

Bath & North East Somerset Council	
MEETING	Council
MEETING	22nd July 2021
TITLE:	Draft B&NES Local Plan Partial Update
WARD:	All
AN OPEN PUBLIC ITEM	
Attachment 1 - Proposed submission draft B&NES Local Plan Partial Update document including Policies Map changes	

1.0 THE ISSUE

1.1 The Council, in its statutory role as the local planning authority, has a duty periodically to review its local plan to assess if it requires updating. That review process has been undertaken and Council is now asked to agree the attached Local Plan Partial Update proposed-submission draft for public consultation and then submit it to the Secretary of State for public examination.

RECOMMENDATION

2.1 The Council is asked to agree;

- a) the B&NES Local Plan Partial Update proposed submission draft and the Policies Map changes (as contained in Attachment 1 to this report), and publish them for consultation;**
- b) that the consultation period should be 27th August to 8th October 2021;**
- c) that delegated authority is granted to the Head of Planning to make minor amendments and correct any errors to the Local Plan Partial Update proposed submission draft, in consultation with the Cabinet Member for Planning and Licensing, and to undertake the public consultation.**
- d) Following the public consultation, and subject to any changes made as a result of c) above, that delegated authority is granted to the Head of Planning to submit the B&NES Local Plan Partial Update to the Secretary of State for examination.**

- e) **grant to the head of planning delegated authority, in consultation with the Cabinet Member for Planning and Licensing, to consult upon and agree modifications to the local plan partial update during the examination.**

3.0 THE REPORT

Background

- 3.1 The B&NES Local Plan (the Core Strategy and the Placemaking Plan) needs to be updated in order to reflect the Council's Declaration of Climate and Ecological Emergencies and the commitment to securing net zero by 2030. Whilst it is a statutory process subject to an external examination, the Local Plan is part of the council's corporate plan and the Planning Service is focused on delivering the key aims of the council.
- 3.2 All Local Plans must be reviewed at least 5 years after adoption and updated if required. The B&NES Local Plan was adopted in 2014 and its policies run to 2029. The Local Plan was reviewed in 2019 following the publication of a new Corporate Strategy and this review concluded that a number of policies now need updating
- 3.3 The importance of the Local Plan is that by law, decisions on planning applications must be taken in accordance with the adopted Local Plan (unless material considerations indicate otherwise). The scope of the Local Plan Partial Update (LPPU) therefore responds to the three key priorities for action and speed of ambition needed to achieve the 2030 target as identified in the Climate Emergency Progress Report to Council in October 2019. The priorities are:
- (1) Energy efficiency improvement of existing buildings and zero carbon new build;
 - (2) A major shift to mass transport, walking and cycling to reduce transport emissions;
 - (3) A rapid and large-scale increase in local renewable energy generation.
- 3.4 There are also other key policies that need to be brought up to date, in particular, replenishing the housing land supply in order to provide sufficient homes and maintain a robust housing land supply. The other policy updates are listed below.
- 3.5 A full review of the Local Plan will be undertaken within the strategic context of the forthcoming West of England Combined Authority (WECA) Spatial Development Strategy (SDS) reflecting any changes arising from national planning reform. The scope of the LPPU therefore needs to be focussed on immediate priorities and must not seek to pre-empt strategic decisions which are the remit of the SDS or significantly change the strategic policy framework of the existing Plan, such as the spatial strategy, key development sites and the plan period.
- 3.6 Accompanying the LPPU, a number of Supplementary Planning Documents (SPDs) are also being reviewed or prepared via single member decisions. These SPDs will provide further detail and support the implementation of the proposed policies in the LPPU and will also help to address the climate and ecological emergencies. The Draft SPDs are programmed to be subject to consultation alongside the LPPU

- 3.7 The proposed policy changes to the Local Plan, along with changes to the Policies Map, are included as Attachment 1. It is only these changes that comprise the Partial Update and which will be published for public consultation, not the unchanged parts of the Local Plan or Policies Map. Key proposed changes are outlined below;

