

Introduction

This schedule shows representations received on the [Bath & North East Somerset Local Plan Partial Update \(LPPU\) Main Modifications consultation](#). The consultation ran from 21 September to 2 November 2022.

Representations received have been separated out into Main Modification (MM) order. The Index below shows each MM that has been commented on and a summary of the number of “support” or “object” comments. The highlighted fields in the Index table act as bookmarks to the relevant MM.

Please note that, within the schedule of representations, and where a respondent has suggested changes to our Main Modifications these will be **highlighted in grey**. We recommend that you read this along with the [consultation version of the Main Modifications](#).

This schedule has been passed on to the Inspector for his consideration.

Index

Main Modification reference	Number of comments	Support	Object
General/not a Main Mod	8	4	3
AM6	1	0	1
MM02	6	4	2
MM03	1	0	1
MM04	18	17	1
MM05	9	6	3
MM06	3	2	1
MM07	3	2	1
MM09	5	3	2
MM10	4	4	0
MM11	11	8	3
MM12	4	1	3
MM13	1	1	0
MM14	6	0	6
MM17	1	1	0
MM19	3	2	1
MM22	4	0	4
MM23	3	1	2
MM24	1	0	1
MM26	6	3	3
MM27	3	2	1
MM28	5	3	2
MM29	5	2	3
MM30	2	2	0
MM32	1	0	1
MM33	1	0	1
MM34	5	3	2

Schedule of representations

Full name/ Organisation/ Organisation representing	Modification number - Support or Object to this proposed modification	Please give more details to explain your position on this modification
Helen Richardson Clutton Parish Council	General/not a Main Mod - Support	
J. Jones	General/not a Main Mod - Object	
Jane Hennell The Canal & River Trust	General/not a Main Mod - Support	The Canal & River Trust has no comments to make on the Main or Minor Modifications documents.
Judith Chubb- Whittle Mendip Hills AONB	General/not a Main Mod - Support	<p>Thank you for giving the Mendip Hills National Landscape Designated Area of Outstanding Natural Beauty (AONB) Partnership the opportunity to comment on the above Local Plan partial update Main Modifications consultation. Thank you for giving the Mendip Hills National Landscape Designated Area of Outstanding Natural Beauty (AONB) Partnership the opportunity to comment on the above Local Plan partial update Main Modifications consultation.</p> <p>The Mendip Hills AONB Partnership welcomes Bath and Northeast Somerset Council's climate and ecological emergency declarations, and the "review of core policies with the intentions of enabling carbon neutrality in the district by 2030". The Partnership consider that the Council's overriding purpose to improve people's lives must not be at the expense of either climate and nature recovery, or the designations of the Mendip Hills AONB. We welcome raising awareness of these nationally important protected landscapes, and through conserving and enhancing their natural beauty for future generations in perpetuity, the role of the AONBs in meeting the Council's intentions of the both the climate and ecological emergencies declarations.</p> <p>We welcome the Council's intention to support sensitively located and designed renewable energy systems to conserve and enhance designated landscapes, and the intention to actively address the challenges of climate change as a priority.</p> <p>Overarching Comments The Mendip Hills AONB and the "setting" of the Mendip Hills AONB The nationally protected landscape of the Mendip Hills AONB covers 198 square kilometres from Bleadon in the west to Chewton Mendip in the east. The AONB partly lies within the North Somerset to the south-west of the wider Bristol area and south-east of WestonSuper-Mare. Areas of Outstanding Natural Beauty are some of the UK's most cherished and outstanding landscapes.</p> <p>The Countryside and Rights of Way (CRoW) Act 2000 confirmed the significance of the AONBs and Section 85 places a statutory duty on all relevant authorities to have regard to the purpose of conserving and enhancing natural beauty when discharging any function in relation to, or affecting land within as Area of Outstanding Natural Beauty. Potential development proposals outside of the boundaries of AONBs that may have an impact within the designated area, are also covered by the "duty of regard".</p> <p>The concept of "setting" is often used to describe the area of land within which activities or changes could affect the associated AONB. The Government's Planning Practice Guidance draws attention to the concept of "setting" and the Section 85 duty of regard to AONBs stating that: "<i>Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.</i>" (PPG, Natural Environment (Landscape) section Paragraph: 042 Reference ID: 8-042- 20190721 Revision date: 21/07/2019</p> <p>Development outside of an AONB is capable of affecting the AONB and as such, the potential for effects on the AONB special qualities and distinctive characteristics are a consideration.</p> <p>Furthermore, PPG Natural Environment states; "<i>All development in National Parks, the Broads and Areas of Outstanding Beauty will need to be located and designed in a way that reflects their status as landscapes of the highest quality. Where applications for major development come forward, paragraph 172* of the Framework sets out a number of particular considerations that should apply when deciding whether permission should be granted.</i>" Paragraph: 041 Reference ID: 8-041-20190721 Revision date: 21 07 2019 * Paragraph 176 &177 in revised NPPF 2021.</p>

<p>Ian Bell Bath Chamber of Commerce and the Initiative in B&NES</p>	<p>General/not a Main Mod</p>	<p>I would like to raise three main points; housing, office space and sub-regional coordination.</p> <p>Housing: Our members are facing challenges on a number of fronts, not least inflationary pressures and uncertainty about interest rates. However, their principal concern is the problem of attracting and retaining skilled staff which is a serious threat to achieving a sustainable growth in our local economy. One of the main causes of a shortage of staff is the lack of affordable housing. Consequently, we would urge the Council to have this issue front and centre in any discussion about planning. We appreciate the Partial Update of the Local Plan is limited in scope, but our members feel it is worthwhile raising and emphasising this point at this stage and we will certainly do so again during consultation on the full refresh of the Local Plan. Members say the lack of affordable housing, especially for younger members of staff, severely impacts expansion plans as they are looking for talent in an exceptionally competitive market and there is a real risk they miss out on candidates who take jobs elsewhere, where housing is more available and affordable. Another element of the housing conversation must include accommodation for students. We acknowledge the whole issue of Purpose Built Student Accommodation is complex, but there is a belief that policy changes could encourage developers to bring forward plans specifically designed to be attractive and affordable to returning undergraduate students.</p> <p>Office space: Whilst Bath has technically a sufficient supply of office space, a significant part of that is within Georgian buildings, which hardly any businesses find suitable for their needs. There is demand for modern, flexible, open plan office space and the Quays Development will provide this much needed element. As that supply comes on stream, it is timely to consider a change of use from office to residential in Georgian buildings.</p> <p>Combined Authority: Members were broadly supportive of the concept of a subregional Combined Authority, but only because it seemed to be the way to unlock additional Government funding and to improve co-ordination between the participating local authorities. They have been disappointed that differences have meant a Joint Strategic approach has not been successful and would urge the political leadership to find an effective way of working together before a centrally created plan is imposed.</p>
<p>Amanda Grundy Natural England</p>	<p>General/not a Main Mod - Support</p>	<p>Thank you for your consultation on the above, dated 21 September 2022, which was received by Natural England on the same date.</p> <p>We understand that we are being consulted on the main modifications of the Local Plan Partial Update and not the wider updated plan. We do however make two recommendations in relation to Policy NE3A and the principle that Biodiversity Net Gain (BNG) should be provided on site where possible; and in relation to Policy CP3 and the reference to Bat SAC sustenance zones, which we recommend are mapped and that the map is made available for interested parties, ideally on the policies map – we believe these additions would strengthen the policies and wider Plan and we hope that they can still be considered at this late stage.</p> <p>Overall, the proposed modifications appear reasonable and, in our view, have helped to clarify the updated and new plan policies and the rationale for these.</p> <p>We offer the following comments on those modifications and amendments that relate more specifically to aspects of the natural environment, and which we consider are relevant to Natural England's remit.</p>
<p>Joanne Bryant Stowey Sutton Parish Council</p>	<p>General/not a Main Mod - Object</p>	<p>Not a change but we have identified 2 paragraphs of potential concern to rural residents relating to parking, which continue to disadvantage rural dwellers wishing to work, shop & enjoy leisure time in Bath;</p> <p>101. The Placemaking Plan seeks to facilitate the ongoing progress made to relocate long stay parking to Park and Ride sites, thus reducing vehicle movements into the constrained city centre. This is a key component of the wider strategy to reduce the impact of traffic in the City, create options for the central area and improve the environment. This works in favour of economic activity and is a more efficient use of scarce space in the centre, presenting opportunities to improve the walking and cycling environment.</p> <p>102. The Placemaking Plan provides for the retention of around 500 spaces within the Central Area which is considered necessary in order to maintain the vitality and viability of the city centre.</p> <p>NOTE Charlotte St alone currently has 1,056 spaces according to B&NES website!</p>

