
Report to Bath and North East Somerset Council

by Claire Sherratt DipURP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

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Planning and Compulsory Purchase Act 2004
(as amended)
Section 20

Report on the Examination of the Bath and North East Somerset Placemaking Plan Local Plan

The Plan was submitted for examination on 12 April 2016

The examination hearings were held between 13 September and 13 October 2016

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Abbreviations used in this report

AA	Appropriate Assessment
AONB	Area of Outstanding Natural Beauty
CS	Core Strategy
DCLG	Department for Communities and Local Government
DtC	Duty to Co-operate
EA	Bath City Riverside Enterprise Area
HDB	Housing Development Boundary
HELAA	Housing & Employment Land Availability Assessment
IDP	Infrastructure Delivery plan
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
NPPF	National Planning Policy Framework
PMP	Bath and North East Somerset Placemaking Plan
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
WHS	World Heritage Site
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the Bath and North East Somerset Placemaking Plan provides an appropriate basis for the Planning of the District, provided that a number of main modifications [MMs] are made to it. Bath and North East Somerset Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

All the MMs were proposed by the Council, and were subject to public consultation over a six-week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Deletion of changes to CS considered to be of a nature or scale that would materially change the strategic approach and strategy established in the CS;
- Amendment to Policy NE2A to ensure consistency with Policy NE2 and national policy in respect of any assessment of harm and mitigation;
- Changes to various policies to ensure consistency with national policy relating to Green Belts;
- Inclusion of Local BAP Habitat (Post Industrial sites) in list of Bath's Ecological Networks (Policy NE5);
- Delete safeguarded land for road schemes with no prospect of implementation;
- Alter Policy ST6 'Park and Ride' to ensure clear and convincing justification required for need for facility and any harm arising; and
- Include greater flexibility in application of car parking standards.

Introduction

1. This report contains my assessment of the Bath and North East Somerset Placemaking Plan (PMP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) (paragraph 182) makes it clear that in order to be sound a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Bath and North East Somerset Placemaking Plan, submitted in April 2016 is the basis for my examination. It is the same document as that published for consultation in December 2015.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [**MMs**] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearing(s), are necessary. The MMs are referenced in bold in the report in the form MM1, MM2, MM3 etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal (SA) of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan.
6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. Where any consequential changes or corrections are required to the Policies Map these were published with the main modifications. The various volumes that make up the PMP include diagrams. These diagrams are included in the Plan as illustrations and do not constitute part of the Policy Map. Any suggested changes to the diagrams were published for consultation as MMs.
7. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the Placemaking Plan and the further changes published alongside the MMs.

Assessment of Duty to Co-operate

8. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation. The Council has produced a Statement of Compliance (CD/PMP/G14). As the purpose of the PMP is simply to give effect to the Core Strategy (CS), there are very limited strategic cross boundary issues to address in the Plan. The prescribed bodies have been consulted.
9. Overall I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the overall Plan and that the duty to co-operate has therefore been met.

Assessment of Soundness

Background

10. The explanatory note to the submitted PMP explains that it allocates specific sites for development and outlines a district-wide suite of planning policies. The CS forms Part 1 of the Bath and North East Somerset (BANES) Local Plan (LP). It was examined and found to be sound and was subsequently adopted on 10 July 2014. Paragraph 9 of the PMP confirms that the PMP "complements the strategic framework in the CS by setting out detailed development and design principles for identified and allocated development sites, as well as a range of policies for managing development and protecting valued assets across BANES".
11. The PMP is intended to be Part 2 of the LP. For the purposes of clarity and convenience for Plan users the Council has combined the Plans. The Council has confirmed (BNES/PMP/001) in response to my initial questions (ID/1), that the PMP is a separate development plan document in its own right. However certain elements of the CS would be superseded as a result of the PMP – these were highlighted (for the first time) in the Pre-submission draft and comments invited. These highlighted sections are before me.
12. Importantly, the Council confirmed that the PMP does not incorporate a partial review of the CS. The PMP is therefore intended to be the daughter document to the CS, its purpose being to give effect to the strategic policies within the CS rather than reviewing those policies – it allocates sites for development and outlines a suite of district wide policies to manage development.
13. My examination of the soundness of the PMP is therefore to be limited to whether it will be effective, positively prepared, justified and consistent with national policy in achieving this purpose. Where the PMP changes policies or associated text to that set out in the CS, I have considered whether these are necessary and appropriate having regard to the purpose of the PMP. The Council confirmed at the hearing sessions that if I were to find any of the changes to be strategic in nature such that they are matters more appropriately considered as part of a full or partial review of the CS/LP, then the Council would prefer that Main Modifications are proposed to revert back to the text in the adopted CS.

14. CS Policy DW1 confirms that "The first review will be timed to co-ordinate with the review of the West of England Core Strategies in around 2016." That review process has commenced.

Main Issues

15. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified ten main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

Issue 1 – whether the nature and scale of any of the proposed changes to the CS are such that they materially change the strategic approach and strategy established in the CS.

16. I produced my Interim Findings on this matter in November 2016 (ID/17) and address the key changes to the CS below.

CS Policy RA1 and RA2

17. In the Rural Areas, CS Policies RA1 and RA2 allow residential development in principle within the Housing Development Boundary (HDB) of villages not washed over by the Green Belt. The strategy for the rural areas is to enable housing development of around 50 dwellings in villages that meet the Policy RA1 criteria. For those villages which do not meet the Policy RA1 requirements, Policy RA2 applies and limited residential development of around 10-15 dwellings is considered acceptable in principle in those villages. For villages falling within the scope of Policies RA1 and RA2 these housing figures are in addition to housing coming forward on small windfall sites.
18. The adopted CS policy sets out the criteria a village should meet to be defined as a Policy RA1 village. These included (a) at least 3 of the listed key facilities and (b) at least a daily Monday to Saturday public transport service to main centres. The submitted draft PMP seeks to change criteria (a) to require the village to include a primary school with sufficient capacity (or ability to expand) together with at least two of the remaining key facilities.
19. Whilst the criteria proposed would be more restrictive, the Council demonstrated that this suggested change made little practical difference to the number of villages currently falling within the categories when measured against the adopted CS policy or the suggested changes. Clutton would no longer qualify due to the closure of a post office rather than the change to the criteria. I note that two sites with planning permission in Clutton would provide the 50 dwellings envisaged in an RA1 village in any event. West Harptree would not meet the proposed criteria. However, the Council explain that an allowance for the supply of only 10-15 dwellings was made in West Harptree in the CS evidence base due to other constraints applicable to West Harptree.
20. It was accepted that the position with school capacity in villages would change overtime as might the services available (such as has occurred in Clutton) and accordingly, so might those villages falling within Policy RA1. The Council's

Housing Supply Statement demonstrates that the delivery of around 1120 dwellings can still be achieved. I consider that the proposed change is unlikely therefore to restrict the supply of housing in the rural areas to any greater extent.

21. I do not consider the proposed change to Policy RA1 is of a nature or scale that would materially change the strategic approach and strategy established in the CS.
22. There is some tension between policies RA1 and RA2 and sites falling within the scope of Policy ED2B (Non-strategic Industrial Premises) where applications for residential development may be supported in some specific circumstances. Accordingly **MM1**, **MM2** and **MM34** are necessary to ensure these policies are effective in delivering housing where it is appropriate to do so.

