

<b>Bath &amp; North East Somerset Council</b>		
DECISION MAKER:	<b>Cabinet</b>	
MEETING DATE:	<b>16<sup>th</sup> January 2020</b>	EXECUTIVE FORWARD PLAN REFERENCE:
		E      3177
TITLE:	<b>Review of the B&amp;NES Local Development Scheme (LDS)</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 seeks the agreement of Cabinet to delegate authority to officers to revise the Bath & North East Somerset Local Development Scheme (LDS) in order to establish the priorities for the preparation of Planning Policy documents for the period 2020-2023 and enable a review of the Council's planning policies to respond to the Climate and Nature emergency.

## **2 RECOMMENDATION**

2.1 Cabinet is asked to;

- a) Agree the key priorities for the preparation and review of Planning Policies in B&NES as summarised in para 3.2 of this report, and
- b) Delegate to the Director of Development and Public Protection (in consultation with the Cabinet Member for Housing, Planning, and Economic Development) the task of preparing a revised Local Development Scheme to reflect those priorities. The revised scheme would then be presented to Cabinet at a subsequent meeting for consideration with a view to bringing it into effect.

### **3 THE REPORT**

3.1 The LDS sets out the programme for the preparation and review of the Council's planning policy framework over the next three years to 2023. The LDS was last updated in February 2019 but a change in circumstances warrants the current review. The key changes needed to the LDS are described below and delegation is sought to set these out in more detail in a revised LDS.

3.2 Key changes in the Local development scheme entail;

#### **(1) Sub-Regional Planning and strategies**

- a) The withdrawal of the JSP will require the preparation of a new sub-regional planning framework which will set the context for the review of B&NES planning policies. The arrangements will be set out in the updated LDS once clarified
- b) A review of the West of England (WoE) Joint Waste Core Strategy
- c) Finalisation of the West of England Green Infrastructure Strategy. This is not a statutory plan but it is a key document which helps the WoE Unitary Authorities UAs to meet statutory planning requirements (such as Biodiversity Net Gain) and other corporate objectives requirements. This will also assist in addressing requirements from the forthcoming Environment Bill
- d) Preparation of the West of England Placemaking Charter to establish a level of ambition for Placemaking in the West of England.

#### **(2) Local Plans**

- a) The programme and scope of the preparation/review of the B&NES Local Plan (which will replace the Core Strategy and Placemaking Plan) will be a critical plan for realising corporate objectives, particularly those relating to the Climate and Nature Emergency. Key issues to be addressed include;
  - Maximising the sustainability of the construction of new development
  - Reflecting the new more robust approach in national policy towards viability and provision of affordable housing
  - Reflecting the Green Infrastructure Strategy findings, including a review of the approach to the provision of open space
  - A revised approach to new Purpose Built Student Accommodation (PBSA)
  - Update the policy on Houses in Multiple Occupation (HMO)
  - Facilitate the need for new renewable energy generation
  - Requiring greater provision of walking and cycling including safe walking routes
  - A review of the car parking standards including provision of electric vehicle charging points
  - A review of the provision of Student Accommodation.
- b) A review of the approach to meeting the needs of the travelling community and boat dwellers

#### **(3) Neighbourhood Plans**

- a) There are 16 Neighbourhood Plans in B&NES either made, under preparation or being reviewed and B&NES has a duty to support local communities in this

work. The Council will liaise with local communities so that the LDS can set out the programme of work up to 2023.

#### **(4) Supplementary Planning Documents (SPDs)**

- a) The preparation and review of a number of Supplementary Planning Documents are critical to realising objectives in the emerging Corporate Strategy, particularly in relation to the Climate and Nature emergency. Particular SPDs work requires;
- a review of the Houses in Multiple Occupation (HMO) SPD in light of updated licensing data and the revised Local Plan
  - a review of the Sustainable Construction and Retrofitting SPD to enable and facilitate the environmental efficiency of existing homes
  - a B&NES Design Guide SPD to reflect the West of England Placemaking Charter
  - the publication of the Somer Valley Enterprise Park SPD to facilitate delivery
  - Strategic Development Location SPDs such as for North Keynsham
  - a review of the Planning Obligations SPD to align with the new Local Plan, the Climate Change and Nature Emergency objectives and to ensure that maintenance of infrastructure is addressed as well as the provision of new infrastructure.

