

**Bath & North East Somerset Council Placemaking Plan**

Inspector's Initial Comments / Questions to the Council

I have now made some progress with my initial preparatory work. I set out below a number of procedural matters and initial questions for the Council.

Hearing sessions

A date for the Hearing sessions is yet to be confirmed. It is noted that the Council's preferred start date would be July or September 2016 and the Council estimate the likely duration to be 10 – 15 sitting days. Please note that the local planning authority should ensure that the start date for the hearing sessions is notified at least 6 weeks in advance of the sessions commencing.

I will be circulating a separate Matters and Issues paper and a draft Hearings Programme in due course. The examination is based on the matters and issues and not driven by the representations.

I will produce Guidance Notes to outline the nature of the hearing sessions. Those who have sought modifications to the Placemaking Plan and signaled a wish to be heard will be invited to the relevant hearing session(s). There is no formal presentation of evidence or cross-examination; the procedure is an inquisitorial process, with the Inspector asking questions based on the Matters and Issues identified for Examination. The Council and relevant representors will have the opportunity to provide responses to the identified Matters and Issues, to be submitted approximately 2-3 weeks before the hearings commence. There is no need for any legal representation, but lawyers are welcome as a member of a team.

Representations

I note that copies of the representations are displayed on the Council's web site in an electronic form. It is for the Council to decide whether the representations are "duly-made", and also has to decide whether to accept late representations. Late representations which are not formally accepted by the Council are not forwarded to the Secretary of State and the Inspector does not consider them. Please note that I have no discretion to accept late representations.

I have been provided with a list of those representors who have requested an oral hearing on a chapter / policy-by-policy basis.

## **Initial Questions to the Council**

### Combining the Placemaking Plan and Core Strategy

There are some occasions where the highlighting and score through for the altered CS text is not accurate. For example on page 7 in Part 2 (Bath) new text "conserved" is highlighted, but the text proposed for deletion ("secured") has been removed rather than scored through. In CS Policy B1 (on page 9 in Part2: Bath) updated text in B1 (para 2c) for office floor space is highlighted but the text and floor space figures to be deleted has been removed with no score through. The proposed changes from 50,000m<sup>2</sup> to 60, 000m<sup>2</sup>, and 10,000m<sup>2</sup> to 20,000m<sup>2</sup> is not clear unless you refer back to the adopted CS. Please note these are only some examples that were noticed.

#### **Q1. Could the Council please provide details of all errors / omissions in the submission plan?**

The explanatory note to the Placemaking Plan states that the plan allocates specific sites for development and outlines a suite of district wide policies. In effect it is a site allocations and development management policies plan. However, the combined submitted plan also makes changes to the Core Strategy (CS) (adopted in July 2014).

It is noted that many of the changes to the text are minor and reflect the desire for the end result to be a combined document offering clarity and convenience for plan users. In some cases the Placemaking Plan text supersedes that of the Core Strategy. There are a number of areas where the changes to the text are more substantive or include changes to policies. The Local Development Scheme does not suggest that any changes are proposed to be made to the CS through the Placemaking Plan; rather it is suggested that the CS is reviewed 5 years after adoption.

#### **Q2. Is the Placemaking Plan intended to incorporate a partial review of the CS?**

#### **Q3. Where the Placemaking Plan text supersedes that of the adopted Core Strategy, is it in compliance with the adopted version?**

#### **Q4. Could the Council clarify to what extent, if at all, the proposal to make changes to the CS were made clear in the consultation material, particularly at the Regulation 18 stage?**

#### **Q5. Have the changes to the CS been the subject of Sustainability Appraisal?**

### Meeting with Representors / Statements of Common Ground

#### ***Q6. Is it the Council's intention to have any further discussions with representors? If so, could the Council please confirm when any Statements of Common Ground are likely to be completed?***

### Core Evidence base

I have received some Submission Documents and Evidence-based Documents and note that these have been provided on the Council's website. I note that the following documents are to be provided shortly:

- Schedule of representations on pre-submission Draft Plan (revised);
- Housing delivery trajectory updated to base date of April 2016
- Updated Student Numbers and Accommodation Requirements in Bath Information Paper (to reflect latest figures recently submitted by both Universities);

- Transport – evidence marked in the core documents list and three explanatory notes; and
- Legal compliance self-assessment

***Q7. Is any other substantial work / reports likely to be undertaken for the examination, and if so, what is the timetable for such work?***

Dealing with Changes to the Placemaking Plan

In considering any proposed modifications, I will need to take a view whether any are required for soundness/legal compliance reasons. As you will be aware, in order for me to make such 'main modifications', you would need to formally notify me as to whether you wish to request modifications under section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended).

In the absence of a request under section 20(7C), my report would be confined to identifying any soundness or legal compliance failures in the Plan and, if there are such failures, recommending non-adoption of the Plan.

***Q8. Please give an indication of the Council's position on main modifications?***

This would be advantageous to the efficiency of the examination process and the expectation of participants. Deferring a decision to request modifications until a late stage of the examination may risk both time delay and incur additional examination costs.

Minor changes that do not go to the question of soundness or legal compliance are made solely by the Council on adoption and not by the Inspector.

On receipt of the Council's response to these initial questions I will consider how the examination would be best progressed.

A response to these questions by 6 May 2015 would be appreciated.

Claire Sherratt

Housing and Planning Inspector appointed to examine the Bath and NE Somerset Placemaking Plan