The Overall Strategy for Bath

23. In the proposed additional text to that in the adopted CS, set out in paragraphs 17 – 22 of Volume 2 of the PMP, the Council explains the overall strategy for Bath. It is recognised that there is insufficient land in Bath to meet the competing requirements. It therefore plans to meet its housing numbers and employment floorspace in full, to strive towards meeting the projected growth in hotel demand, and accepts that there will be a shortfall in meeting the retail capacity identified for the whole plan period and that the aspirations of the universities may not be realised.

Hotel Bedrooms

24. The CS plans for the provision of increased hotel bedrooms of 500 -750. A change is proposed to increase this to 1000 bedrooms. The higher forecast arises from the 2015 Bath Hotel Futures report which updates the earlier 2009 report that informed the CS. However, if the purpose of the PMP is simply to give effect to the CS, it is not necessary to go behind the evidence base under-pinning it before a further review. Given the physical limitations that exist in Bath, there is insufficient evidence to demonstrate that the increase, albeit modest, would not impact on the delivery of other objectives in the CS to a greater extent than anticipated. Accordingly, **MM23**, **MM24** and **MM27** are necessary to reinstate the CS text whilst acknowledging that the more recent evidence suggests an increased figure and that it is the Council's intention to review the hotel requirements as part of the CS review.

Student accommodation

25. CS Policy B5 contains the Strategic Policy for Bath's Universities. The changes to the policy, include a restriction on teaching space alongside other off-campus student accommodation within the Central Area, the EA and on MoD land, where this would adversely affect the realisation of other aspects of the vision and spatial strategy for the city in relation to delivering housing, and economic development (in respect of office, industrial, retail and hotel space). It is considered this is consistent with the overall vision and strategic approach set out in the CS.

26. Significant changes are suggested to the supporting text setting out the more recent forecasts of the Universities and how the Council propose to react to them. The Inspector examining the CS confirmed that the Draft Strategic Housing Market Assessment (SHMA) Update 2013 did not include students at all in the projections, but that the Addendums did, the size of which was assumed to remain constant. This assumption is based on the Council's conclusions from its Student Numbers and Accommodation Requirements Evidence Base July 2013 (published with BNES/43). The 2013 paper draws on the advice provided to the Council by the two universities within the district - Bath University and Bath Spa University - regarding their future plans for students and accommodation.
27. The Inspector's report in relation to the CS confirmed that Bath University's known plans did not extend over the full plan period, but project either 1% or 3% growth for part of the period. It was continuing to plan for additional accommodation on the campus. Bath Spa University was assuming no future growth in students, but planned to add a further 600 beds on campus. Overall, the Council concluded that if Bath Spa does not expand and Bath University grows by only 1% pa and all the accommodation plans are realised, then students should not add to housing pressures over the Plan period and that between 250-575 houses in multiple occupation could be released from student use and returned to the general housing market (although it has not relied on any such releases as a contribution to supply).
28. Importantly, the SHMA underpinning the CS assumed no net increase in demand from students on the general housing market. It was recognised that there were uncertainties with these assumptions and that the universities might grow more than indicated. This assumption underpinning the element of the SHMA was recognised by the CS Inspector as a crucial one. He considered it essential that this assumption was made explicit in the Plan and reassessed at future plan reviews (my emphasis) so that any additional pressures on the housing market could be identified and taken into account. Wording was added to the CS through MMs to make this clear.
29. Accordingly, whilst the Council may wish to acknowledge within the PMP the latest identified development needs of the Universities, the PMP is not the appropriate document to determine how the Council should react to these changed requirements. **MM24, MM26, MM31** and **MM32** provide the necessary modifications to reinstate the original CS supporting text and delete new text indicating how university growth should be balanced against other requirements. Consideration of how those requirements should or should not be addressed would be a matter for the forthcoming review.

Retail

30. CS Policy CP12 states that an updated retail study will be undertaken to support future planning decisions and guide the PMP. Policy B1 of the CS outlines a strategy for the city centre which focuses upon ensuring that the primary shopping area successfully absorbs the Southgate development into the trading patterns and character of the city centre by not making provision for a further large scale retail project. It promotes small to medium sized comparison retail development that improves the shopping offer and enhances the reputation of the city centre.

31. In accordance with the CS an updated retail study has been undertaken comprising two parts. The latest assessment indicates a rise in the amount of surplus convenience and comparison goods retail expenditure within Bath which translates into an increased level of floorspace capacity. The increase in convenience goods floorspace in Bath means that there is sufficient capacity for a modest new store by 2024, described in the report as a medium term scenario rather than an immediate need. It advises that there is therefore no immediate or urgent requirement to plan for a new supermarket in the city. However, the increasing level of quantitative capacity suggests that opportunities should continue to be sought for modest improvements to existing facilities, along with the retention of the need to plan for circa 2,000 square metres of new convenience goods floorspace in the city centre.
32. Monitoring during the 2011-2016 plan period shows that there has been a net increase in convenience floorspace in Bath of 1,800 square metres. This meets the identified need up to 2019, and the majority of the need up to 2024. The Roseberry Place development (SB10) has since been subject to a planning application and approved on 10th August 2016 (15/01932/EOUT) and contains 1,000 square metres (net) A1 floorspace, which is likely to be a convenience store. When constructed, this would meet 100% of the assessed need for convenience retail up to 2024, and the majority of the convenience need to the end of the Plan period.
33. The study identifies a quantitative capacity for circa 7,000 square metres of new comparison goods floorspace at 2014, rising to circa 11,000 square metres net by 2019. By 2024 and 2029, the levels of capacity will be 20,000 square metres and 30,000 square metres net respectively. Taking completions, current commitments and site allocations together, during the Plan period Bath should see a net gain in comparison floorspace of 12,400 square metres. This figure equates to Bath meeting only 40% of its assessed need for comparison retail over the Plan period.
34. As there is not enough land in the city to meet all the land use demands that have been identified, the Council has sought to prioritise which land uses are considered to be more important for the limited land available. Part of the city centre and Central Areas are within the Bath City Riverside Enterprise Area (EA). The main focus in the EA is the delivery of economic and employment growth with up to 9,000 jobs planned to be delivered by 2030. Office floorspace is considered to meet this objective to a greater extent than retail to facilitate both the growth of the city's indigenous businesses and to attract inward investment. The acceptance that there will be a shortfall in meeting the retail capacity identified for the whole plan period, as set out in the PMP is therefore the most appropriate strategy, having been informed by the up-to-date Retail study which demonstrates the shortfalls in comparison floorspace not arising until post 2020 and given the commencement of the CS Review. As the assessed capacity for future retail floorspace will not be fully met in the city centre, an element of retail capacity is allocated on the sequentially less preferable Sydenham Park.

Major Existing Developed Sites

35. The Policies Map identified a number of Major Existing Developed Sites (MEDS) within the Green Belt. Saved Local Plan Policy GB.3 allowed for limited

redevelopment or infill within these areas which would not harm the openness of the Green Belt or affect the purposes of including land within it. The Local Plan confirms that through the PMP the Council will review whether MEDS should continue to be designated. The NPPF (paragraph 89) confirms that limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development is not inappropriate development. Accordingly it is no longer necessary to identify MEDS as these would fall into this exception category in any event. The exclusion of paragraph 509 from the repeated LP text reflects current national policy and does not change the overall strategic approach of the LP.

