

PLACEMAKING PLAN EXAMINATION: SCHEDULE OF RESPONSES TO REQUESTS BY THE INSPECTOR

Introduction

At the Placemaking Plan Examination Hearings a series of issues were raised by other participants that resulted in requests from the Inspector. These were primarily requests for the Council to:

- a) provide further information to clarify issues raised
- b) consider and where appropriate propose a change to the submitted Plan

For the purposes of clarity and to ensure all responses are catalogued in one place the schedule of the Inspector’s requests and the Council’s response is set out below. Where a change to the submitted Plan is proposed by the Council this has been added to the schedule of rolling changes (CD/PMP/E1)

Inspector’s Request	Response
MATTER 2	
Bishop Sutton appeal decision/SoS letter to be added to core docs list.	Secretary of State’s letter added as CD/PMP/DM31 and supplied to Inspector on 13.9.16
Council to consider additional wording to Policy HE1 proposed by Bath Preservation Trust (BPT) regarding ensuring viability/value of site takes into account heritage related site requirements (to ensure not negotiated away because developer paid too much for land).	Wording considered and changes proposed by adding new final paragraph to Policy HE1 and the insertion of a new paragraph in the Bath chapter after para 40, as this is principally a Bath specific issue. See Schedule of Rolling Changes (CD/PMP/E1)
Council to consider and propose revised wording of Policy NE2A.	Proposed changes to Policy NE2A added to Schedule of Rolling Changes (CD/PMP/E1) and submitted to the Inspector on 26.9.16.
Council to supply list of housing land supply trajectory sites in NE2A area and a note on impact on housing delivery for each settlement	Note (BNES/PMP/007) submitted to the Inspector on 26.9.16. Council Examination Docs\BNES-PMP 007 Policy NE2A housing land supply.pdf
Council to supply list of example viewpoints for the Inspector relating to Policy NE2A proposed landscape setting	Sent to Inspector on 26.9.16. Council Examination Docs\BNES-PMP 006 Policy NE2A viewpoints.pdf

Inspector's Request	Response
MATTER 4	
Review Barton Willmore proposed change to wording of supporting text preceding Diagram 20/Policy CP7 to refer to GI evidence base. Council to confirm whether acceptable and whether consider it to be a main modification or a non-material change (& to check with Inspector)	Proposed wording not yet supplied by Barton Willmore
MATTER 5	
Following Somer Valley session Council to consider and propose some additional wording relating to the future safeguarding of land for Norton Hill School dependent on Mendip Council's determination of the planning application at Whitepost.	Wording for new paragraphs proposed. See Schedule of Rolling Changes (CD/PMP/E1)
Supply to Inspector list of landowners notified of LGS nomination via letter and those sites where site notice displayed as owner unknown	List submitted – see document BNES/PMP/008
Supply Inspector with a copy of the outline planning application for the site at Upper Whitelands, Tynning Hill, Radstock	The application (see link below) has been added as CD/PMP/DM32 http://www.bathnes.gov.uk/planningdocuments=16/04063/OUT
Respond to landowner conservation points regarding Hinton Blewett LGS	Response set out in BNES/PMP/005. Council Examination Docs\BNES-PMP 005 Hinton Blewett Conservation Response.pdf
MATTER 7	
Council to consider minor wording change to para 582 proposed by BPT regarding reference to solutions to problem of through traffic in Bath. Any change proposed by the Council to be discussed with other participants at Matter 15.	Council proposes amended wording, which has been discussed with both the BPT and Federation of Bath Residents Association (FoBRA). See Schedule of Rolling Changes (CD/PMP/E1).

MATTERS 11 AND 12

Policy SB8 (BWR) – consider whether primary school site requirement should be re-worded so that there is some flexibility relating to its requirement being dependent on the dwelling mix to be provided.

