

Bath & North East Somerset Council		
DECISION MAKER:	Cabinet Member for Planning & Licensing	
DECISION DATE:	On or after 24 th September 2022	EXECUTIVE FORWARD PLAN REFERENCE:
		E3363
TITLE:	B&NES New Local Plan Launch	
WARD:	All	
AN OPEN PUBLIC ITEM/		
List of attachments to this report: Annex 1- The draft new Local Plan Launch Document, Annex 2 - Local Development Scheme 2022, Annex 3 – Draft Engagement Strategy Annex 4 – Statement of Community Involvement		

1.0 THE ISSUE

- 1.1 The preparation of a new Local Plan for B&NES provides the opportunity for the Council to look afresh at its planning policy framework for the district. As this is a long-term plan (20 years), and because the Local Plan is the Council's primary tool for place shaping and the basis of decision-making on development and the use of land, the Council needs to ensure the Plan is sufficiently ambitious to deliver the Council's priorities and is responsive to local community concerns. In particular, the new Local Plan will play a key role in helping to deliver the Council's priorities in responding to the climate and ecological emergencies.
- 1.2 The preparation of the Local Plan will commence with the publication of a Launch Document in September 2022. The Launch Document will outline the purpose, scope and timetable of the Local Plan and how communities and stakeholders can be involved.

2.0 RECOMMENDATION

- 2.1 That the following documents are agreed;
- a) the new Local Plan Launch Document (Annex1) for publication
 - b) the revised Local Development Scheme 2022 (Annex 2),
 - c) the Engagement Strategy (Annex 3) for the preparation of the new Local Plan,

d) the Statement of Community Engagement (Annex 4), and

- 2.1 Delegated authority is granted to the Head of Planning, in consultation with the Cabinet Member for Planning and Licensing, to make minor amendments and correct any errors to the above documents before publication.**

3.0 THE REPORT

The Launch document

- 3.1 The draft launch document is attached as Annex 1. The launch document will initiate an ongoing programme of engagement with residents, communities, partners and stakeholders to develop the plan's objectives, policies and proposals to inform the preparation of an options paper in the Autumn of 2023.

Local Plan Priorities and Scope

- 3.2 The council's primary ambitions for the Local Plan, drawing from the Corporate Strategy, the One Shared Vision, and other key emerging strategies (such as the Economic Strategy and Health & Wellbeing Strategy), are;

- Responding to the challenge of the climate emergency and facilitating the goal of net zero carbon by 2030,
- Establishing a transformational approach to protecting and enhancing nature,
- Maximising delivery of affordable housing to respond to the district's demographic, social and economic needs,
- Creating the opportunity for the types of jobs that are needed in our communities and ensuring that there is the right type of space for businesses to grow

- 3.3 The Local Plan will need to address a range of sometimes conflicting aims, and these tensions will need to be worked through as the plan progresses by having a clear understanding of the desired outcomes, assessing the relevant evidence, considering the alternative options and formulating policies and selecting development sites.

- 3.4 Other issues in scope of the Local Plan are:

- Maintaining a 5-year housing land supply and facilitating delivery of necessary type and scale of new homes to respond to the District's social and economic needs, (students, key workers, HMOs, travellers, boat dwellers, self-build, homes for older people, supported accommodation for residents with health and social care needs)
- Embedding an approach to transport and movement which facilitates behavioural change and the 15-minute neighbourhoods concept
- Ensuring that new development is aligned with the necessary infrastructure, including community facilities and green infrastructure,

This would require that the B&NES Local Plan covers the period to 2040 but it would be wise to include an element of buffer. In any case plans must be reviewed at regular intervals (at least 5 yearly) to make sure they remain up-to-date.

4.0 STATUTORY CONSIDERATIONS

- 4.2 The process for the preparation of local plans is primarily set out in the Planning & Compulsory Purchase Act 2004 (as amended) (the 2004 Act) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (the 2012 Regulations), national planning policy (the National Planning Policy Framework 2019) and national guidance (National Planning Practice Guidance). Other legislation is also relevant such as the Environment Act 2022. The Council must produce a Local Plan that is sound. The Planning Acts require that planning applications must be determined in accordance with Development Plan (which includes Neighbourhood Plans) unless material considerations indicate otherwise.
- 4.3 Under the 2012 Regulations, the Launch Document will commence the initial consultation required by Regulation 18 of plan preparation, i.e. informal engagement. Section 17(6) and Section 13(2) of the 2004 Act require that Local Planning Authorities must keep under review the matters which may be expected to affect the development of their area such as;
- the principle physical, economic, social and environmental characteristics of the area;
 - the principle purposes for which land is used in the area;
 - the size, composition and distribution of the population of the area;
 - the communications, transport system and traffic;
- 4.4 Section 15 of the 2004 Act 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 draft LDS is included in Annex 2 for approval.
- 4.5 Section 18 of the 2004 Act 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 (see para 12.4 below).
- 4.6 Plan preparation must be informed by a Sustainability Appraisal and a Habitats Regulations Assessment.
- 4.6 Local planning authorities are under a duty to cooperate with each other under Section 33A of the 2004 Act, 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 strategic matters being addressed and the progress in cooperating to address them. The approach to be taken in the West of England UAs is currently being considered.
- 4.7 The Government is proposing a number of reforms to the Planning System in the Levelling-up and Regeneration Bill and the timetable for the preparation of the Local Plan will enable these to be taken on board before the draft plan is prepared.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.6 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.
- 5.7 The preparation of Planning Policies and Supplementary Planning Documents for the District is primarily funded by the Local Development Framework budget and national and regional grants. In particular, funding of £1.34m has been made available from the WECA Investment Fund to assess opportunities for strategic growth. The scope and progress of preparation of Supplementary Planning Documents will depend on priorities and the available resources.
- 5.8 The CIL charging levy is based on the Local Plan and generates substantial income (c.£20m over last 5 years) to fund infrastructure in the district. The charging levy will be reviewed alongside the preparation of the Local Plan, as will the approach to s.106 developer contributions.