36. The proposed change to policies CP2 (Sustainable Development) and CP3 (Renewable Energy) removes references to 'allowable solutions' mechanisms in the delivery elements of these policies. The changes are made in response to a written ministerial statement (July 2015) in which the government confirmed that it no longer intends to proceed with the zero carbon Allowable Solutions carbon offsetting scheme, or the proposed increase in on-site energy efficient standards. The proposed changes to policies CP2 and CP3 are consistent with national policy and do not materially change the strategic approach.

Conclusion

37. To conclude, the nature and scale of any of the proposed changes from the policies in the CS in relation to hotel bedspaces and student accommodation in Bath are such that they materially change the strategic approach and strategy established in the CS. These are matters that should be considered as part of a review of the CS. The approach to retail development in Bath, MEDS and allowable solutions is sound and does not constitute a shift from the CS strategy. Finally, the change to Policy RA1 is not considered to be strategic in nature and would have only a minor impact on the supply of housing in the rural areas.

Issue 2 – Whether the overall approach to meeting the requirements of the CS is sound

38. CS Policy DW1 sets out the overall strategy for BANES.

Housing

39. Paragraph 1.2e of the CS states that the Council intends to meet in full the total assessed need of about 13,000 dwellings. The 13,000 figure is not intended as a cap on housing delivery. For example, additional large windfall sites may come forward for development or the contribution to supply assumed to come from small windfall sites may be exceeded. Whether or not the housing requirement remains up-to-date is not a soundness consideration for the PMP given its stated purpose.
40. It is acknowledged that the latest housing trajectory indicates an overall supply of some 12,690 dwellings, falling slightly short of the CS requirement of around 13,000 dwellings and compared to an expected supply of 13,160

dwellings over the Plan period as anticipated in the 2014 trajectory. The shortfall arises in the distribution of housing for Bath and towards the end of the Plan period.

41. Concern was expressed by some representing the house building industry in particular that additional site allocations would be required to address this shortfall if the PMP is to be found sound. It was therefore suggested that (a) safeguarded land in Keynsham should be released and (b) further allocations should be made. However, not all the housing supply was expected to come from site allocations. At the time of the CS examination the 2014 housing supply trajectory demonstrated that some 55% of the CS housing requirement of around 13,000 dwellings would be delivered through site allocations (7142 dwellings) to be identified in both the CS and PMP. The latest 2016 trajectory indicates the provision of some 54% of the overall housing requirement through the site allocations (7005 dwellings) contained in the CS and proposed in the PMP as submitted. This can reasonably be considered as according with the CS both in terms of the overall site allocation provision and their distribution across the district, as set out in BNES/PMP/013.
42. The supply of housing and future predictions in line with the CS is to be monitored. A shortfall occurring towards the latter end of the Plan period (or indeed an on-going lack of a five year supply) is likely to have triggered a review of the CS had the Council not already commenced a review in any event. It is not considered that this potential shortfall at the latter end of the Plan period is a soundness matter to be addressed through the PMP given the findings set out in the previous paragraph in relation to contributions from the site allocations. Furthermore, the appropriate time to release safeguarded land in Keynsham would also be a matter for the review rather than the PMP. This was confirmed in the CS text under Policy KE3b which states that planning permission for development of the safeguarded land will be granted only when it is proposed for development following a review (*my emphasis*) of the Local Plan.
43. Whilst the site allocations will contribute to the Council's five year supply of housing land, as explained, they are only part of it. It is not therefore the role of this examination, given the nature of the PMP, to ensure the Council can demonstrate a five-year supply of housing land at this time.
44. The overall approach to housing provision in the PMP is sound.

Housing Development Boundaries

45. The CS confirms that the housing development boundaries (HDBs) are to be reviewed. The boundaries are defined on the Policies Map. The strategy adopted by the Council in reviewing the boundaries is to allow sufficient windfall sites to come forward within the policy framework of the Plan, reflecting the different roles and character of each settlement and the overall spatial strategy. Where more significant residential development is required on the edge of settlements the most appropriate sites have been allocated and the sites included within the boundary. Some consequential modifications are required to the Policy Map insets to include sites with planning permission and the allocated sites within the HDBs (as published as MM41-43, MM48-MM50).

46. The updated Housing Land Supply Trajectory (CD/PMP/S3) demonstrates that the required amounts of housing will be delivered in those parts of the District where HDBs are defined in accordance with the spatial strategy contained in the CS. They are defined not only having regard to delivering housing but also the need to protect the character of settlements, avoid development in areas that would cause harm and maintain other uses (e.g. employment uses, recreational facilities etc) that are important for the vitality, viability and sustainability of settlements. Overall, the strategy for determining HDBs is sound.

Employment

47. The Core Strategy outlines a requirement to plan for around 10,150 additional jobs (net) between 2011 and 2029. For reasons of sustainability the spatial strategy is to focus most of this job growth at Bath and then Keynsham and the Somer Valley (principally the towns of Midsomer Norton and Radstock), with only limited job growth being directed towards the rural areas.
48. There has already been significant job growth during the first five years of the Plan period with net jobs growth of over 6,700 jobs in the period 2011 – 2016 recorded.
49. Within Bath most of the additional jobs are projected to come forward in office based sectors and allocations are made, primarily within city centre / edge of centre locations, capable of delivering significant amounts of new office floorspace (in line with the net additional figure of 40,000 square metres set out in Policy B1). These allocations as well as those in other parts of the district have been viability tested (CD/PMP/S2) demonstrating that the proposed land-use mix and requirements can be viably delivered. This is further supported by the Bath Office Market Review (CD/PMP/DM23) that shows that there is significant demand for good quality office space in central locations which is currently constrained by the lack of new well located grade A space.
50. The CS plans for a contraction in the demand for industrial floorspace in Bath, retaining some industrial premises primarily focused in the Newbridge Riverside area. Growth in industrial type floorspace is planned for in other parts of the district.
51. At Keynsham job growth is mainly provided for at Somerdale which includes significant office floorspace and other job generating uses (this allocated site now has the benefit of outline and reserved matters planning permissions) and site KE3A, allocated primarily for industrial type uses. It is anticipated that this will in part accommodate premises displaced from parts of the river corridor in Bath. The Industrial Market Review identified Keynsham as being more attractive to industrial users given its location between Bristol and Bath.
52. In the Somer Valley job growth is being primarily focused within industrial sectors, supplemented by some additional office jobs within the town centres and associated with industrial businesses. The PMP allocates a significant site at Old Mills (on the edge of Midsomer Norton but within Paulton Parish).