<p>Nigel Whitehead WPB MNRE</p>	<p>General/not a Main Mod - Object</p>	<p>Comments relate to SSV4 - Welton Bag</p> <p>INTRODUCTION In accordance with the published 'Consultation Overview' (B&NES Council website) this Statement responds to the published recommendations set out in the corresponding Inspector's Letter to the Council dated 11 August 2022 (Inspector Phillip Lewis BA (Hons) MA MRTPI). These representations focus solely upon matters covered in the Inspector's Letter (Paragraph 24, Policy SSV4: Former Welton Manufacturing site) in relation to Volume 4 Somer Valley. Their content is consistent with ongoing discussions with B&NES Council representatives. More specifically these representations focus upon the 'response statement' (Stage 2 Main Modifications) over the policy requirement (5) of Policy SSV4 requiring the de-culverting of Wellow Brook. A series of supporting figures are attached to illustrate key points made in the context of allocation No. SSV4 and its environs (See Plans 1 - 4).</p> <p>INSPECTOR RESPONSE The Inspector's Letter to the Council confirms in paragraph 24 that: 'The Plan does not propose that this requirement is amended, and given the potential flood risk and biodiversity benefits of the deculverting of Wellow Brook, and that there is not convincing evidence as to the effects of the requirement on the viability of the proposal, I shall not be making any recommendations to amend the plan in this regard.' The following conclusions are drawn from this published response following our recorded written submissions and discussions which took place at the examination hearing :- § Supporting evidence regarding of the redevelopment proposals should have been produced prior to the hearing sessions on the effects of the Clause 5 requirement on the viability (feasibility?) of the proposals; § Had convincing evidence been provided on the effects of the requirement on the viability of the proposals the deculverting requirement could have been amended at this stage (Main Modifications); § The formal request at the hearing sessions for the installation of greater flexibility in the wording of Clause 5 of Policy SSV4 is rejected without explanation. In the above context we respectfully take this opportunity to respond to the assumptions which are implicit in the reply statement.</p> <p>CONTEXT As expressed in duly made written representations to the Partial Update (2018) the owners of the SSV4 site continue to have significant concerns in respect of 'Development Requirement/Design Principle' No.5. of Policy SSV4 requiring the deculverting of Wellow Brook. Clause 5 of Policy SSV4 states :-De-culvert the Wellow Brook to provide continued natural sections through the site, and provide habitat creation/enhancement which will be part of the west-east strategic green infrastructure route. Clause 5 is not worded as a design aspiration but a specific requirement of Policy SSV4. This requirement for the delivery of full de-culverting under any scenario is a significant scheme requirement to be proposing without detailed supporting information which fully tests its feasibility and practicality based on local circumstances. Whilst the details of specific options for channel treatments through the SSV4 site are reserved for subsequent approval, it is possible to demonstrate a range of scenarios under which the requirements of Clause 5 could prove to be both impractical and unjustifiable based on the other stated requirements of Policy SSV4. Furthermore emerging draft options demonstrate that in seeking the delivery (or ceding) of continued natural sections through the site for habitat creation and floodrisk purposes (Para 24 Inspector Letter) could be achieved equally well by a range of alternative means to deculverting. Preliminary flooding research suggests that full deculverting of the channel is potentially requiring more than is needed to deal address the unspecified matters that it is designed to solve. This site does not routinely flood nor are floodrisk improvement objectives specifically mentioned in Clause 5 as it is currently presented in the draft plan. There is also no demonstration of the necessity for the clause as currently worded for floodrisk benefits as stated in the Inspectors response letter. The retention of Clause 5 would directly affect the accessibility standards which could be achieved across the allocation site. As previously mentioned the delivery of improved connections is a specific requirement of the redrafted policy (Clauses 1a, 1b, 4 & 7) given the extended retail offer to be achieved. Our masterplanning exercise has highlighted that there are now key viability concerns associated with Clause 5 and there is also an inherent policy conflict between the potential achievement of other Development Requirement/Design Principles' in Clause Nos.4 & 5. Clause 4 states :-Provide new streets and spaces through the site that improve pedestrian and cycling connections both north to south and east to west connecting to existing cycle and bridal way for new and neighbouring residential communities. To date no outstanding duly made objections to the partial update have been received relating to the de-culverting clause (Clause 5). Given that the land relates to public connectivity links the clause potentially runs contrary to other objectives of the redrafted policy. In raising this matter we are not seeking to introduce new evidence or arguments. Previous written representations have been made regarding this specific topic (Clause 5) and the ongoing masterplanning exercise has only brought into focus existing reported concerns based on the underlying objectives of the policy, accessibility, land budgeting, project viability and other related considerations. These matters have been discussed at length with members of B&NES Council Planning, Highways, Footpaths and Ecology. No.2 recent public consultation events have highlighted the public's ambition to achieve the proposed WESGIR through the site to reconnect adjacent neighbourhoods.</p> <p>PARTICIPANT RESPONSE TO INSPECTOR LETTER Prior to the hearing sessions we sought to engage constructively with the LPA to agree a statement of common ground with them, and other relevant bodies, on the underlying objectives of Clause 5 wording on deculverting. We did this to highlight key uncertainties regarding assumptions over potential deculverting and the inflexible nature of the existing policy wording. To maximise the effectiveness of plan preparation process we have subsequently been trying to engage constructively and actively with the LPA on this matter given the follow on process for the adoption of Inspector recommended main modifications or additional modifications. Firstly we wish to clarify that our representations to date have not sought to prove that deculverting is impossible based on the effects of the requirement on the viability of the proposal. It was assumed that the hearing sessions were intended to deal with soundness and legal compliance. No detailed evidence was therefore submitted regarding 'viability' or 'local circumstances'. It was assumed that this evidence would follow under normal procedure at the application stages. Conversely no evidence on the requirement for deculverting was submitted by the LPA demonstrating that they had followed a logical and consistent approach to the drafting of the current clause in the policy (Clause 5, Policy SSV4). Similarly no evidence on any underlying floodrisk benefits of deculverting has been submitted by the LPA. No</p>
---	--	--

specific reference to floodrisk benefits is made in Clause 5. Our previous representations sought to highlight that certain basic uncertainties existed emanating from the fact that proposals for deculverting had not been fully tested by either the landowner in their outline planning application or by the Council in drafting the amended version of Policy SSV4. In these circumstances we highlighted that there could potentially be a scenario where deculverting was not possible although the policy wording make it a specific policy requirement. In a worse case scenario this untested clause could place an unjustifiable and disproportionate financial burden on the developer which would fail a planning test of reasonableness. It was noted during the Hearing Sessions that the Environment Agency commented that there is no modelling to demonstrate that de-culverting is feasible or viable currently available. However, de-culverting is perceived as the preferred option (and only option) in relation to the redevelopment of the site. It is therefore noted that no engineering hydraulic analysis or modelling of the Wellow Brook had been previously considered in detail and as indicated during the discussions our intention would be that at the detailed application stage hydraulic river modelling would be presented for review. The modelling being prepared by a hydrologist to determine the river channel modelling and impact on flood zones in terms of levels and land requirements of the Wellow Brook, is based on both de-culverting and retention of the culvert in order that a practicable review and analysis of the feasibility and viability of the proposed redevelopment be considered. This analysis would also reflect on ecology and accessibility benefits of the wider site should the culvert be opened up or retained. The detailed Hydraulic River Modelling and review would be incorporated within the Flood Risk Assessment submitted in support of a detailed application and would therefore be open to review and consultation response by both the Environment Agency and BANES as part of the continued planning process. Alongside this work a cost engineering report will be prepared setting detailed costing based upon the approved development. incl. initial site clearance and demolition, earthwork remediation and contamination removal, ground remodelling), onsite infrastructure costs (roads, footways, cycleways, services and drainage etc) professional fees, offsite highway improvements, landscaping, affordable housing options and either the retention of the Wellow Brook culvert or removal and de-culverting. The report will look to identify project feasibility based in infrastructure costs for the development site as a whole and for the various phases/mixed use with reference to current costs models and comparisons with other development projects for cost certainty at the planning stage. This work will also consider related ecological matters for River Habitat creation along with BNG implications of various physical profiling proposals including any upstream weir solutions. Current BNG assessment highlights that habitat creation/enhancement benefits could be equally provided under both culverting and deculverting options. We would expect to share all of the above material at the application stage. The scope of the supporting material highlighted above on viability matters alone highlights the challenge facing the applicants in the preparation of their own evidence base. At no point was it their intention that this material be submitted and shared in the run up to the hearing sessions. Similarly whilst statutory consultees can suggest and support clauses in drafted policies to mitigate potential impacts and make development acceptable in planning terms at the plan making stage, this must be conducted with an evidential base or at the appropriate planning stage when the application stage has been reached in the planning process. If no evidential base is supplied by statutory consultees they would of course be expected to review that supplied by the applicant. In the above circumstances we wish to reiterate that our previous representations (and discussions at the examination) simply sought greater flexibility in the wording of the policy to address any potential outcome on the basis that convincing evidence is provided at the application stage as to the effects of the requirement on the viability of the proposal. Having reviewed the filmed record of the proceedings we note that the appointed Inspector acknowledged the related uncertainties at the Hearing sessions having reviewed the written evidence and commented upon his giving consideration to a more flexible form of words given that the policy requirement, as drafted, is not a design objective but a specific policy requirement. Based on the above the following sections highlight new and emerging uncertainties relating from the design formulation process before suggesting an amended wording for Clause 5.

IMPROVED CONNECTIVITY BETWEEN SSV4 SITE & NORTH END OF THE TOWN CENTRE

Based upon predicted levels of accessibility proposed allocation SSV4 is consistent with paragraph 86e of the NPPF and other statements of national policy. This assurance was provided by WPB Ltd in our previous pre-hearing statement. The attached Plan 1 (Updated Version 4 dated 31.10.22) shows the effectiveness of the proposed connections to the north eastern edge of the defined town centre based upon the specific 'Development Requirements and Design Principles' in Policy SSV4 (Combined Changes Version). Each numbered connection on the figure corresponds with the specific clauses included in the current version of the site allocation (i.e. Clauses 1a, 1b, 4 & 7 of SSV4). Plan 1 shows proposed connections via onsite (4/1a) and off site (4/1b) linkages. In accordance with best practice the linkages identified on Plan 2 reinstate this former industrial site via the proposed West - East Strategic Green infrastructure Route (WESGIR) as an integral component of the local neighbourhood. In this way the allocated site will use its pivotal location in a positive manner to improve connectivity across this part of the town to create a more active High Street. We repeat this Para 86e point as an integral component of the proposed linkage improvements will be the West - East Strategic Green infrastructure Route (WESGIR) as part of a deculverted brook. This is addressed under Clause 5 of Policy SSV4. The delivery of the WESGIR is referred to in Clause 5 based on the delivery of habitat creation /enhancement. No specific reference to floodrisk benefits is made in Clause 5.

WEST - EAST STRATEGIC GREEN INFRASTRUCTURE ROUTE (WESGIR)

Accessibility and Function The emerging proposals for the WESGIR demonstrate how this route could provide a wide range of reopened linkages from the development site to both the surrounding area and the north east of the town centre (See Plan 2). This diagram shows the extensive range of local routes which could be put in place crossing the WESGIR at various points. If the strategic function of the WESGIR route through to the town centre were to be diminished by an overriding requirement to open up a standardised Brook channel at all costs, this could lead to the discounting of a range of high quality design solutions which deliver on the underlying policy objectives i.e. ecological and floodrisk (?) benefits. It could also more importantly have direct adverse implications for predicted levels of accessibility through the development site. A sub optimal design solution could result from the reduced connectivity by excluding options for a range of direct linkages across the WESGIR from the east, north east and north west. All routes would have to be rationalised to a single crossing point rather than multiple points as shown on the attached plan. Whilst the preferred design solution has yet to be formulated and tested, the highlighted concerns alone have the potential to significantly diminish the quality of the final development. The wording of the clause at present would impose broad unnecessary controls into the masterplanning exercise for unconfirmed ecology and floodrisk benefits. This inflexible approach does not constitute best planning practice. Early engagement and positive dialogue between the local planning

