

## Bath & North East Somerset Council

MEETING:	Cabinet	
MEETING DATE:	13 <sup>th</sup> February 2013	EXECUTIVE FORWARD PLAN REFERENCE:
		E2486
TITLE:	Bath & North East Somerset Core Strategy : Proposed Changes	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b> none		

### 1 THE ISSUE

- 1.1 The B&NES Core Strategy examination has been suspended in response to concerns raised by the Inspector. This has enabled the Council to undertake further work on the Core Strategy to address the points raised by the Inspector. This further work will lead to changes to the Core Strategy to be considered by Full Council in February or March 2013.
- 1.2 The issues being addressed relate primarily to the sufficiency of the District's housing land supply but also to the policies on affordable housing, the Recreation Ground at Bath, District Heating and the number of pitches required to accommodate the travelling community.

### 2 RECOMMENDATION

- 2.1 The Cabinet note the progress on the work required on the Core Strategy to address examination Inspector's concerns.

### 3 FINANCIAL IMPLICATIONS

- 3.1 The work on the Core Strategy and other planning documents is funded by the Local Development Framework budget. However provision was made by Cabinet in September 2012 to draw down on up to £100k to fund the additional work required on the Core Strategy to address the Inspector's concerns. This extra funding is required to cover specialist advice and also to ensure the work is completed within the short a time frame of the examination suspension.

- 3.2 The adoption of the Core Strategy is necessary in order for the Council to progress the District's Community Infrastructure Levy and also to ensure the proper alignment of infrastructure with new development. The level of new housing being planned for will also have implications for the New Home Bonus awarded to the Council.

#### **4 CORPORATE OBJECTIVES**

- *Promoting independence and positive lives for everyone*
- *Creating neighbourhoods where people are proud to live*
- *Building a stronger economy*

#### **5 THE REPORT**

- 5.1 All Local Authorities are required to have an up-to-date Core Strategy (now called a Local Plan) in place. The Core Strategy sets out the strategic planning framework for the district and is central to the delivery of a range of corporate objectives relating to housing, transport and economic development. It provides the basis for determining planning applications and is also a prerequisite for adopting the Community Infrastructure Levy.

- 5.2 The key elements of work underway on the Core Strategy are to;

- (1) review the housing requirement, and
- (2) assess the options to increase housing land supply, including the identification of suitable and deliverable sites, if the housing land supply needs to be increased.

- 5.3 Some of the Inspector's other main concerns are that;

- (3) the existing blanket requirement that 35% of all new housing sites should be 'affordable housing' does not reflect the viability evidence across the district, and that the requirement should be differentiated according to viability,
- (4) the Council's planning policy for the Recreation Ground is unclear,
- (5) the District Heating policy is unjustifiably onerous, and
- (6) the Core Strategy should include a more up-to-date pitch requirement to accommodate the travelling community
- (7) the effectiveness of the proposed flood mitigation strategy is not sufficiently evidenced.

#### **Review of the housing requirement**

- 5.4 The work underway entails;
- reviewing the Strategic Housing Market Assessment (SHMA) in order to clarify the scale and mix of housing and the range of tenures that is likely to be needed over the plan period to meet household and population projections, taking account of migration and demographic change;
  - consideration of the housing delivery shortfall from previous Plan periods;
  - establishing a 5 year housing land supply with a 20% buffer;

- assessing options to enable flexibility in housing supply in the event that there is any delay to existing sites or growth is greater than anticipated,
- ensuring a 15 year plan period following adoption
- responding to the need for affordable housing which may influence the overall housing requirement required.

5.5 As well as demographic changes, the District's population and housing growth forecasts relate to the level of increase in student numbers and economic growth. Economic growth generates additional employment and hence additional housing need. B&NES, being part of the West of England Local Enterprise Partnership (LEP), has committed itself to ambitious growth targets. The Core Strategy will need to establish the most appropriate dwelling requirement for the district during the Plan period in light of the evidence available.

