

BATH & NORTH EAST SOMERSET CORE STRATEGY EXAMINATION

COUNCIL'S RESPONSE TO INSPECTOR'S QUESTIONS (ID/7) ON COMPLIANCE WITH STATUTORY AND REGULATORY REQUIREMENTS

A) Has the Core Strategy been prepared in accordance with the Local Development Scheme (LDS) and have the relevant details in the LDS been met in respect of the role, rationale and scope of the CS?

1. **B&NES Response: The Core Strategy has been prepared in accordance with the Local Development Scheme.** The LDS has been revised a number of times since preparation of the Core Strategy began, most recently in July 2011 (CD5/28). The Council is satisfied that the Core Strategy is consistent with the role, rationale and scope detailed in the Local Development Scheme Review 2011 – 2014 DPD Profile (CD5/28, page 11). See also Legal Compliance Assessment (CD5/29) and Soundness Toolkit (CD6/S1).

B) Has the CS been prepared in compliance with the Statement of Community Involvement (SCI)?

2. The Core Strategy has been prepared in accordance with the Council's Statement of Community Involvement (SCI) (CD5/13) adopted in 2007. The Regulation 30(1)(d) Statement (Reg 25 participation/consultation) (CD5/8) and Regulation 30(1)(e) Statement (Regs 27 consultation) (CD5/9) articulates how the Council has met the requirements of the adopted SCI throughout both documents each of which includes a 'Statement of compliance with the Statement of Community Involvement'. See also Legal Compliance Assessment (CD5/29) and Soundness Toolkit (CD6/S1).

C) Does the CS comply with the 2004 Regulations (as amended) in relation to the publication of documents, advertising and notification?

3. The Council is satisfied that the provisions of the 2004 Regulations (as amended) have been met. The Regulation 30(1)(d) Statement (Reg 25 participation/consultation) (CD5/8) and Regulation 30(1)(e) Statement (Regs 27 consultation) (CD5/9) show how public engagement and consultation have been undertaken in accordance with the 2004 Regulations (as amended) and the Statement of Community Involvement (SCI) (CD5/13) and how the comments received have been taken into account in the preparation of the Core Strategy.

D) Has the CS had regard to the intentions of the Community Strategy?

4. Paragraph 1.02 of the draft Core Strategy (CD5/5) explains that this document is the spatial expression of the Sustainable Community Strategy (SCS) adopted in

2009 (CD4/O4). Paragraph 1.13 explains that the Core Strategy's Spatial Vision and Strategic Objectives have been developed in response to the SCS's six key drivers for change as set out in paragraph 1.12 of the draft Core Strategy (CD5/5). See also Legal Compliance Assessment (CD5/29) and Soundness Toolkit (CD6/S1).

E) Has the DPD been subject to sustainability appraisal (SA)? Does the SA show how different options perform and is it clear that sustainability considerations informed the content of the CS from the start?

5. The Core Strategy has been subject to Sustainability Appraisal throughout the process as explained in Topic Paper 1 – Core Strategy Preparation Process (CD6/S2) and documented fully in the following documents:

SA Scoping Report of Core Strategy and Site Allocations DPD (December 2007)

- SA Scoping Report (CD4/A1), Appendix A (CD4/A2), Appendix B (CD4/A3), Executive Summary (CD4/A4)

SA of Spatial Options (September 2009)

- Spatial Options SA Report (CD4/A5), Appendix A (CD4/A6)

SA of the Draft Core Strategy (November 2010)

- Draft Core Strategy SA Report (CD4/A10), Non-Technical Summary (CD4/A11), Annexes (CD4/A12)

SA of Draft Core Strategy Update to incorporate pre-submission Proposed Changes (April 2011)

- Sustainability Appraisal Draft Core Strategy – Non-technical Summary, Appraisal Report, Annex A, Annex B, Annex C, Annex D, Annex E, Annex F, Annex G, Annex H, Annex I (updated) (CD4/A13)

SA of Draft Core Strategy Update to incorporate all Significant Proposed Changes (September 2011)

- Sustainability Appraisal Draft Core Strategy – Non-technical Summary, Appraisal Report, Annex D, Annex J, Annex K (CD4/A17)

SA of Draft Core Strategy amended to reflect Bath Compensatory Storage Study (November 2011)

- Sustainability Appraisal Draft Core Strategy – Appraisal Report (CD4/A20) and Annex D, (CD4/A21)

6. The Council's response BNES/1 (paras 2.2 – 2.11) to issues raised by the Inspector in ID/1 (paras 5 – 7) outlines in more detail how the how alternative options were assessed and rejected.

