

## Bath & North East Somerset Council

DECISION MAKER:	<b>Cllr Tim Ball, Cabinet Member for Housing, Planning, and Economic Development</b>	
DECISION DATE:	<b>On or after 21<sup>st</sup> March 2020</b>	EXECUTIVE FORWARD PLAN REFERENCE:
		<b>E3198</b>
TITLE:	<b>Updates to the Local Development Scheme, Local Plan and Statement of Community Involvement</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b> Attachment 1: The Local Development Scheme Partial Update 2020 Attachment 2: The Revised Statement of Community Involvement Attachment 3: The Local Plan Partial Update Commencement Document		

### 1 THE ISSUE

1.1 This report seeks three decisions which are to agree;

- (a) amendments to the Council's Local Development Scheme which is the Council's programme for the preparation and review of planning policies,
- (b) changes to the Statement of Community Involvement which sets out the approach to engaging residents and stakeholders in the preparation and review of planning policies, and
- (c) to undertake a partial update to the B&NES Local Plan, beginning with the publication of a Commencement Document to launch the process.

### RECOMMENDATION

**The Cabinet Member is asked to agree;**

- a. the amendments to the Interim Local Development Scheme 2020/21 (Attachment 1) to come into effect on or after 28<sup>th</sup> March,**
- b. the revised Statement of Community Involvement 2020 (Attachment 2), and**

- c. That;**
- i. the B&NES Core Strategy and Placemaking (the B&NES Local Plan) should be partially updated, and**
  - ii. the Local Plan Partial Update Commencement Document (Attachment 3) is published for consultation for a period of at least 6 weeks**
- d. that the Director of Development and Public Protection is given delegated authority to make minor amendments and correct any errors in the Local Development Scheme, the Statement of Community Involvement and Commencement Document prior to publication.**

## **2. THE REPORT**

### **Local Development Scheme**

- 2.1 The Local Development Scheme (LDS) is a statutory document setting out the programme for the preparation and review of the Council's planning policies. The Local Development Scheme must be made available publicly and kept up-to-date. It is important that local communities and interested parties can keep track of progress. The amended LDS is included in Attachment 1.
- 2.2 A review of the LDS is warranted by the need to update the Local Plan in light of the withdrawal of the Joint Spatial Plan. In B&NES the Local Plan consists of the Core Strategy and the Placemaking Plan. A full review of the LDS will be undertaken once there is greater clarity on the sub-regional working arrangements. In the interim, a programme is needed for changes to planning policies to respond to the Climate and Nature Emergency Declaration and a select number of other issues, primarily;
- a) boosting housing land supply
  - b) maximising the sustainability of the construction of new development
  - c) reflecting the more robust approach in national policy towards viability and provision of affordable housing
  - d) incorporating the Green Infrastructure Strategy proposals, including a review of the approach to the provision of open space
  - e) a revised approach to new Purpose Built Student Accommodation (PBSA)
  - f) updating the policy on Houses in Multiple Occupation (HMO)
  - g) facilitating the need for new renewable energy generation
  - h) provision of walking and cycling including safe walking routes
  - i) a review of the car parking standards including provision of electric vehicle charging points
  - j) amendments to the Old Mills employment land allocation.
- 2.3 A number of Supplementary Planning Documents (SPDs) also need updating in light of the Climate and Nature Emergency and other issues. These are;
- a. the Houses in Multiple Occupation (HMO) SPD
  - b. the Sustainable Construction and Retrofitting SPD
  - c. a B&NES Design Guide SPD to reflect the West of England Placemaking Charter and provide guidance on walking and cycling
  - d. the Planning Obligations SPD
  - e. The B&NES approach to Biodiversity Net Gain (SPD)

2.4 Other guidance and strategies needed during 2020/21 are;

- f. Preparation of the new statutory requirement for an Infrastructure Funding Statement to replace the CIL Spend Protocol to ensure spending aligns with the Council's new priorities in the Corporate Strategy,
- g. a review of the Infrastructure Delivery Plan to ensure that infrastructure supports Climate and Nature Emergency objectives and to ensure that new development is aligned with new infrastructure,
- h. a new Policies Map,
- i. The preparation of a Tree and Woodland Plan
- j. Review of the B&NES Green Infrastructure Strategy
- k. a Local Development Order for the Somer Valley Enterprise Zone

### **Statement of Community Involvement**

2.5 Local planning authorities must maintain a Statement of Community Involvement (SCI) to set out how they will engage with communities on the preliminary stages of plan-making. Local planning authorities must review their SCIs every 5 years from the adoption date to ensure they are up-to-date and effective in involving the community in all stages of the planning process.

2.6 The updated B&NES SCI (see Attachment 2) is an update to the Neighbourhood Planning Protocol (NPP) which was adopted in 2012 and reviewed in 2014. The SCI outlines the process for all consultations undertaken by the Council in relation to future development plan documents and planning applications. The review of SCI provides the opportunity to ensure that it accords with the new Corporate Strategy policy of giving people a bigger say.

2.7 The SCI provides advice and clarity on planning consultations to the community and developers with interest in Bath & North East Somerset. The SCI also aims to go beyond the statutory requirements for consultations in order to create better outcomes on planning issues within the district. The SCI identifies a range of target groups we need to make extra effort to engage with in the process of adopting planning policies.

