

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Cabinet	
MEETING/ DECISION DATE:	13 November 2013	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2594
TITLE:	Review of the B&NES Local Development Scheme (LDS)	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1 – Summary of proposed key LDS milestones Appendix 2 – Draft Local Development Scheme Appendix 3 - Natural Environment /Urban Design Evidence/Strategies		

1 THE ISSUE

- 1.1 All local Authorities are required to have an up-to-date work programme (Local Development Scheme or LDS) for the preparation of planning documents for at least the next 3 years. This enables local communities, the development industry and others with an interest in the development process to engage in plan preparation. A plan must be prepared in accordance with the LDS in order to be found sound at examination.
- 1.12 The current LDS covers the period 2012 – 2015. This is now rolled forward to cover the period to 2016/17.
- 1.13 The new programme takes into account capacity and resource availability, which has resulted in priorities being established.

2. RECOMMENDATION

- 2.1 The Cabinet agrees the revised Local Development Scheme in Appendix 2
- 2.2 That delegated authority is granted to the Divisional Director of Planning and Transport Development, in conjunction with the Cabinet Member for Homes and Planning, to make editorial amendments to ensure the LDS is up-to-date and correct any errors.

3. RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The medium term work programme in the LDS depends on council's priorities and the resources available. The LDS sets out the resources required for the projects contained within the terms of both staff and finance. The Medium Term Financial Plan entails a reduction of resources in the Planning Policy and Environment t Teams of £100k in 2015/16.
- 3.2 The primary call on resourcing this work is the Planning Policy and the Environment Teams but due to the broad land-use implications, input is required from Transport, Leisure Education and other Services. The LDF base budget is £200k but this has had to be supplemented by around £100k to £150 k for the last few years in order to deliver the required objectives. If the work cannot be met from the base budget a temporary funding request may be required to deliver this work.
- 3.3 Income generated from planning policy work is mostly indirect but includes the boost to housing supply which increases New Homes Bonus income, the income from planning applications and securing of developer contributions through the Planning Obligations SPD (and from CIL in future years).
- 3.4 Neighbourhood Planning Grant from central Government has been awarded to B&NES for Neighbourhood Area designation and this amounted to £10k during 2012/3 and is likely to be £15k in 2013/14. This income is being used by B&NES to assist town and parish councils with Placemaking/Neighbourhood planning.
- 3.5 Under the Localism Act, the District Council has financial obligations to support Neighbourhood Planning and specifically to fund Neighbourhood Plan examinations and referenda. The Council is refunded for this expenditure by Government grant, but only at the end of the process which may be 12 to 18 months after incurring the expenditure.

4. STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The maintenance of a LDS is a statutory requirement under the Planning and Compulsory Purchase Act 2011. It is the starting point for residents and stakeholders to find out what planning policies relate to their area and how they will be reviewed.
- 4.2 Documents in the LDS contain planning policies which have implications relating to equalities, sustainability, natural environment, planning, public health and equalities, including legal requirements. However the LDS itself does not have any direct implications
- 4.3 The Council's Neighbourhood Planning Protocol sets out how the Council plans to engage with local communities on planning issues currently there are no proposals to review it but this may change depending on the outputs of the Local Engagement Framework work.

5. THE REPORT

- 5.1 The Planning Act requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (the Plan-led system). The LDS sets out the up-to-date Development Plan for B&NES and how and when this is being reviewed. Any proposals which allocate land for development or which set out new policy must be contained within a *Development Plan Document* (DPD) and be subject to public examination but the Council can also prepare supplementary planning documents (SPD) if needed. Any other document will have limited weight in the planning system. In the absence of up-to-date policy, the National Planning Policy Framework (NPPF) takes precedence.

The Core Strategy

- 5.12 The first priority for the Council's LDS is to secure the adoption of the Core Strategy. All authorities are required to have an up-to-date Core Strategy in place. Adoption of the Core Strategy will enable it to be given full weight in the determination of planning applications so that the NPPF no longer takes precedence over the Council's own policies.
- 5.3 The preparation of the Core Strategy has unfortunately become protracted partly due to recent changes to the planning system. Since its preparation began, the Regional Spatial Strategy has been revoked, a new Planning Act has been passed and the NPPF issued. The Examination in Public has had to be suspended twice in order to respond to issues arising from these changes. The LDS is therefore amended to reflect the up-to-date Core Strategy timetable. The revised programme is set out in the summary chart in annex 1 with adoption likely to be late Summer 2014.
- 5.4 Whilst full weight cannot be given to the Core Strategy until then, weight can be attached to the inspector's conclusions arising from the current round of hearings.
- 5.5 The need to focus resources on the Core Strategy is having implications for the timetable of other Plans.