#### **(5) Other statutory documents and strategies**

- a) an update to the statutory Statement of Community Involvement
- b) a review of the CIL charging Schedule and the CIL Spend Protocol to ensure that spending aligns with the Council's new priorities in the revised Local Plan including both the maintenance of existing infrastructure as well as the provision of necessary new infrastructure
- c) a review of the Infrastructure Delivery Plan to ensure that infrastructure supporting Climate and Nature Emergency objectives are properly reflected and to ensure that new development is properly aligned with new infrastructure
- d) Maintaining an up-to-date Policies Map to reflect the changing policy framework
- e) The preparation of a Tree and Woodland Plan
- f) Review of the B&NES Green Infrastructure Strategy
- g) The preparation of Biodiversity Net Gain guidance (SPD)
- h) The preparation of a Walking and Cycling SPD

3.3 Whilst SPDs play a very useful role in elaborating planning policies, the Town & Country Planning Regulations require that any policy change must be in a Development Plan Document (DPD ie a Local Plan). SPDs can only supplement Local Plans and they cannot make new policy. In addition, some issues will require a change to national legislation and therefore B&NES is working with partners, other UAs and community groups to lobby for these changes.

## **4 STATUTORY CONSIDERATIONS**

4.1 The Planning and Compulsory Purchase Act 2004 (as amended), requires all local planning authorities to prepare and maintain a Local Development Scheme (LDS). The LDS sets out the programme, resources and arrangements for the

production and review of statutory planning documents that the Council is preparing, or intends to prepare. The LDS should be kept up-to-date.

- 4.2 The process for the preparation of policy documents is regulated by statute, governing matters such as the publication, consultation, scope and content of plans, public examinations and adoption. These requirements will be reflected in the revised LDS in the individual plan programmes.
- 4.3 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.
- 4.4 The Planning Acts require that planning decisions must be determined in accordance with Development Plan Documents or Neighbourhood Plans unless material considerations indicate otherwise.

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

- 5.1 The Council's planning framework is critical to the delivery of its Corporate Strategy. The formulation of planning policy will require extensive cross-service working to ensure a co-ordinated approach and an efficient use of resources.
- 5.2 The preparation of Planning Policies for the District is primarily funded by the Local Development Framework Budget, Government grants and funding from WECA. The scope and progress of preparation of planning policy documents will depend on the available resources. To fund the Tree and Woodland Plan, the review of the HMO and the Sustainable Construction Supplementary Planning Document, budget growth bids have been put forward in the Council's 2020/21 Budget Proposal and are subject to approval. If there are any funding gaps, the existing budget will need to be reviewed and re-prioritised or alternative funding identified.
- 5.3 Planning policies will also have a direct impact on the value of land and buildings, which in turn will affect income from the New Homes Bonus, 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.
- 5.4 The planning framework in B&NES has been particularly successful in bringing substantial income into the Council such as CIL, S.106 agreements, New Homes Bonus, and HIF relative to its size. The New Homes Bonus achieved equates with larger cities like Birmingham and Bristol, and far exceeds other districts which contain a historic city like Oxford and York.
- 5.5 An up to date LDS assists with the efficient operation of Development Management, by helping to ensure an up-to-date Development Plan, limiting the costs associated with speculative planning applications and resisting expensive planning appeals.

## 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.

## 7 CLIMATE CHANGE

7.1 Since the adoption of the Core Strategy and the Placemaking Plan, and the supporting SPDs, the Council has declared a Climate and Nature Emergency. The Council's planning policies are critical to the realisation of these objectives, as evident in the Climate Emergency Update to Full Council on 10<sup>th</sup> October 2019, and therefore the Planning Policy framework needs revising as outlined in para 3.2 above.

## 8 OTHER OPTIONS CONSIDERED

8.1 Preparation and maintenance of a LDS is a statutory requirement. The LDS needs to be revised to take into account the issues outlined in para 3.2 above and to deliver the Council's priorities and statutory requirements.

## 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 will undergo statutory public engagement in line with the Statements of Community Involvement.

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<b>Background papers</b>	The Planning and Compulsory Purchase Act 2004 (as amended)  National Planning Policy Framework 2019  National Planning Practice Guidance  <a href="#">B&amp;NES Local Development Scheme 2019 to 2021</a>  <a href="#">B&amp;NES Council Climate Emergency Progress Report 10 October 2019</a>  B&NES Core Strategy 2014  B&NES Placemaking Plan 2017
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