### **Review of the housing land supply**

5.6 National Planning Policy Framework (NPPF) para 47 states that local planning authorities should ensure that their Plans meet the full, objectively assessed needs for market and affordable housing in the housing market area. All sources of supply will need to be reviewed including bringing empty properties back into use, windfall sites and student accommodation. A key task entails a review of the Council's Strategic Housing Land Availability Assessment (SHLAA) which is a comprehensive record of the District's housing land supply and an estimate of potentially suitable sites. As part of the update to the SHLAA, the Council issued a new 'call for sites'.

5.7 Regarding the assessment of new locations, the NPPF (para 182) requires that the Council will need to demonstrate that it has chosen the most appropriate strategy when considered against reasonable alternatives based on a proportionate evidence base. If the housing land supply needs to be increased, new locations across the district will be assessed against the requirements of the NPPF and the Core Strategy objectives. This includes issues such as environmental impact; deliverability; minimising the need to travel; maximising the use of sustainable transport modes; and site capacity.

5.8 The B&NES Sustainability Appraisal will be a key tool in comparing locational options. In seeking to identify appropriate new housing locations, key issues are summarised below.

5.8 *Environment:* The district has a particularly high quality and highly valued environment which underpins the quality of life, the distinctive character of its places and its economic well-being. It is essential therefore that the identification of new development sites fully take into account any adverse impact on the District's environment, especially on light of the objective of sustainable development.

5.9 *Infrastructure:* New development must be aligned with provision of infrastructure. The B&NES Infrastructure Delivery Plan (IDP) assesses the quality and capacity of infrastructure within B&NES (including transport, water supply, waste water energy telecommunications, utilities, waste, health, social care, education and flood risk), and its ability to support development. The IDP identifies as far as possible the needs and costs of infrastructure, sources of funding, timescales and responsibilities for delivery and gaps in funding. The need for necessary

infrastructure can both facilitate and inhibit new development. The IDP is being reviewed as part of the review of the Core Strategy.

- 5.9 *Sustainable travel*: Any new development locations should be those which reduce the need to travel and/or maximise the opportunities to travel by sustainable modes of transport. Any changes to the Core Strategy should seek to minimise unsustainable commuting patterns or any increases in these as far as possible, both within the district and across boundaries.
- 5.10 *Green Belt Review*: The Inspector advised that a Green Belt review should be undertaken as part of the work arising from the hearings. The NPPF requires that exceptional circumstances must be demonstrated before land is removed from the Green Belt. The Green Belt review will assess the extent to which different locations serve the purposes of the Green Belt as outlined in NPPF, para 80 and amplified in the draft Core Strategy (table 8). The conclusions of this Green Belt assessment will then need to be balanced against other sustainability considerations in the selection of any new development locations.
- 5.10 *Deliverability*: Any new housing locations should be suitable and deliverable. The Council must be able to demonstrate that the district has a 5 yr supply plus a 20% buffer (NPPF para 47). Whilst the SHLAA review will take into account the Inspector's concerns about flexibility regarding individual sites, the Council will also need to ensure that there is broad flexibility in the overall strategy and whether a contingency is required. The NPPF makes it clear that pursuing sustainable development requires careful attention to viability and costs in plan-making to ensure that site development requirements are achievable.

### **Other policies**

- 5.12 A composite schedule of changes will be presented to the Council to consider. This schedule will include the changes needed to respond to the issues raised by the Inspector along with a number minor changes proposed to ensure that the Plan is up-to-date and complies with the NPPF.

### **Timetable**

- 5.13 The timetable for making changes to the Core Strategy is set out below;

<i>Review housing requirement (SHMA)</i>	<i>Sept to Jan 2013</i>
<i>Develop changes to strategy</i>	<i>To Jan 2013</i>
<i>Council agrees changes to Core Strategy</i>	<i>Feb or March 2013</i>
<i>Consult &amp; consider comments</i>	<i>March -April 2013</i>
<i>Resume hearings (Confirm date with Inspectorate)</i>	<i>June/July 2013</i>
<i>Inspector's Report (Confirm date with Inspectorate)</i>	<i>Oct 2013</i>
<i>Consider recommendations and Adopt</i>	<i>Dec 2013</i>