Placemaking Plan

- 5.6 The Placemaking Plan complements the Core Strategy by setting out the detailed planning policies and proposals. The purpose of the Placemaking Plan is to;
- allocate detailed sites and set out the planning requirements for their development. This includes key brownfield sites and rural sites although the urban extensions are now to be included in the Core Strategy,
 - update the district wide planning policies such as car parking standards, design standards, housing density and sites in the Green Belt,
 - co-ordinate the infrastructure requirements to ensure its proper provision and its alignment with new development.
- 5.7 The need to focus on the Core Strategy means that the programme for the preparation of the Placemaking Plan will be delayed because there are insufficient resources to progress two plans simultaneously. The LDS is therefore amended to schedule the submission of the Placemaking Plan to early 2016 and adoption by the end of 2016.
- 5.8 A consequence is that there will be a delay to the incorporation of the Bath Enterprise Area Masterplan into formal planning policy. The Council could seek to attribute interim

policy status to the Masterplan but it could not be afforded significant weight in planning decisions. It will also take longer to formalise the work currently being undertaken by the Parish and Town Councils on character appraisals and site identification. However, some early clarity on development at the villages and towns will be provided initially through the Inspector's conclusions following the Core Strategy hearing in December 2013 and his conclusions after the March 2014 hearings.

- 5.9 The delay to the programme will now make it difficult to align the consultation on the Place Making Plan with that of the Transport Strategy or Leisure strategy as previously planned although, the emerging outputs of these can feed into the Placemaking Plan. This may also raise issues for implementing land use/spatial elements of other Council strategies

Gypsy & Travellers Sites Plan

- 5.10 Whilst the accommodation needs of the Travelling community are quantified in the Core Strategy, the identification of sites is taking place through the Gypsies, Travellers & Travelling Showpeople Sites Plan. Cabinet on 12th June agreed a programme which entailed production of a draft Plan by the Spring of 2014. This was to enable, inter alia, further work to be undertaken with neighbouring authorities in order to ascertain accommodation needs across the West of England and to review capacity to accommodate the travelling communities outside the Green Belt. Joint working with adjoining authorities is essential in light of the duty to cooperate and to ensure that non-Green Belt options are fully explored.
- 5.11 Both the additional work required on the Core Strategy outlined above along with the need to collaborate on a sub- regional level has affected progress on this plan and the timetable has been reviewed and a revised programme is set out in Annex 2.

CIL/Planning Obligations

- 5.12 Progress on the CIL (and the associated review of the Planning Obligations SPD) is linked to the Core Strategy and hence the programme for the preparation of the CIL has also been reviewed. The draft CIL, and the associated infrastructure spend, cannot be finalized until the Core Strategy Inspector gives an affirmation on the scale and location of housing and this is not likely to be before mid-2014. Fortunately the Government has confirmed the postponement of the date by which s.106 contributions are scaled back from April 2014 to April 2015. The revised programme entails adoption of the CIL before April 2015.

Neighbourhood Plans

- 5.13 The Localism Act imposed duties on District Councils as outlined in the finance section above.
- 5.14 The Council is seeking to deliver many of the objectives of Neighbourhood Planning through working in partnership with town and parish councils on the Placemaking Plan. This brings the mutual benefit of efficient use of resources, cost savings and better co-ordination. Whilst this is proving a successful approach, some local communities will still prefer to prepare their own Neighbourhood Plans which will entail a cost for the Council.
- 5.15 There has been no proposal yet for the establishment of a Neighbourhood Forum in Bath although this may change during the LDS period.

- 5.16 Some financial and staff resource provision must therefore be made for this requirement over the period of the LDS. The precise requirement is difficult to estimate as the council has a reactive role.

Sub-regional Plan review

- 5.17 The Council has committed itself to undertaking a review of the Core Strategy in 2016 along with other West of England Authorities. This has been a key consideration of the Core Strategy examination Inspector in terms of not withdrawing the Core Strategy in September this year. The Core Strategy Inspector has therefore requested that the Council set out more clearly its intentions for review in the Core Strategy and this also needs to be set out in the LDS.
- 5.18 Underpinning this review is a revised West of England SHMA and revised LEP economic projections. Preparation of both of these is now underway. The mechanisms for considering a revised sub-regional spatial strategy are being considered but initial policy proposals will need to be prepared during 2015 based on the outputs of the WoE SHMA at the end of 2014. These initial agreed proposals will underpin the review of plans in B&NES during 2016/7. .