53. In addition to the allocation of Wheelers Block Works in Timsbury (SR14) for some employment development as part of a mixed use development, other rural policies facilitate the provision of additional small scale employment development, consistent with national policies. Expansion and provision of additional business space at existing premises / business parks (as supported by Policy ED.2B) is likely to be one of the key opportunities for delivering job growth in the rural areas.
54. The PMP identifies 4 Strategic Industrial Estates and 4 Other Primary Estates that will be offered protection from alternative uses in Policy ED.2A. In identifying these sites, the Council has had regard to the Industrial Market Review produced by Lambert Smith Hampton (CD/PMP/DM18); whether the site is strategic or of primary importance; whether it is needed to maintain a balanced and mixed economy based on economic forecasts; and whether there are reasonable prospects of churn.
55. The Industrial Market Review confirms that the majority of the sites safeguarded for employment within Policy ED.2A are fully occupied. There is currently an availability rate of just 1.6%. These are the modern, purpose built industrial start-up premises for which there is high demand. Preparation of the PMP entailed a review of land safeguarded for employment in extant policies of the Bath & North East Somerset Local Plan and those industrial estates which no longer meet the tests of the NPPF are no longer protected.
56. The identification of these Strategic and Other Primary Estates together with the protection afforded to other non-strategic industrial premises through Policy ED.2B, ensures that the long term protection of other sites where there is no reasonable prospect of a site being used for that purpose is avoided in accordance with paragraph 20 of the NPPF which expects the Council to plan proactively to meet development needs of business including industrial type activity by protecting the best of what the District has to offer in terms of industrial supply.
57. It is considered that in principle this strategy strikes a reasonable balance between supporting economic growth and avoiding the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.
58. I have considered carefully whether the non-classification of Hallatrow and Farrington Fields as strategic sites is justified. The sites were identified as Core Business Areas in the 2007 LP, being described as significant employment sites. These sites were included in the Preferred Options document (Nov 2014) as Strategic sites in the rural area.
59. The submitted PMP does not identify any strategic sites in the rural areas. Applying the scoring system from the Industrial Market Review both the rural sites of Hallatrow and Farrington Fields scored higher than sites at Mill Road and Haydon Industrial Estate, Somer Valley that are included as ED.2A strategic sites. Nevertheless, the overall recommendations excluded any reference to the rural areas.
60. Having regard to the overall growth aspirations for the District, which seek small scale rural employment, the identification of strategic sites in the rural areas would not be consistent with this approach. It is considered that the

continued protection afforded to those rural sites through Policy ED.2B would be sufficient to support for the rural economy and is justified.

61. To conclude, it is considered that the PMP accords with the overarching strategy and policies within the CS and makes provision to meet the overall requirements for the district and is sound in this respect.

Issue 3 – Whether the Sustainable Construction and Renewable Energy policies in the Placemaking Plan are positively prepared, justified, effective and consistent with national policy, in the context of the adopted CS

62. As drafted, there is conflict between the reference to 'reduction in energy use' in the supporting text to Policy SCR1 and the requirement within the policy text to reduce 'carbon emissions', the latter being correct. Similarly, the supporting text does not exclude major developments falling within Use Classes B2 and B8 from the requirement. To ensure consistency and that the policy is effective, **MM3** makes the necessary changes.
63. To ensure consistency with national policy proposals for roof mounted solar photovoltaic panels (Policy SCR2) and ground mounted solar arrays (Policy SCR3) appropriate consideration should be given to the historic environment and landscape impact. This is consistent with the advice from Historic England (CD/PMP/SCG1). Accordingly **MM4** makes the necessary changes.
64. CS Policy CP4 encourages the use of combined heat and power, and / or combined cooling, heat and power and district heating. Three priority heating areas are identified where development will be expected to incorporate infrastructure for district heating and be expected to connect to existing systems. Supporting text is added through the PMP that clarifies that Policy CP4 applies to allocated sites in the district heating priority areas. However, to reflect the changed boundary in the most up-to-date evidence, the Central Riverside and Recreation Ground should be excluded (**MM5**).
65. With these modifications, the sustainable construction and renewable energy policies in the PMP are sound.

Issue 4 – Whether the Environmental Quality policies in the Placemaking Plan are positively prepared, justified, effective and consistent with national policy, in the context of the adopted CS

66. In responding to the submitted plan, Historic England recognised the "significant merits of this impressive Plan that demonstrates a thorough and robust positive strategy for the conservation of the District's historic environment, and the great care and attention taken in seeking to sustain the outstanding universal value of the Bath World Heritage Site (WHS)". Furthermore it was apparent to Historic England that an informed understanding and consideration of the significance of the District's cultural heritage has shaped the Plan and will inform its future implementation.
67. Development management policies are consistent with national policy in relation to the consideration of heritage interests and assets. Given the high demand for land in Bath and to ensure relevant policies remain effective where

viability is an issue, developers should demonstrate that the particular policy requirements applicable, particularly due to the historic environment of Bath, are reflected in the land site value (**MM7** and **MM25**).

68. The NPPF makes it clear that planning policies should limit the impact of light pollution from artificial light. Policy D.8: Lighting accords with this approach although sub-section 2 that relates to the protection of the darkness of rivers, watercourse or other ecological corridors is limited, in part, to external lighting. To be effective, **MM6** ensures that protection relates to all new lighting facilities.
69. CS Policy CP6 seeks to conserve and enhance the distinctive character and quality of the District's distinctive urban and rural landscape. Policy NE2 in the PMP provides a more detailed policy framework permitting development where a number of criteria are met and where development seeks to avoid or adequately mitigates any adverse impact on landscape. Policy NE2A specifically focuses on conserving and enhancing the landscape setting of settlements. The Council explained that the identification of these areas is not to prevent development within them but to ensure the protection of key landscapes and landform, landmarks and views / viewpoints which particularly contribute to the landscape setting of settlements.
70. One of the core planning principles set out in the NPPF is to take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. The areas that are considered to make a significant contribution to the landscape setting of settlements are identified on the Policies Map. Those landscapes identified as being significant to settlements and their settings were assessed against a list of characteristics considered to contribute to landscape character (CD/PMP/DM25 – Landscape Setting of Settlements).
71. There was some criticism that landscapes around settlements have been identified without any regard to the particular character and heritage qualities that the individual settlements themselves display. However, the policy is not concerned with matters such as the setting of heritage assets, but rather to identify those landscapes that contribute positively to the form of a settlement, to the distinctive character of a settlement or where they are considered to influence the creation of a strong sense of place. The mapping recognises that many settlements within the district have distinctive landscape settings owing to the characteristic geology and significant history of human settlement and industry that exists in these areas. The examples of Peasedown St John and Paulton villages are used in the introduction of the Council's evidence document, both of which are ridge top settlements with a particular association with coal mining. It explains why the undeveloped slopes down from the ridge top into the valley and the wooded coal batches, as well as other areas of landscape which enhance the particular sense of place, are included. Based on the evidence, which I consider to be detailed and robust, and my observations during my site visits, I am satisfied that the identification of these areas is justified.
72. The NPPF requires that distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is

commensurate with their status and gives appropriate weight to their importance and the contribution they make to wider ecological networks. Concern was expressed that these areas impose a greater degree of constraint that would be the case in an Area of Outstanding Natural Beauty or National Park and that there is a great deal of variance between the quality of the landscapes and indeed the settlements which they surround.

