caseloads are currently an average of 50 despite the fact that some of these staff are part-time. There are 4 officers with caseloads of 68-69 (highest). We have a number of officers who have taken stress sick leave this year which they have attributed to workloads
  - B&NES has high staff turnover which reflects the national picture. Attracting good quality staff is hampered by a national shortage of qualified Planning Officers and the fact that the Council cannot compete with the private sector on pay.
  - Previously, the Service converted planning officer posts to create apprentice posts as a way to facilitate succession.

- The planning process has become ever more complex, especially over the last few years with successive governments adding layer upon layer of legislation and the creation and modification of local plans and Supplementary Planning Documents. Recent changes have been 20+ new Prior Approval applications, Permission in Principle applications, CIL, Sustainable Construction, Ecology considerations, Biodiversity Net Gain, plus numerous changes to caselaw.
- The planning service deals with appeals from applicants whose applications have been refused. These costs are met within the Planning department, irrespective of whether the decision was made by Planning Committee or an officer. Sometimes the Planning Inspectorate (PINS) will allow the appeal and also award costs against the council which are paid for from the Planning Service. Thankfully costs awards against councils by PINS seem to be reducing.
- Occasionally some decisions are considered for Judicial Review where the complainant considers the council has made a mistake in some aspect of decision making. These cases can end up in court and the costs of employing the legal team will fall to Planning and if costs are awarded against the council they can be significant.
- The council is also required to pay for other legal advice (costly where barristers are concerned) in order to refute complaints, challenges or theoretical arguments on high profile sites made before, during and after cases are determined. There is no way to quantify how much future legal costs may be per year.

## **7 EQUALITIES**

- 7.1 We try to make information fully accessible to members of the public. The formulation of planning policies entails working with those groups and communities who normally find it difficult engaging in such processes

## **8 CLIMATE CHANGE**

- 8.1 Planning has a critical role in helping to deliver the Council's objectives on Climate Change. This is one of the main reasons why the Local Plan has recently been updated is to enable planning decisions to be made in line with the Council objectives. Planning will also play a pivotal role in securing Biodiversity Net Gain.

## **9 OTHER OPTIONS CONSIDERED**

- 9.1 NA for this report

## **10 CONSULTATION**

- 10.1 The way all council's consult with the local community on both planning applications and changes to policies are clearly set out in legislation and supplemented in the [Statement Of Community Involvement](#)

<b>Contact person</b>	<i>Simon de Beer (Head of Planning ) 01225 477616</i>
<b>Background papers</b>	<p>Planning <a href="#">Scheme of Delegation</a></p> <p>Planning Committee <a href="#">Terms of Reference</a> with the Constitution – see 2.26.2</p> <p>B&amp;NES Annual monitoring Report 2022</p> <p>B&amp;NES Infrastructure Funding Statement 2021</p> <p>Copy of Notification of Committee</p>
<b>Please contact the report author if you need to access this report in an alternative format</b>	



## Annex 1 – Development Management Case Studies

The Local Plan is the way in which the council's objectives and wider corporate priorities can be delivered. It is responsive to both national but also local policy objectives (as can be seen by the recent Local Plan Partial Update).

Development Management has a critical role in realising those priorities and objectives. Alongside this it must engage the community and local representatives positively and proactively to achieve acceptance and satisfaction at local level.

Development Management is an iterative, problem-solving exercise and officers on a daily basis make decisions of varied type and scale that affect people's lives very significantly. This ranges from the focussed considerations of balancing the rights of one property owner over their neighbour to achieve a fair outcome, to the very large scale applications. These inevitably have complex and competing planning objectives requiring highly skilled professional officers to undertake a difficult process of balancing harms and benefits. Robust officer negotiation delivers the optimum level of benefits per development that can be secured. To do this successfully requires a very strong competence in many specialist areas alongside an ability to communicate with high levels of effectiveness. The department has worked diligently to establish a strong culture of developing relationships with colleagues and external clients and working with developers proactively. This is evidenced by the feedback from our customers in the development industry.

There are many examples of where the positive and proactive approach by Development Management has successfully secured development that delivers on the council's objectives and importantly has added value through securing affordable housing, Section 106 contributions, all types of infrastructure and huge amounts of CIL income. All of this contributes very significantly towards the council's wider priorities.

The following are some specific examples of the Development Management team's successes :

- **The Council's new waste facility at Pixash Lane (App Ref: 21/00435/ERE03).** A complex council application which, raised a number of technical issues including highways, environmental matters and residential amenity. The case officer was pragmatic in dealing with the issues as they arose to enable permission.
- **Nempnett Thrubwell Solar Farm (App Ref: 22/03786/FUL).** The formation of a 9.1MW solar farm on land between Nempnett Thrubwell and Winford. The site is within the Bristol Green Belt where such development is inappropriate by definition but nonetheless allowable in 'very special circumstances'. Officers gave great weight to the council's climate emergency declaration, the scale of the proposals' contribution to the council's renewable energy targets (8%) and the historic under provision of renewable energy generation in B&NES (and some other factors) to enable outweighing the harm to the green belt and grant permission.
- **New Town Centre Quarter at Radco, Radstock (App Ref: 18/05623/OUT).** The officer worked closely with the site owners to enable the demolition of the existing Radco supermarket in Radstock. This long regarded rather ugly building in the town centre will be replaced with a number of new shops, offices, a public square and housing. The outcome will improve the relationship of the built form with the public realm have a high quality appearance that is in keeping with the local area, The long term management and protection of important on site ecological woodland and riverside habitat and the delivery of much needed new housing as well as securing a substantial financial contribution to local infrastructure are amongst the achievements that the officer secured.
- **Dyson Cancer Centre at the RUH (App Ref: 19/05201/FUL).** This development, will deliver substantial public benefits. Despite the significant scale and complexity of the scheme full planning permission was delivered under delegated powers in 12 weeks which

was made possible by proactive and positive negotiations by officers at both the pre-application and application stages as well as a pragmatic approach to the use of planning conditions.