F) Is the CS in general conformity with the Regional Strategy (RPG10)

7. As set out in BNES/1 the Council considers that the Core Strategy is in general conformity with RPG10 (CD3/3).
8. The spatial strategy set out in the submission Core Strategy is considered to generally conform with RPG10 in that it focuses most of the development within the 'Principal Urban Area' (PUA) in the District (i.e. Bath) and seeks to provide for smaller scale development to meet local needs in the towns and villages within the District and resists substantial expansion of 'dormitory towns' within easy commuting distance to the PUAs.
9. With regard to a figure for housing provision it should be noted that RPG10 (CD3/3) covers a different period (1996-2016) to that covered by the Core Strategy (2006-2026) and housing figures are only set out at a county level (former county of Avon). Policy HO1: Level of Housing Demand 1996-2016 requires the former county of Avon makes provision for 3,700 dwellings per annum. The Bath & North East Somerset Local Plan (adopted 2007) (CD5/1) transposes this RPG10 figure to a requirement for B&NES which amounted to 457 dwellings per annum. The Core Strategy's annualised housing delivery requirement is 550 (11,000/20 years), this is about 20% greater than that set out in RPG10. Therefore, in this respect the Core Strategy is also considered to be in general conformity with RPG10.
10. RPG10 also requires under Policy SS4 that the general extent of the Green Belt is reviewed in order to consider whether boundary alterations are needed to accommodate long term sustainable development needs. Through work with the West of England Partnership to inform the emerging RSS for the South West the Council undertook a strategic Green Belt review in the context of accommodating the growth levels established through the draft RSS (CD3/4) up to 2026. The Council has recently added the relevant evidence to the Core Document List (see CD3/16: West of England Joint Study Area Second Report, Appendix 18 - Strategic Appraisal of Green Belt in the West of England and CD3/17: Strategic Green Belt Review - Colin Buchanan for the South West Regional Assembly). The strategic Green Belt review evidence was used and supplemented by further work in preparing the Core Strategy Spatial Options document (see CD6/O2 and CD6/O3). The Spatial Options document identified urban extension options and therefore, areas of land that would potentially have been removed from the Green Belt in order to meet the growth requirements set out in draft RSS.
11. The submission Core Strategy does not plan for the removal of land from the Green Belt. This is for a number of reasons (as explained in Topic Paper 2), in summary because:
 - i) it is not necessary to accommodate the level of growth planned for in the submission Core Strategy up to 2026 which is greater in terms of annual rates than that required by RPG10;

- ii) the removal of land from the Green Belt would have significant environmental implications; and
- iii) the views of the local community

G) Have the requirements of the Habitat Regulations been satisfied?

12. The Council considers that the requirements of the Habitat Regulations have been met as explained in Topic Paper 1 – Core Strategy Preparation Process (CD6/S2). A Habitat Regulations Assessment (HRA) has been undertaken of the Spatial Options (September 2009, CD4/A9), the Draft Core Strategy (November 2010, CD4/A16) and the Significant Proposed Changes to the Draft Core Strategy (September 2011, CD4/A18). Natural England has been involved throughout the process and confirmed the HRA of the draft Core Strategy is fit for purpose in a letter dated 20 November 2010 (CD4/A22) and also signed off the HRA of the Significant Proposed Changes as fit for purpose (this is reflected in the HRA itself).

H) Has the section 110 (duty to co-operate) of the Localism Act 2011 been met?

13. Section 110 of the Localism Act 2011 requires that a local planning authority engages constructively, actively and on an ongoing basis in the preparation of development plan documents with other local planning authorities and to have regard to their activities in DPD preparation so far as relating to a strategic matter.
14. The rest of this paper sets out how B&NES has co-operated with adjoining Planning Authorities in the preparation of the B&NES Core Strategy and contributing to the Core Strategies of adjoining Authorities.

The West of England Partnership (WEP)

15. The West of England Partnership (WEP) has provided the primary mechanism for co-operation with adjoining Planning Authorities to enable the planning of sustainable development across the sub-region. It has also facilitated co-operation with a range of other delivery partners in the preparation of Core Strategies. The WEP was formed in 2005 to tackle strategic issues that are better planned at the West of England level, rather than at the local level. Key priorities included transport, waste planning, housing growth, economic development, inward investment and skills.
16. The WoE Heads of Planning meet on a monthly basis and at the political level there was a Partnership Board, two Joint Committees with executive functions (Joint Transport Executive Committee and Joint Waste Management Committee), two further Boards (Planning, Housing and Communities Board and Skills and Competitiveness Board) and a Joint Scrutiny Committee.
17. The WEP has acted as the focus for cross-boundary working on spatial planning. It has now been replaced by the West of England Local Enterprise Partnership

(LEP). The LEP brings the authorities together with local businesses and education to create a new body that will provide the focus for continued joint working to support sustainable economic growth locally.

The West of England Multi-Area Agreement ('MAA')

18. In September 2009 the four West of England authorities signed a Multi Area Agreement (MAA) with Government. The MAA provided a framework for cross-boundary partnership working at the sub-regional level. It brought together key players in flexible ways to tackle issues that are best addressed in partnership at a sub-regional level.
19. The signed agreement focuses on three key areas of delivery of relevance to the preparation of Core Strategies:
 - Plan and manage growth in homes and jobs in urban, brownfield locations.
 - Improve access and reduce traffic congestion to increase competitiveness and quality of life.
 - Improve skills and reduce worklessness to increase competitiveness and regenerate communities.