No change to Policy SB8 is proposed. The reasoning is set out below:

1. The need for a primary school is based on the number of primary school age children generated by the dwelling mix (using the formula set out in Council’s Adopted Planning Obligations SPD) – see below
2. *In relation to the Crest elements of the BWR allocation the following need for school places is generated:*
Secured land: the size/type mix of the 812 dwellings on the secured land at BWR (primarily with full planning permission and/or complete/under construction i.e. rows 12 - 40 in the Bath tab of the latest Housing land supply trajectory, CD/PMP/S5/1) generates need for 47 primary school places
Unsecured land: Based on the evidence submitted by the Council to the Examination it is assumed 974 dwellings will be delivered across the remainder of the site on the unsecured land (i.e. – rows 44 - 52 in the latest Housing Trajectory, CD/PMP/S5/1). A future dwelling mix, based on secured land unit mix and discussions with Crest, means that a further 73 primary school places would be required
 This is an overall total of 120 places and capacity is not available to accommodate these children within existing primary schools. Even if the dwelling mix changes there is still a clear requirement for a new primary school
3. In addition to the Crest elements further need for primary school places will be generated by development on other parts of the allocated site (see sites King11; King12; and King15 in the housing land supply trajectory)
4. Land within the allocated BWR site remains the only land available for a primary school in this part of the city
5. Additionally the land at BWR that is subject to the outline permission to Crest is nil CIL rated on the basis of the cost of the on-site infrastructure to be provided. This on-site infrastructure includes the primary school

Site SB1 (Walcot Street) – Council to consider whether site allocation can be extended to encompass the wider area, including Hilton Hotel & Podium, to support retail led mixed use redevelopment (as being proposed by O&H Properties/Hilton) or whether a more minor change to the

Policy SB1 is fully supportive of the concept of redeveloping the wider area to assist in meeting the city’s retail capacity; delivering additional hotel bed-spaces; and improving the environmental quality of this part of Bath’s conservation area. However, the LPA is uncertain whether redevelopment of the wider area has a reasonable prospect of being achieved within the plan period, and therefore proposes to take a more pragmatic approach. The participant

<p>submitted Placemaking Plan should be made to ensure the current site allocation does not prejudice proposals for wider site coming forward.</p>	<p>anticipates working up a scheme over the next 24 months and during this time the LPA can formulate a more robust and evidenced based policy framework, together with comprehensive consultation with relevant stakeholders. This can then, if appropriate, be included in an updated site allocation in the review of the Core Strategy. In the meantime changes to Policy SB1 and the supporting text have been proposed to ensure the current site allocation does not prejudice a deliverable scheme for the wider area – see Schedule of Rolling Changes (CD/PMP/E1).</p>
<p>Viability – provide the Inspector with further information/response relating to viability concerns raised at the hearings relating to Hartwells/Westmark sites (in the context of BNP Viability Evidence that supports the Placemaking Plan, CD/PMP/S2)</p>	<p>Hartwells: The Council has commissioned consultants to review the detailed viability assessment provided by the site owner. The results of this review will not be complete until mid-late October. The outcome of this can then be reported to the Inspector for her consideration.</p> <p>Westmark: As part of the recent planning application for this site (ref), the Council commissioned consultants to review the viability assessment that was submitted in support. The outcome of this was that the Council considered that a policy compliant residential scheme for this site is viable, and that this was one of the reasons for refusing planning permission. It is anticipated that the applicants will appeal against this decision and therefore this issue does not need to also be tested through the Placemaking Plan Examination.</p>
<p>Mineral Hospital – need to consider and respond to the Inspector on whether a specific policy on or allocation of the Mineral Hospital site is required or whether development is adequately covered by other Placemaking Plan policies</p>	<p>There is currently an expectation for this site (and others like it) in para 39 of the Placemaking Plan that ‘buildings will contribute towards the delivery of a range of town centre uses that have been identified as being required in the city’.</p> <p>As the existing listed buildings occupy most of the available site (with the exception of the rear car park) there is not considered to be a justification at this stage for a specific site allocation policy as development proposals would be adequately covered by the NPPF and other Placemaking Plan policies. No change to the Placemaking Plan is therefore proposed.</p> <p>It is however important to note that the Mineral Water Hospital was originally established to provide access to treatment in the thermal waters of Bath for the ‘Sick Poor from Britain and Ireland’, and so the idea of safeguarding part of the site for some type of community or public use has been suggested. Although laudable, such an approach is considered difficult to justify in planning policy terms, especially without robust evidence. A more effective way of achieving such an objective would be through the disposal of the asset.</p>
<p>Prepare and submit a note outlining the latest position on</p>	<p>Note has been prepared and submitted to the Inspector as document BNES/PMP/011.</p>

