

Part 3

The Implementation Plan

3.1 Delivery Strategy for BWR

The Need for a Delivery Strategy

- 3.1.1 This part of the SPD sets out the delivery strategy for BWR. An Implementation Plan is required in order to ensure that the Spatial Masterplan contained in this SPD is achieved on the ground. There is a pressing need, determined by the commitments in the Local Plan and also in the interests of the Bath economy, for the redevelopment of BWR to be finally realised as the first phase of the Future for Bath Vision.
- 3.1.2 This Implementation Plan sets out how the regeneration and redevelopment of BWR will take place and what the requirements of individual proposals will be, in order to meet the various stated objectives. Implementation on the ground is anticipated to commence in 2007 and continue until at least 2021.

Delivery Roles

- 3.1.3 In order to achieve the regeneration and redevelopment of BWR, in accordance with the various objectives, there has to be a joined-up approach from the various parties involved in the project. Their particular roles are as follows:

Bath & North East Somerset Council

- 3.1.4 The Council has a variety of roles to play before, during and after the redevelopment of BWR. The Council's Major Projects Team has a co-ordinating role with all parties, particularly with South West RDA and developers. The Council's role as Local Planning Authority, which begins with the preparation and adoption of this SPD, will continue through the consideration of planning applications for large areas of the site and more detailed applications too.

- 3.1.5 The Council's various services also have an on-going role in servicing the completed development, including waste management, education, and maintenance of public areas and highways.
- 3.1.6 The Council also has a land owning interest in BWR, being the freeholder of Green Park Station and the existing Sainsbury's site, and the owner of the existing Midland Road Depot.
- 3.1.7 Finally, the Council has powers to serve Compulsory Purchase Notices, if required. The Council originally resolved to utilise these powers, if necessary, in relation to BWR in 2000 and again in April 2006.

Developers

- 3.1.8 These will range from developers with plans for the comprehensive redevelopment of large areas of BWR who are carrying out land assembly, to developers who are focussing on more limited areas of BWR for specific developments.

Existing Uses and Landowners

- 3.1.9 These fall into the following general categories:
- those likely to remain at BWR
 - those who will have to re-locate, possibly outside of BWR

Potential Providers of Gap Funding

- 3.1.10 The South West RDA has consistently supported work concerning BWR, including the recent Masterplanning exercise that has led to the preparation of this SPD. Their future role is currently being discussed, in the light of the emerging Future for Bath Vision.
- 3.1.11 The Housing Corporation has a key role to play if BWR is to successfully deliver a significant amount of affordable housing on site to meet identified local need. Grant applications for gap funding have already been made, and discussions regarding this must continue in tandem with discussions over specific planning proposals.
- 3.1.12 There is a potential role for English Partnerships to play in the implementation of BWR, which will be clarified in the light of the emerging Future for Bath Vision.
- 3.1.13 A single major scheme bid was submitted to the Department for Transport in March 2006 for significant funding towards Bath transport solutions, including a rapid transit scheme from a new Newbridge Park & Ride site to the new Bath transport interchange at Southgate. These elements of transport infrastructure are of great significance to BWR.

Statutory Consultees

- 3.1.14 English Heritage has a particular interest in BWR, as it involves the redevelopment of a 35Ha area of the Bath World Heritage Site. English Heritage has taken a positive and proactive role in the recent Masterplanning exercise and the preparation of this SPD. The close involvement of English Heritage will continue with regard to the emerging detailed proposals.
- 3.1.15 CABE also has a key role to play regarding BWR. This SPD has been influenced by the CABE guidance: Creating Successful Masterplans – Guide for Clients. It is also expected that significant development proposals at BWR will be the subject of CABE Design Reviews.
- 3.1.16 The Environment Agency clearly has a role with regard to the redevelopment of this significant riverside site. The EAs guidance has been sought with regard to this Masterplan, and should also be engaged with at the pre-application stage.