		<p>authority and the applicant could result in planning permission being granted for a hybrid scheme of deculverting which affords balance to connectivity, ecological and floodrisk enhancement. Plan 3 shows how the culverted option would fit into the development framework for the site as a whole. Strategic pedestrian linkages to the town centre will take on strategic importance given the limitations of the Station Road footpath in the vicinity of the Stones Cross Public House. Given related heritage and landownership constraints it is most likely that pedestrians will be minded to take the internal routes via the WESGIR and associated pedestrian linkages to the town centre (See Plan 2). Plan 3 also shows an emerging concepts for creating habitat/biodiversity, and a strategic green corridor link. This option relates to formation of a naturalistic linear park that could include flood retention/mitigation features. There would be limitations on planting of trees above/close to the retained culvert because of the impacts of roots on the structure. Tree planting could be included along this corridor within the residential development area on the right hand side of the sketch. This option would meet BNG requirements whilst securing a significantly above average level of site accessibility. Attached Plan 4 shows the layout if the brook is deculverted. This option shows the potential restrictions to north south connections based on level changes and the overall landtake for the creation of naturalised section. Banks would need to be reprofiled to 30 degrees with requisite maintenance access on both sides. As a result potential strategic pedestrian and cycle linkages would be reduced given by achieved widths and level changes with the natural brook passing 3m to 4m below the site level. Existing site levels could not be fundamentally altered without affecting the natural profile of the stream and the steepness of the north south linkage through the WESGIR to the town centre. Ecology/BNG Based on the established principles of long term habitat creation, the proponents of the redevelopment are currently exploring key 'river habitat' ecological enhancements linked to a 30 year management plan designed to ensure they are managed appropriately in the long term to achieve the goals of biodiversity net gain on the site. Based on the mapping of the baseline habitats the strategic green infrastructure would be managed with a variety of grassland species managed with a longer sward, tree and scrub planting, creation of a dark corridor across the site etc. RECOMMENDATION We recommend that the existing Clause 5 wording be reworded to install greater flexibility in the circumstances set out in this written statement. An amended form of wording is suggested in a similar manner to existing Clause 4 of the same policy. The existing clause wording pre-dates the inclusion of the foodstore and the emphasis now being placed upon improved linkages between the development site, the surrounding area and the north end of the town centre including the WESGIR. A revised wording for Clause 5 could follow the basic structure of Clause 4 as follows :- Enhance the ecological setting of Wellow Brook with a strong presumption in favour of reopening the existing channel subject to feasibility testing, to provide continued natural sections through the site, and provide habitat creation/biodiversity net gain/enhancement which will be part of the west-east strategic green infrastructure route. This revised wording would also ensure that the underlying objectives of the Clause 5 are clear and unambiguous and define what needs to be inserted into the plan. We consider that our formal request at the hearing sessions for the installation of greater flexibility in the wording of the policy has been rejected without proper explanation. In the above circumstances we would be keen to explore whether there are procedural options at this stage enabling a minor amendment of this clause (Clause 5) with the insertion of the revised wording set out above. We therefore respectfully request that these representations are considered as expeditiously as possible.</p>
Jane Lewis	AM6 - Object	<p>The amendment to Paragraph 46a is neither justified nor positively prepared because it is linked to the deletion of SSV2. The latter has been progressed without demonstrable scrutiny, robust evidence or supporting conclusions</p> <p>Evaluation of the impact of this removal on the delivery of strategic priorities for the town has not been provided in evidence and should be considered in direct conflict with SV2.</p> <p>The slimnest of justification for policy removal has been cited in the form of a 2019 car count. It is hard to see how retention of this land in its current form (with or without this renewable energy amendment which comes across as an expedient after thought) will deliver anything but stagnation or decline of the town centre's current retail, economic and community functions. It has the potential to condemn this key site to exclusion from re-development and regeneration opportunities within which parking could and would be accommodated.</p> <p>Why haven't more substantial justifications been provided or sought for this major policy turnaround which does not seem to align with the Council's own sustainability principles within the LPPU? I would welcome enlightenment as to how the status quo - the grossly inefficient use of land in proximity to the High Street without any proposals for public realm and connectivity improvement against professional recommendation "" can be considered a positive update to the existing Core Strategy/Placemaking Plan and SV2 delivery.</p> <p>It does seem to favour those interested parties preferring retail to skilled employment and training opportunities on the SSV4 Welton former manufacturing site, despite its acknowledged inferior location and distance from the High Street core activities.</p> <p>The 2019 Car Parking Survey document referred to above and cited in the LPPU does not appear to be included in the documentation made available for reference. Where can this be accessed and viewed please?</p>

<p>Finlay McPherson Crest Nicholson Partnerships and Strategic Land</p>	<p>MM02 - Object</p>	<p>1.1 These representations are submitted by Crest Nicholson in respect of land south of Manor Road, Saltford.</p> <p>1.2 Crest Nicholson is promoting land south of Manor Road, Saltford for circa 100 residential dwellings. The site (approximately 8.3 acres), if allocated, would contribute to future housing in the village and civil parish.</p> <p>1.3 Bath and North East Somerset (B&NES) Council is currently consulting on Main Modifications to the Local Plan Partial Update (LPPU), which was submitted for Examination in 2021, and went through formal hearing sessions in June and July 2022.</p> <p>1.4 The Planning Inspector has now issued the Main Modifications and Minor Modifications to the LPPU and representations are invited by the Council on the Main Modifications only. The Council request that no other parts of the LPPU should be commented on, and representations on the Main Modifications should not repeat any points already made in the Examination.</p> <p>1.5 The representations below set out comments on Main Modifications; providing observations on the proposed changes in policy and suggestions for further clarifications to be made for the benefit of the housing supply for the B&NES Full Review of the Local Plan.</p> <p>2. Strategic Planning Context</p> <p>2.1 West of England Spatial Development Strategy</p> <p>2.1.1 Preparation of the West of England Spatial Development Strategy (SDS) aimed to distribute housing need across three authorities; Bristol City Council, South Gloucestershire Council, and B&NES Council. The alignment between the local planning authorities involved in the preparation of the SDS changed in May 2022, and work to produce a spatial plan is now halted indefinitely. It is understood that the key reason for the halting of the SDS is the need to find a distribution strategy to meet the housing needs across the three authorities. One of the key challenges faced by the SDS is the need to find solutions to accommodating Bristol City's significant housing needs given the constraints within the city administrative boundary, this problem still remains. The pause on the SDS occurred during the examination of the LPPU.</p> <p>2.2 Bristol City Council Local Plan Review</p> <p>2.2.1 Bristol City Council (BCC) confirmed that it is continuing to work on its full Local Plan update, and will be working closely with neighbouring authorities, through the Duty to Cooperate, to ensure that BCC's housing requirement can be met. "Work has stopped on the Spatial Development Strategy (SDS) and is not being progressed by the West of England Combined Authority (WECA). As a result, the local plans for Bristol, Bath and North East Somerset, and South Gloucestershire will now provide the strategic planning framework for the West of England Combined Authority area. The issue of housing need and other cross-boundary strategic matters will now be addressed through individual local plans for each of the local councils. The councils will continue to work with each other and with other key bodies on strategic, cross boundary matters as they prepare their local plans.€•</p> <p>2.2.2 In regards to the SDS, the statement realised from BCC in May 2022 is welcomed and confirms that strategic plan making will continue in order to address the challenges faced by the SDS. It also confirms that the Local Plans of the authorities involved in the SDS, will be important in setting the strategic planning framework to deliver sufficient development, in the right locations, for the region.</p> <p>2.3 Bath and North East Somerset Local Plan Full Review</p> <p>2.3.1 Starting in October 2022, B&NES launched work on a full update on the Local Plan, with a consultation on the Local Plan Launch Document currently ongoing, closing on the 15th November 2022. Crest Nicholson will be submitting representations to the Local Plan Launch Document consultation in regards to the promotion of land at Manor Road, Saltford.</p> <p>2.3.2 It would be helpful for some text to be included in the supporting text to Policy DW1 to make clear that the position set out in the policy is interim and is likely to be superseded by the emerging plans. The suggested change could be made as a minor modification as it is setting out known information on plan making activity, as follows: "In May 2022 work on the West of England Spatial Development Strategy was halted, meaning that there may not now be a single strategic plan setting out how housing needs will be met over the next 20 years in the West of England region. Instead, it will be for the constituent Local Authorities of Bath and North East Somerset, Bristol City and South Gloucestershire, working closely with North Somerset to set out a coherent and consistent strategic spatial approach to meeting needs through their new Local Plans. Bath and North East Somerset Council will work closely with neighbouring authorities to achieve this through a full Local Plan Update which it is intended to adopt in 2025. In the interim period between 2022 and 2025, the housing supply information in Policy DW1 should be used to guide and monitor housing delivery while the new plan positions are being developed</p> <p>2.3.3 There is an argument, as has been covered in previous representations submitted by Crest Nicholson, that the LPPU process should not have taken place and that it would have made more sense to have commenced work on a full review of the Local Plan (as had now occurred). Undoubtedly, the gap in housing delivery that B&NES had identified, used to justify the need to undertake the LPPU would not begin to affect housing land supply or the Housing Delivery Test until 2025 at the earliest; therefore, there was ample time to complete a full review of the Local Plan to set out a robust and long term planning strategy for meeting the housing needs of the council for 15 to 20 years, rather than preparing a LPPU.</p> <p>2.3.4 The changes to Policy DW1, setting out a housing land delivery and supply position to 2029, demonstrates why these points were set out originally:€ç The table expects that 5,856 new homes will be built over the next 7 years between April 2022 and April 2029. €ç A Local Plan should set out a housing requirement and a housing trajectory to meet the housing requirements over a 15 to 20 year span of time. The reasons why the LPPU puts in place a 7 year plan period are understood and clearly related to the strategic planning context set out above. Nevertheless, delivering this number of homes committed over a short time period is likely to be challenging, particularly given that nearly 2,000 of these homes do not benefit from a planning consent, and 1,040 are sourced from windfall sites. The strategy is therefore at risk of not delivering enough homes within the plan period. Being effective is one of the key tests of soundness. In respect of strategic matters, to be sound, para 36 of the NPPF defines this as "effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred€• . The</p>
---	--------------------------	--

soundness test requires the plan to be 'positively prepared'. By dealing with only a small element of supply at the tail end of a plan period, it is not positively prepared. The plan should be dealing with the bigger cross boundary issues that need to be resolved in the interests of proper sustainable long-term planning that is required. The table shows that the total number of new homes being delivered by 2029 will be 14,640, a total of 1,640 homes more than the 13,000 home requirement. The margin represents a buffer that should act to ensure delivery of enough homes across the plan period - it is noted that this demonstrates that even without the new allocations for 940 homes made through the LPPU, the housing land supply seems to have had sufficient capacity to meet targets - at least until the full Local Plan update process is completed. It is anticipated that Bristol City Council's emerging Local Plan will be adopted and that the B&NES Full Review of the Local Plan will also be completed, setting the planning framework to 2042. Considering the planning context, it is clear that the housing supply position set out in Policy DW1 will be entirely superseded in 2 - 3 years' time.

2.3.5 For B&NES, it is vital that development of all types is directed to the right places in the district. It is important to support the housing requirements of the larger settlements of the district, but also to support the housing needs of other settlements in the hierarchy. The larger villages that sit in sustainably strategic locations should be considered for housing along with the larger settlements in the district.

