

## **SPECIAL CABINET MEETING -25<sup>TH</sup> JANUARY 2017**

Chairman & Colleagues, we are meeting this evening to make a decision on the site of the Eastern Park & Ride.

Before going through the process of considering the Officers' report I would like to thank the large number of people who have contributed to the deliberations which will follow. They include the Council's officers who have put a huge amount of time and effort into looking at all aspects of this project. I would also like to thank our external advisors who have helped with the legal, planning and technical issues. In particular I would like to thank the Bath Transport Commission, chaired by Sir Peter Hendy, which has supported this project from the start.

I would also like to thank the Local Development Framework Steering Group, chaired by Cllr Richardson, and the Communities, Transport and Environment Policy Development and Scrutiny Panel, chaired by Cllr John Bull, whose input I will review later.

I would like to thank others who had been involved in the extensive consultation process. This includes bodies such Highways England, Historic England, the Federation of Bath Residents' Associations and, of course the Parish Councils and Bathampton Meadows Alliance, all of whom have put a considerable amount of advice and comments to the Council.

Finally, I must thank all the individual submissions to us from residents and other interested people.

Before I explain my position I think it is important that I update Cabinet in relation to further representations which have been received since the publication of the report.

The following issues have been raised by solicitors acting for Bathampton Meadows Alliance in a recent letter to the Council. I can advise Cabinet in relation to each of the main points raised. This letter has been sent directly to members I am going to precis it and outline our response.

1. Criticism of the Recommendation and Resolution(s)

In response:

- The recommendation is clear
- To avoid confusion Cabinet will consider and vote on each option separately and in turn
- The Constitution confirms the Director has general delegated authority; and the recommendation in the report, if followed, would give her specific delegated authority
- The report authorises the Director to set appropriate procedures in train in relation to the appropriation of site F, if chosen

2. Impact of New Information and Site Analysis on the Placemaking Plan;

- At the PMP Examination hearing it was agreed by the inspector and Council witness that some wording revisions were required to Policy ST6 to ensure compliance with NPPF. The Inspector confirmed the revised wording and this is publicly available.
- In accordance with the NPPF the Council is proposing to give Policy ST6 significant weight.
- Cabinet has seen the Main Modifications as they relate to Policy ST6 and the officer comments relating to the process followed at and after the PMP Examination.

- Bathampton Meadows Alliance can make representations on the Modifications to the Placemaking Plan.

### 3. Defective site analysis

- The Report sets out the relevant planning policy context for Park and Ride sites, the main planning constraints and the context.
- This is not a report to the planning committee determining an application for planning permission.
- A preferred site will need to be considered through remaining procedures which will include the planning process where full consideration of planning policy and material considerations will take place.
- The level of advice is appropriate to the purpose and function of this report.

### 4. Conflict of interest, considerations & errors in data presentation

- Cabinet is fully aware that they are not exercising the functions of the Council as local planning authority and that there will have to be clear separation between the exercise of the Council's property and planning functions.
- The passenger data is provided to present a full Picture on usage of P&R and is supplementary to the data provided on vehicles
- Paragraphs 4.36 to 4.42 of the Report deal with growth in vehicles coming into the city and with demand for a P&R.
- The report seeks to explain how provision can be made to the projected numbers to 2029 to support the plan-led growth in the city.

A letter has been received from Historic England dated 24<sup>th</sup> January making representations regarding the World Heritage Site. I have considered these and taken advice from officers. I can advise Cabinet as follows:-

Cabinet will be aware that members are not dealing with an application for planning permission and all the proper statutory procedures for any such determination will be gone through.

Cabinet should note that:

- The World Heritage Site is a heritage asset of the highest significance and that its significance derives from its setting as well as its physical presence
- As the UK government is a State Party to the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage there is an expectation that the Outstanding Universal Values of the World Heritage Site will be protected
- The setting of the World Heritage Site is protected by local and national policies. Robust and convincing justification is required for any harm to the World Heritage Site.

Cabinet will recall receiving reports from the LDF Steering Group and the CTE Scrutiny Panel in May and the World Heritage Site and its Setting were integral to their assessment of the various options.

Furthermore, following the May Cabinet, officers were asked to work up detailed drawings of the options for sites and to instruct planning agents and landscape architects to develop pre-application submissions on a number of options. This submission included reference to World Heritage Site and relevant guidance. These options were considered by the Council's Development Team, which

included a Senior Conservation Officer and appropriate heritage advice was provided.

Historic England have suggested that a Heritage Impact Assessment be prepared to inform this stage of the process however officers consider that it would be more appropriate at the planning stage. However, heritage advice was obtained and is included in the report.

To clarify, a designated AONB is of no greater importance in planning terms than a World Heritage Site. The importance of the World Heritage Site and its setting is fully recognised in the recommendations made.

An email was received from a member of the public raising concerns about the Council's legal obligations to protect bats. The statutory protection of bats will be fully dealt with in accordance with all legal obligations in the planning process.