Planning has always played a key role in regeneration. For example central Radstock where the Town centre and adjoining contaminated wasteland suffered years of dereliction officers worked to find a path through to successful delivery. We continue to actively engage to deliver significant regeneration projects throughout the district such as the Quays where at times creative solutions have been needed to enable development objectives to be met in cases where solutions are not black and white. We support our partners and key industries for example in our longstanding and ongoing relationship with Bath Rugby and the Rec we have enabled their objectives to be met acceptably so that the important facility can occupy its centrally located ground. Officers weave their way through a range of complexities all the while operating within a highly technical and judicial framework and where each decision made is subject to high levels of scrutiny and potential challenge. It uses pre-application discussions very effectively and in addition uses those to provide an income which is not a national standard and it is a highly regarded offer.

At each stage of the process officers look to add value and maximise the benefits from developers through relationship we have built and get added income by selling bolt on services to our statutory offer. In advance of policies being in place development management officers have and do look to secure corporate objectives. For example officers started negotiating on car charging points delivering these on new developments well in advance of formal policies to require this similarly incorporating bird and bat boxes and improved wildlife features which can be secured on a goodwill basis if sought early on. We extend our assistance to our internal partners as well providing an internal preapplication service free of charge where we can identify and unpick collaboratively a way forward on Council led projects and this a much appreciated and successful approach. We also invite our internal stakeholders to team meetings to present to us and advise how we can help meet the objectives of others so we can support the wider perspective of the Council. These examples illustrate the ways in which Development Management underpins much of the Councils wider delivery and community aspirations.

## CLIMATE EMERGENCY AND SUSTAINABILITY

This Forward Plan lists all the items coming to the Panel over the next few months.

Inevitably, some of the published information may change; Government guidance recognises that the plan is a best assessment, at the time of publication, of anticipated decision making. The online Forward Plan is updated regularly and can be seen on the Council's website at:

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<http://democracy.bathnes.gov.uk/mgPlansHome.aspx?bcr=1>

The Forward Plan demonstrates the Council's commitment to openness and participation in decision making. It assists the Panel in planning their input to policy formulation and development, and in reviewing the work of the Cabinet.

*Should you wish to make representations, please contact the report author or, Democratic Services (). A formal agenda will be issued 5 clear working days before the meeting.*

*Agenda papers can be inspected on the Council's website.*

Ref Date	Decision Maker/s	Title	Report Author Contact	Director Lead
<b>14TH NOVEMBER 2022</b>				
14 Nov 2022	Climate Emergency and Sustainability Policy Development and Scrutiny Panel	Planning Performance	Simon De Beer Tel: 01225 477616	Director of Sustainable Communities
14 Nov 2022	Climate Emergency and Sustainability Policy Development and Scrutiny Panel	WECA Scrutiny		Chief Operating Officer
<b>16TH JANUARY 2023</b>				
		Budget TBC		
16 Jan 2023	Climate Emergency and Sustainability Policy Development and Scrutiny Panel	Climate Emergency Annual Report	Jane Wildblood Tel: 01225 477685	Director of Sustainable Communities

<b>Ref Date</b>	<b>Decision Maker/s</b>	<b>Title</b>	<b>Report Author Contact</b>	<b>Director Lead</b>
16 Jan 2023	<b>Climate Emergency and Sustainability Policy Development and Scrutiny Panel</b>	<b>Ecological Emergency Action Plan</b>	Mark Minkley	Director of Sustainable Communities
<b>6TH MARCH 2022</b>				
<b>ITEMS TO BE SCHEDULED:</b>				
Page 29	<b>Climate Emergency and Sustainability Policy Development and Scrutiny Panel</b>	<b>Electric Vehicle Charging Points</b>	Chris Major Tel: 01225 39 4231	Director of Sustainable Communities
	<b>Climate Emergency and Sustainability Policy Development and Scrutiny Panel</b>	<b>WECA Spatial Development Strategy</b>	Simon De Beer Tel: 01225 477616	Director of Sustainable Communities
	<b>Climate Emergency and Sustainability Policy Development and Scrutiny Panel</b>	<b>Littering Review (progress report)</b>	Carol Maclellan Tel: 01225 394106	Director of Sustainable Communities

Ref Date	Decision Maker/s	Title	Report Author Contact	Director Lead
	Climate Emergency and Sustainability Policy Development and Scrutiny Panel	Bath Quays North Regeneration		Chief Operating Officer
The Forward Plan is administered by <b>DEMOCRATIC SERVICES:</b> <a href="mailto:Democratic_Services@bathnes.gov.uk">Democratic_Services@bathnes.gov.uk</a>				