

## Bath & North East Somerset Council

DECISION MAKERS:	<b>Cllr Tim Ball, Cabinet Member for Homes &amp; Planning</b> <b>Cllr Caroline Roberts, Cabinet Member for Transport</b>	
DECISION DATE:	<b>22<sup>nd</sup> September 2014</b>	EXECUTIVE FORWARD PLAN REFERENCE:
		<b>E 2709</b>
TITLE:	<b>Review of Local Plan Policy T.17 (Safeguarded Highway Schemes)</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b> <b>DECISION MADE BY UNDER SPECIAL URGENCY PROVISIONS</b>		
<b>List of attachments to this report:</b> Please list all the appendices here, clearly indicating any which are exempt and the reasons for exemption		

### 1 THE ISSUE

- 1.1 As part of the preparation for the Placemaking Plan Options document, scheduled for consideration by Cabinet in November 2014, consideration needs to be given to a review of Local Plan Policy T.17 which safeguards a number of proposed highway improvement schemes.

### 2 RECOMMENDATION

- 2.1 That the conclusions set out in Table 1 in this report are incorporated into the draft Placemaking Plan options document to be reported to November Cabinet.
- 2.2 That in respect of development control decisions, it be recognised that the Council does not intend to pursue the schemes and that in these circumstances any land which may have been required for those schemes would no longer be safeguarded as identified in Table 1 and that Local Plan Policy T.17 should be interpreted in a manner which is consistent with this and that weight should be apportioned accordingly.

### **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 A blight notice has been served on the Council by the owners of a property at Peterside, Temple Cloud in respect of land currently safeguarded for A37 Temple Cloud/Clutton bypass. The process of responding to and contesting this blight notice will have financial costs. Currently incurred costs pertain to legal advice and land/property surveys. The cost of the surveys is estimated at around £2,600 and legal costs are estimated to total around £3,000, although this is difficult to quantify at this point. The process of contesting the blight notice will increase significantly if it progresses to a Lands Tribunal and through the Upper Chamber. In these circumstances initial estimates of the Council's legal costs range from around £3,000- £4,000 to around £15,000 - £20,000. Current incurred costs will be absorbed within the Development Service budgets in the first instance, however if the costs of contesting the notice are not able to be covered may become a call on the Revenue Budget Contingency Reserve.
- 3.2 If the notice is not contested, or in the case that it is contested and the notice is upheld, there will be potential significant additional costs, which could amount to the full market value of the property in question plus associated legal/surveying fees disturbance and other associated costs, estimated at up to £800k.
- 3.3 All other costs of producing this report would have been incurred as part of the consultation on the Placemaking Plan and are covered within existing Development Service budgets.
- 3.4 The recommendation of deletion of schemes from the Placemaking Plan will not have any financial impact on the Council as there are not currently any existing approved budgets relating to these schemes.

### **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 The review of the safeguarded highway improvement schemes is part of the preparation of the statutory Placemaking Plan. The Plan is a Development Plan Document which requires an assessment of the reasonable alternative options before the preferred strategy is agreed.

### **5 THE REPORT**

- 5.1 As a Highway Authority the Council is responsible for the planning and implementation of a wide variety of transport infrastructure projects ranging in scale from the provision of a new footpath or cycleway to a new bypass. As part of its remit it is obliged to take a strategic view on what schemes may be needed in the future but it is also obliged to keep these future schemes under review and determine from time to time if the schemes are still needed or if they can be provided with some certainty within a reasonable timescale. If the schemes cannot be delivered then the Council must review and revise its strategic proposals.
- 5.2 As a Planning Authority the Council has to make decisions about new access roads and junctions as well as having a strategic role in approving planning permission for new highway schemes. In the interests of good planning it is not unusual for the Council to safeguard land through the development plan process where the Council, as highway authority has highlighted the need for such safeguarding for future schemes through its highway strategy.

5.3 Policy T.17 in the adopted B&NES Local Plan identifies a number of major highway improvement schemes and indicates that the Council will safeguard the land needed for these schemes.

5.4 These schemes are;

- 1) Lower Bristol Road, Bath (A36) Stages 1, 2 and 3 - A4 junction Newbridge to Churchill Bridge
- 2) Entry Hill, Bath
- 3) London Road West/Gloucester Road, Bath
- 4) Rossiter Road, Bath
- 5) A37 Clutton and Temple Cloud Bypass
- 6) Whitchurch Bypass (A37)

5.5 Since the Local Plan was adopted in 2007, the Government has reviewed national planning policy via the NPPF which was published in 2012. The NPPF places greater emphasis on the need for proposals in Local Plans to be deliverable, and for this to be robustly evidenced. The above schemes therefore need to be reviewed as part of the preparation of the Placemaking Plan which will guide the Council going forward. In preparation for the forthcoming Placemaking Plan options consultation, consideration is made of these schemes, as set out below. If the scheme is no longer being pursued then the Council can confirm that it no longer intends to acquire the land necessary to provide the scheme and accordingly, it no longer needs to be safeguarded as provided by the existing Local Plan Policy T.17. This will then be reflected in the Placemaking Plan options document to be presented to Cabinet.