### **Local Plan Partial Update Launch Document**

2.8 An up-to-date LP is of critical importance in the UK Plan led system and a 5 year review (PR) with a full plan or partial update is a requirement for every Local Plan (LP). The B&NES LP was reviewed in 2019 and this identified the need for policies to be updated. These updates were to be undertaken in the context of the West of England Joint Spatial Plan as there are a number of strategic issues that need to be resolved sub-regionally. However, as the JSP has now been withdrawn, the most urgent policies will need to be updated through a partial review of the Local Plan with a full review being undertaken in due course connection with sub-regional working.

2.9 The most urgent issues to be addressed as identified by the 2019 review are;

- a. The need to update the **housing land supply**,
- b. The need to **update particular policies** to address changes in circumstances since the Plan was adopted in 2014, particularly to take into

account the declaration of a Climate Emergency – see para 3.2 above for more detail.

2.10 The programme and scope for the Partial Review is set out in more detail in the Local Plan Partial Review Launch Document in Attachment 3 to this report.

2.11 The Partial Review will address issues specific to B&NES and any issues with sub-regional implications will need to be addressed by working jointly with other Local Authorities. Therefore a statutory Statement of Common Ground is not required for the Partial Updated as these are only required if there are strategic cross boundary issues.

### **3 STATUTORY CONSIDERATIONS**

#### **The Local Development Scheme**

3.1 The Planning and Compulsory Purchase Act 2004 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 LDS must be kept up-to-date.

3.2 The process for the preparation of policy documents is regulated by statute, governing matters such as the publication, consultation, scope and content of plans, public examinations and adoption. These requirements will be reflected in the revised LDS with individual plan programmes.

#### **The Statement of Community Involvement**

3.3 Statements of Community Involvement are required under Section 18(1) of the Planning and Compulsory Purchase Act 2004 for all local planning authorities and must also be reviewed at least every 5 years after adoption/review.

#### **The Local Plan Partial Review Commencement Document**

3.4 In light of the UK Plan-led 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.

3.5 The preparation of Local Plans is governed by the Town & Country Planning Regulations 2012. The first stage in plan preparation is Regulation 18 which provides the opportunity to gather evidence and test options with local communities and stakeholders. The subsequent stages are; formal consultation on a draft plan; submission and examination; the Inspector's report; and adoption. This applies to the review of plans although the reduced scope of a partial review is most likely to progress more quickly than a full plan review.

### **4 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

4.1 The programme of work included in the amended LDS will be resourced by the LDF budget and the growth bids agreed in the Council budget. It will require the Planning Policy Team to work jointly with other services. An updated housing land supply will reduce the Councils vulnerability to predatory planning applications and

appeals and the substantial costs associated with them. The partial review will also yield significant CIL receipts and S.106 contributions.

- 4.2 The public engagement activities outlined in the amended Statement of Community Involvement is also covered by LDF budget.
- 4.3 Any additional proposals arising during 2020/21 to the above work programme will need to be resourced.

## **5 RISK MANAGEMENT**

- 5.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

## **6 CLIMATE CHANGE**

- 6.1 Part of the justification for a partial update to the Local Plan now, rather than wait for the full review, is the urgency to address Climate and Nature Emergency issues as summarised in para 3.2 above. Changes to planning policies and SPDs are critical to the realisation of Climate Change objectives.

## **7 OTHER OPTIONS CONSIDERED**

- 7.1 There is limited discretion for the Council as it is obliged by statute to review its Local Plan within 5 years of adoption and ensure that the Local Plan is up-to-date. The list of plans in the Local Development Scheme are those needed to deliver the Council's objective as set out in the new Corporate Strategy.
- 7.2 The Council is also required to review Statement of Community Involvement every 5 years and this provides the opportunity to ensure that it is aligned with the approach to engaging residents in the new Corporate Strategy.
- 7.3 In reviewing Local Plan policies, the Council will consider and consult on a range of options later this year before finalising its preferred policy approach.

## **8 CONSULTATION**

- 8.1 Consultation on emerging planning policies is a statutory requirement in plan making and the Statement of Community Involvement sets out how this will be undertaken in different stages of the plan making process, as well as in the Development Management process. There is no requirement for local planning authorities to consult when reviewing and updating their Statement of Community Involvement although this will be undertaken in line with the Council's new Corporate Strategy which seeks to give people a bigger say.

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<b>Background papers</b>	<ul style="list-style-type: none"> <li>• <b>B&amp;NES Core Strategy 2014</b></li> <li>• <b>B&amp;NES Placemaking Plan 2017</b></li> <li>• <b>Planning &amp; Compulsory Purchase Act 2004</b></li> <li>• <b>The Town and Country Planning (Local Planning) (England) Regulations 2012</b></li> <li>• <b>B&amp;NES Climate Emergency Declaration 2019</b></li> <li>• <b>B&amp;NES Climate Emergency Progress Report - October 2019</b></li> <li>• <b>Local Plan 2016-2036 Options Consultation</b></li> <li>• <b>B&amp;NES Corporate Strategy 2020-2014</b></li> <li>• <b>Local Plan Policies review 2020</b></li> </ul>
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