

Bath & North East Somerset Council

MEETING	Council
MEETING DATE:	12th November 2015 (adjourned to 17th December 2015)
TITLE:	Bath & North East Somerset Local Development Scheme 2015-2019
WARD:	All
AN OPEN PUBLIC ITEM	
List of attachments to this report: Annex 1: Bath & North East Somerset Local Development Scheme 2015-2019	

1 THE ISSUE

1.1 This report seeks the agreement of the revised Bath & North East Somerset Local Development Scheme in order to establish the priorities for the preparation of Planning Policy documents for the period 2015-2019.

2 RECOMMENDATION

2.1 That Council resolves;

- To agree the Local Development Scheme in Annex 1 as the effective Local Development Scheme for Bath & North East Somerset for 2015-2019;
- To delegate authority to the Divisional Director for Development, in consultation with the Cabinet Member for Homes and Planning, to make minor amendments to the Local Development Scheme before publication; and
- that the Bath & North East Somerset Local Development Scheme 2015-2019 should be effective from 20th November 2015.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 The programme for the preparation of Planning Policies for the District is funded by the Local Development Framework Budget. As the Council's planning framework supports a range of corporate objectives, the preparation of policy documents relies on evidence and strategies prepared by a number of other Services. The Planning Policy Team has therefore worked with other services in the review of the LDS to ensure a co-ordinated approach to expenditure. The work on the JSP will require additional funding for the years

2016/17 and 2017/18 which will be considered through the budget setting process

- 3.2 Planning policies contained within the LDS will also have a direct impact on the value of land and buildings, which in turn would impact Council Tax and Business Rates. However, impacts to Council Tax and Business Rates cannot be taken into consideration as part of the assessment and preparation of the Planning Policies.
- 3.3 Adoption of the efficient LDS assists with the efficient operation of Development Management, limiting the costs associated with speculative planning applications and to resist expensive planning appeals.
- 3.4 Planning documents link to Council activities that incur costs & generate incomes, this includes preparation of Neighbourhood Plans, which currently attract specific grant on implementation and impact the level of CIL devolved to Parishes and charges that are raised for licenses of Houses in Multiple Occupation. The costs and incomes of the associated services are managed within those separate budget areas.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011, requires all local planning authorities to prepare and maintain a Local Development Scheme (LDS). The LDS is a timetable for the production of Statutory Planning Documents that the Council is preparing, or intends to prepare. The LDS should be kept up-to-date and was last reviewed in October 2014.
- 4.2 The process for the preparation of policy documents is regulated by statute, governing matters such as publication consultation, scope and content of plans, public examinations and adoption. These requirements are reflected in the revised LDS in the individual plan programmes. In light of the plan-led nature of the planning system, it is essential that any corporate objectives relating to development and the use of land are developed through statutory planning documents and not as informal masterplans or other documents.
- 4.3 It should be noted that the Planning & Housing Bill contains changes to national planning policy and this has potential implications for both the Council's own planning policy framework and the programme of work in the LDS. There may therefore be a need to revisit the LDS once the Bill's proposals are cleared. However it is not considered that this should delay the review of the LDS because of the need to clarify the work programme at this stage.
- 4.4 The planning Acts require that planning decisions must be determined in accordance with Development Plan Documents or Neighbourhoods Plans unless material considerations indicate otherwise. Various Local Plans and Neighbourhood Plans are currently being prepared but the current Development Plan Documents for Bath & North East Somerset Council are:
 - Bath & North East Somerset Core Strategy 2014
 - Saved policies from the Bath & North East Somerset Local Plan 2007

- Joint Waste Core Strategy 2011
- Stowey Sutton, Clutton & Freshford-Limpley Stoke Neighbourhood Plans 2015
- The Policies Map

4.5 By the end of the LDS period, if the LDS review is agreed, the Development Plan for the District will be made up of;

- B&NES Local Plan Part 1: The Core Strategy (Partial Review 2016/17)
- B&NES Local Plan Part 2: The Placemaking Plan
- The West of England Joint Spatial Plan
- The West of England Joint Waste Core Strategy
- A series of Neighbourhood Plans
- The Policies Map

4.6 The Development Plan is supplemented by a number of Supplementary Planning Documents, either adopted or proposed, which are listed in the LDS.

5 THE REPORT

5.1 The key elements of the policy framework for the revised Local development Scheme are outlined below. All of the documents in the LDS make a contribution to the corporate priorities of ;

- Tackling waste and increasing efficiency
- New homes and jobs
- Transport
- Investing in young people
- Cleaner healthier communities
- Independence for older people

Placemaking Plan

5.2 The Placemaking Plan, which identifies development site allocations and changes to Development Management policies is due to undergo the final stages of submission and examination in 2016 and is expected to be adopted before the end of 2016.

5.3 This plan plays a key role in delivering key Council aspirations relating to the Bath City Riverside Enterprise Area, it provides a development framework for key settlements, it sets the standards for new development in terms of quality of place, infrastructure and development standards. It also incorporates extensive work with Town & Parish Councils, dovetailing with work on Neighbourhood Plans.

