

Bath & North East Somerset Council

DECISION MAKER:	Cllr Tim Ball, Cabinet Member for Planning
DECISION DATE:	On or after 26th June 2021
TITLE:	Amendments to the B&NES Local Development Scheme
WARD:	All
AN OPEN PUBLIC ITEM	
List of attachments to this report: Attachment 1: B&NES Local Development Scheme June 2021	

1 THE ISSUE

- 1.1 This report seeks to amend the Council's Local Development Scheme to ensure that the Council's programme for the preparation and review of planning policies is up-to-date.

2 RECOMMENDATION

2.1 The Cabinet Member for Planning agrees;

- a) the amendments to the Local Development Scheme described in section 3 below and set out in the amended Local Development Scheme in Attachment 1,
- b) That the revised Local Development Scheme should come into effect on 5th July 2021,
- c) To delegate to the Head of Planning the authority to make any necessary editorial changes, in consultation with the Cabinet Member for Planning, prior to the Local Development Scheme coming into effect.

3 THE REPORT

- 3.1 The Local Development Scheme (LDS) is a statutory document setting out the programme for the preparation and review of the Council's planning policies. The

LDS must be made available publicly and kept up-to-date. It is important that local communities and interested parties can keep track of progress. Furthermore, when the Local Plan is publicly examined, the Inspector will need to check that it has been prepared in accordance with the LDS. If not, then the Local Plan is not considered legally compliant and it cannot subsequently be adopted by the Council. The amended LDS is included in Attachment 1.

- 3.2 The primary changes to the LDS are amendments to the timetable for the preparation of the Local Plan Partial Update and associated Supplementary Planning Documents (SPDs). The latter are needed to supplement Local Plan policies and either some existing SPDs need to be reviewed or new SPDs are needed (see para 3.4 below). These changes also have knock on implications for the timetable for the preparation of the new B&NES Local Plan. Whilst it is not a requirement to include the WECA Spatial Development Strategy in the LDS, this is shown for information and any changes to its preparation programme will be reflected as they occur.

The Local Plan Partial Update

- 3.3 The Local Plan Partial Update is necessary because there is an urgent need to update the Council's planning policies in light of the Climate and Ecological Emergencies and the Council's commitment to securing net zero carbon by 2030. The draft Plan (the 'Regulation 19' stage) will now be considered by Council in July 2021 instead of May 2021 due to the delayed local elections. This will result in the public consultation being partly conducted over summer of 2021. Whilst not ideal, this is necessary to maintain the overall timetable to ensure the Plan can be submitted to the Secretary of State before the end of the year for public examination. In light of the need for a summer consultation, the consultation period will be extended by a week to facilitate public opportunity to comment on the draft plan. This will also enable co-ordination with other Council consultations being undertaken over the summer.

- 3.3 The subsequent changes to the milestones are relatively minor. The key changes to the LDS are;

- a) Agree draft Local Plan in July 2021 instead of May 2021
- b) Public consultation in August/September 2021 instead of June /July 2021
- c) Submission in November 2021 instead of August 2021
- d) Adoption by June/July 2022 instead of March 2022

Supplementary Planning Documents (SPDs)

- 3.4 SPDs are a critical part of the Council's planning policy framework as they complement policies in the Local Plan. Therefore, the timetable for their preparation and consultation has been aligned with the Local Plan. The following SPDs will also now be included in the summer consultation;

- Review of the Houses in Multiple Occupation SPD
- Review of the Sustainable Construction and Retrofitting SPD
- Preparation of a new a Transport SPD (Walking & Cycling design, Travel Plans, Ultra-Low Emissions Vehicles, Parking (with parking ratio standards)

3.5 The timetables for the other following SPDs have also been amended;

- a) Planning Obligations SPD Review
- b) Locally Listed Heritage Assets SPD
- c) Biodiversity Net Gain SPD

Neighbourhood Plans

3.6 The LDS is also being updated to reflect the latest position on the preparation of Neighbourhood Plans. There are now 9 'made' Neighbourhood Plans in B&NES. Stanton Drew Neighbourhood Plan and Freshford Community Right to Build have recently passed their referendum and are due to be made. In addition, 7 communities are designated as Neighbourhood Areas, indicating their intention to undertake Neighbourhood Planning.

The New B&NES Local Plan

3.7 The Local Plan Partial Update seeks to amend the existing B&NES Core Strategy and Placemaking Plans to ensure the Council has an up-to-date planning policy framework to deliver its priorities. However, once the WECA Spatial Development Strategy (SDS) is published in 2023/4, the Council will need to undertake a full review of its Local Plan. The LDS shows the most up-to-date programme for this full review but any changes to the SDS timetable will have implications for the programme for the preparation of the new Local Plan.

Other Planning documents

3.8 Alongside the Local Plan Partial Update, there are also changes to the timetable for the preparation of other planning related documents, such as the Somer Valley Enterprise Zone Local Development Order.

3.9 From August 2021, the Article 4 Direction relating to conversion of offices in Bath to residential will no longer have effect because it has been overtaken by the new permitted development rights which relate to changes of use from office to residential, except in World Heritage Sites. Therefore a change of use from office to residential still requires a planning permission and the control has in fact been expanded from the city centre to the whole of the City.

3.10 The CIL Charging Schedule may also need to be amended in light of the Local Plan Partial Update and so this will be reviewed alongside the Local Plan Partial Update. The programmes for the preparation of the Joint Waste Core Strategy and the Travellers Site Plan have also been amended.

4 STATUTORY CONSIDERATIONS

4.1 The Planning and Compulsory Purchase Act 2004 requires all local planning authorities to prepare a Local Development Scheme (LDS). The LDS sets out the programme, resources and arrangements for the production and review of statutory planning documents required by the Council. The LDS must 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 with individual plan programmes.

- 4.3 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 but the changes in this report to the LDS are covered by existing budgets.
- 5.3 Amending the 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 EQUALITIES

- 7.1 An Equality Impact Assessment (EqIA) has been undertaken and no adverse impacts have been identified.

8 CLIMATE CHANGE

- 8.1 One of the main reasons for updating the Local Plan is to ensure that the Council's planning policies are amended to contribute toward achieving carbon neutrality by 2030 in response to the declaration of the Climate Emergency.

9 OTHER OPTIONS CONSIDERED

- 9.1 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.

10 CONSULTATION

- 10.1 The Council's Monitoring Officer and Section 151 Officer have had the opportunity to input to this report and have cleared it for publication.
- 10.2 There is no requirement to consult on the preparation of the LDS although the Plans in the LDS will undergo statutory public engagement in line with the Statement of Community Involvement and national regulations.

Contact person	Simon de Beer (Head of Planning) 01225 477616
Background papers	The Planning and Compulsory Purchase Act 2004 (as amended) National Planning Policy Framework 2019 National Planning Practice Guidance B&NES Local Development Scheme 2020 to 2023 B&NES Core Strategy 2014 B&NES Placemaking Plan 2017
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