Authority Monitoring Reports & other evidence

- 5.19 The Council is required to publish monitoring statistics relating to the LDF such as house building rates and employment space completions. These provide useful information for other Council Services and members of the public and this will continue to feature as an ongoing task in the LDS.
- 5.20 The Council is also required to keep other evidence up-to-date such as the Strategic Housing Land Availability Assessment (SHLAA) and the Infrastructure Delivery Plan (IDP) to ensure new development is properly aligned with necessary infrastructure.

Heritage

Bath World Heritage Site Attributes

- 5.21 UNESCO encourages identification of 'Attributes' of WHS Outstanding Universal Values. These 'Attributes' are defined by UNESCO as aspects which convey or express the Outstanding Universal Value of the World Heritage Site. The attributes provide greater detail, explaining which elements of the site are of importance in World Heritage terms. Once these are clarified the WHS Management Plan will explain how these will be protected. The attributes have been developed in close co-operation with English Heritage, the World Heritage Site Steering Group, and with key internal officers.
- 5.22 The key purpose for identifying attributes is to ensure that they can be protected, managed and monitored, and used when assessing planning applications or other interventions. This exercise is particularly valuable in Bath where there are multiple layers of heritage, and not all of this will be deemed to be of World Heritage importance. The attributes therefore help to clarify what is of World Heritage importance, and what is not. Due to the use of attributes in the planning system as a material consideration, Council adoption is required and the LDS sets out a timetable for this.

Conservation Area review

- 5.23 The need for ongoing review of Conservation Areas is a statutory requirement and a concern of Parishes. There has been limited progress on undertaking these reviews due to other priorities. There is scope for local communities to facilitate some of this work through the Placemaking Plan and Neighbourhood Planning although the need for the statutory role of the District Council to adopt a Conservation Area appraisal or amend boundaries will inevitably impact on progress due to the resource implications.

Natural Environment

- 5.24 Work undertaken so far on the Core Strategy, the Placemaking Plan and with the local community, along with the requirements arising from the NPPF, stress the importance of ensuring a sufficient environmental evidence base. The 2011 Natural Environment White Paper and work with West of England Nature Partnership also requires the preparation of environmental strategies which will be a material consideration in plan preparation and planning decisions and provide the necessary evidence for plan-making. This includes a Trees & Woodland Strategy, Landscape Character Assessments and Design Guidance. These are described in more detail in Annex 3.
- 5.25 Only the work essential to the preparation of the key Development Plan Documents and CIL will be prioritized for the duration of this LDS although there may be scope to initiate some of environmental strategies in years 2016/17, particularly in connection with the West of England Plan review.

Other Guidance/SPDs

- 5.26 The Planning Service receives ongoing requests to prepare policy guidance or Supplementary Planning Documents from both internal and external sources. Many of these are of insufficient urgency to take priority over any of the above items although the preparation of some of these would have significant merit in providing greater clarity for developers and in streamlining decisions. These include
- Flood and Water Management Supplementary Planning Document/ Guidance
 - Guidance note for Development Control on the implications of Affordable Rent Tenancy
 - Bath Building Heights SPD
 - Locally Important Buildings list SPD
- 5.27 There might be capacity in late 2016 to begin preparation of some of these although none of these can be firmly timetabled at this stage.

6 RATIONALE

- 6.1 The benefits of setting out publically the Development Plan work Programme through the LDS is that it enables clarity for residents, businesses and other bodies
- 6.2 It also helps to ensure that Local Authorities prioritise their key objectives and ensure that appropriate resources are available to prepare plans over 2 or 3 financial years.

7 OTHER OPTIONS CONSIDERED

- 7.1 All Local Planning Authorities are required to maintain an up-to-date LDS although it has some discretion over its content. In practice, the required planning documents will be those needed to deliver both the requirements of the NPPF and the Council's own objectives.

8 CONSULTATION

- 8.1 Requirements to engage local communities, statutory undertakers and other bodies are embedded in the planning acts and regulations. The production of all planning documents entails public engagement as set out in the Council's Neighbourhood Planning Protocol. The arrangements for public consultation on each plan are set out in the LDS.
- 8.2 The preparation of the LDS itself does not require public consultation although it will be published when approved.

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>Simon de Beer 01225 477 616</i>
Background papers	
Please contact the report author if you need to access this report in an alternative format	