2.3.6 Strategic sites that will deliver either planned new infrastructure or sites which can utilise new and existing infrastructure will create both sustainable and deliverable schemes that can contribute to affordable and market housing. As mentioned already, the delivery of housing and social infrastructure at the towns and villages in B&NES will help fund the infrastructure necessary to connect them, galvanise their high streets, and underpin their strong community identity. This an important consideration when looking at the longevity and sustainability of a community. A consistent under supply of housing in Saltford significantly impacts the affordability of houses in the village, both in terms of open market affordability and social housing. The under supply of housing also constrainsthe ability for local businesses to thrive and grow.

3. Land at Manor Road, Saltford

3.1 Recognising that the LPPU has progressed to an advanced stage and that the Main Modifications process only allows for comments to be made on changes that are proposed to the plan, we are not submitting detailed information on the opportunity that exists at Manor Road, Saltford to this consultation. Nevertheless, Crest Nicholson would like to highlight to the Council why Saltford is a suitable location for future housing growth.

3.2 Saltford is classified as a Rural Village which is excluded from but tightly surrounded by the Green Belt. The village is sustainable located in relation to Bath, Bristol and Keynsham, and at a more local level, the site is close to the centre of the village and its related facilities. The village is connected with accessible links along the A4 to both Bath and Bristol, with both city centres under 7 miles away. The nearest railway station is situated 2.5 miles west of the site in Keynsham, where the station is served by Great Western Railway and Southwestern Railway. Direct destinations by rail include Brighton; Southampton Central; Cardiff; Bath Spa; Gloucester; and Bristol Temple Meads. As well as sustainable road and rail links, the village offers bus services to destinations including Keynsham, Bath, and Bristol. The location and the sites' connectivity would give the option for future residents to take sustainable transport to places of employment, education, and leisure.

3.3 The village is relatively large with three public houses, a village hall, a Post Office, and Community Library, recreation grounds, a golf club, and a primary school (Saltford Church of England Primary School). Delivery of housing and social infrastructure in the villages of Bath and North East Somerset will help fund the infrastructure necessary to connect them, galvanise their high streets, and underpin their strong community identity. Saltford needs growth to ensure that it retains its diverse and increasingly challenged village amenities and facilities. The village supports a host of existing businesses and it is important that existing and new businesses in Saltford can continue to generate a local economy.

3.4 Saltford has its own primary school within close proximity of the land at Manor Road, Saltford. The location of the school means that future and existing residents access the school by foot rather than by car use, promoting a healthy and sustainable lifestyle.

3.5 The village benefits from its connection and proximity to areas of nature and provide opportunities for residents to partake in fitness and leisure activities without needing to travel by vehicle. The recreation grounds to the northwest of the village offer football and cricket facilities as well as tennis courts. The village has several footpaths (PRoWs) connecting it to neighbouring village settlements and to open countryside. The River Avon runs through the village and has footpaths and cycle routes along the river. Existing and future residents can enjoy the health and well-being benefits of having these facilities on their doorstep. The ability to access green spaces is of growing importance for communities and enabling people to live a sustainable and healthy lifestyle.

4. Conclusion

4.1 Since the LPPU was submitted, there have been significant changes to the strategic planning context in which the partial update was formulated; work on the West of England Spatial Development Strategy has halted, Bristol City Council have confirmed that they will be moving forwards with the production of their new Local Plan and B&NES Council have launched their own full Local Plan update.

4.2 The developments in the strategic planning context, underline that the LPPU is an interim plan. The LPPU sets out a housing land supply position and policies to ensure that delivery continues while full plan replacements are put in place across the WECA region to put in place a long term strategy for meeting housing needs.

4.3 As always, Crest Nicholson would be happy to speak to Council officers to explain in more detail the opportunities which exist at Manor Road, Saltford, and why the land should be brought forward to meet the housing needs in the West of England.

<p>Richard Grant Origin3 Crest Nicholson Plc</p>	<p>MM02 - Object</p>	<p>1.1 These representations are submitted on behalf of Crest Nicholson in respect of their land at Hicks Gate.</p> <p>1.2 Bath and North East Somerset (B&NES) Council is currently consulting on Main Modifications to the Local Plan Partial Update, which is at Examination and went through formal hearing sessions in June and July 2022. Following these sessions, in which Origin3 took part acting for Crest Nicholson, the Council has set out Main Modifications and Minor Modifications which are required in order to make the plan sound.</p> <p>1.3 Representations are invited on the Main Modifications only – no other parts of the LPPU can be commented on, and representations on the Main Modifications should not repeat any points already made as part of previous stages of the Examination.</p> <p>1.4 The scope of the B&NES Regulation 18 Partial Update consultation document includes a number of detailed amendments and changes to policies in the LPPU. Most of these are matters clarifying and updating policies as a result of discussions that took place during the hearings.</p> <p>1.5 The following representations made by Origin3 on behalf of Crest Nicholson respond to the B&NES Local Plan Partial Update Main Modification consultation document. We set out comments on Main Modification MM2, which changes Policy DW1 in respect of housing land delivery and supply numbers to meet the housing requirement set out in the plan. We note that the strategic planning context for the housing land supply position has changed significantly since the LPPU was submitted, and suggest some minor modifications to the plan to clarify this position.</p> <p>2.1 Main Modification MM2 sets out changes to Policy DW1 – which sets out the housing requirement for the plan period to 2029, a table showing housing delivery and supply to illustrate how the land requirement is expected to be met, as well as housing figures for use by neighbourhood planning groups and changes to the Green Belt to facilitate the delivery of housing sites. Crest Nicholson have the following observations to make regarding this policy change, and suggestions for further clarifications to be made to explain the relationship of the housing supply position to the new B&NES Local Plan process.</p> <p>2.2 It is helpful to set out the changes to the context for producing the LPPU which have taken place over the past few months. West of England Spatial Development Strategy 2.3 The West of England Spatial Development Strategy (SDS) was being prepared by Bristol City Council, South Gloucestershire Council and B&NES Council in order to set out a long term strategic spatial plan for growth and development across the West of England Combined Authority Area. A key aim of the SDS was to distribute housing need across the three authorities, and in fact to also look at how North Somerset Council, who are also bringing forward a new Local Plan, could also contribute to meeting the housing needs of the region. Clearly, a large part of the challenge faced by the SDS was the need to find solutions to accommodating Bristol City’s significant housing needs given the constraints within the city.</p> <p>2.4 In May 2022, it was announced that discussions had broken down between the three authorities collaborating on the SDS, and therefore the work to produce a spatial plan had been halted indefinitely. A key reason given for the breakdown in discussions was the need to find a distribution strategy for meeting housing needs across the authorities. This decision was clearly taken after the submission of the LPPU and only a matter of weeks before the opening of the hearings into the draft plan. Clearly, the LPPU both in concept and in detail was formulated with the assumption that the SDS would progress and set the context for the next round of plan making.</p> <p>2.5 B&NES produced a helpful note to explain the implications of the decision to halt work on the SDS for the Inspector examining the LPPU – setting out that the WECA Mayor is obliged to produce an SDS under the Order which established the Combined Authority, and that the halting of work on the SDS does not change this obligation, nor does it change the need to undertake the LPPU. The Inspector has accepted these points.</p> <p>Bristol City Council Local Plan Review 2.6 As another change to the context of producing the LPPU, and as a consequence of the halting of work on the SDS, Bristol City Council has confirmed that it is continuing to work on its full Local Plan update, and will be working closely with neighbouring authorities through the Duty to Cooperate. The statement set out by Bristol City Council on its Local Plan Review webpage is as follows: “Work has stopped on the Spatial Development Strategy (SDS) and is not being progressed by the West of England Combined Authority (WECA). As a result, the local plans for Bristol, Bath and North East Somerset, and South Gloucestershire will now provide the strategic planning framework for the West of England Combined Authority area. The issue of housing need and other cross-boundary strategic matters will now be addressed through individual local plans for each of the local councils. The councils will continue to work with each other and with other key bodies on strategic, cross boundary matters as they prepare their local plans.”</p> <p>2.7 This statement from BCC is welcome as it confirms that strategic plan making will continue in order to address the challenges faced by the SDS. It also confirms that the Local Plans of the three authorities will be important in setting this strategic planning framework.</p> <p>2.8 New Bath and North East Somerset Local Plan 2.9 Finally, it is also welcomed that B&NES have recently launched their work on a full update to their Local Plan, with a high-level consultation underway (The Local Plan Launch Document Consultation) and due to close on 15th November 2022. This step will ensure that B&NES Council has a plan being produced within which it can address the issues highlighted by Bristol City Council in its announcement. Crest Nicholson will be making representations in response to this consultation.</p> <p>2.10 However, given all of the changes to the context of the need for the LPPU which have taken place since its submission, and in some cases since the Examination hearings took place, it is suggested that it would be helpful for some text to be included in the supporting text to Policy DW1 to make clear that the position set out in Policy DW1 is interim and is likely to be superseded by the emerging plans. This change could be made as a minor modification as it is setting out known information on plan making activity, as follows: “In May 2022 work on the West of England Spatial Development Strategy was halted, meaning that there may not now be a single strategic plan setting out how housing needs will be met over the next 20 years in the West of England region. Instead, it will be for the constituent Local Authorities of Bath and North East Somerset, Bristol City and South Gloucestershire, working closely with North Somerset to set out a coherent and consistent strategic spatial approach to meeting needs through their new Local Plans. Bath and North East Somerset Council will work closely with neighbouring authorities to achieve this through a full Local Plan Update which it is intended to adopt in 2025. In the interim period between 2022 and 2025, the housing supply information in Policy DW1 should be used to guide and monitor housing delivery while the new plan positions are being developed.”</p> <p>Housing Delivery and Supply – Table 1C</p> <p>2.11 A key strand of the representations to the LPPU that were made on behalf of Crest Nicholson by Origin3 was that the LPPU process should not have taken place</p>
--	--------------------------	---

and that it would have made more sense to have commenced work on a full Local Plan update (as has now occurred). It was shown that the 'gap' in housing delivery that B&NES had identified and that justified the need to undertake the LPPU would not begin to affect housing land supply or the Housing Delivery Test until 2025 at the earliest and therefore there was ample time to complete a full Local Plan update which would set a robust and long term planning strategy for meeting housing need for 15 to 20 years – rather than an interim position.

2.12 It is considered that the changes to Policy DW1, setting out a housing land delivery and supply position to 2029, demonstrates why these points were set out originally: 2.13 The table expects that 5,856 new homes will be built over the next 7 years between April 2022 and April 2029.

2.14 Clearly, it would normally be expected that a Local Plan should set out a housing requirement and a housing trajectory to meet the housing requirement over a 15 to 20 year span of time. The reasons why the LPPU puts in place a 7 year plan period are understood and clearly are related to the strategic planning context set out above. Nevertheless, delivering this number of homes over a short time period is likely to be challenging, particularly given that nearly 2,000 of these homes do not benefit from a planning consent, and 1,040 are sourced from windfall sites.

