

Bath & North East Somerset Placemaking Plan

COUNCIL'S RESPONSE TO ID/3: MATTER 1 - PROCEDURAL REQUIREMENTS

Issue: Whether the Placemaking Plan meets the legal process and requirements?

A. Has the Plan been prepared in accordance with the Local Development Scheme?

1. The Placemaking Plan has been prepared in accordance with the Local Development Scheme (LDS). The LDS has been revised a number of times since preparation of the Placemaking Plan commenced, most recently in May 2016 (CD/PMP/28). The Council is satisfied that the CD/PMP/G19 is consistent with the role and content as detailed in the Local Development Scheme Review 2015 – 2019 DPD Profile (CD/PMP/G19, page 19). See also Legal Compliance Assessment (CD/PMP/G15) and Soundness Toolkit (CD/PMP/G16).

B. Has the Plan been prepared in compliance with the Statement of Community Involvement?

2. The Placemaking Plan has been prepared in accordance with the Council's Neighbourhood Planning Protocol (Statement of Community Involvement) adopted in 2012 and updated in 2014 (CD/PMP/G17). The Regulation 18 Consultation Statement (CD/PMP/G12) and the Regulation 22(1)(c) Consultation Statement (CD/PMP/G13) articulate how the Council has met the requirements of the Neighbourhood Planning Protocol. See also the Legal Compliance Checklist (CD/PMP/G15) and Soundness Toolkit (CD/PMP/G16).

C. Has the Plan had regard to the Sustainable Community Strategy?

3. There is no longer a duty on authorities to maintain a Sustainable Community Strategy¹. However, links with the Sustainable Community Strategy (2009 - 2026) (CD4/O4) are still expressed in the Draft Placemaking Plan (Vol. 1, page 2). This is now superseded by the on-going work of the Council's Public Services Board as articulated on page 8 of Vol. 1 of the Draft Placemaking Plan. See also the Legal Compliance Checklist (CD/PMP/G15) and Soundness Toolkit (CD/PMP/G16).

D. Has the Plan been subject to adequate Sustainability Appraisal?

4. The Placemaking Plan has been subject to Sustainability Appraisal throughout the process and documented fully in the following publications:

¹ Deregulation Act 2015, Section 100 repeals the duty to prepare a Sustainable Community Strategy.

Sustainability Appraisal Scoping Report for the Placemaking Plan - CD/PMP/G20:
Placemaking Plan Sustainability Appraisal Scoping Report (September 2013, updated
November 2014)

- Annex A: Policy Plan and Programme Review
- Annex B: Baseline Data
- Schedule of Consultation Responses 2013
- Schedule of Consultation Responses 2014

Sustainability Appraisal of the Placemaking Plan Options document - CD/PMP/G21:

- Placemaking Plan Options Sustainability Report (November 2014)
- Placemaking Plan Options Sustainability Report, Annex A - Part 1
- Placemaking Plan Options Sustainability Report, Annex A - Part 2

Sustainability Appraisal of the Draft Placemaking Plan (December 2015) - CD/PMP/G9:

- Non-Technical Summary; Main Report; Annex A: Review of Relevant Plans, Programmes and Strategies; Annex B: Baseline Data; Annex C: Placemaking Plan Alternative Options Appraisal Matrices; Annex D: Draft Placemaking Plan Policy Appraisal Matrices; Annex E: Cumulative Impact of Placemaking Plan Policies and Amended Core Strategy Policies; Annex F: Core Strategy Amendments Screening; Annex G: Core Strategy Amendments Appraisal Matrices; Annex H: Potential Cumulative Effects with Other Plans; Annex I: Contextual Indicators Monitoring programme.

5. The Council is therefore satisfied that the Placemaking Plan has been subject to adequate Sustainability Appraisal.

E. Has the Plan been prepared in accordance with the Habitat Directive?

6. The Council considers that the Placemaking Plan has been prepared in accordance with the Habitat Directive. An initial scoping of Habitat Regulations Assessment (HRA) issues was undertaken of the Placemaking Plan Options document was undertaken in November 2014 (CD/PMP/G22). The HRA of the Draft Placemaking Plan was published in December 2015 (CD/PMP/G10). Natural England has been involved throughout the process and confirmed the HRA of the Draft Placemaking Plan is fit for purpose in a letter dated 3rd March 2016 (CD/PMP/G11). See also the Legal Compliance Checklist (CD/PMP/G15).

F. Have all the procedural requirements for publicity been met (both in relation to the Placemaking Plan (Part 2) and alterations to the CS (Part 1))?

7. The Council is satisfied that the provisions of The Town and Country Planning (Local Planning) (England) Regulations 2012 have been met. The Regulation 18 Consultation Statement (CD/PMP/G12) and the Regulation 22(1)(c) Consultation Statement

(CD/PMP/G13) show how public engagement and consultation have been undertaken in accordance with the 2012 Regulations and the Neighbourhood Planning Protocol (CD/PMP/G17) and how the comments received have been taken into account in the preparation of the Placemaking Plan. The Council's response to Question 4 in ID/1 provides further clarification on the procedural requirements for publicity regarding the alterations to the Core Strategy (BNES/PMP/001). See also the Legal Compliance Checklist (CD/PMP/G15) and Soundness Toolkit (CD/PMP/G16).

- G. Has the Council submitted robust evidence to demonstrate that it has met the duty to cooperate?**
8. The Council has produced a Statement of Compliance with the Duty to Cooperate (CD/PMP/G14) which details how it has met its duty under Section 33A of the Planning and Compulsory Purchase Act 2004 in relation to the Placemaking Plan.