73. It is accepted that as drafted any harm, no matter how minimal, would cause conflict with Policy NE2A. This requirement is inconsistent with the overarching Policy NE2 and is not justified. Accordingly, a modification is necessary so that development is only resisted if it would have an adverse impact to the landscape setting of a settlement which cannot be adequately mitigated (**MM8**). A number of the site allocations would fall within the designated area. The estimated capacity of these sites reflects the need to comply with CS Policy CP6, PMP Policy NE2 and NE2A (as modified) (BNES/PMP/07).
74. Policy NE2B concerns the extension of residential curtilages in the countryside. However the term 'curtilage' is not a use of land for planning purposes. In addition the curtilage of a dwelling may not always correspond to the residential planning unit associated with a dwelling. Policy NE2B is intended to relate to the material change of use of land to provide additional land for use for residential purposes (garden land). To ensure the policy is effective **MM9** is necessary to ensure the policy refers to the use of land as residential 'garden land'.
75. Furthermore, the material change of use of land is not listed in the NPPF as development to be regarded as not inappropriate development in the Green Belt. It is therefore necessary to distinguish between proposals to change the use of land to extend residential gardens on land that is within or outside the Green Belt to ensure consistency with national policy (**MM9**).
76. There are a number of other areas in the PMP where inconsistencies arise with the NPPF in relation to development in Green Belts. Policy GB3 permits extensions and alterations to buildings in the Green Belt provided one of two criteria are met, the second of which is not consistent with the NPPF closed list of development regarded to be not inappropriate. Its deletion is therefore recommended (**MM12**).
77. Policy LCR7C relates to commercial riding establishments and requires a number of criteria to be met. In the case of such development in the Green Belt, it requires that development does not have a materially greater impact on openness or the purposes of including land in the Green Belt. This is not consistent with the NPPF where a change of use of the land is involved. A modification is therefore necessary to ensure consistency (**MM16**).

Nature conservation

78. Policy NE3 – Sites, species and habitats seeks to conserve and increase the abundance and diversity of wildlife habitats species and to minimise adverse effects where conflicts of interest are unavoidable. It sets out how decision makers should determine applications depending on the status of the site or species adversely affected. Sub sections 3c and 3d require some correction to ensure it is clear that 3c refers to UK Priority Species and UK Priority habitats

(*my emphasis*) and that 3d refers to locally important species and habitats (*my emphasis*). This modification is required to make sure that the policy is effective (**MM10**).

79. National planning policy requires that components of the local ecological networks are identified and mapped. A modification is required to the text within the PMP that lists what Bath & North East Somerset's Ecological Networks comprise of to include Local BAP Habitat (Post Industrial Sites). This will ensure that when development proposals are considered against Policy NE5, contributions will be made to ecological networks including Local BAP Habitats. **MM11** will therefore ensure the policy is effective. Some consequential changes are required to the keys on diagrams 4 and 5 with Volume 3 (Keynsham) and Diagrams 6 and 7 within Volume 4 (Somerset Valley). The diagrams are for illustrative purposes only (**MM47**).
80. A change to the habitat map in Diagram 7 is proposed by the Council to reflect the Council's position regarding the extent and status of habitat mapping at Tynning Hill. The inclusion of some land is disputed. However, as the map is only for illustrative purposes, it is not considered to be a matter that goes to the soundness of the Plan.
81. To conclude on this issue, the Environmental Quality policies in the Placemaking Plan are sound.

Issue 5 - Whether the policies in the Placemaking Plan will be effective in building strong and vibrant communities and are positively prepared, justified and consistent with national policy in the context of the adopted CS.

82. The NPPF states that planning policies should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Policy PSS2: Noise and Vibration is more onerous resisting development that would have an 'adverse' effect. To ensure consistency with national policy, **MM13** is necessary to ensure the policy wording reflects that of the NPPF.
83. Policy H4 encourages the provision of self-build housing. Again, to ensure consistency with the NPPF and to 'future proof' the policy as further regulations are anticipated, some amendment to the precise wording of the supporting text is necessary to demonstrate the Council's support for such developments and to ensure actual delivery is monitored and measured against demand as set out on the self-build register (**MM14**).
84. Policy LCR3 identifies land to be safeguarded for Primary School Use to ensure the Council is able to provide the necessary facilities to accommodate future pupil growth in appropriate locations. The sites are well located and allow some flexibility for potential changes in circumstances.
85. Land to be safeguarded includes a site at Silver Street, Norton Hill, Midsomer Norton (LCR3(5)). This land was identified to be safeguarded following the approval by the Education Funding Authority for a free school by Norton Hill School. At the time of the hearings there was an undetermined planning application for a housing development on the edge of Midsomer Norton in Mendip District Council area which would include a primary school. If

permitted this school would have served the same catchment area and the continued safeguarding of land would not have been justified. Modifications are put forward, which are necessary, to ensure that should an alternative site come forward the land at Silver Street would no longer need to be safeguarded.

86. The land at Silver Street is being promoted for housing development by the owner rather than for educational purposes. Accordingly, at this time there remains some question over its availability. Nevertheless, the continued safeguarding of land is justified. There appears to be no physical constraint that would prevent its use in conjunction with Norton Hill School.
87. Notwithstanding that the application in Mendip Council area has since been refused, the modifications to the text remain necessary as further proposals for development on the edge of Midsomer Norton could be advanced in the future. This will ensure the safeguarding of land would no longer remain necessary should suitable alternative provision be made (**MM15** and **MM35**).

Local Green Space

88. Paragraph 76 of the NPPF enables local communities to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Paragraph 77 confirms that such a designation should only be used where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value, tranquillity or richness of its wildlife; and where the green area concerned is local in character and is not an extensive tract of land.
89. A number of Local Green Spaces are proposed as defined on the Policies Map. Community nominations were sought then each of the sites nominated were assessed against the three criteria and other relevant exceptions. The evidence base underpinning the designations is found in CD/PMP/DM/12/1-5.
90. Millers Walk & Westminster Road, Bathampton (LGR3) is designated for its historic significance and value to the local community. It makes a positive contribution to the setting of the conservation area. Whilst the southern section has been subdivided by tall leylandii planting it nevertheless continues to complement the open paddock to the north and enhance the sense of tranquillity for users of the public footpath from Millers Walk to Westminster Road. I am satisfied that it is of particular local significance and the designation is justified.
91. Frederick Avenue / Albert Avenue, Peasedown St John (LGS12) is designated for its recreation value to the local community, being a well-used community space with fitness trail and seats located within the settlement. A list of uses for which the land has been used of community benefit demonstrates that it is of local significance and its designation is justified.
92. The historic significance and character value to the local community is the reason for the designation of Parkers Mead, East Harptree (LGR16). Its community value is enhanced given it is the only remaining open space within the centre of the village. Its open nature contributes to the setting of the

conservation area providing an important buffer between the more recent and historic development in the village. Notwithstanding that it is already afforded the highest protection given its location in the AONB, it is still considered that its recognition as a green space of local significance is justified.

93. Land adjacent to Bramble Cottage, Farmborough (LGR18) is a site contained behind a stone wall. Nevertheless the undeveloped nature of the site contributes positively to the character of the area. Its designation for its character value to the local community is justified.
94. Land at Lower Road, Hinton Blewett (LGR26) is described as gently sloping green space surrounded by ancient hedgerows with views across the Cam Valley designated for its historic significance to the local community. It comprises several adjacent fields in a linear pattern between the rear of properties to the east and properties to the south of Lower Road to the west. A brook defines the southern boundary. Although one of the larger rural designations, it is not an extensive tract of land.
95. The site, as a whole, makes a significantly important contribution to the setting of Hinton Blewett Conservation Area. The views towards the village from the south and east are identified as being important in the Conservation Area Appraisal, with views from other directions being limited due to topography. Views are enhanced by the green space, which combined with the grassed area to the front of the Public House create a setting of significantly high value to the historic settlement. Whilst I accept that the historic importance of the western parcel is less, it nevertheless forms an important part of the character of the wider landscape setting to the south of the conservation area. I am satisfied that it is of particular local significance and the designation is justified.
96. A number of nominated sites met the criteria for designation but were nevertheless not included. Where the inclusion of sites would conflict with other national or local policy or allocations in the Plan or they are exempt their exclusion is justified. For example, whilst land at Beechen Cliff, Bath met the three criteria for designation and is enjoyed for recreational purposes by local residents it is nevertheless land in school ownership and accordingly is exempt from designation in accordance with the Framework. The inclusion of allotments is not necessary. A change to the diagram associated with Policy LCR6A to delete the allotments at Combe Down will be necessary (**MM45**). Overall, it is considered that the designations of Local Green Space are justified and no modifications are required in this regard to make the Plan sound.
97. To conclude, with the modifications set out above, the policies in the PMP will be effective in building strong and vibrant communities and are sound.