2.15 The table also shows that the total number of new homes being delivered by 2029 will be 14,640 – 1,640 homes more than the 13,000 home requirement. Although this margin represents a buffer which should act to ensure delivery of the plan requirement, it is noted that this demonstrates that even without the new allocations for 940 homes made through the LPPU, the housing land supply seems to have had sufficient capacity to meet targets – at least until the full Local Plan update process could be completed.

2.16 As set out above, it is likely that during this time, a new Bristol City Council Local Plan will be adopted (the City Council's LDS suggests adoption on 2024), and that the B&NES full Local Plan update will also be completed (the Council's LDS suggests adoption in 2025), setting the planning framework to 2042. It therefore seems clear that the housing supply position set out in Policy DW1 will be entirely superseded in 2 - 3 years' time. 2.17 The reasons for B&NES bringing forward the LPPU have been set out and accepted through the Examination process, and we understand the rationale. Nevertheless, it may be confusing to users of the LPPU that the table sets out a position that will shortly be out of date. It is therefore suggested that in addition to the change suggested above, another minor modification to the policy should be made setting out that the housing land supply expectations between 2022 and 2029 are interim and will be superseded by plan making activities being undertaken by B&NES and Bristol City Council.

The following text is proposed, to be inserted following Table 1C: "The housing land supply figures contained in Table 1C set out an interim position, which is intended to ensure that the Local Plan Partial Update can maintain a credible land supply position while further work is undertaken on a full update of the Local Plan. The processes of creating a new Bath and North East Somerset Local Plan, and of ensuring that the new Local Plan works alongside the new Bristol City Local Plan and South Gloucestershire Local Plan to create a strategic planning framework for the West of England, will mean that the above land supply position is likely to be superseded by 2025."

3.1 Crest Nicholson control land to the north of the A4 and west of the A4174 Bristol Ring Road and have been promoting the land for development, alongside partners to the south of the A4, through various rounds of plan-making in B&NES and the West of England for a number of years. 3.2 Land within the administrative area of Bristol City Council adjacent to the land under Crest's control is a reserve site within the adopted Bristol Core Strategy and was identified for development in the draft West of England Joint Spatial Plan (JSP). 3.3 The Inspector examining the adopted B&NES Core Strategy in his report effectively signalled that Hicks Gate, the area at Bristol around the A4, is the most sustainable location to meet unmet need from Bristol, despite its position in the Green Belt.

3.4 Recognising that the LPPU has progressed to an advanced stage and that the Main Modifications process only allows for comments to be made on changes that are proposed to the plan, we are not submitting more detailed information on the opportunity that exists at Hicks Gate to this consultation.

3.5 Nevertheless, Crest Nicholson would like to highlight to the Council that the land in their control at Hicks Gate is available for development and would provide a highly sustainable location for growth to meet the needs which will be quantified in its new Local Plan. Representations will be made along these lines to the Local Plan launch consultation, and we would be happy to speak to Council officers to explain in more detail the opportunities which exist at Hicks Gate and why we believe that they should be brought forward to meet the housing needs in the West of England.

5.1 Since the LPPU was submitted, there have been significant changes to the strategic planning context in which the partial update was formulated: a. Work on the West of England Spatial Development Strategy has halted, meaning that the three authorities collaborating on the production of a strategic planning framework for the West of England could not agree on fundamental elements of the plan. b. Bristol City Council have confirmed that they will be moving forwards with the production of their new Local Plan, and will work together with neighbouring authorities to ensure a strategic framework is created for meeting housing need across the region. The City Council is aiming to adopt the new Local Plan in 2024. c. B&NES Council have launched their own full Local Plan update, which will also have to be developed in partnership with the other WECA authorities in order to ensure needs are met, and which it is intended to adopt in 2025. 5.2 These developments underline that the LPPU is an interim plan. It sets out a housing land supply position and policies to ensure that delivery continues while full plan replacements are put in place across the WECA region to put in place a long term strategy for meeting needs. We have therefore made suggestions that some additional text is required, which we believe represents minor modifications that will not require further consultation, clarifying the position in relation to the emerging plans. These changes will ensure that there is no confusion regarding the status of the housing supply position set out in Policy DW1, and the expectation that it will shortly be superseded by more up to date plans setting out a 15 – 20 year strategy.

Jemma Shorrock Boyer Taylor Wimpey UK Ltd	MM02 - Support	Taylor Wimpey UK Ltd supports the modification to the wording of paragraph 65a as makes the paragraph more succinct and clearly sets out the housing requirements for the remainder of the plan period for each designated Neighbourhood Area. The breakdown of the delivery of the proposed housing across the District within Table 1C in addition to the neighbourhood areas shown in 1D is welcomed as it clearly demonstrates how the distribution of housing will be achieved at key settlements, Sommer Valley and Rural locations. Taylor Wimpey UK Ltd agrees the figures shown should not be a 'cap' on development and should allow for additional housing to come forward if required within the Plan period to ensure the delivery of sufficient housing land supply. In addition, Taylor Wimpey UK Ltd supports the additional text alongside the development locations. Specifically, land adjoining East Keynsham which clarifies the incorporation of land previously safeguarded for development.
Westley Little National Highways	MM02 - Support	We welcome the proposed modification to Policy DW1 to include specific references to sustainable transport and "Land allocated for use as transport interchanges at the Odd Down, Newbridge and Lansdown Park and Ride sites." Whilst Park and Ride sites offer an opportunity to manage down demand into urban areas, the sites selected need to be carefully assessed and managed to ensure that increased demand to these sites does not result in the network operating over capacity.
Pamela Lambert- Carver (Vice Chair) East Harptree Parish Council	MM02 - Support	We support the modifications to Policy DW1 - 2
Geoffrey Davis South Stoke Parish Council	MM02 - Support	We Confirm our agreement and approval that there are no changes to Policy B3a - Land Adjoining Odd Down - as a Designated Neighbourhood
Isabelle Ficker	MM03 - Object	MM3 Decision makers have to have due regard to documents referenced. Policy D6 on Lighting is out of date. BANES declared a climate emergency and an ecological emergency in 2019 and so the Local Plan and Local Plan Update need to reflect the Council's declarations. (See response to MM29)
Philip Haile Transition Bath	MM04 - Support	Transition Bath supports installation of solar farms and onshore renewables in B&NES. The local plan updates are constrained by national policy but the refinements to the policy proposed in these updates are 'acceptable'. Ideally, we would like significantly more renewables installed locally to reduce CO2 emissions and mitigate climate change but without a relaxation of national policy this local plan is perhaps the best that can be achieved.
Jackie Head	MM04 - Support	Para 99l. I strongly support easing the potential for on shore wind energy as a key way of combatting the climate emergency and for community benefit
Jackie Head	MM04 - Support	Please give more details to explain your position on this modification Para 99r: I strongly support easing the potential for land based solar energy as a key way of combatting the climate emergency and for community benefit
Jackie Head	MM04 - Support	Para 99t. I strongly support the need for sustainable materials rather than fossil fuels
Jackie Head	MM04 - Support	I broadly agree, however, speaking as someone who lives in an area of outstanding natural beauty, I believe the needs of the climate emergency should be of uppermost importance: if we do not tackle climate change quickly, efficiently and at scale there will be no areas of outstanding national beauty! I am also disappointed that the requirement for commercial schemes to provide community benefit is disappointing and that the 'significant weight' is adjusted to 'support' as in my view this would be a key nudge mechanism to necessary behaviour change.

Judith Chubb-Whittle Mendip Hills AONB	MM04 - Support	<p>Paragraph 99f. The Mendip Hills AONB Partnership supports the principle of low carbon and renewable energy. To ensure that wind and solar energy schemes are delivered in a way consistent with the purposes of the AONB designation, we wish to highlight that the duty of regard to 'conserve and enhance natural beauty' within the Mendip Hills AONB and that this duty also applies to proposals outside the boundaries of AONBs that may have an impact within the designated area.</p> <p>The Mendip Hills AONB Management Plan 2019-2024 sets out that the primary purpose of the AONB designation is to conserve and enhance natural beauty. In pursuing the primary purpose, account should be taken of the needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.</p> <p>The Management Plan under paragraph 1.4 sets out a Statement of Significance on the special qualities of the Mendip Hills AONB that create the Mendip hills sense of place and identity. These 'special qualities' include: "The dark skies, tranquillity, sense of remoteness and naturalness of the area" Views towards the Mendip Hills and the distinctive hill line. The views out and panoramas, including across the Severn Estuary to Wales, the Somerset Levels and Moors and the Somerset Coast" The limestone aquifer supplying water to the reservoirs of Cheddar, Chew Valley and Blagdon lakes and providing habitats of local and international importance for birds with Chew Valley Lake designated a Special Protection Area for bird species" The Chew Valley and the Yeo Valley - a farmed landscape with distinctive hedgerow patterns and hedgerow trees providing interconnected semi-natural habitats" Ancient woodland and wooded combes on the north and south slopes offering varied habitats of national and international importance for a wide diversity of wildlife including dormouse and bats" A landscape engaging people in a wide range of interests and outdoor pursuits including caving, climbing, cycling and quieter activities including bird watching and walking, to experience the special qualities of the Mendip Hills AONB.'</p> <p>The Management Plan objective D3 states; "Encourage reduction in Carbon emissions within the AONB through reducing energy consumption, applying energy conservation measures, encouraging more sustainable patterns of development, and utilising renewable energy generation technologies that are of an appropriate type and scale for their siting.' The Mendip Hills AONB Partnership supports Policy CP3 which takes a landscape sensitivity based approach to identifying suitable areas of onshore wind development</p>
Judith Chubb-Whittle Mendip Hills AONB	MM04 - Support	<p>Paragraph 99L. The Mendip Hills AONB Partnership supports the principle of low carbon and renewable energy. To ensure that wind and solar energy schemes are delivered in a way consistent with the purposes of the AONB designation, we wish to highlight that the duty of regard to 'conserve and enhance natural beauty' within the Mendip Hills AONB and that this duty also applies to proposals outside the boundaries of AONBs that may have an impact within the designated area. We welcome a landscape led approach as guidance for development of wind and ground mounted solar PV, with the Landscape Sensitivity Assessment by (LUC 2021), as key evidence in identifying potential landscape capacity. The landscape sensitivity evidence clearly identifies the boundary of the AONB, enabling clear analysis of any impact of the AONB from development outside the boundaries but within the 'setting', as well as within the AONB boundary.</p>
Judith Chubb-Whittle Mendip Hills AONB	MM04 - Support	<p>Paragraph 99p. The Mendip Hills AONB Partnership supports the criteria set out in paragraph 99p. Whilst we note that the hectare bandings for solar PV proposed have been chosen to reflect those most likely to be put forward by developers, we consider that even a 5ha site may not be appropriate for the national protected landscapes of the AONBs. Furthermore, we consider that the cumulative impact from more than one development of solar PVs is likely to have a significantly detrimental impact on the AONBs and their settings.</p>
Judith Chubb-Whittle Mendip Hills AONB	MM04 - Support	<p>Paragraph 99r. For the purpose of clarity the Mendip Hills AONB Partnership suggest the following wording for the para 99r "Approach to ground mounted solar (Part 3)</p> <p><u>"The policy seeks to positively guide solar energy development to the most suitable locations in terms of landscape potential (high, moderate-high, moderate potential as indicated in the Policies Map), however applications can be submitted in all areas and will not necessarily be refused in areas of lower landscape potential, if applicants can clearly demonstrate that adverse impacts on the landscape can be satisfactorily mitigated for the lifetime of the development."</u></p> <p>The rationale for the amended wording recognises that the protected landscape of the AONBs have lower landscape potential for renewable development and that views from, and towards the Mendip Hills AONB should be protected particularly when considering the appropriate scale of development, layout, design (including lighting) and landscaping. The impact of the development on the protected landscape and the special qualities of the Mendip Hills AONB would need to be carefully considered and supported by appropriate and acceptable mitigation.</p>
Judith Chubb-Whittle Mendip Hills AONB	MM04 - Support	<p>Paragraph 99t. The Mendip Hills AONB Partnership welcome the recognition of the significance of the nationally designated protected landscape of the AONBs, and that the special qualities of these landscapes should be conserved and enhanced.</p> <p>The DEFRA 25 Year Environmental Plan sets out under paragraph 2.2.1 that "Some of England's most beautiful landscapes and geodiversity are protected via a range of designations including National Parks and Areas of Outstanding Natural Beauty (AONBs)"Over the next 25years we want to make sure that they are not only conserved but enhanced'. Paragraph 2.2.2 further sets out that "In England, a quarter of our landscape is designated in this way, around 10% as National parks and 15% as AONBs. We will make sure they continue to be conserved and enhanced, while recognising that they are living landscapes that support rural communities".</p>