<p>delivery of Council owned/part owned allocated sites</p>	
<p>MATTER 13</p>	
<p>Policy SB5/Policy SB19 (University of Bath):</p> <ul style="list-style-type: none"> • Consider implications of quantum of development being re-instated/ included in the Plan • Review and propose amended wording relating to purple zones (hatched) relating to ensuring comprehensive assessment of the impact of development in that area on the wider AONB is undertaken to accompany a planning application. • Consider whether any other changes are needed to Policy SB19 in respect of comprehensive assessment of the impact of development against the Policy requirements relating to green infrastructure and transport 	<p>Following discussion at the hearings the Inspector indicated that the quantum of University of Bath development on the Claverton Down Campus set out in the Core Strategy should be re-instated. The Council has assumed that in order to keep changes to the Core Strategy to a minimum this text should be re-instated into Policy B5. In addition changes to Policy SB19 and the supporting text have been proposed responding to issues raised at the hearings. See Schedule of Rolling Changes (CD/PMP/E1).</p> <p>The supporting text is updated to clarify the intention of the policy, and to include reference to the need for a detailed assessment of the AONB element. It also responds to the known aspiration of the University to propose additional development over and above that which is provided by Policy B5. In such circumstances, the text sets out that it would be necessary for the University to undertake a comprehensive assessment to understand the potential impacts of development on issues of acknowledged importance, and to demonstrate how the environmental assets have been maximised.</p> <p>The changes proposed have been discussed with Define Planning, representing the University of Bath. Whilst some areas of disagreement remain between the Council and the University they have reduced.</p>
<p>Add B&NES Local Plan Inspector’s Report to the Core Documents List</p>	<p>Added as CD/PMP/B18</p>
<p>MATTER 14</p>	
<p>Policy SB2/Policy SCR1 – consider whether further wording changes are needed regarding the special viability and energy use characteristics of Bath Rugby Recreation Ground in relation to renewable energy policy requirements</p>	<p>The Council maintains its position that Policy SCR1 as drafted is viable and technically feasible, and that no further change is therefore required in this respect to either Policy SCR1 or SB2 regarding Bath Rugby Recreation Ground. It should also be noted that the intention of Policy SCR1 is to enable opportunities for on-site renewable energy to be delivered, and that the energy does not necessarily need to be used by the development; it could be provided/sold back to the grid.</p>
<p>Volume 1, Paragraph 130 on District Heating – consider whether the text needs revising by deleting Recreation</p>	<p>Change proposed to paragraph 130 to reflect the latest evidence. See Schedule of Rolling Changes (CD/PMP/E1).</p>

Ground site from list	
Amend diagram associated with Policy SB2 to refer to 'example viewpoints'	This change is not necessary for soundness and the Council will incorporate it prior to adopting the Plan
MATTER 15	
Policy ST6 – review policy wording for ST6 & propose changes so that it more closely accords with NPPF in relation Green Belt policy and harm to heritage & environmental assets	Changes to Policy ST6 and the supporting text proposed. See Schedule of Rolling Changes (CD/PMP/E1)
Add Bath Transport Strategy supporting document (Motts) to Core Docs List	Added as CD/PMP/B5/1
MATTER 16	
Policy KE4 – clarify position/supply information on planning applications for this site and the resultant overall housing capacity	<p>Site KE4 is shown in Council's latest housing land supply trajectory (CD/PMP/S3 and updated to September 2016 at the hearings) as delivering 220 dwellings in total (100 on northern part and 120 in southern part).</p> <p>The site is owned by two developers: Persimmon owns the northern part and Bloor the southern. The latest position in relation to planning applications for each part is set out below – these provide for a total of 200 dwellings.</p> <p>KE4 north (Persimmon):</p> <ul style="list-style-type: none"> • Planning application 15/04290/FUL for 100 dwellings • Application is pending consideration, target date for determination 30/11/2016 <p>KE4 south (Bloor)</p> <ul style="list-style-type: none"> • Planning reference in housing trajectory is 15/00006/CONSLT which relates to Masterplan for whole site KE4 and was supported by Development Management committee (29/07/2015) • Planning application 16/02077FUL for 100 dwellings on southern part of site submitted • This application is pending consideration and is due to be determined imminently