Issue 6 - Whether the management policies relating to economic development are soundly based

98. There are strong economic reasons to retain the identified Strategic and Primary Industrial Estates and as such, these are afforded the highest levels of protection in the Plan. Policy ED.2A requires compelling evidence that circumstances have changed to the extent that there is no reasonable prospect of land or premises being used for the allocated purpose.

99. The non-strategic industrial premises are subject to Policy ED.2B. These sites and premises are still subject to protection, to guard against the wholesale and unsustainable redevelopment of industrial land supply to other higher value uses, albeit to a lesser extent than the Strategic and Primary Industrial Estates. This is consistent with the CS objective to support economic growth and the need for balanced communities.
100. The supporting text to Policies ED.2A: Strategic and Other Primary Industrial Estates and ED.2B: Non-strategic Industrial Premises refers at paragraph 494 to 'these locations'. For clarification and to ensure the justification for the policies is clear, a modification confirming that the locations being referred to are those in Policy ED.2A is required (**MM17**).
101. Subject to this MM the management policies relating to economic development are sound.

Issue 7 - Whether the development management policies relating to retail development are soundly based.

102. The 280 square metres figure set out in Policy CR1 directly relates to Policy CR4. Policy CR4 gives in principle support for proposals for small scale retail outside of designated centres that are less than 280 square metres. 280 square metres relates to small shops as defined by the Government in the Sunday Trading Laws. Proposals over 280 square metres are therefore not considered to be small scale. As Policy CR4 gives in principle support for proposals for these small shops (subject to being located within a settlement with a HDB), Policy CR1 exempts them from the need to undertake a sequential test. This is considered to be justified as small scale shops are unlikely to adversely impact on the vitality and viability of centres within the hierarchy and is consistent with the NPPG (paragraph 010, reference ID: 2b-010-20140306) which states that application of the sequential test should be proportionate and appropriate.
103. The 280 square metres figure is also used to define whether or not an Impact Test is required in Policy CR2 (for A1-A5 proposal outside of Bath and not in a designated Town Centre). Paragraphs 4.21 to 4.30 of the Retail Study Stage 2 Report (CD/PMP/DM15) provide the justification for the setting of the proportionate, locally set floorspace thresholds for impact assessments, as allowed by Para 26 of the NPPF. These are for development falling within Use Class A1-A5 within Bath, Use Class A1-A5 development outside Bath (as described above), commercial leisure development and office development. All other main town centre uses will be assessed against the default threshold as set out in NPPF para 26.
104. The Retail Study (para 4.27) proposed a lower floorspace threshold of 200 square metres, which is in line with the recently adopted Wiltshire Core Strategy. This figure was raised slightly to 280 square metres in the submitted Plan to bring it in line with the Sunday Trading Law figure, and Policies CR1 and CR4. To conclude the locally set thresholds for the sequential test set out in Policy CR1 and impact assessments contained in Policy CR2 are therefore justified.
105. A modification to Policy CR4: Dispersed Local Shops is required to set out a requirement for proposals for the change of use of an existing small-scale local

shop to be supported by a viability assessment to demonstrate that the unit is no longer capable of continuing in retail use. This will protect local facilities in accordance with the support for sustainable development set out in national policy (**MM18**).

106. The retail development management policies, are soundly based subject to this MM.

Issue 8 - Whether policies promoting sustainable transport are soundly based

107. The Council and others remain concerned about the impact of through traffic, particularly HGVs, on the WHS. This is a significant issue, identified in the CS and compounded by the incomplete nature of the Trunk Road Network to the east of the City.

108. The Greater Bristol Strategic Transport Study in 2006 reviewed all the transport proposals in the Local Plan. It concluded that the Temple Cloud / Clutton bypass was a local scheme rather than a strategic scheme. There is therefore no prospect of devolved major scheme funding being allocated to this project in the foreseeable future. The scheme is unlikely to be implemented in the Plan period and so is not deliverable. An appeal was allowed in 2012 for housing development on the safeguarded route for the Whitchurch Bypass as the Inspector concluded there was no realistic prospect of the A37 Whitchurch by-pass being delivered in a timely fashion. The continued inclusion of these safeguarded routes would not be justified or consistent with national policy. The Council will undertake to work with neighbouring authorities, including Wiltshire Council, to address through traffic in Bath. This change in position is set out in **MM19** within which the Council undertake to review the A4 corridor and, in particular, consider how best to improve the environment within Saltford and improve journey times and reliability between Bristol and Bath.

109. 'Getting Around Bath – A Transport Strategy for Bath' was adopted in November 2014. Policy ST1 seeks to achieve the sustainable travel policy aims and objectives by setting out the key principles which should be addressed when designing a development. This is supplemented by a number of detailed policies directed at protecting existing recreational routes and former railway land which could also be included, setting out development management criteria based policies for transport infrastructure and traffic management proposals and safeguarding land as a rail freight facility and interchange. Such policies are wholly consistent with national policy and are sound.

110. Areas of the central network of Bath are regularly congested and currently operating at capacity or over capacity now. It is recognised that there would be little or no opportunity to accommodate significant growth in car traffic into the central area despite the various traffic management measures proposed, even allowing for expected rail patronage growth at Bath Spa/ Oldfield Park rail stations with the Great Western Main-line electrification / Metro West improvements and increased walking cycling trends.

111. Improvements to the A36 Lower Bristol Road / Windsor Bridge Road junction (Infrastructure Development Plan (IDP) reference B1.30c) and the A36

Rossiter Road scheme have led to modest capacity improvements at best. Most of the Planned network changes are linked to planned delivery through allocations, notably Bath Western Riverside (Policy SB8), Manvers Street (Policy SB3), Sydenham Park (Policy SB7 and IDP reference B1.31) and the former MOD site at Warminster Road (Policy SB12 and IDP reference B1.28a). The Bath Transport Package including Park and Ride capacity improvements has now been completed.