- 3.1.17 British Waterways also has a key role with regard to the focus of the development on the river and the required enhancement of the role that the river plays in this part of Bath. British Waterways should also be engaged with at the pre-application stage.
- 3.1.18 English Nature has an interest in the site, particularly with regard to the river's designation as a Site of Nature Conservation Interest (SNCI). English Nature should also be consulted by applicants at the pre-application stage.

Stakeholders

- 3.1.19 Bath & North East Somerset Local Strategic Partnership will seek to add value where possible by engaging partner organisations to progress the Community Strategy's ambitions.
- 3.1.20 Interest groups and amenity bodies such as the Bath Preservation Trust, Bath Society, and Friends of the Earth have a valuable role to play in commenting on the proposals contained in this SPD and also individual development proposals.
- 3.1.21 Private individuals – those living within BWR, those living near BWR, and other residents of Bath, given the scale of BWR, also have a valuable role to play in commenting on proposals for BWR.

Delivery Mechanisms

- 3.1.22 The main method of achieving the delivery of the regeneration and redevelopment of BWR will be through the granting of planning permissions for acceptable developments with associated s.106 Agreements. The implementation of planning permissions for developments that meet the requirements of the Spatial Masterplan in this SPD, and the development requirements set out in section 1.5 of this SPD, will result in developments that meet the objectives of this SPD. Conditions and planning obligations associated with such permissions will also control the development, with section 106 agreements securing appropriate contributions in line with section 3.3 of this SPD and also providing a significant level of affordable housing.

- 3.1.23 Potentially, there may be development agreements between parties including the Council, landowners, developers, potential occupiers and gap funders. Such agreements would reinforce the delivery of key requirements by introducing contractual arrangements to these elements.
- 3.1.24 As mentioned in 3.1.7, the Council has the ability to use its Compulsory Purchase Powers if required to assist in the delivery of key elements of BWR.

3.2 Phasing Strategy

- 3.2.1 The Council supports the principle of a phased approach to the delivery of comprehensive development at BWR. During the Local Plan Inquiry in 2005 the Council amended the wording of the relevant part of Policy GDS1:Site 1 to state the following:

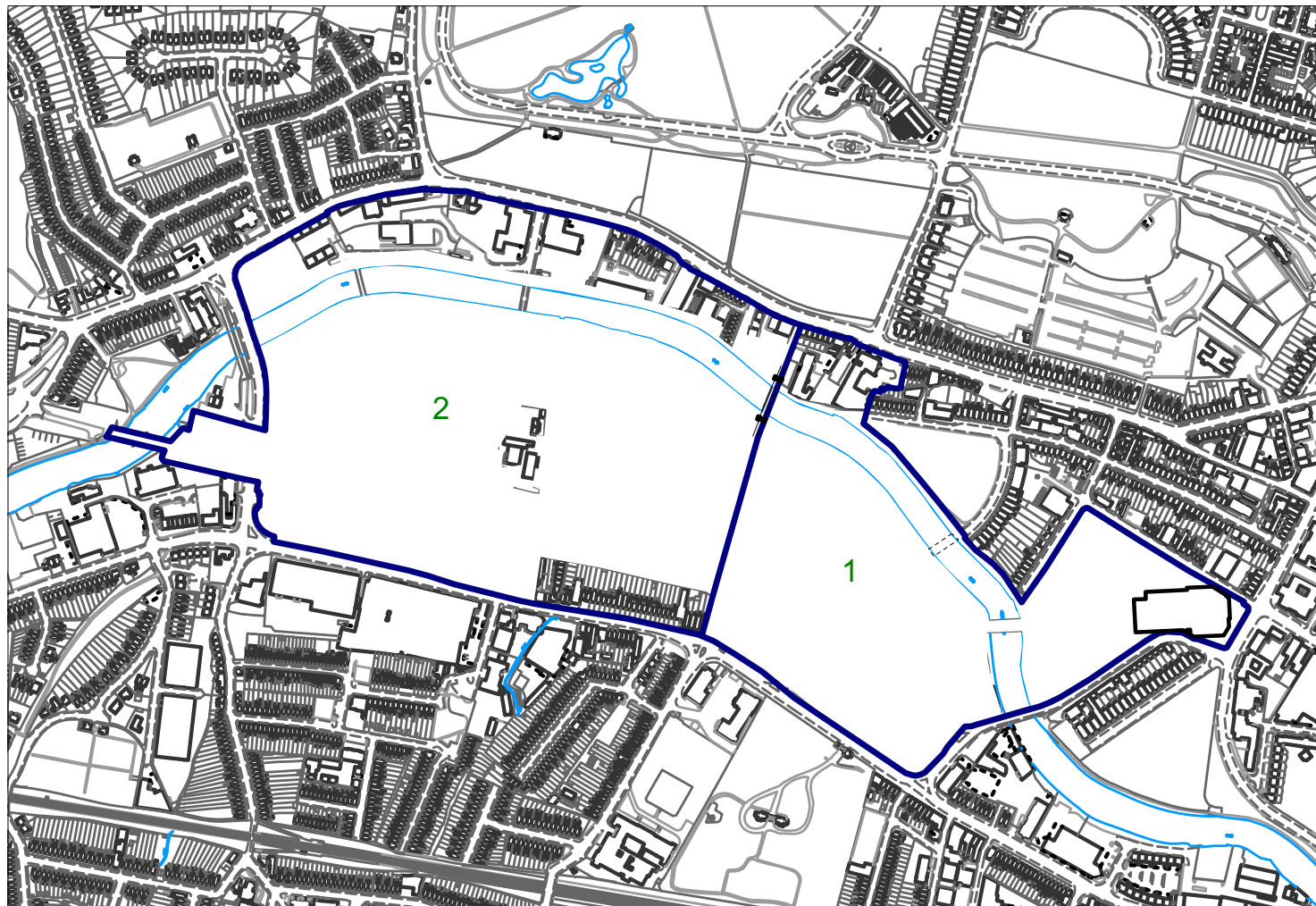
Any planning application will need to demonstrate that it is consistent with and contributes to the delivery of comprehensive development of the whole site by reference to an approved Masterplan which accords with this policy.