MATTER 19	
Supply update to Inspector on Welton Bibby Baron planning application decision once considered at Committee next month	The planning application is now anticipated to be considered by Development management Committee on 16 th Nov.
Update Inspector on any ecological surveys undertaken in relation to Old Pit Yard site (associated with planning application)	A detailed habitat survey was submitted prior to the approval of the outline application 14/02889/OUT and no further bat survey is required. Therefore it is reasonable to assume that the site will come forward within the next 5 years.
Consider whether wording change to Policy SV1 and other place based policies should be made in relation to housing development on previously developed sites adjacent to or well related to HDBs.	A change to these policies is proposed in relation to industrial sites covered by Policy ED2B in order to ensure Policies SV1, RA1 and RA2 and Policy ED2B operate coherently together. See Schedule of Rolling Changes (CD/PMP/E1)
Policy SSV4 – subject to BNP viability study (CD/PMP/S2) consider whether some wording changes should be proposed to ensure that retention of the brewery building does not make development of the whole site unviable and undeliverable.	The BNP Viability Study (CD/PMP/S2) did not specifically assess and include the costs of retaining the brewery building. However, it shows there is significant viability headroom relating to the site as a whole that should be sufficient to ensure the development remains viable. A change to Policy SSV4 is proposed – see Schedule of Rolling Changes (CD/PMP/E1)
Amend the HDB to include the allocated site SSV20.	See Schedule of Rolling Changes (CD/PMP/E1)
MATTER 23	
East Harptree allocations SR5 & SR6 – need to check evidence and consider whether references to site capacity require amendment	SR5 – development requirement is not proposed to be changed as assessment of the site shows that dependent on the form/design of development the capacity would be around 10 dwellings (i.e. may be more than 10 dwellings). SR6 – based on assessments related to the planning application the development requirement is to be amended to state ‘up to 10 dwellings’ See Schedule of Rolling Changes (CD/PMP/E1)
Need to check whether ground condition surveys were undertaken related to planning application for 37 dwellings at Wheelers Blockworks, Timsbury	Brief response is set out below: <ul style="list-style-type: none"> • A full ground condition survey was not undertaken in relation to the previous planning application for 37 dwellings • However a preliminary Land Quality Risk Assessment by consultants SLR ref: 416.1016.00014.PLQRA01 dated Oct 2008 was submitted with planning application no. 09/02468/FUL.

	<ul style="list-style-type: none"> • The B&NES Contamination Officer was supportive of the planning application however he asked for conditions to be applied if planning permission was granted and asked that the applicant confirmed that they were satisfied that yet unknown land contamination mitigation liability exists and would be proceeding at risk in terms of the application without knowledge of these. • On pg. 47 of the Draft PMP it states that: <i>'The site could be potentially contaminated due to the former uses on the site which will require further investigation'</i>.
<p>Supply to the Inspector correspondence from Curo regarding the availability of land for access to site SR15 & add as a Core Document</p>	<p>Added as Core Document (CD/PMP/RA15); published on the Examination website and supplied to the Inspector.</p>
<p>OVERSPILL SESSION</p>	
<p>Supply to the Inspector a copy of the correct diagrams (with amended keys) for diagrams 6 and 7 in Volume 4 (Somerset Valley). Clarification also required regarding habitat mapping information relating to Tynning Hill, Radstock</p>	<p>Information (reference number BNES/PMP/012) supplied to the Inspector and the other relevant participant at the hearing (Phoenix Land Solutions) via the Programme Officer.</p>
<p>Re-publish Hinton Blewett Parish Council response to BNES/PMP/005 on the Examination website</p>	<p>Uploaded on 13/10/16.</p>
<p>Supply to the Inspector and add to the Core Documents List Cabinet Report on West of England Joint Spatial Plan and Core Strategy Review (appended to which is the JSP Emerging Spatial Strategy consultation document and the Core Strategy commencement document)</p>	<p>Added to the Core Document List and supplied to the Inspector.</p>