Peter Capener Bath & West Community Energy	MM04 - Support	Fully support the emphasis on renewable energy, the focus on community energy, and the policy on wind energy
Peter Capener Bath & West Community Energy	MM04 - Support	Strongly support enhanced focus on renewable energy, recognition of community energy and policy on wind energy.
Westley Little National Highways	MM04 - Support	<p>Wind Energy 2F Paragraph F is proposed to now state the following:</p> <p>"The proposed site access arrangements and access routes are suitable for the construction phase, including the delivery of turbine components and construction materials, the operational phase, and the decommissioning of the proposed wind farm."</p> <p>The specialist nature of wind turbines and associated supporting infrastructure means that it is likely that this will be transported via the SRN as opposed to fully locally made and transported. Therefore, we are pleased to see the strengthening of this policy to ensure that the safe and efficient transport of this energy infrastructure is considered at the outset of a planning application for the entire development lifecycle.</p>
E A Richardson Stanton Drew Parish Council	MM04 - Object	<p>Further to our previous comments regarding the draft, as Submitted 2021-10-06. We would like to make comment regarding: Paragraph 99 - MM4</p> <p>Yet again there is considerable rewording of how policy CP3 should be interpreted. Part of the rewording is connected to the relationship with the Landscape Sensitivity Assessment (LSA) for Renewable Energy Development (LUC, 2021). This is a very large modification.</p> <p>CP3's proposed new wording includes the following: "Wind energy development proposals will be supported where they lie within a landscape area identified as being potentially suitable for this type of development (high, moderate-high, moderate and low-moderate potential areas) and will be normally refused in areas of low landscape potential. " The category "Low-moderate" is also referred to also as level 4, the LSA report states: "Key characteristics and qualities of the landscape are vulnerable to change from new solar PV or wind energy developments. There may be some very limited potential to accommodate developments without significantly changing landscape character. Great care would be needed in siting and design. "</p> <p>We feel that incorporating "low-moderate" ie level 4 is NOT acceptable as it clearly has potential to significantly change landscape. This makes the policy contrary to NPPF Paragraphs 8 and 174. It is inconsistent to include it for Wind when it is not included for Solar.</p> <p>Just for context, if this wording is kept as written, band D turbines (these are turbines with a maximum height that is in excess of DOUBLE the height of Beckford's Tower) could be deemed suitable in several landscapes. Such scale of height would clearly, without any doubt, be a very significant landscape change (as the LSA says), plus in some landscapes it would potentially also alter neighbouring landscapes.</p> <p>The Parish Council is not averse to renewable energy generation. We do however believe that landscape protection is important and the scale/mix between damage and benefit in the current proposed policy should be more proportionate and therefore "low-moderate" should not be included as potentially suitable.</p> <p>We again reiterate that we believe the new LSA should have been consulted on before it was used as the basis for policy at this advanced stage. Especially because the new report has a very different way of categorising, making it hard to compare settings.</p> <p>CP3 as it now emerges is significantly different and we feel that further consultation is required alongside the LSA so the full context can be understood.</p> <p>On the consultation webpage the LSA is not listed as one of the supporting documents, we note it was only used as an "evidence paper" in the reg 18 consultation.</p>
Amanda Grundy Natural England	MM04 - Support	<p>We welcome the extensive amendments to policy CP3 and its supporting text, which we consider have helped to explain more clearly the landscape sensitivity-based approach that has been taken by the Council in identifying potentially suitable areas for wind and solar development, and the basis for the different bandings that have been applied across the District. The amended text also helps to better convey the nuances and variations within these bands to reflect the LUC study findings more accurately.</p> <p>New Paragraph 99n.</p> <p><u>99n. It is important to note that the LSA assessment does not provide guidance on the wide range of other planning issues that need to be considered as part of the preparation and determination of planning applications for renewable energy developments; these are addressed within the criteria of Policy CP3, as well as the expectation that applicants and decision makers should read the plan as whole.</u></p> <p>We particularly support the additional text in paragraph 99n (above), which makes clear the need for new renewable energy development proposals to address a wide range of planning issues and considerations, as well as implications for landscape character.</p>

Amanda Grundy Natural England	MM04 - Support	<p>b) They will not result in significant adverse impacts on the local environment that cannot be satisfactorily mitigated or do not and they accord with national policy, including:• impacts to biodiversity;• landscape and visual impacts including cumulative effects;• impacts on the special qualities of all nationally important or protected landscapes, which must be conserved or enhanced;• when considering applications for development within Areas of Outstanding Natural Beauty permission should be refused for major development other than in exceptional circumstances as set out in national policy, and where it can be demonstrated that the development is in the public interest; and</p> <p>We support the above additional policy wording relating to the special qualities of protected landscapes and the need for these special qualities to be conserved or enhanced. We also welcome the additional bullet point, which reflects national policy by making it explicit that major development within Areas of Outstanding Natural Beauty should be refused other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.</p>
Amanda Grundy Natural England	MM04 - Support	<p>3) b. Maintain grazing regimes within SAC bat sustenance zones;</p> <p>While not a main modification, in relation to ground mounted solar energy, we are pleased to see the reference to maintaining grazing regimes within SAC bat sustenance zones (point 3 b above) but as previously advised, we recommend that these zones are shown on the policies map or otherwise made available so as to provide greater clarity on their location and extent to developers, communities, decision makers and other interested parties.</p>
John Mills Cotswolds Conservation Board	MM04 - Support	Specifically, we support the addition of the new bullet point, in paragraph 1b of Policy CP3, relating to major development in Areas of Outstanding Natural Beauty. This reflects one of the recommendations that we made in response to the previous consultation.
Philip Haile Transition Bath	MM05 - Support	We are unhappy that overheating calculations using TM59 for developments over 50 homes have been removed from the policy as more simplistic calculations averaged over a whole development are likely to lead to overheating in some south facing apartments/properties as currently is happening on the Bath Western Riverside development.
Jackie Head	MM05 - Support	I am very pleased that new builds have a zero emissions target and clear guidance on specifications.
Katie Wakefield LiveWest	MM05 - Object	<p>Policy SCR6 - Sustainable Construction Policy for New Build Residential Development</p> <p>LiveWest supports B&NES ambition to improve the energy efficiency of new developments. However, the proposed standards to achieve space heating demand of 30kWh/m2/annum and total energy use of 40kWh/m2/annum, with the remaining energy demand to be met through onsite renewable energy generation, significantly exceeds requirements set out under Building Regulations.</p> <p>This will put additional cost burden, present an opportunity for viability challenges and introduce delay on new homes which may ultimately reduce the level of affordable housing.</p> <p>We would encourage B&NES to look to adopt a performance standards in-line with the Future Homes Standards, requiring a 75-80% reduction in carbon emissions. We believe that this approach supports supply chains and drives the right behaviours from the development industry.</p>
Katie Wakefield LiveWest	MM05 - Support	<p>Policy SCR6 - Overheating</p> <p>LiveWest are pleased that the requirement for applications for 50 or more dwellings to demonstrate compliance with the CIBSE TM59 overheating target has been deleted, and that it states in Para 107f that the Council encourages all development proposals to undertake a CIBSE TM59 overheating assessment. LiveWest agrees with the approach to use CIBSE TM59 methodology to assess the overheating risk for dwellings. The most vulnerable properties at risk of overheating will be those homes that are single aspect or cannot achieve cross ventilation, for example apartments. For these properties an overheating assessment using CIBSE TM59 assessment criteria should be undertaken, regardless of the size of development.</p>
Jemma Shorrock Boyer Taylor Wimpey UK Ltd	MM05 - Support	<p>Para 107e</p> <p>Taylor Wimpey UK Ltd welcomes the additional text relating to Policy SCR6. Throughout the LPPU examination Taylor Wimpey UK Ltd have been concerned that the requirements for new build residential development to supply all energy demand through onsite renewables could impact on the delivery of dwellings across the plan area. Whilst the Planning Obligations SPD includes a formula to calculate the subsequent financial contribution, Taylor Wimpey UK Ltd agree the scale of the offsetting must meet the statutory tests for planning obligations.</p> <p>Policy SCR6 Sustainable Construction Policy for New Build Residential Development</p> <p>In light of the discussions at the LPPU examination, Taylor Wimpey UK Ltd supports the additional text which allows for an appropriate energy assessment to be submitted with due regard to the Sustainable Construction Checklist SPD. Taylor Wimpey UK Ltd also agree on site renewable energy generation (calculated as the equivalent carbon emissions) should be offset by a financial contribution in accordance with the legal test of the Community Infrastructure Regulations.</p> <p>Taylor Wimpey UK Ltd agree with the recommendation from the Inspector to delete the final paragraph of Policy SCR6 to avoid duplication as this is now dealt with via Building Regulations and to accord with national policy. MM5 is considered to be legally compliant and sound.</p>
Isabelle Ficker	MM05 - Object	<p>BANES declared a climate emergency and an ecological emergency in 2019 and so the Local Plan and Local Plan Update need to reflect the Council's declarations. MM5 refers to supplying all energy demand through onsite renewables. No mention is made of reducing energy consumption. (See response to MM29)</p>