- 3.2.2 This SPD sets out the Council's terms for accepting individual development phases at BWR. The Spatial Masterplan included in this SPD sets out a framework for the comprehensive redevelopment of BWR. However, the Masterplan is at a 'zonal' level, and a further level of masterplanning work will be required in order to properly inform individual proposals and ensure that individual schemes are not being designed in isolation. This lies at the heart of the requirement for Context Plans set out in section 3.4.

- 3.2.3 Whilst the Council accepts that the redevelopment of the BWR area can come forward in individual phases, within the zonal framework of the Spatial Masterplan, such phases have to be significant enough to contribute meaningfully towards the comprehensive redevelopment of the whole site. If the redevelopment of BWR were to be dealt with in numerous small sites, the approach would be too fragmented and the benefits of a comprehensive approach would soon be lost.
- 3.2.4 Therefore, set out below and on Plan 3.1 are the two Development Zones that the Council consider are appropriate. The zones are as follows:
 1. Eastern Zone, including north of the river and Green Park Station.
 2. Western Zone, including north of the river and RTS link to the west.

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Plan 3.1 Bath Western Riverside Development Zones



3.2.5 The acceptability of individual phases of development at BWR will be determined through the submission of Context Plans, a definition of which is set out in the box below.

Planning applications submitted for proposals within BWR must comply with one of the following:

- A. Applications must be accompanied by an acceptable Context Plan for the entire Development Zone within which the application site is located; or**
- B. Applications must be in accordance with a Context Plan that has previously been approved under A above; or**
- C. Applications must propose a form of development that is of either equal or superior quality, in terms of conformity with this SPD, when compared to a Context Plan that has previously been approved under A above.**

3.2.6 In addition to the relevant zone, the Context Plan submitted with an application, which will cover the entire Development Zone, must also illustrate how the adjacent land could be developed. This will particularly apply to land on the opposite side of a road, and on the opposite bank of the River.

3.2.7 Context Plans will be approved through the Development Team process and will be considered within the context set through the Local Development Framework.

