

Examination of the Bath and North East Somerset Council Local Plan (Core Strategy and Placemaking Plan) Partial Update

Inspector: Philip Lewis BA(Hons) MA MRTPI,

Programme Officer: Ian Kemp, PO Box 241, Droitwich, Worcestershire
WR9 1DW ikemp@icloud.com 07723 009166

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Richard Daone

Deputy Head of Planning (Policy)

Bath & North East Somerset Council

Dear Mr Daone

Examination of the Bath and North East Somerset Council Local Plan (Core Strategy and Placemaking Plan) Partial Update

1. Further to the submission of the Bath and North East Somerset Council Local Plan (Core Strategy and Placemaking Plan) Partial Update August 2021, I have commenced the Examination with initial reading of the plan, the supporting evidence base and representations. Based on what I have read so far, I have a number of initial questions and requests for further information and clarification, which are set out below. I pose these questions to seek clarity and potentially narrow down the focus of the Examination. The Council is asked to provide brief responses with reference to the main relevant evidence.
2. The Council's response to these points will help to inform the matters, issues and questions (MIQs) for subsequent discussion at the hearings, and the timetable for the examination. I am not inviting further submissions from any other party at this stage and will set out in due course when representors may make further submissions.

The Plan being examined

3. I confirm that the plan that I am examining is Bath and North East Somerset Council Local Plan (Core Strategy and Placemaking Plan) Partial Update August 2021 (LPPU). I have received with the submission of the LPPU a number of updated documents prepared by the Council. These documents form part of the evidence base for the Examination. I am aware that representors have not yet had the opportunity to comment on these documents. However, representors will be able to reference these documents

in the preparation of any hearing statements and they may be discussed during hearing sessions.

Proposed main modifications and changes to the Policies Map

4. The starting point of the Examination is that the Council has submitted a Plan which you consider to be sound and ready for examination. At this stage there are only two means by which changes can be made to the submitted Plan:
 - (1) main modifications (MMs) recommended by the Inspector
 - (2) additional modifications made by the Council on adoption.
 5. However, I can only recommend MMs if they are necessary to resolve problems that would otherwise make the submitted Plan unsound or not legally compliant. MMs are changes which, either alone or in combination with others, would materially alter the Plan or its policies. Any potential MMs must be subject to consultation and in some cases further Sustainability Appraisal and Habitat Regulations Assessment might also be needed.
 6. Additional modifications (AMs) are those changes which do not materially affect the policies in the Plan. They are made by the Council on adoption and are also sometimes referred to as 'minor modifications.' The Council is accountable for any such changes and they do not fall within the scope of the examination.
 7. The Policies Map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, MMs to the Plan's policies may require further corresponding changes to be made to the Policies Map. In addition, there may be some instances where the geographic illustration of policies on the submission Policies Map is not justified and changes to the Policies Map are needed to ensure that the relevant policies are effective.
- Q1. Would the Council confirm whether, should it be necessary, you wish me to recommend modifications to the LPPU that would make it sound and compliant with the legislative requirements as per Section 20(7C) of the Planning and Compulsory Purchase Act 2004 (the 2004 Act)?
- Q2. The Council has provided with the submission documents a schedule of errata (CD-SD003). Whilst some factual corrections are proposed, the changes to Policy wording and text appear to be potential MMs in my view. Please confirm whether these changes constitute MMs or AMs?

Scope of the LPPU

8. Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) sets out that a local planning authority must review a local plan, every five years, starting from the date of adoption of the local plan. The Council's Topic Paper: Purpose and Scope of the Local Plan Partial Update Dec 2021 (CD-SD025) states that an initial 5 year review of

policies was undertaken within the context of the preparation of the West of England Joint Spatial Plan (which was subsequently withdrawn).

- Q3 When was that review undertaken, was any consultation undertaken and are the relevant documents available to view? If not, please add them to the examination library.
- Q4 I note that CD-SD025 in paragraph 2.3 sets out that a review of the Local Plan was undertaken in 2020. Please confirm whether that review is that set out within the Launch document as CD-SD053. That document was subject to consultation. Did that consultation lead to any change in the list of Policies to be reviewed in the LPPU?
- Q5 Where in the evidence base may I find a summary of the comments received to the Commencement Document consultation? Were any comments received from the Duty to Cooperate bodies?