Addressing the Climate Emergency

- 3.8 The proposed policy changes include;
- a. A new Net Zero Carbon policy for new build residential and non-residential development.
 - b. Introducing an energy matrix to require lower energy requirements for space heating and general energy use and the total energy use to be met by renewable energy
 - c. Replacing the currently adopted policies that encourage sustainable construction and on-site renewable energy to reduce carbon emissions by 10% with a policy that requires all new development to be zero carbon
 - d. Introducing a heating and cooling hierarchy where applicants are required to show that development minimises heating and cooling demand and residual heat and cooling demand to be met via renewable heat sources
 - e. The retrofitting energy efficiency measures to existing properties to be required to achieve specified carbon reduction levels (supported by the SPD)
 - f. Introducing a policy requiring a Whole Life Cycle Carbon assessment of new buildings
 - g. Revision of the currently adopted renewable energy policy to set out a clearer, more positive strategy in helping to facilitate renewable energy infrastructure development particularly encouraging it in the most appropriate locations in the District
 - h. Introducing a policy requiring all new residential development to provide electric vehicle charging infrastructure (to be supported by a Transport SPD)
 - i. Ensuring that Green Infrastructure provided also maximises benefits for active travel (sustainable transport and health benefits)
 - j. Requirement for applicants to produce a management plan for artificial pitch proposals to address pollution issues NB Sports England objects to restricting the use of 3G pitches

- 3.9 The accompanying **Sustainable Construction & Retrofitting SPD** will set out guidance for homeowners and occupiers on adapting their dwellings to reduce energy use. This will be updated to provide consistent, practical and user-friendly advice relating to measures that can be introduced to reduce energy use in all types/ages of buildings. The opportunity is also being taken to reflect changes in technology that have moved on quickly over the last eight years in relation to the types of measures available and their cost. The SPD will also now help to address fuel-poverty issues, including in historic buildings, where achieving affordable warmth is a particular problem.

The Nature Emergency

- 3.10 Proposed policy changes include;
- a. Updating adopted nature conservation policies so that they more effectively protect irreplaceable habitats and facilitate nature recovery
 - b. Bringing forward a new policy (in advance of the national requirement) for developers to deliver 10 % Biodiversity Net Gain as part of development
 - c. Incorporate the Bath River Line project into planning policy

- 3.11 The Council will prepare a SPD on **Biodiversity Net Gain** to enable early implementation of the new 10% requirement.

Housing Land supply

- 3.12 Proposed policy changes include;
- d. Allocate new sites to deliver c.1,100 new homes, primarily on brownfield sites and in Bath and Keynsham in line with the existing spatial strategy (see list of new sites below)
 - e. extend the requirement for new housing to meet accessibility standards
- 3.13 The new sites or sites with increased capacity are;

Brownfield	Greenfield
Bath Riverside (additional capacity)	Keynsham Safeguarded land
Twerton Park	Silver Street, Midsomer Norton
Weston Island	
RUH	
Sion Hill (Bath Spa Uni)	
St Martin's Hospital, Bath	
Fire Station site, Keynsham	
Treetops Nursing Home, Keynsham	
Paulton Printworks site	

The Green Recovery & employment land supply

- 3.14 Proposed policy changes include:
- a. Stronger protection for industrial sites across B&NES,
 - b. Increased protection for office uses within Bath by extending the policy which seeks to prevent change of use or redevelopment of offices to residential uses to also cover Purpose Built Student Accommodation and large HMOs
 - c. Designation of a site in the Locksbrook area as a creative industry hub – the policy will facilitate delivery with Bath Spa University of a mix of creative business space and some teaching space resulting in an economically productive use of the site
 - d. Relocation of the Bus Depot from Weston Island enables its allocation for employment uses to enable the redevelopment of other key sites in the city (eg Manvers St & at Lower Bristol Road) as well as including public facing uses such as creative, arts-based activities.
 - e. Allied to government changes in the use classes order, local policy will be amended to provide greater flexibility for a mix of town centre uses/active frontages in the Milsom Quarter to help address recent decline and enable creation of vibrant mixed use part of the city centre.
 - f. No longer allocate South Road Car Park site for retail development, but retain it primarily as a public car park, providing additional benefits potentially including solar energy generation or a minor element of residential development
 - g. Changes to the mix of uses and site boundary of the Somer Valley Enterprise Area (The Council is also preparing a Local Development Order alongside the LPPU) for this site.

Houses in Multiple Occupation

3.15 Proposed policy changes include:

- f. Increasing scope of existing Policy H2, to refer to new build HMOs, the change of use to HMO from other uses (e.g. commercial), and the intensification of small HMOs (C4) to large HMOs (sui generis).
- g. Introducing policy requirement that all new HMOs achieve an Energy Performance Certificate rating of 'C' or above.
- h. Introducing a policy requirement that all HMOs provide a good standard of accommodation (with further guidance set out in the updated HMO SPD)

3.16 These policy changes will be supplemented by a review of the **Houses in Multiple Occupation SPD**.

Development at the university campuses and student accommodation

3.17 Proposed policy changes include:

- a) Greater prioritisation of student accommodation on university campuses and not in the city and update the policy framework for the University of Bath Claverton Down Campus to facilitate new development meeting their needs whilst responding to and enhancing its environmental assets,
- b) Introduction of a nomination agreement between the developer and the educational establishment to demonstrate need.