112. The Council proposes to expand the provision of Park and Ride facilities serving Bath as part of its wider strategy of promoting sustainable means of transport and reducing the impact of vehicles in the city arising from existing pressure and those associated with growth generated by the EA. It has had a long standing aspiration to provide a further park and ride site to the east of Bath to improve access from this side of the City. The traffic management proposals for the central area of Bath set out in Policy ST5 are not reliant on the expansion of the existing Park and Ride facilities or the provision of a new facility to the east of the city.
113. Transport Evidence Explanatory Note 2 'Bath – Park and Ride Expansion' (CD/PMP/B27) outlines the case for expanding the Park and Ride facilities around Bath with reference to the patronage forecasting work done to identify the usage impact of including a new site to the east of the city or not (CD/PMP/B22 and CD/PMP/B26). The results of the patronage modelling showed that the provision of a new Park and Ride site to the east of Bath would serve to promote and encourage a greater use of this facility than would otherwise be the case if only expansion of the existing sites were to occur, particularly having regard to the potential to provide a dedicated service to the Royal United Hospital and the modelling work undertaken to understand the likely impact of the EA (CD/PMP/B21 - Technical Report 'Bath Enterprise Area / Transport Strategy – S-Paramics Modelling).
114. Alternative options considered to a park and ride facility to the east of Bath were a new railway station, continuing to encourage transfer to existing bus services and support for improved rail services. However none of these options would provide an attractive alternative to the majority of fragmented and scattered locations to the east of the city, where the majority of workers and visitors travel from.
115. A number of sites were being considered by the Council for a new park and ride facility although at the time of the hearings no final decision had been reached on the preferred site. The general area under consideration is indicated on the Bath Spatial Strategy diagram for reference. Policy ST6 is a criterion based policy to provide a framework to guide all new park and ride development including proposals to expand existing facilities at Newbridge, Odd Down and Lansdown as well as any new site.
116. Modifications are suggested to both Policy ST6 and the text relating to it (**MM20**). In particular, the modifications ensure that the need for and benefits of extending existing sites and developing a new facility will need to be weighed against the harm to environmental assets and, where relevant, the Green Belt. In particular any proposal will be expected to be informed by an assessment of impact on the WHS. Policy ST6 is to be modified to require, in addition to those criteria set out in the submitted plan, that clear and

convincing justification is provided for any harm to the WHS, with the degree of public benefit weighed against it; that, if in the AONB, it accords with national policy; that proposals affecting European sites meet the provisions of Policy NE3; and that is not inappropriate development in the Green Belt. Notwithstanding the long standing aspiration to provide a further park and ride site, these criteria require the need for a site to be established at the time of any application thus ensuring that any future development and the preferred location of it is justified. Applicants are required to demonstrate that the scheme complies with all other relevant national and local planning policies that affect the site and its location. This will include other policies for assessing the landscape impact of any development located outside the AONB (Policies NE2 & NE2A). The NPPF also ensures great weight is placed on conserving the scenic and natural beauty of AONBs. The Main Modifications to Policy ST6 ensure that it reflects national policy in the NPPF.

117. There is a clear and compelling justification for introducing prescribed parking standards for Bath dependent upon the location of sites either within the City Centre Zone or Outer Zone, given acknowledged poor air quality, existing congestion levels and overspill parking from new developments that require the authority to introduce controlled parking zones and more enforcement. This approach is supported in the adopted Bath Transport Strategy. To ensure a flexible approach to the application of parking standards, **MM21** and **MM22** permit a departure from them, but only where this is justified. This is necessary to ensure Policy ST7 is positively prepared.

118. To conclude, with the MMs referred to, the policies promoting sustainable transport are soundly based.

Issue 9 - Whether the timely delivery of the infrastructure necessary to support the proposed development is realistic and feasible.

119. The Infrastructure Delivery Plan (IDP) sets out the infrastructure required to support the development requirements of the PMP, anticipated costs, sources of funding, timescales for delivery and gaps in funding (CD/PMP/G18). It is a living document updated as and when required, drawing upon significant engagement with service providers. It has provided the evidence base for the CS and CIL examinations.

120. Since 2011 a number of infrastructure projects have been completed demonstrating a good track record for the timely provision of infrastructure to meet forecast demands consistent with the timely delivery of development. Section 106 agreements will continue to deliver the majority of site specific infrastructure highlighted within the PMP and IDP. The regulation 123 list sets out the infrastructure types that will be funded, partly or wholly, through CIL receipts.

121. Having regard to the evidence, there is no reason to consider that the necessary infrastructure to support the implementation of the development required during the Plan period would not be provided in a timely manner, ensuring the overall deliverability of the Plan is not compromised. To conclude, the timely delivery of the infrastructure necessary to support the development requirements are realistic and feasible.

Issue 10 – Whether the process of site selection is soundly based

122. The site selection process was informed by the SA. Both the NPPF (including through the Core Planning Principles in paragraph 17) and the CS encourage the effective use of previously developed land in helping to meet housing and economic development needs. Opportunities to prioritise new development on brownfield land have been considered and, where demonstrably deliverable, secured. Through the Housing and Employment Land Availability Assessment (HELAA) and work undertaken with communities, represented by town and parish councils, brownfield opportunities have been identified as the first priority and assessed. The Bath and North East Somerset Viability appraisal (CD/PMP/S2) tested the financial viability of a range of options for each of the site allocations.
123. Brownfield sites account for around 74% of the allocations across the District as a whole, with a higher proportion of sites being identified in the urban areas of Bath, Keynsham and the Somer Valley reflecting a greater prevalence of identifiable opportunities.
124. However, the objective of prioritising brownfield opportunities has been balanced against the need to ensure allocated sites are deliverable and that a continuous 5 year land supply is secured. In assessing future housing supply from large sites, the Council has undertaken significant analysis of delivery informed by commercial/market input (particularly through discussions with agents representing developers taking forward sites). Anticipated delivery programmes have been informed by historic build out rates of other schemes within the District. In many instances the estimated supply from some identified sites is conservative when compared to developer aspirations about capacity in pre-application discussions. For example, the capacity of 300 dwellings set out for allocation of Odd Down in Bath is likely, having regard to pre-application discussions, to increase by 100-150 dwellings.
125. The CS sets out the growth level and general growth area applying a sequential approach to flood risk. The general growth areas identified are within various different flood risk zones and therefore a sequential approach within the policy areas was undertaken and incorporated within the SA process. In most cases the sites now allocated passed the sequential test. However, some of the sites in Bath did not and were subject to the Exception Test. These were deemed to be acceptable taking into account sustainability benefits and the scope for mitigation. The affected site allocations all contain an appropriate policy requirement to ensure that they will be safe for their lifetime without increasing flood risk elsewhere.

Bath

126. In Bath, due to the limited availability of land, all the identified available and suitable sites are required to meet the CS requirements for Bath. The strategy adopted was therefore to determine the best land uses or mix of land uses for each available site. The overall site selection process was informed by a number of documents, in particular during the options stages the 'Rationale for Land Use Options within the Central Area and Enterprise Area' (CD/PMP/B1) and 'Bath Enterprise Area Masterplan' (CD/PMP/B2).