Other representations have been received from members of the public. I would like to thank them for sending us their views which we have carefully considered.

I now turn to the report itself. Firstly I would remind colleagues that the need for an eastern Park & Ride has featured in numerous Council policies over many years – from the Bath Transport Package to the Placemaking Plan – and that Full Council approved the need for an Eastern Park & Ride in its November meeting in 2015. Our job this evening is therefore to come to a decision as to the siting of that facility. Cabinet Members have had the opportunity to read the report but I will highlight some of the main items within the report.

Firstly we need to understand that at present 73,000 people travel to Bath daily by car and this number is set to rise to 96,000 a day by

2029. Much of this rise relates to the new Enterprise Zone, which will boost the local economy by £1.2 bn by 2030. There are firm plans to build 7,000 new homes within the City and create 11,000 new jobs by 2035. To this has to be added the 3% annual growth in tourists and the desire to see an enhancement of our retail, cultural and entertainment sectors. Unless positive measures are taken now, with what is already very difficult congestion to the east of the city, Bath will in the not too distant future become totally gridlocked, to the detriment of all.

There are, of course, already a wide range of transport plans in place, which will be formally presented to the Bath Transport Commission later this year.

However, there has been a long-established policy to create a new Park & Ride to the East of the city, with over 23,000 vehicles using the London Road daily, but without a Park & Ride. The Park & Ride has been supported by the Local Plan in 2007, the Bath City Riverside Enterprise Area (City Deal ) in 2012, the Getting Around Bath Transport Strategy, and most recently our Placemaking Plan. This Administration continues to support the Bath Transport Strategy, introduced with all-party support in 2014 – as we do not see any use in a strategy if the will is not there to deliver it.

There have been some claims that our existing Park & Rides are not well-used. This is absolutely not the case. They carry 2 million passengers a year – that's 1 million people into the city and 1 million people out. Prior to their recent expansion they were frequently full to capacity – particularly at Newbridge and Lansdown. The expansion which took place under the previous administration has of

course created some spare capacity – but that capacity will be taken-up over the coming years as travel demand continues to grow.

The existence of Park & Rides in the other three quadrants of the City and lack of Park & Ride in the Eastern quadrant clearly represents a serious gap in our provision – particularly as the city and economy expands. It is for this reason that the Administration has remained committed to this project.

The Council has done extensive research, including traffic modelling and demand forecasting, and all these studies reach the same conclusion – that an East of Bath Park & Ride would be well-used; is necessary to support the growth of the economy; and that traffic congestion and access to the city will be worse if we do not build one.

It is for these reasons that it has long had the support of local business organisations, transport lobby groups, and residents associations.

I will now turn to the CTE PD&S report. With one exception we have accepted all the main recommendations. The signage to Lansdown Park & Ride will be improved, both in its wording and secondly in the number of signs. These are all in South Glos. or on Highways England property and required their approval, as well as support from the relevant parish councils but I am confident that this will not take much longer. We have in fact gone further than suggested and my opposite number on South Glos. has instructed his officers to investigate improvements to the junction of the A420 and Freezinghill Lane, which is probably a bigger barrier at the moment to use of Lansdown than poor signage.

As far as progressing the A46/36 link is concerned, this project has been in discussion with Wiltshire County Council and Highways England since the summer of 2015 and was one of the topics discussed with the Roads Minister when I visited the Department for Transport last year. The other topic being discussed was the trunking of the A350 which would go some way to relieve the East of Bath from HGVs, with a reduction of intrusion of such vehicles along the London and Warminster Roads.

We have been investigating links to rail, river and the RUH but to a certain amount this work can only be undertaken seriously until a site is chosen.

The possibility of a workplace levy has been considered previously for the City. It has been very successful in Nottingham, but our two cities have a very different employment bases, with an industrial base and large commercial employers in Nottingham that are home to large company car parks. This is not true of Bath and the costs of administering such a scheme and the exclusion of small enterprises make it non-viable locally. However, such a scheme might be revisited with the formation of the new Combined Authority.

The final recommendation from PD&S was to investigate the potential for smaller Park & Ride site or sites to the East of Bath, something which has been done exhaustively and which I will elaborate upon when I come to the recommendations.

This brings us to the deliberations of the cross-party LDF Steering Group. Their task was to identify and evaluate all possible sites in the eastern approaches to the City. 21 sites were put forward in total.

Members of the LDF Committee undertook extensive site visits and assessed four main criteria. The first was planning considerations. This heading included issues such as siting on the flood plain, in an Area of Outstanding Natural Beauty within the World Heritage site and the Green Belt.

Secondly, estimated costing, subject to the tender process.

Next feasibility, such as site access, especially as far as likelihood of usage was concerned and topography.

Finally, land ownership.