Park & Rides sites

3.18 In order to realise the revised role of the Park & Rides sites as transport interchanges, the Council considers that there are exceptional circumstances to remove them from the Green Belt and allocate them as transport interchanges.

Green Belt villages

3.19 Housing Development Boundaries of villages in the Green Belt have been reviewed to become 'infill' boundaries and new infill boundaries defined at appropriate villages currently with no boundaries.

Transport policies

3.20 Proposed policy changes include;

- a) Amending transport policies to ensure that in considering the location and design of new development sustainable transport modes are considered first and are at the heart of decision making, as well as ensuring the principles of Liveable Neighbourhoods are better embedded
- b) Requiring development to enhance, rather than just maintain (as is currently the case) recreational or active travel routes
- c) Changing the parking standards (see SPD below)

3.21 The changes to the Local Plan will be supplemented by a new **Transport and Development SPD** which will be comprised of 4 sections as follows;

(a) Parking standards

- Remove the standards from the Local Plan and include them in the SDP
- Increase number of parking zones to better reflect differences in accessibility across B&NES.
- Residential Parking changed to Maximum Standards
- Achieve low car developments where conditions exist to do so, i.e. excellent accessibility, car clubs, Controlled Parking Zones
- Avoid over-provision in parking but ensure sufficient parking to limit risk of overspill.
- Destination parking (e.g. employment, leisure, retail) retained as Maximum Standards. Levels adjusted to reduce unnecessary car usage.
- Accessibility Analysis for each site to reflect local context.

(b) Ultra-Low Emissions Vehicles

- Specifications for standards for connections and sockets.
- Suitable capacity in electricity network, may involve sub-stations.
- Avoid petrol/diesel cars using EV spaces.
- Ensure adequate access for all road and pavement users, e.g. Avoid trailing leads and trip hazards, minimise street clutter, design out conflict between vehicles and pedestrians

(c) Walking & Cycling Infrastructure Design

- SPD to set out what is required for walking, cycling and other micro-mobility modes, and signposts to Best Practice design standards to be applied. Scope to include accessibility, safety and security, comfort, legibility.

(d) Travel Plan Guidance

- Establishes types of TP (Full, Interim, Framework and Statement) and thresholds at which they are required.
- Sets expectations on content of a TP without being overly prescriptive, which can result in generic submissions.
- Establishes “Delivery Options.”
- Monitoring, remedial action, and enforcement.

3.22 At the forthcoming exam the LPPU will be tested to ensure it is legally compliant (i.e. that statutory processes have been followed) and is sound as required in NPPF para 35, ie in summary, the plan is;

- a) **Positively prepared** –it provides a strategy which seeks to meet the area’s objectively assessed needs;
- b) **Justified** – it is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

- c) **Effective** – it is deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters; and
- d) **Consistent with national policy** –it enables the delivery of sustainable development in accordance with the policies in this Framework.

4.0 STATUTORY CONSIDERATIONS

- 4.1 The Planning Acts require that planning applications must be determined in accordance with Development Plan Documents or Neighbourhood Plans unless material considerations indicate otherwise.
- 4.2 In light of the UK plan-led planning system, Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires that Local Planning Authorities must review local plans every five years, starting from the date of adoption of the local plan. This is echoed in the National Planning Policy Framework (para 33) which states that reviews “...should take into account changing circumstances affecting the area, or any relevant changes in national policy”.
- 4.3 The process for the preparation and review of local plans is governed by Statute (primarily the Planning & Compulsory Purchase Act 2004 as amended by subsequent acts), Regulations (primarily the Town and Country Planning (Local Planning) (England) Regulations 2012), national planning policy (the National Planning Policy Framework 2019) and national guidance (National Planning Practice Guidance). A number of other statutes are also relevant to the review of the Plan such as the Climate Change Act 2008.
- 4.4 The Planning and Compulsory Purchase Act 2004 requires all local planning authorities 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.
- 4.5 Section 18 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to produce a Statement of Community Involvement (SCI), which should explain how they will engage local communities and other interested parties in producing their Local Plan and determining planning applications. The LPPU has been prepared in accordance with the [B&NES SCI](#).
- 4.6 Under the 2012 Regulations, the LPPU has now reached the Regulation 19 stage. This requires that the Local Authority must take specified steps to publicise the submission documents for consultation. In addition, Regulation 8 (5) requires that where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy. These are included in the draft LPPU.
- 4.7 As this is a Partial Update, the Council will only be consulting on and submitting for examination the updated policies, not the extant parts of the Plan. Attachment 1 therefore entails a list of the new and updated policies. For ease of reference, a composite version of the Plan, showing the updated policies has also been prepared (see background paper).