Delivery & Infrastructure Investment Plan (DIIP)

20. The WoE authorities, working closely with the HCA, prepared a Delivery and Infrastructure Investment Plan (DIIP) for the sub-region. The plan was concluded in March 2010 using the HCA's 'Single Conversation' business model. A Programme Board ensures delivery of the plan including dealing with slippage or over-runs.
21. The DIIP identifies the 'place-based' priorities for public investment in support of development over the five years to 2015. These priorities are drawn from emerging Core Strategies and identify the levels of public investment needed to support infrastructure and affordable housing provision. The plan therefore reflects a sequential approach to managing growth in new homes and jobs where the most sustainable locations for development are prioritised to facilitate urban, brownfield regeneration.
22. Since its publication the housing and jobs figures and levels of investment which underpin the plan have changed. While the authorities intend to review the document, the overall approach, including the focus on strategic priorities remains relevant as the continued basis for prioritising public sector investment.

The Housing Market Partnership (HMP),

23. The West of England Housing Market Partnership (HMP), formed in 2007, brought together housing and planning representatives from the four West of England authorities, Mendip and (former West) Wiltshire Councils and other key stakeholders that contribute to and influence the delivery of housing in the West of England Housing Market Area.

24. The HMP uses the collective knowledge and expertise of the partners to guide the development of the West of England Strategic Housing Market Assessment (SHMA) and Strategic Housing Land Availability Assessments (SHLAAs), which inform Core Strategy preparation.

Local Economic Assessment

25. The authorities are working together to produce a Local Economic Assessment of the West of England Partnership area. This document provides a comprehensive assessment and analysis of key issues for the natural economic geography of the West of England, taking particular account of any strategic issues by highlighting the key opportunities and issues. The LEA is due to be finalised in late November/early December 2011.

Transport

26. The WoE councils have worked together to plan for the strategic investment in transport infrastructure needed to support the level of growth envisaged in Core Strategies including:
- First Joint Local Transport Plan (JLTP) 2006 to 2011.
 - Development and implementation of Travel + branding.
 - Replacement Joint Local Transport Plan³ (2011 to 2026) adopted and began in April 2011

Green Infrastructure

27. One of the main attractions of the area, and which has contributed to its economic success, is the outstanding and diverse natural environment. In recognition of this Bristol City Council, Bath & North-East Somerset Council and South Gloucestershire Council have jointly agreed the West of England Green Infrastructure Framework.
28. The Framework includes a vision and strategic objectives for protecting and enhancing green infrastructure (GI) across the West of England. It also clearly identifies GI routes and corridors of strategic importance, the benefits of multi-functional green infrastructure and the principles which should underpin plans, strategies or development proposals for the area.
29. This work is steered by West of England Green Infrastructure Group, (whose membership comprises of the authorities, Natural England, the Environment Agency and Forestry Commission). The is now exploring the benefits of establishing a Local Nature Partnership and is seeking funding from Defra to develop a more integrated approach to the natural environment involving expanded partnership working.

Climate Change

30. The WoE Partnership sought to ensure that the strategies, plans and actions of each authority were developed in order to reduce carbon emissions, adapt to climate change and support the green economy. This enabled the UAs to develop action plans specifically geared at addressing these issues.

Research and Intelligence

31. The authorities take a joint approach to research and intelligence across the West of England. A Joint Planning Data Group meets regularly to ensure consistency, best practice and reduce duplication of effort. The Partnership Office consistently monitors information, co-ordinates sub-regional information and research and collates local data sets to provide a sub-regional analysis on key issues.

Collaborative working with partners

32. The authorities recognise that to deliver enough jobs and homes in the right places they need to work collaboratively with the development industry, statutory bodies and communities.
33. To foster better working arrangements on cross-boundary transport and environmental issues, the authorities signed a Memoranda of Understanding with the Highways Agency, the Environment Agency and Natural England.
34. The WEP authorities also hosted a series of events with development industry partners aimed at developing practical approaches to unblocking the obstacles which hold up major developments.

West of England Local Enterprise Partnership (LEP)

35. The LEP was established in October 2010. It is business-led with equal representation on the LEP Board between public/private sectors, with strong involvement from local business, the authorities, higher education (HE) and further education (FE).
36. Working groups have been established to support key business sectors. A cross-cutting theme group on Place and Infrastructure has also been formed to advise the LEP Board and the Joint Transport Executive Committee and the Planning, Housing & Communities Board, which have been retained.

Meetings with adjoining LPAs

37. In addition to above, B&NES has undertaken one to one meetings with adjoining LPAs over preparation of Core Strategy. The Council is aware that there are outstanding objections from Wiltshire & Mendip districts and the Council is seeking to address their concerns as far as possible.