Duty to Co-operate (DtC)

- Q6 To assist me regarding the period to which the DtC applies, please confirm the when the formal decision was made by the Council to prepare the LPPU, and the date of the commencement of work on it.
- Q7 Would the Council please provide a summary of the strategic cross-boundary matters addressed by the policies of the LPPU?
- Q8 The specific Statements of Common Ground (SOCG) with neighbouring Local Planning Authorities set out records of main engagement activity (commencing in January 2021). Where is the evidence of cooperation with the DtC bodies for the plan preparation period up to this point? Would the Council please provide notes of relevant meetings with DtC bodies held under the DtC?
- Q9 Where in the evidence would I find a summary of the outcomes of the DtC, such as any joint studies and/or decisions? If this is not set out, please provide it.
- Q10 I see that no SOCGs has been provided between the Council and either Bristol City or North Somerset Councils. Whilst I note that there have been informal officer discussions with these Councils, no evidence of this has been provided. Would you please confirm if there are strategic cross-boundary matters relevant to these Council's arising from the preparation of the LPPU and the progress, if any, made in addressing them?

Sustainability Appraisal

9. I note that the Sustainability Appraisal (SA) process commenced in April 2020 with consultation with the Consultation Bodies as defined in the SEA Regulations on the scope of the SA.

Q11 Where in the evidence base would I find the reasons why alternative sites to those proposed to be allocated were assessed as being either not reasonable alternatives, or found to be reasonable alternatives, but found unacceptable?

Strategic Policies

Q.12 The National Planning Policy Framework (NPPF) in paragraph 22 states that strategic policies should look ahead over a minimum 15-year period from adoption. The LPPU covers the remainder of the plan period of the Core Strategy and Placemaking Plan to 2029, and so the amended strategic policies would not look ahead a minimum of 15 years. Where would I find the justification for this?

Housing land supply

Q.13 Is the aim of the Plan to provide a five year housing land supply? If it is, for each site forming part of the five-year supply please can the Council complete the deliverability proforma included as Appendix 1 to this letter?

Q.14 The NPPF in paragraph 69 sets out that local planning authorities should identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare. Can the Council explain whether the Local Plan meets this requirement and provide any assessment which shows this, and if not, are there any strong reasons why this NPPF target cannot be achieved?

Energy efficiency

10. In December 2021 the Government published changes to the Building Regulations, setting standards for the energy performance of new and existing buildings (Approved Documents L: Volumes 1 and 2) which come into force on 15 June 2022.

Q15 Are there implications of the changes to the Building Regulations for the Policies of the submitted Plan?

Air Quality

Q16 Where in the evidence base can I find information on the Air Quality Management Areas, associated Air Quality Management Plans and the Bath Clean Air Plan and what bearing have these had on the Plan?

Environment Act 2021

11. The Environment Act passed into law in November 2021.

Q.17 Are there implications of the Environment Act 2021 for the policies of the submitted Plan?

Sport and recreation

Q.18 Policy SB19 proposes changes to the provision of sports facilities at the University of Bath. Where in the evidence base may I find a justification for

this, or an up-to-date assessment of sports and recreation facilities for the plan area?

Conclusion

12. Please publish this letter on the Examination website. It would be helpful if you could provide an indication of when you will be able to respond to my questions via the Programme Officer. Following receipt of your responses to the above questions, I will be able to advise you on how I consider that the examination shall proceed.

Yours sincerely

Philip Lewis

INSPECTOR

Appendix 1: Local Plan 5 Year Supply Site Proforma

The following information should be provided for every site that the Council assumes will contribute to current 5 year supply (from 1 April 2021).

A. All sites with detailed planning permission, and sites of <10 homes and <0.5ha that have outline planning permission

Site name					
Local plan ref					
Total capacity					
Plan period completions					
Five year completions					
	2022/23	2023/24	2024/25	2025/26	2026/27
Completions					

These sites can be considered deliverable unless there is clear evidence that homes will not be delivered within five years.

B. Other sites (including those of at least 10 homes or at least 0.5ha with outline permission, with a grant or permission in principle, allocations, or identified on brownfield register)

Site name					
Local plan ref					
Total capacity					
Plan period completions					
Five year completions					
	2022/23	2023/24	2024/25	2025/26	2026/27
Completions					

Clear evidence relating to:

Developers delivery intentions including anticipated start and build out rates
Current planning status and progress towards the submission of an application
Progress with site assessment work
Site viability
Availability: ownership, any existing uses, etc
Infrastructure provision