- 4.8 This report's recommendation also requests delegated authority to submit the Plan, along with the necessary submission documents, for public examination under regulation 22 of the 2012 Regulations. Whilst provisional changes may be proposed during the examination process in response to objections and issues raised by the Inspector, any changes to the Plan will need to be made by Full Council.
- 4.9 Plan preparation must be informed by a Sustainability Appraisal and a Habitats Regulations Assessment. The sustainability appraisal report will be published as part of the proposed submission consultation.
- 4.10 Local planning authorities are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries. In order to demonstrate effective and on-going joint working, strategic policymaking authorities should prepare and maintain one or more Statements of Common Ground (SoCG), documenting the cross-boundary matters being addressed and progress in cooperating to address these. The SoCGs listed in the background papers to this report illustrate that there are no strategic cross boundary issues that need to be addressed in the LPPU.
- 4.11 As the LPPU progresses, increased weight can be given to its policies in decision making but it can only be given full weight once adopted (see NPPF para 48). The LPPU milestones are;
- July 2021 - Council agrees draft LPPU (SPDs also to be agreed in July 2021)
 - September/October 2021 - Public consultation on the LPPU and SPDs
 - November/Dec 2021 - Submission to the Secretary of State for examination
 - Feb/March 2022 - Public Hearings
 - May/June 2022 – Inspector's Report
 - June 2022 - Adoption
- 4.12 Once the Plan has been submitted for examination, the timetable is in the hands of the Planning Inspectorate. As this is only a partial update, the process should not take as long as it would for a full Plan exam.

5.0 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 The Council's planning policy framework is critical to the delivery of the new 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 and Supplementary Planning Documents 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.
- 5.3 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.

6.0 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. Some of the main risks identified are;

- That the inspector may not find all of the policy changes at the independent examination sound,
- That the Inspectorate is not able to maintain the published timetable
- That there is a successful legal challenge to the plan post adoption

7.0 EQUALITIES

7.1 An Equalities Impact Assessment has been undertaken for the draft LPPU (Regulation 19 Draft Plan) to consider proposed new policies and amended policies (not including minor amendments), primarily to address the climate and nature emergency, replenish housing supply and support the Council's overarching strategic plan. A number of policies have been updated and new policies introduced within the Responding to Climate Change Chapter which support the Climate Emergency to benefit communities and provide opportunities to address fuel poverty issues. Similarly, Nature Conservation policies have been updated and new Biodiversity Net Gain policy introduced to support the Ecological Emergency to benefit communities. Green Infrastructure policies have been updated and support the health and well-being of all communities (and equality groups).

7.2 Housing in Multiple Occupation and Purpose-Built Student Accommodation policy provides the requirements to support housing to encourage and maintain balanced and mixed communities that support the need of all groups in society. Potential negative impacts of HMO policy may mean housing affordability issues for some equality groups particularly within the Bath area. An Equality Impact Assessment has been undertaken in detail for the proposed draft Houses in Multiple Occupation in Bath Supplementary Planning Document which considers issues in detail and sets out proposed actions.

7.3 The LPPU includes updated policy setting out M4(2) and M4(3) accessible and adaptable housing requirements to provide suitable housing that meets the needs of different groups in the community, including disabled people, older people and families with young children.

7.4 Transport policies have been updated to include consideration of the needs of people of all abilities, including disabled people. Text to transport policies has been updated to include principles of inclusive design to support the health and well-being of all and reference to national design guidance supporting access for all, including disabled people has been included.

7.5 Site policies have been updated and new policies included for site allocations which set out proposed development requirements and design principles to create places that are safe, inclusive and accessible supporting health and well-being, community cohesion and resilience to benefit all equality groups. Some site allocation policies also include affordable housing requirements, increasing the provision of affordable housing across B&NES.

8.0 CLIMATE CHANGE

8.1 The scope of the Partial Update responds to the three immediate priorities for action and speed of ambition needed to achieve the 2030 target as identified in the Climate Emergency Progress Report to Council in October 2019. In summary, these are;

- energy efficiency improvement of the majority of existing buildings and zero carbon new build;
- a major shift to mass transport, walking and cycling to reduce transport emissions; and
- A rapid and large-scale increase in local renewable energy generation

9.0 OTHER OPTIONS CONSIDERED

9.1 Whilst Local Authorities are required to review their Local Plans at least every 5 years and ensure that they are up-to-date, the update to the B&NES Local Plan could have been undertaken as part of a Full Review of Plan alongside the preparation of the WECA Spatial Development Strategy. However, this would have delayed updating key policies critical to the delivery of the Council's priorities and the Renewal Programme.