Joanne Harding Home Builders Federation (HBF)	MM05 - Object	<p>The HBF continues to consider that Policy SCR6 is not sound as it is not justified, and it is not consistent with national policy.</p> <p>There is no justification for the specific requirements for new residential dwellings set out in Policy SCR6. Under the 2021 NPPF, the planning system should support the transition to a low carbon future in a changing climate (para 152) and any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards (para 154b). The NPPG sets out that any local requirements for a building's sustainability and for zero carbon buildings should be based on robust credible evidence and tested for impacts on viability (ID: 6-009-20150327).</p> <p>The NPPG also clarifies that locally set energy performance standards for new housing should not exceed the equivalent of Level 4 of the Code for Sustainable Homes and any requirement for a proportion of used energy to be from renewable and / or low carbon energy sources should be reasonable (ID: 6-012-20190315). Policy SCR6 should not undermine the Government's intention to set energy efficiency standards through the Building Regulations via the 2021 Part L Interim Uplift, which is effective from June 2022, and the 2025 Future Homes Standard.</p>
Peter Capener Bath & West Community Energy	MM05 and MM06 - Support	Strongly support need for higher sustainable construction standards
Peter Capener Bath & West Community Energy	MM05 and MM06 - Support	Strongly support policies on increasing the standards of sustainable construction
Isabelle Ficker	MM06 - Object	BANES declared a climate emergency and an ecological emergency in 2019 and so the Local Plan and Local Plan Update need to reflect the Council's declarations. MM6 discusses maximising carbon reduction through sustainable construction. No mention is made of artificial lighting which is a significant energy consumer, contributor to carbon emissions and also detrimental to the bio-environment. This needs to be addressed (See response to MM29).
Katie Wakefield LiveWest	MM07 - Support	<p>Policy SCR8 - Embodied Carbon</p> <p>We agree with the principle of reducing the total greenhouse gas emissions generated from the creation of a built asset to assembly, and in doing so supporting more environmentally friendly materials. We believe that this approach supports supply chains and drives the right behaviours from the development industry.</p> <p>It is unclear what evidence there is to justify that a benchmark figure of less than 900kgCO₂e/m² target should be obtainable, and a threshold for sites of 50 dwellings or more. Further guidance on this is required to establish the impact of this target on viability</p>
Jemma Shorrocks Boyer Taylor Wimpey UK Ltd	MM07 - Support	MM7 is minor and is considered appropriate as such MM7 is considered to be legally compliant and sound.
Joanne Harding Home Builders Federation (HBF)	MM07 - Object	The HBF continues to consider that Policy SCR8 is not sound as it is not justified, and it is not consistent with national policy. The HBF maintains that there is no clear evidence justifying the requirement for an Embodied Carbon Assessment demonstrating a score of less than 900kgCO ₂ e/m ² or for the site threshold of 50 dwellings, which will place unduly onerous requirements onto smaller sites and SME developers.
Philip Haile Transition Bath	MM09 - Support	We would like to comment that the proposed limit of £3,600 costs for EV charging is unlikely to occur. New evidence from the INA suggests the INA won't charge extra for new grid connections for EVs because of 'diversity': Its very unlikely grid constraints will add to the costs (£3,600 cap) because the INA has stated that because of diversity no additional network capacity will be required; in the rare cases this is an issue then the developers can submit their own site viability assessment for a given site (INA ref: Independent Networks Association, Low Voltage Design Policy Document ETSC-DES-001 5.2.10.1 Electric Vehicle Charging Points (EVCP) "EVCP demand of 7.2kW or less at each domestic property requires no additional allowance provided the standard ADMD figures are used for the network." (Acronyms: EVCP: EV Charge Point, ADMD: After Diversity Maximum Demand). So, although from our perspective the wording can remain Transition Bath are likely to object to any developer's planning application excluding EV charging on the basis of viability in future.
Jackie Head	MM09 - Support	I appreciate the condition to assist with payment of infrastructure and grid capacity for share electric vehicle charging and believe communities would benefit from shared charging in order to facilitate car clubs, so as to move away from car ownership to community shared ownership.
Katie Wakefield LiveWest	MM09 - Object	<p>Policy SCR9 - EV Charging</p> <p>Following the production of the Building Regulations Part S, we believe that this policy is no longer required, and its retention provides opportunities for conflicts between the planning decision making process and the building regulation requirements. We recommend that this policy is deleted, as it creates unnecessary duplication.</p>

Jemma Shorrock Boyer Taylor Wimpey UK Ltd	MM09 - Support	<p>Para 132b Taylor Wimpey UK Ltd note that Part S of the current Building Regulations refers to an average sum of £3,600 or less for the connection cost of each electric vehicle charge point connection (the £3,600 cap) and flag that Building Regulations also include other exemptions, such as covered parking.</p> <p>Whilst Taylor Wimpey UK Ltd welcome the clarification of costs relating to grid connections and exemptions reflecting current Building Regulations and the Transport and Development SPD, it is considered that the wording could be simplified to state the policy aligns with the exemptions set out in the Approved Document S of the Building Regulations.</p> <p>Policy SCR 9 EV Charging Despite the changes to Policy SCR 9 being minor, they do differ slightly from adopted Building Regulations. For example, Building Regulations state that if the parking is on street and in public highway, and is on a road that does not belong to the owners of the building, the parking is not considered 'associated spaces' and therefore wouldn't require charging infrastructure.</p> <p>Therefore, Taylor Wimpey UK Ltd request the word "private" is added into the third line under the New Build Residential Development heading.</p> <p>New Build Residential Development: All dwellings with one or more dedicated parking space or garage must provide access to electric vehicle charging infrastructure. Further guidance will be set out in the Transport and Development Supplementary Planning Document. Where off street parking is not provided and parking is provided on private streets within the proposed development, the design and layout of the proposed development should incorporate infrastructure to enable the charging of electric vehicles on the streets within the proposed development which does not compromise any special characteristics of the area, the public realm or the mobility of other users.</p> <p>Subject to the above amendments MM9 is considered to be legally compliant and sound.</p>
Joanne Harding Home Builders Federation (HBF)	MM09 - Object	The HBF consider that following the production of the Building Regulations Part S, this policy is no longer required, and its retention provides opportunities for conflicts between the planning decision making process and the building regulation requirements. The HBF recommends that this policy is deleted, as it creates unnecessary duplication.
Judith Chubb- Whittle Mendip Hills AONB	MM10 - Support	The Mendip Hills AONB Partnership support the inclusion of the proposed text after clause 5.
Jemma Shorrock Boyer Taylor Wimpey UK Ltd	MM10 - Support	MM10 is noted as being necessary for the protection of protected species and habitats reflecting the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Taylor Wimpey UK Ltd consider MM10 to be legally compliant and sound.
Amanda Grundy Natural England	MM10 - Support	<p>POLICY NE3: Sites, Habitats and Species Insert the following text after clause</p> <p><u>5. For protected species this means: Adverse impacts on European, UK protected species, UK Priority and locally important species must be avoided wherever possible (i) subject to the legal tests afforded to them, where applicable; and (ii) otherwise, unless the need for and benefits of the proposed development clearly outweigh the loss; and (iii) where impacts have been minimised; and (iv) it can be demonstrated that it is possible to mitigate and compensate for any loss</u></p> <p>We support the amendment to the nature conservation policy NE3 (above) which we think will help to ensure species are protected alongside habitats in relation to proposed new development.</p>
Pamela Lambert- Carver (Vice Chair) East Harptree Parish Council	MM10 - Support	We support modifications to Policy NE3
Jackie Head	MM11 - Support	Para 267b I fully support policy which enables biodiversity increase and 'leave in a better state'.
Jackie Head	MM11 - Support	I am pleased that major developments have a clear % increase in biodiversity, I am disappointed that this is not also recommended for smaller developments (rather than just no net loss)

Judith Chubb-Whittle Mendip Hills AONB	MM11 - Object	<p>Para 267(b). The Mendip Hills AONB Partnership are disappointed that para 267(b) seeks only to deliver a 10% increase in biodiversity. The Government's Consultation on Biodiversity Net Gain regulations and implementation (January 2021) sort to secure; "a minimum 10% net gain of biodiversity units for area-based habitats and any relevant linear habitats (hedgerows, lines of trees, and watercourses).</p> <p>Therefore we request an amendment to the proposed wording of para 267(b). The present wording infers that deliver of more than 10% would not be acceptable, and the limit is 10% only. Therefore, we suggest the inclusion of the following wording; "All new development will be required to deliver a minimum of 10% increase in biodiversity"</p>
Judith Chubb-Whittle Mendip Hills AONB	MM11 - Support	para 267(c),267,(e). The Mendip Hills AONB Partnership support the proposed amendments to the text of subparagraphs;267(c),(e).
Judith Chubb-Whittle Mendip Hills AONB	MM11 - Support	The Mendip Hills AONB Partnership supports the new Policy NE3a. We welcome the requirement for major development for a minimum of 10% BNG. We also welcome the stipulation that this should be secured for at least 30 years.
Judith Chubb-Whittle Mendip Hills AONB	MM11 - Support	para 267(f). We welcome the insertion on the new para 267(f), and in particular BNG Guidance to encourage and support opportunities to secure BNG on exempted development schemes.
Jemma Shorrocks Boyer Taylor Wimpey UK Ltd	MM11 - Support	<p>Para 267b-267g Taylor Wimpey UK Ltd supports the proposed changes particularly as it reflects the Environmental Act 2021 to deliver a 10% increase in biodiversity and acknowledges the intention for the requirement to become mandatory late 2023. Although, it should be noted this has the potential to change.</p> <p>Taylor Wimpey UK Ltd welcomes new paragraph 267f as it clearly sets out the exemptions for the 10% mandatory BNG requirement which is in accordance with statutory legislation.</p> <p>Taylor Wimpey UK Ltd supports the deletion of 15% BNG as specified requirement and acknowledges the Council will undertake research to explore a higher requirement through the new full Local Plan where it is expected that any higher requirement will be supported by appropriate evidence and justification.</p> <p>Policy NE3a Taylor Wimpey UK Ltd support the amendment for a BNG of a minimum of 10% which reflects the intention of the Environmental Act 2021.</p> <p>Taylor Wimpey UK Ltd consider MM11 to be legally compliant and sound.</p>
Isabelle Ficker	MM11 - Object	BANES declared a climate emergency and an ecological emergency in 2019 and so the Local Plan and Local Plan Update need to reflect the Council's declarations. NE3a discusses tackling air and water quality but not the quality of the nocturnal environment. Light pollution affects not just the nocturnal bio-environment but also human health. It is associated with cancer, obesity, diabetes and depression and must be tackled (See response to MM29).
Isabelle Ficker	MM11 - Object	BANES declared a climate emergency and an ecological emergency in 2019 and so the Local Plan and Local Plan Update need to reflect the Council's declarations. MM11 discusses biodiversity net gain. All policies seek to achieve this a set of strategies such as planting trees, sowing wildflower meadows, installing bird and bat boxes, creating lakes and so on. None of these policies addresses the role of artificial light at night on biodiversity loss. Arguably, addressing light pollution would have a significant impact on reversing biodiversity loss and can be done both easily and cheaply (See response to MM29).
Amanda Grundy Natural England	MM11 - Support	<p>New Policy NE3a Biodiversity Net Gain Development will only be permitted for major developments where a Biodiversity Net Gain of at least a minimum of 10% is demonstrated and secured in perpetuity (at least 30 years)subject to the following requirements:</p> <p>a The latest DEFRA metric or agreed equivalent is used to quantify the biodiversity value of the site predevelopment, post-development after application of the mitigation hierarchy and for any off-site areas proposed for habitat creation or enhancement both pre- and post development.</p> <p>b That the assessment be undertaken by a suitably qualified and/or experience ecologist and is submitted together with baseline and proposed habitat mapping in a digital format with the application.</p> <p>c A management plan will be required, detailing how the post-development biodiversity values of the site and any supporting off-site provision will be secured, managed and monitored in perpetuity.d Any off-site habitats created or enhanced are well located to maximise opportunities for local nature recovery.For minor developments, development will only be permitted where no net loss and appropriate net gain of biodiversity is secured using the latest DEFRA Small Sites metric or agreed equivalent.Opportunities to secure Biodiversity Net Gain on householder developments and exempted brownfield sites will be supported.</p> <p>While we broadly support the new policy for BNG and welcome the requirement for the latest Defra metric or equivalent to be used to quantify the biodiversity value of a site and that the mitigation hierarchy must be applied; we are concerned that the current wording makes references to off-site provision without making it clear that <u>biodiversity net gain should be delivered on-site where possible, and before considering off-site provision.</u> While we recognise this is not a main modification, we strongly recommend the policy is amended to convey this important principle more clearly.</p>