West of England Joint Spatial Plan

5.4 The four West of England Authorities are preparing a Joint Spatial Plan (JSP). The JSP will provide a formal coordinated strategic framework for local plan reviews. In relation to the roll forward of Plans to 2036, The JSP will identify;

- the overall quantum of housing of the Wider Bristol Housing Market Area and employment land that needs to be accommodated;
- the overall spatial strategy to deliver this growth in a sustainable way;
- The strategic infrastructure necessary to support the spatial strategy.

B&NES Core Strategy review

5.5 The Core Strategy is scheduled for an early partial review in conjunction with the preparation of the West of England Joint Spatial Plan (see above) and a routine review in 2019, five years after its adoption. The role of the JSP is to set out the broad approach whereas the role of the Core Strategy is to allocate specific sites. It is proposed to parallel the partial review with the JSP programme as far as practicable.

Travellers' Sites Plan

5.6 The Travellers' Sites Plan (formerly Gypsies, Travellers and Travelling Showpeople Site Allocations DPD) will establish the location of a number of sites suitable to meet the permanent and transit accommodation needs of Gypsies and Travellers in the District. The DPD reached a Preferred Options stage in July 2012. A review of the timetable for the preparation of this plan has been necessitated by the need for further site assessment work, the requirement to work jointly with adjoining authorities (Duty to Co-operate) and changes in national planning policies.

West of England Joint Waste Core Strategy

5.7 The West of England Joint Waste Core Strategy was adopted and is likely to need a review during the LDS period. However, the precise timetabling and arrangements will need to be agreed with the other West of England UAs.

Community Infrastructure Levy (CIL) and Planning Obligations SPD

5.8 The Council's Community Infrastructure Levy (CIL), which came into effect on 6th April 2015, will need to be reviewed at appropriate intervals to reflect changing circumstances and monitoring of performance.

5.9 Whilst CIL has replaced Section 106 contributions for many forms of infrastructure, section 106 agreements will still be used for site-specific mitigation measures and for affordable housing provision. The Planning Obligations SPD is a key document in setting out the Council's approach.

Houses in Multiple Occupation (HMOs) in Bath SPD

5.10 The Houses in Multiple Occupation in Bath SPD (with an Article 4 Direction for HMO in Bath) was adopted in June 2013 introducing a new threshold policy regulating and controlling the future growth of Houses in Multiple Occupation within the City of Bath (including university student house shares). It allows the Council to exert greater control over HMOs in the City, including planning controls and housing licensing. Review of the HMO SPD will be necessary during the LDS period to take account of the outcome of monitoring and to ensure the current approach remains fit for purpose.

Neighbourhoods Plans

5.11 A number of local communities are undertaking the preparation of Neighbourhood Plans. Notwithstanding the District Council's duty to support neighbourhood plan production, the process of working with local communities has been very productive. The District Council will continue to offer support and guidance for this work.

5.12 Twelve areas are now designated as Neighbourhood Planning areas, the current position being;

- Stowey Sutton Plan has been 'made' (September 2015)
- Freshford & Limpley Stoke Neighbourhood Plan and Clutton Neighbourhood Plans are both due to be 'made' in November 2015.
- Englishcombe is anticipated to submit its draft Plan in November 2015.
- Chew Valley area and Midsomer Norton are still anticipated to reach draft Plan stage towards the end of the year (Nov/Dec 2015).
- Stanton Drew are working on their options and are going out for community consultation in November 2015.
- Whitchurch, Westfield, Timsbury, Publow with Pensford & Batheaston are at the initial evidence gathering stage of Neighbourhood Plan preparation

Supplementary Planning Documents

5.13 There are ongoing requests to prepare additional supplementary planning documents and these will be considered based on the availability of resources and in consultation with the appropriate Executive Member.

6 RATIONALE

6.1 The production of plans set out in the LDS are those which are needed to ensure that the Council has an up-to-date policy framework to support the Development Management function and to deliver the Council's corporate objectives. The LDS has been reviewed to align with the time period of the Corporate Strategy.

7 EQUALITY ACT 2010

7.1 Duties are placed upon the Council by the above legislation including in relation to the;

- section 149 public sector equality duty. These duties have been fully recognised by officers in the preparation of the revised LDS.
- Human Rights: As the LDS sets a timetable for the preparation of various planning policies, it is considered that it is unlikely that the adoption of the revised LDS would involve any direct interference with any individual's human rights. It should also be noted that the Council has a legal duty to prepare and maintain a LDS.

8 OTHER OPTIONS CONSIDERED

8.1 None. Preparation and maintenance of an LDS is a statutory requirement.

9 CONSULTATION

- 9.1 The Council's Monitoring Officer and Section 151 Officer have had the opportunity to input to this report and have cleared it for publication.
- 9.2 There is no requirement to consult on the preparation of the LDS although the Plans within the LDS have statutory public engagement requirements. These are evidenced by the Statements of Consultation prepared for each Plan.

10 RISK MANAGEMENT

- 10.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact persons	<i>Lisa Bartlett 0125 477550, Simon de Beer 01225 477616</i>
Background papers	<i>The Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011</i> <i>The Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005</i>
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