9.2 In preparing a Plan, one of the tests of soundness at exam is that the Council has considered the reasonable alternative policy options. The options considered by the Council are set out in the Consultation Document (Regulation 18) and assessed in the Sustainability Appraisal Report.

9.3 One option of particular note is whether the scope of the LPPU should have included amendments to the policies on Bath Recreation Ground. As part of the Reg 18 options consultation in January/February 2021, the Council put forward 3 options for review of the Local Plan policies that relate to the Bath Recreation Ground (Policies SB1 & 2) for the reasons set out in that document. The greatest number of comments (over 1,600) were received on Rec policy options which therefore warrants further explanation of the way forward. The 3 options were;

1. Option 1 - No change to the existing policy wording but review it in the Full Local Plan
2. Option 2 - Review the policy wording through the Local Plan Partial Update
3. Option 3 - Delete the policy/allocation through the Local Plan Partial Update and revisit it in the Full Local Plan

9.4 Many of the comments received advocated removal of the Rugby Club stadium from the Recreation Ground and relocating it elsewhere. Having considered the issues and the comments received, the Council's preferred approach is, however, to pursue Option 1. This is because Core Strategy Policy B1 is a strategic policy and integral to the district wide spatial strategy. For the reasons given in para 3.5 above, it is considered that any review of the spatial strategy, including whether the principle of a stadium on the Rec should be maintained or whether the stadium should be located on another site, can and should be undertaken as part of the preparation of the new Local Plan. This will allow the Council to consider the future of Bath Recreation Ground in a holistic and strategic way, having regard to the impact upon the whole city and wider area.

9.5 In the interim, the Council will continue to rely on the current policy which was found sound by independent inspectors at both the Core Strategy and Placemaking Plan examinations when this issue, and the wording of the policy, were specifically considered.

10.0 CONSULTATION

10.1 One of the Council Core Policies is giving people a bigger say. It therefore places great emphasis on involving local people, parish councils and others in its decision-making, and listening to its communities about the issues that affect their future.

10.2 The Consultation Statement documents the engagement and consultation undertaken so far. Significant opportunities for involvement in the preparation of the LPPU have been provided through;

- the Commencement document in April 2020 which particularly focused on the purpose and scope of the LPPU
- the Options consultation document in January/February 2021

10.3 It is only the changes in Attachment 1 to the report that comprise the Partial Update which will be published for public consultation, not the unchanged parts of the Local Plan or Policies Map.

10.4 The consultation on the proposed submission draft must meet statutory requirements set out in the 2012 Regulations and must be in line with the Bath and North East Somerset Neighbourhood Planning Protocol (NPP) which includes the Council's Statement Community Involvement (SCI). The Statement of the Representations procedure sets out when and how public representations must be made.

10.5 The opportunity to comment on the LPPU and SPDs will be widely publicised through a variety of means/media (e.g. press release, mail-outs, summary leaflet, website/social media etc). Residents and Stakeholders will be encouraged to comment through a user friendly, on-line portal, but hard copy comments will also be accepted. Webinars have proved to be a successful engagement/publicity tool, reaching a larger and wider audience than traditional physical drop-in events, and so these will be arranged during the consultation. Use will be made of the Community Forums as far as possible. The consultation on the LPPU will need to be co-ordinated with a number of other Council consultations being undertaken over the summer.

10.6 As this is a formal consultation, the public comments will be considered by the examination inspector at the forthcoming hearings.

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Background papers	<p><u>B&NES Core Strategy 2014</u></p> <p><u>B&NES Placemaking Plan 2017</u></p> <p><u>Local Plan Partial Update commencement document 2020</u></p> <p><u>Local Plan Options consultation document 2021</u></p> <p><u>Council progress report on climate emergency October 2019</u></p> <p><u>B&NES Statement of Community Involvement</u></p> <p><u>My neighbourhood - A neighbourhood planning protocol for B&NES</u></p> <p><u>Climate Emergency declaration March 2019</u></p> <p><u>B&NES Local Development Scheme 2021</u></p> <p><u>Bath & North East Somerset Local Plan Partial Review - Consultation Statement</u></p> <p><u>Housing and Economic Land Availability Assessment (HELAA)</u></p> <p><u>Local Plan Partial Update policy review 2020</u></p> <p><u>Local Plan Partial Update - Options Consultation supporting documents</u></p>
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