127. The designation of Bristol, Bath and Somer Valley Enterprise Zone (EZ) recently confirmed by Government will also assist in bringing forward economic development.
128. A number of key development sites in the city centre and central area are regarded as fundamental to delivering the aims of the CS and the economic growth aspirations of the EZ. Bath Quays North and Bath Quays South is a key site because it can be delivered in the short to medium term and its size and location are pivotal to the overall spatial strategy. Both retail and office development are competing uses for Bath Quays North. However the PMP reflects the objectives of the Economic Strategy and the EZ focusing office development on this site, with only a limited amount of retail. No reference is made to a hotel use. This is appropriate as the site is key to the Economic Strategy objective of changing the nature of employment in the City and to achieve CS policy requirements for the delivery of new office space.
129. It was argued that in some cases, a restriction to prevent student accommodation would make sites such as Hartwell Garage unviable. There is a clear need to maximise the available sites for housing development given the constraints to development in Bath. To permit student accommodation on additional sites would undermine the Council's current strategy in Bath. Any review of the LP is likely to address how student accommodation requirements should be addressed. In the meantime the viability evidence does not suggest that the development of allocated sites where student accommodation is not permitted would be unviable. Sites requiring MMs are discussed in more detail below.
130. The Walcot Street / Cattlemarket site (SB1) currently excludes the adjacent site occupied by the Hilton Hotel, a building acknowledged to be of poor aesthetic quality and the Podium. Discussions at the hearings suggested a real enthusiasm and developer interest for a scheme incorporating the re-development of the hotel site to provide a retail led mixed use redevelopment. The Council is fully supportive 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 Council has reservations about whether there is a reasonable prospect that the redevelopment of the wider area could be achieved in the Plan period. Further work is required to formulate a more robust evidenced base policy framework for the wider site together with relevant consultation with stakeholders.
131. Given this uncertainty, the pragmatic approach suggested by the Council to make modifications to Policy SB1 and its supporting text to ensure the current site allocation would not prejudice a deliverable scheme for the wider area, is justified and ensures the PMP is positively prepared (**MM28**).
132. The development requirements and design principles applicable to Riverside East (the Rec), part of Central Riverside & Recreation Ground (SB2) requires the design to respond appropriately and creatively to its sensitive context within the WHS, including the importance of open views of which examples are given. The diagram associated with this site indicates specific view points. It was agreed during discussions that the range of views should be agreed through the development brief and Landscape Visual Impact Assessment

process and that the required improvements to access should not be restricted to vehicular access as the pedestrian links were of greater importance. **MM29** & **MM30** facilitate these amendments to ensure the policy is justified, effective and is positively prepared.

133. The need for a primary school at Bath Western Riverside (SB8) site is based on the number of primary school age children generated by the dwelling mix. The required capacity is not available at existing schools. Even if the dwelling mix were to change there is still a clear requirement for a new primary school. Additionally the part of the allocation that is subject to an outline planning permission requires no CIL contribution on the basis of the cost of the on-site infrastructure to be provided that includes a primary school. The policy requirements are justified.

Keynsham

134. The selection of sites for development at Keynsham was largely undertaken in the CS and therefore the role of the PMP is limited here. Site allocations KE2, KE4 and KE3 were already identified in the CS with KE3b being safeguarded for future possible development when the LP is reviewed. Sites K2a and K2b both have planning permission and development is underway.

Somer Valley

135. The vision and spatial strategy for Somer Valley as set out in the CS is to make provision for the development of the economic and community facilities needed to increase self-reliance and economic revitalisation and to facilitate a better balance between housing and employment to reduce trends in commuting. CS Policy SV1 confirms provision is to be made for around 2470 homes to be built at Midsomer Norton, Radstock, Westfield, Paulton and Peasedown St John.
136. In the Somer Valley job growth is being primarily focussed within industrial sectors, supplemented by some additional office jobs within the town centres and associated with industrial businesses. The PMP facilitates this provision through a significant allocation on the edge of Midsomer Norton at Old Mills Industrial Estate (SSV9) and the protection of existing industrial uses. Policies support additional provision within identified strategic and other primary industrial estates. These are to act as the main focus for job growth in the Somer Valley and their strategic importance is confirmed through the Industrial Market Review (CD/PMP/DM18). The Somer Valley is part of the recently designated Enterprise Zone (EZ) and the locations/sites within it are based on land allocated in the PMP and referenced in the policy framework. EZ designation will help facilitate business investment and delivery of job growth during and beyond the Plan period.
137. Policy SSV4 relates to the Former Welton Manufacturing Site. The policy requires the retention of the former brewery building. The Council's viability assessment did not specifically assess and include the costs of retaining the brewery building. However it shows significant viability headroom relating to the site as a whole. Having visited the site, I agree with the Council that the building makes a positive contribution to the conservation area and its setting and so the presumption should be in favour of its retention unless robust

economic viability testing demonstrates otherwise. To this end, **MM36** is recommended to ensure the allocation is developable and the policy therefore effective.

Rural Areas

138. With the exception of the Wheelers Block Works in Timsbury (site SR14) no specific allocations for employment uses are made in the rural areas. However, the policy framework supports the provision of small scale employment opportunities appropriate to the character of villages (e.g. through Policies RA1, RA2, RE1, RE3 and RE6). There are a number of existing industrial estates/business premises where Policy ED.2B protects existing space and is supportive of additional provision of employment space. This will include previously developed sites in the Green Belt, where in conjunction with national policy (NPPF, paragraph 89) some limited additional provision is facilitated through redevelopment and limited infill.
139. The Council's Housing Supply Statement demonstrates that the delivery of around 1120 dwellings can be achieved in the rural areas during the Plan period, having regard to existing commitments, allocated sites and windfall developments.
140. Through collaborative working with the parish councils, potential sites inside and outside the HDBs in the villages meeting Policy RA1 and RA2 criteria were assessed. Parish Councils assessed potential sites using toolkits to ensure a methodical approach. The HELAA provided the starting point. The Council conducted a thorough two stage review of the suggested sites.
141. Criteria 2 and 3 of Policy SR5 relating to Pinkers Farm, East Harptree are repetitive and unnecessary. Criterion 2 should be deleted to ensure the policy is justified (**MM37**).
142. Site allocation SR14 – Wheelers Manufacturing block Works could accommodate approximately 25 dwellings and employment space. The estimated capacity excludes the area to the south that is occupied by existing residential properties, to be deleted from the allocation (**MM38**).
143. The land to the east of the St Mary's school, Timsbury (SR15), is a larger allocation than necessary to provide around 20 dwellings. Accordingly the site allocation provides flexibility for an applicant to propose a form of development that links well to the wider countryside and retains views whilst retaining a 15m buffer from existing trees on the western boundary. It is accepted however that criterion 7 of Policy SR15 should simply require a strong landscape buffer to be created rather than requiring the retention of the existing vegetation (**MM39**). This is necessary to ensure the requirements are justified.
144. An outline planning permission on land at Leafield, West Harptree (SR2) was granted in November 2015. It was demonstrated through this application that a suitable layout could be achieved without maintaining 15m from the centre line of the eastern and southern boundaries and any development (criteria 7). Instead a satisfactory scheme was proven by retaining the paddock adjoining

the site. A main modification to this effect is necessary to ensure the policy is justified (**MM40**).

145. In conclusion, it is considered that the allocations and proposed land uses are realistic and accord with the general distribution of development set out in the CS. Furthermore the sites are considered to be deliverable and developable. Subject to the MMs set out, the site selection process as a whole is sound.

Assessment of Legal Compliance

146. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The PMP has been prepared in accordance with the Council's LDS (May 2016).
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in 2012 and updated in 2014. Consultation on the PMP and the MMs has complied with its requirements.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	The Habitats Regulations AA Screening Report November 2014 sets out why AA is not required. Natural England support this.
National Policy	The PMP complies with national policy except where indicated and MMs are recommended.
2004 Act (as amended) and 2012 Regulations.	The PMP complies with the Act and the Regulations.

Overall Conclusion and Recommendation

147. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

148. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Bath and North East Somerset Placemaking Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Claire Sherratt

Inspector

This report is accompanied by an Appendix containing the Main Modifications.