**TABLE 1: REVIEW OF LOCAL PLAN POLICY T.17 SCHEMES**

<b>SCHEME</b>	<b>INITIAL COMMENTS</b>	<b>CONCLUSION</b>
1) Lower Bristol Road, Bath (A36) Stages 1, 2 And 3 - A4 Junction Newbridge To Churchill Bridge	Safeguarded section between Fieldings Road and Windsor Bridge Road to be removed from the western end of Stage 1 as there is no scheme identified to improve this section. The remaining safeguarded sections east of Fieldings Road are required to provide bus priority, cycle and pedestrian improvements.	Placemaking Plan options document to retain Lower Bristol Road (A36) Stages, 1 (east of Fieldings Road only), 2 and 3.
2) Entry Hill, Bath	There is no longer a scheme identified at Entry Hill.	The route is no longer being pursued by the Council. Accordingly the Placemaking Plan options document to highlight that this route is no longer safeguarded as there is no longer a scheme identified.
3) London Road West/Gloucester	There is no longer a scheme identified for London Road West/Gloucester	The route is no longer being pursued by the

Road, Bath	Road, Bath.	Council. Accordingly the Placemaking Plan options document to highlight that this route is no longer safeguarded as there is no longer a scheme identified.
4) Rossiter Road, Bath	Scheme implementation underway	Placemaking Plan options document to highlight that this route is no longer safeguarded because implementation is underway.
5) A37 Clutton And Temple Cloud Bypass (Western Route)	The NPPF requires that safeguarded transport proposals should be supported by robust evidence, (NPPF 41). A test of soundness is whether a proposal in the plan is deliverable over its period (NPPF 182). The Greater Bristol Strategic Transport Study in 2006 reviewed all the proposals in the Local Plan and concluded that the Clutton/Temple Cloud Bypass was a local scheme rather than a strategic scheme and consequently was not recommended as part of the WoE transport strategy. There is no prospect of devolved major scheme funding being allocated to this project in the foreseeable future. It is unlikely that this scheme will be implemented during the Plan period to 2029 and in these circumstances the land should no longer be safeguarded and the proposed route should not be retained within the Placemaking Plan Options Document.	The route is no longer being pursued by the Council. Accordingly the Placemaking Plan options document to highlight that this route is no longer safeguarded because funding is not currently achievable.
6) Whitchurch Bypass (A37)	An appeal was allowed in 2012 for housing development on the safeguarded route for this scheme (Appeal ref APP/F0114/A/12/2171418). The Inspector concluded that there is no realistic prospect of the A37 Whitchurch By-Pass being delivered in a timely fashion. The housing scheme is now under construction This route will therefore need to be abandoned and further work will be required to assess the impact of existing traffic in the village and whether any other measures are required in response.	This route is no longer being pursued by the Council. Accordingly the Placemaking Plan options document to highlight that this route is no longer safeguarded because a consented housing scheme on the route is being implemented.

5.6 The Placemaking Plan options document, to be considered by Cabinet on 12<sup>th</sup> November 2014, will reflect the above conclusions. The draft Placemaking Plan is timetabled to be published in mid-2015. When adopted in late 2016, the Placemaking Plan will supersede the saved policies in the B&NES Local Plan. However, it is considered appropriate to confirm the Council's position with regard to schemes in policy T17. A number of the schemes cannot be demonstrated to be deliverable and are therefore no longer being pursued by the Council. Therefore, in these circumstances the Placemaking Plan Options document will indicate they should not be safeguarded. This position should be considered material in the decision making process in respect of these routes.

## 6 RATIONALE

- 6.1 A review of the Local Plan highway improvement schemes is being undertaken to inform the November Placemaking options document.
- 6.2 This decision is being taken under urgency rules [Constitution Part 4(B), Access to Information, rule 16].

## 7 OTHER OPTIONS CONSIDERED

- 7.1 There are no realistic alternative options here. The Placemaking Plan can only seek to safeguard land for highway schemes which are, on the basis of robust evidence, likely to be deliverable within the plan period.

## 8 CONSULTATION

- 8.1 This report has been prepared by Planning & Transport teams within B&NES. In preparing the report and progressing the decision under urgency provisions (rule 16) the following have been consulted: Chief Executive; Monitoring officer; S151 officer; Planning, Transport & Environment Policy Development and Scrutiny Panel Chair; and Cabinet Members for Transport and Homes and Planning.
- 8.2 The Placemaking Plan options document is scheduled for wide public engagement in November /December 2014. In the interests of proper consultation, the Placemaking Plan options document should only consult on schemes and options which are capable of being funded and delivered within the plan period up to 2029. It is therefore important to highlight which options will not be consulted on now so that this can feed into the Placemaking Plan.

## 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.

<b>Contact person</b>	<i>Lisa Bartlett (Divisional Director, Development) 01225 477550</i>
<b>Background papers</b>	<i>B&amp;NES Local Plan 2007 Greater Bristol Strategic Transport Study 2006 Appeal Ref: APP/F0114/A/12/2171418 - Land South of Orchard</i>

	<i>View, Sleep Lane, Whitchurch</i>
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