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. A risk register will be maintained during the plan preparation. Key risks already identified so far;
- Ongoing changes to national legislation and national planning policy may cause delays in Local Plan preparation (see para 4.7 above)
 - Local and national elections may result in changes of policy direction during preparation of the local plan
 - Tensions between national, sub-regional and local objectives may be challenging to reconcile in the Local Plan
 - The scale of growth to be accommodated may result in very significant local objections to the Local Plan, particularly if Green Belt land is required to be released
 - Delivery of the necessary infrastructure/demand management measures may be challenging to implement due to the scale, cost and complexity of the measures needed
 - the West of England Combined Authority Mayor's decision to halt the preparation of the Spatial Development Strategy (SDS) entails a risk to the progression of the three West of England UA Local Plans because the Devolution Order requires the preparation of the SDS as part of the sub-regional planning framework. However, there is no time frame set for the preparation of a SDS and the UAs are entitled to progress their Local Plans in the interim. Therefore, to minimise the risk of challenge at examination on Duty to Co-operate grounds, the UAs need to set out how they will meet the requirements of the Duty to Co-operate in the preparation of their Local Plans and how they will consider strategic, cross-boundary issues early on in the process.

7 EQUALITIES

- 7.1 Preparation of the Local Plan will address a number of equality issues such as provision of affordable housing, employment opportunities, physical access to places and to buildings and the ability for some to engage in the plan preparation process. An Equality Impact Assessment will be maintained as part of the preparation of the Local Plan.
- 7.2 The formulation of the Engagement Strategy and the Statement of Community Involvement (see para 12.4 below) have been informed by an Equality Impact Assessment

8 CLIMATE CHANGE

- 8.1 An up-to-date planning policy framework is essential in delivering the Council's zero carbon ambitions. The Local Plan will need to direct development to the most sustainable locations and facilitate travel by sustainable modes. It will also need to secure sustainable construction methods and facilitate an increase in renewable energy generation.

9 OTHER OPTIONS CONSIDERED

- 9.1 The development plan is at the heart of the planning system. It is essential that local plans are in place and kept up to date. Section 19(1B) - (1E) 2004 Act sets out that each local planning authority must identify their strategic priorities and have policies to address these in their development plan documents (taken as a whole). Therefore, the Council doesn't have the option in this context not to prepare a Local Plan.

10 CONSULTATION

- 10.1 Community and Stakeholder Engagement is integral to plan preparation as is evident in the timetable. Community engagement will need to be planned and co-ordinated with other Council initiatives and engagement exercises. Whilst comments will be invited on the Launch Document, this will not entail a substantive engagement. Instead, it will initiate a programme of informal, ongoing discussions with communities and stakeholders leading to the more substantive Issues and Options consultation in autumn 2023.
- 12.2 In light of the importance of working closely with local communities on the Plan and the need to ensure co-ordination across a range of related initiatives, a Local Plan Engagement Strategy has been prepared (see Annex 3) and will need to be kept up-to-date.
- 12.3 An area of Local Plan work that will require a particular focus is the spatial strategy for B&NES and the formulation of options for broad locations for growth. A range of locations will need to be assessed across the district, working with adjoining authorities where relevant. These growth options will need more intensive community engagement but need to be set within a conversation of local community priorities and wider assessments of individual places. As of part the launch and to complement the process of identifying land for development, a 'Call for Sites' will be issued to cover not only the traditional request for development

sites, but also other sites which help deliver the council priorities e.g. sites for nature conservation enhancement or renewable energy generation.

- 12.4 The Council is required to prepare and keep up to-date a Statement of Community Involvement (SCI) which sets out the approach to engagement with communities, residents and stakeholders. This identifies under-represented groups where a particular focus is needed to facilitate engagement. The SCI has been updated and consulted on and will be published as part of the Local Plan launch (see Annex 4).

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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 Partial Update Options consultation document 2021</u></p> <p><u>Local Plan Partial Update Reg 19 submission Plan</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>
<p>Please contact the report author if you need to access this report in an alternative format</p>	