Context Plans

The purpose of the context plans is to provide a framework for the integration of the new urban neighbourhoods with the surrounding urban context and natural environment.

The plans should reflect the development principles set out in the SPD, including the proposals for the distribution of activities and uses that are proposed for each zones.

The plans should:

- Show how the streets, squares and open spaces within each zone are to be connected to surrounding neighbourhoods;
- Identify the network of movement patterns for people moving by foot, cycle, car and public transport to surrounding neighbourhoods;
- Define the heights, massing and bulk of buildings;
- Include the immediate interface to that zone, whether within the SPD boundary or otherwise;
- Include two dimensional layout plans and three dimensional massing diagrams.

- 3.2.7 The Council considers that this approach allows for phased delivery of the BWR redevelopment, whilst protecting the comprehensive framework for BWR and achieving the key objectives of BWR.

3.3 Developer Contributions

Introduction

- 3.3.1 This section on developer contributions follows the advice contained in ODPM Circular 05/2005 on Planning Obligations and provides detailed guidance on how the Council will apply the following policies of the Bath & North East Somerset Local Plan in relation to BWR:

- IMP1 (Planning Obligations)
- CF3 (Contributions from new development to community facilities)
- SR3 (Provision of recreational facilities to meet the needs of new development)
- HG8 (Affordable housing on allocated and large windfall sites)
- T24 (General development control and access policy)

- 3.3.2 As set out in para. 1.1.14, when adopted, the SPD will be a material consideration in the determination of applications for planning permission and will form the basis for planning obligations to deliver better infrastructure, environmental enhancements and community facilities where needed at BWR.

- 3.3.3 The Council will regularly review this guidance to take account of:
- changes in government guidance;
 - adoption of new development plan documents in the LDF;
 - experience gained through negotiation of contributions; and
 - changes in the costs of providing infrastructure and community facilities.

- 3.3.4 Appendix C sets out the Planning Obligation requirements. These are in 3 parts as follows:
- affordable housing
 - specific infrastructure requirements which are expected to be provided as part of the development
 - formulae for pooled contributions to mitigate the effects of development

Affordable housing

Specific infrastructure requirements which are expected to be provided as part of the development

Formulae for Pooled contributions to mitigate the effects of development

- 3.3.5 The use of formulae for pooled contributions enables the Council to set contributions on an equal basis for different phases of the development, from different developers, over a period of time, in a way that maximises transparency, and helps to fund needs arising from the development as a whole.
- 3.3.6 The rest of this section sets out the Government policy context, and the Council's approach to negotiations and monitoring.

Government Policy

- 3.3.7 Section 106 of the Town and Country Planning Act 1990 (as amended) provides for any person interested in land to enter into certain types of obligation whether by agreement or unilaterally. Those types of obligation are limited to:

- restricting the development or use of land;
- requiring specified operations or activities to be carried out in, on, under or over the land;
- requiring the land to be used in a specified way; and
- requiring a sum or sums to be paid to the local planning authority on a specified date or dates, or periodically.

- 3.3.8 Case law has established that there must be some geographic or functional connection between the planning obligation and the planning permission sought. As long as such a connection exists it is a matter for the local planning authority to decide the weight to be given to the obligation in determining the application.

- 3.3.9 However, the Government has provided policy guidance, most recently in ODPM Circular 5/05 – Planning Obligations (July, 2005). The Circular reiterates previous guidance that planning obligations should only be sought where they are:

- relevant to planning;
- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development;
- fairly and reasonably related in scale and kind to the proposed development; and
- reasonable in all other respects.

- 3.3.10 The Circular also provides guidance on provision for subsequent maintenance of facilities and on pooling developer contributions in cases where individual developments will have some impact but not sufficient to justify the need for a discrete piece of infrastructure. It also encourages local authorities to employ formulae and standard charges as part of their framework for negotiating and securing planning obligations. They can help speed up negotiations, and ensure predictability, by indicating the likely size and type of some contributions in advance.

- 3.3.11 In addition to Circular 5/05, guidance on the use of planning obligations in relation to specific aspects of development has been provided in Government Planning Policy Statements (PPSs) and Planning Policy Guidance Notes (PPGs).