Following extensive considerations based upon these issues, the LDF concluded that there were essentially two potential ways forward – either one of the Mill Lane sites to cater for the largest amount of demand; or a smaller site on the Box Road to cater for A4 demand only.

The Cabinet therefore agreed in May last year for further study to be undertaken on these options. The conclusion of this work was that four sites appeared to be potential options. These were sites 8 and 4 on the Box Road and sites B & F, which were then looked at in more depth by officers. In addition, officers were also asked to re-check the suitability of two sites further along the A4. Commonly known as MJ Church Site (site 1) and a former tip (site 3).

The conclusions of this work were as follows:

- Sites 8 and 4 on the Box Road have the very specific difficulty of not capturing motorists coming to Bath from the A363 or A46 and would also require four buses rather than three. Their size and topography also caused a particular challenge as they are both on very sloping ground. Crucially, though, both these sites are within the Area of Outstanding Natural Beauty – which poses an exceptionally high bar in terms of gaining planning permission.
- Secondly, the MJ Church site. This site did not have the same challenges of topography. However, access from the A4 is very difficult, being on a sharp bend of the main road and a narrow tunnel under the railway. It is also in Wiltshire and again it is within the Area of Outstanding Natural Beauty.

As a result of this extensive work, it was therefore concluded that none of the sites on the Box Road were feasible or deliverable.

Further in-depth work was therefore also done on the options for sites B and F in terms of design, size, access and screening

B has a number of qualities:

- It is well-located to intercept traffic from the A4, A46 and A363.
- At ground level it is less visible from nearby villages
- It is not on the flood plain
- It is not in an AONB or in the World Heritage Site
- There is potential for both rail and river links in the future
- And, whilst not a planning consideration, it was the most popular site in the 2015 public consultation

There are however a number of issues that also need to be considered:

- As with all the potential sites, it is in the green belt; Whilst not in the World Heritage Site itself, it is within its setting and this is something we must be mindful of in any plans;
- It is not owned by the Council and as such would require purchase;
- It would require agreement from Highways England for access from the Batheaston bypass due to its proximity to the curve of the road;
- It is visible hills around the site, though from a greater distance.

As far as F is concerned the pros are:

- It is owned by the Council, and as such would come at less cost to the Council.
- Highways England have previously given agreement to access from the Batheaston bypass
- It has already been given planning permission (2009)
- It is not in the flood plain
- It is not in an AONB or in the World Heritage Site
- It can accommodate more cars than B

The challenges with the site are:

- Again it is within the Green Belt and the setting of the World Heritage Site;
- It was the least popular site in the 2015 public consultation
- It is the site most closely identified as 'The Meadows'

Much of the criticism associated with building on both B and F is that this project was about concreting over the Meadows and destroying the precious green space. This is untrue – there is not, and has ever been, any intention to for swathes of tarmac and concrete on this land. As has been shown by numerous examples in Bath and elsewhere, it is possible to deliver infrastructure like this which is sensitive to its location and blends into its surroundings.

Whilst both sites are indeed within the Green Belt, there is a justifiable need and both these sites can be very effectively screened and hidden with extensive planting mitigation. This process can also be accelerated with the use of mature trees. The Council has made a strong promise to ensure that mitigation will be of the highest order. Access to either site will be from the bypass. There is not threat to the flood plain – concerns over so-called ‘water run-off’ are not justified and any design would contain drainage and porous material.

The recommendation from officers is that Cabinet has a choice.

- The first, is to move forward with Site F at 800 or 1200 spaces
- The second option is Site B at 800 spaces, subject to purchase of the land and Highways England approval to access to the site.
- If these two criteria are not met, then Site F could be held as the reserve site.

I therefore move the following recommendations:

- Recommendations 2.1; 2.2; 2.3 with the addition of “in consultation with the Cabinet Member for Transport” after Strategic Director, Place; 2.4 and 2.5.

## **SUMMING UP**

Having considered the options very carefully, my thoughts on this matter are that the second option is the one the Council should pursue, with the third point included as part of the resolution.

My proposal would therefore for be for Site B to be promoted as the preferred site, subject to the conditions set out, with Site F held in reserve if these conditions cannot be met within a reasonable timeframe – something I consider to be a matter of weeks, not months.

My reasons for this are primarily that Site B offers greater scope for future benefits, and as I have already set out this whole project is about planning for the future. I believe that Site B can be well-screened, be less intrusive to nearby residents, and would allow greater future opportunities for river and rail linkages. For these reasons, I believe the benefits of Site B outweigh its challenges.

Nonetheless, due to the importance of this project, I do believe that – whilst Site F would not be my first preference – it is important that this site be held in reserve for the eventuality that the conditions on B can't be achieved.

I therefore move the following recommendations, one by one:

- Paragraphs 2.1
- Paragraph 2.2 A) – if A) is agreed move to 2.3
- Paragraph 2.2 B)
- Paragraph 2.2 C)
- Paragraph 2.3
- Paragraph 2.4; and
- Paragraph 2.5.