## **6 RISK MANAGEMENT**

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance. Of particular note is that, despite the changes being made to the Plan, it cannot be guaranteed that the plan will be found sound. This will depend on the strength of the Council's case. Therefore, every effort is being to ensure the Inspector's concerns are addressed in a rigorous way, the changes are substantiated by robust evidence and statutory procedures are closely adhered to.
- 6.2 Until the Inspector's concerns are addressed, the Council cannot demonstrate a five year land supply and, in light of the NPPF presumption in favour of sustainable development, is vulnerable to losing appeals on planning applications. These issues will begin to be addressed in the Council decision on 28/2/13

## **7 EQUALITIES**

- 7.1 An Equalities Impact Assessment was undertaken and the main issues arising are:
- The further work to be undertaken by the Council to address concerns raised by the Inspector includes an NPPF compliant assessment of the full housing requirement for B&NES. This will identify the scale and mix of housing and the range of tenures that is likely to be needed over the plan period which addresses the need for all types of housing, including affordable housing and the needs of different groups in the community. This will achieve a positive outcome for all equalities groups.
  - As stated in the risk management section above there is a limited risk that the Inspector might still not find the Core Strategy sound and that it will have to be withdrawn. In this scenario there would be potential for adverse impacts for all equalities groups through non-delivery of the many positive impacts of the Core Strategy. Examples include provision of less affordable homes, no policy on housing mix, and no policies promoting a mixed economy.
- 7.1 The time available prevents the council from undertaking extensive public engagement in a way that it would normally do on significant changes. Therefore care will be taken in consultation in March/April 2013 to ensure the vulnerable and target groups have the opportunity to comment on the changes.

## **8 OTHER OPTIONS CONSIDERED**

- 8.1 Instead of seeking to amend the current Core Strategy, the Council could withdraw it and begin preparation of the new style Local Plan introduced by the Localism Act 2012. The disadvantage of this is the deletion of all the existing policies developed so far in the draft Core Strategy which are sound. It would take around 18 months to two years to produce a new Core Strategy because it would need a review of the entire evidence base underpinning the Core Strategy.
- 8.2 There is little to be gained in withdrawal because the issues to be addressed would not be significantly different to those currently being addressed. Furthermore this would extend the period of time in which the District is vulnerable to losing appeals on planning applications which are contrary to the Council's own aspirations and objectives.

8.3 In revising the Core Strategy, the Council will consider with different options for growth as well as different options for increasing the housing land supply

## 9 CONSULTATION

9.1 *Ward Councillor; Cabinet members; Parish Council; Town Council; Policy Development and Scrutiny Panel; Other B&NES Services; Local Residents; Community Interest Groups; Youth Council; Stakeholders/Partners; Other Public Sector Bodies; Charter Trustees of Bath; Section 151 Finance Officer; Chief Executive; Monitoring Officer*

9.2 Preparation of the Core Strategy has entailed extensive consultation. Any changes agreed by Council will be subject to public consultation. The Council will agree a consultation stage which will set out the extent, duration and nature of the consultation, including consultation events. Anyone who objects to the changes has the opportunity to appear at the examination hearings to present their case to the Inspector.

## 10 ISSUES TO CONSIDER IN REACHING THE DECISION

10.1 *Social Inclusion; Customer Focus; Sustainability; Human Resources; Property; Young People; Human Rights; Corporate; Health & Safety; Other Legal Considerations*

## 11 ADVICE SOUGHT

11.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

<b>Contact person</b>	<i>David Trigwell (Divisional Director - Planning and Transport, Planning and Transport Development 01225 394125)</i>
<b>Sponsoring Cabinet Member</b>	<i>Tim Ball (Cabinet Member for Homes &amp; Planning)</i>
<b>Background papers</b>	<i>Draft Core Strategy 2010 Inspector's preliminary Conclusions (Ref ID/28 &amp; ID/30) B&amp;NES Response to ID/28 (BNES/39) Inspector's agreement of suspension ( ID/29) National Planning Policy Framework March 2012</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	