- 3.3.12 The details are set out in a separate appendix – Appendix C.

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Negotiating Planning Obligations

- 3.3.12 In determining planning applications, the Council will have regard to relevant Government policy guidance and local planning policies and particularly consider whether a planning obligation is necessary; relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other aspects.
- 3.3.13 The Council's strategy for seeking developer contributions at BWR is complemented by a process which will ensure that the negotiation of contributions runs smoothly for both the applicant and the authority.
- 3.3.14 Drafting of planning agreements will be undertaken by the Council's solicitors. In order to ensure that agreements are dealt with quickly and efficiently, the developer should provide with the planning application evidence of title to the land and a solicitor's undertaking to pay the Council's reasonable legal costs whether or not the matter proceeds to completion. Developers should also inform us immediately if there is any change in the ownership of the application site, as failure to do so can lead to delays.
- 3.3.15 It is our intention that by the time the proposal is considered by the Development Control Committee, the matters which have the potential to be included in the obligations should be known and agreed with the applicant, in principle if not in detail. The obligations (including when those obligations are triggered) will be set out as part of the Committee report, and the heads of terms will be placed on Part 1 of the statutory planning register. This process should help to ensure a speedy completion of the agreement or undertaking following the Committee resolution.
- 3.3.16 If a developer feels that the Council is placing unreasonable burdens on a proposal, we will expect an 'open book' approach to be adopted whereby the development finances are shared with Council officers. If we agree that a scheme cannot reasonably afford to meet all of our normal requirements, these may be prioritised in negotiation with the developer subject to the scheme being acceptable in all other respects.

Monitoring Planning Obligations

- 3.3.17 Infrastructure works and highway improvements directly associated with the development are normally required to have been carried out before occupation, although in some instances these may be required before any development can take place. Financial contributions for other off-site works and longer term projects will normally be expected on commencement of development but in some cases on occupation may be acceptable. Building and construction costs will be indexed in legal agreements to allow for changes in costs and prices over time.
- 3.3.18 The Council will track compliance with each provision contained in a legal agreement as a development proceeds to ensure that services are spending financial contributions and completing non-financial obligations in accordance with the terms in the agreements. In order to provide this service, we will levy an administration charge on each legal agreement equivalent to 1% of the value of the contribution.

3.4 Information Requirements for Planning Applications

Form of Applications

- 3.4.1 It is anticipated that development proposals for BWR will come forward as a number of individual planning applications, although this is subject to the requirements set out in section 3.2 of this SPD. Recognising that applications will cover significant areas of the site (due to the requirements of section 3.2) and that development will take place over a 10 – 15 year construction period, the Council accepts that outline applications will be made. Due to the need for all proposals within BWR to be subject to Environmental Impact Assessment (see para. 3.4.2), and having regard to case law on this subject, outline applications will at least have to seek approval for access, layout, and scale (as defined in the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006).

Environmental Impact Assessment

- 3.4.2 All planning applications within the BWR area will normally be required to be accompanied by an Environmental Statement in accordance with the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999 or such legislation as may amend or replace these regulations.
- 3.4.3 Applications will fall within section 10 (urban development projects) of Schedule 2 of the 1999 Regulations. Bath's status as a World Heritage Site means that the applications will be made within a defined 'sensitive area' and therefore the usual thresholds will not apply.
- 3.4.4 Applications will be for an integral part of an inevitably more substantial development, therefore, by virtue of paragraph 46 of Circular 02/99 – Environmental Impact Assessment, EIA will be required.

Supporting Information

- 3.4.5 Applications should be accompanied by the following:
- Environmental Statement.
 - Transport Assessment.
 - Context Plan illustrating block form of development.
 - Design Statement – demonstrating how the proposals relate to the guidance in this SPD, especially the Spatial Masterplan and the Design Codes.
 - Sustainability Statement, including an Energy Use Assessment.
 - Statement of Community Involvement

3.5 BWR Design Codes

- 3.5.1 These are set out in a separate appendix – Appendix D.

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