Pamela Lambert- Carver (Vice Chair) East Harptree Parish Council	MM11 - Support	We support the modifications regarding Biodiversity Net Gain and Policy NE3a
---	-------------------	--

<p>Haydn Morris HMPC Ltd Mr and Mrs J Quinlan</p>	<p>MM12 - Object</p>	<p>Proposed modification MM12 Pages 21 and 22 of the Schedule are referenced, together with paragraphs 32 - 35 of the Inspector's decision letter 11th August 2022</p> <p>The proposed modification of Policy GB2 to more accurately reflect Government Guidance contained in paragraph 149 of the NPPF is supported.</p> <p>Representations to the local plan questioned the Council's approach to development in Green Belt villages and the Inspector was correct to identify inconsistencies between the Local Plan and NPPF in this respect. The Policy should be amended and the proposed modification is welcomed. However, we continue to believe the policy to be inconsistent and request that further clarification is offered through the supporting text to Policy GB2 to indicate how the policy is intended to be used to be consistent with the use and interpretation of NPPF guidance.</p> <p>Representations to the Local Plan and Topic Papers on this subject, comment that the Council's approach to infilling in Green Belt villages is little changed from its previous 'Housing Development Boundaries' and to a large extent, this appears to be the case. We accept that additional villages/settlements now have a defined boundary, but we cannot help but interpret the Council's response as being a continuation of local political pressure that sought to restrict development in the Green Belt per se and not necessarily for sound planning reasons.</p> <p>It is only because of the Inspector's comments and clear guidance that the Council is proposing changes to policy GB2 through these modifications. While the change is welcome and can be supported in principle, we continue to believe the policy is (purposefully) overly restrictive and consequently inconsistent, not only with the NPPF, but also with other objectives of the Local Plan.</p> <p>The local plan correctly encourages the sustainability of (smaller) rural communities by promoting initiatives such as downsizing and the sustained cohesiveness of communities. Inherent in such initiatives is the acknowledgement of the need for some limited development in those settlements to sustain them. This cannot be achieved by drawing unnecessarily tight development limits or imposing designations on undeveloped land within settlements to preclude any consideration of appropriate development. The application of NPPF guidance to Green Belt villages requires detailed assessment and consideration, working with local communities to shape their future in a sustainable manner.</p> <p>It is not acceptable in terms of local plan policy, which should remain effective for many years, to respond to representations and Inspector's comments, through a knee-jerk reaction that suggests defining rigid development limits to rural settlements without those limitations being subject to detailed scrutiny and assessment, including the consideration of purpose and effectiveness of any development management measures to be applied. The needs, aspirations and opinions of individual communities, are as important in this debate as the "high level" (strategic) objective which appears to have been applied. Further thought and engagement with the local communities affected by the policy change are essential. In particular, it is necessary to assess whether the proposed application of Policy GB2 on rural settlements (viewed individually through proposed development boundaries and designations) responds positively to other objectives of the local plan which seeks to sustain smaller, rural communities.</p> <p>The assessment of individual settlement needs and characteristics when defining settlement policy is vital if the future interpretation and use of Policy GB2 by the Council and local communities is to be robust.</p> <p>The Council has recognised in its evidence to the Local Plan Examination, that whether or not a proposal can be considered infill (to be permitted under the provisions of GB2), and therefore appropriate in terms of the NPPF, is a question of planning judgement. Further, such judgement must be made following an assessment of the position "on the ground," thereby carrying forward the principle that each application for development must be considered on individual merit and material planning considerations applicable at the time the decision is made.</p> <p>Going forward, the proposed modifications to Policy GB2, if adopted, would be one of those material considerations and given weight in decision-making. Our concern is that without a correct assessment of "on the ground" considerations at this time of policy formulation, an undue weight could be afforded to a policy position that is not backed robustly by evidence of individual site character and development considerations.</p> <p>To some extent, our concern might be offset by the Council's recognition through its evidence to the examination that while a village boundary defined in a local plan would be a relevant consideration in a development decision, it would not be determinative. This accords with Court of Appeal Judgements, which are reflected in recent appeal decisions.</p> <p>However, in practice and with a requirement requiring applications to be determined in accordance with the development plan (NPPF paragraph 2) the fact a boundary might not be determinative, creates an immediate tension between the application of "on the ground considerations" in any planning proposal, and the weight given to a local plan policy.</p> <p>It is the application of that weight which is crucial to sound decision making and we consider that without an appropriate and individual assessment of each village boundary and supporting designations, the local plan will generate tension, and therefore planning appeals, which should and can be avoided.</p>
---	--------------------------	--

The appropriate assessment of individual settlements, carried out in conjunction with communities to define settlement boundaries, will provide greater robustness to Policy GB2. Nevertheless, it should be supported by explanatory text which sets out that while local plan boundaries are defined to provide an indication of the potential response of the Council to future development in Green Belt villages, they cannot, and should not be used as the sole determinant. Such explanatory text is most important in the current circumstance where there is a lack of evidence, justification and testing of the proposed boundaries and associated restrictive elements proposed within them.

We note the Inspector in his decision letter (paragraph 33) states "I find the methodology and approach to identifying what constitutes a village and in defining these Boundaries to be robust. We anticipate the Council will reference this comment and seek to use it in justification of taking forward the proposed settlement boundaries to adoption. However, we submit there is a significant distance between the methodology used and the robustness of the component elements applied through that methodology. The inspector agrees the methodology is correct but does not offer a view as to whether its conclusions, based on the evidence used, are equally robust. For example, the weighting applied to evidence, its choice, scope, accuracy and nature (involving a subjective or objective interpretation) can significantly alter the outcome of an applied (correct) methodology.

In its topic paper, the Council acknowledged that "Parish Councils have been informally consulted"• but there was no wider, formal consultation as might be expected with a local plan policy which effectively allocates or precludes development. Landowners, such as our client, and the wider community have not had a full opportunity to consider, assess or test "on the ground" the boundary definitions or the suggested green spaces within them that are to be kept free from development. We believe the Council has yet to undertake the necessary consultation exercise to add legitimacy to its proposed policy interpretation. Without this, it would be inappropriate to place significant weight on the policy boundary definitions in any decision-making.

While the proposed modification to Policy GB2 brings the Council's approach more in line with NPPF provision and intent, the late introduction of the boundaries as a means of managing that policy application means that the detail contained therein is inappropriate for inclusion in an adopted local plan. It is essential the Council, agrees to a formal public exercise which sets out clearly its evidence base, including weighting, to which the methodology was applied and explains in detail its decision-making when formulating the definition of boundaries and areas to be kept free of development within them. It would be quite unacceptable for policy application to be constrained by elements of the Local Plan, which define development boundaries, but which have not been subject to appropriate consultation and testing. Failure to do so at this time will result in many unnecessary appeals in the future, which seek to test the robustness of the Council's evidence base on a site-by-site basis as the plan designations cannot be taken as determinative.

For example, our client's land at North Stoke has been identified as an open green space, through the Topic Paper defining settlement boundaries, despite very clear characteristics on the ground that it offers distinct infill properties. The value of that land as open space or its need to be protected has not been tested through this policy modification.

The site was subject to a planning application for infill and this was opposed by the Council as a matter of principle (a principle that has been shown to be inconsistent with the NPPF and given rise to the modification now being considered). A second site in the village was similarly promoted for infill and again opposed on principle. It can be no coincidence in drawing up the settlement boundary at North Stoke that the two most suitable sites for infill development are now identified as important open areas to be kept free of development. Clearly, the approach perpetuates the Council's previous inappropriate interpretation of NPPF policy, but in a form and under cover of a new local plan policy, which it suggests will provide legitimacy. Without appropriate assessment and consultation on the North Stoke settlement boundary, that legitimacy will remain in question.

In respect of our client's land, it was subject to a refusal by the Council on grounds of inappropriate Green Belt development but was refused at appeal on matters which turned on detailed heritage issues. The openness of the site and its role in village character were considered but deemed suitable to be overcome through a revised proposal.

In our view, the Council's approach to the modification reaffirms its continued local political intent to minimise any future development in Green Belt villages, in continued conflict with NPPF guidance. The modification to Policy GB2 is in principle acceptable but its definition and application through proposed village boundaries is unsound due to the lack of full consultation and assessment. Such assessment should be carried out and tested by the community. The policy should be supporting text which explains that boundaries and associated control elements cannot be determinative, and development proposals will continue to be considered on individual merit and planning judgements made "on the ground."

We, therefore, urge the Local Plan modification to engage further with local communities and include appropriate supporting text to provide clarity.

<p>Tom Sadler LPC (Trull) Ltd Mr Alexander</p>	<p>MM12 - Object</p>	<p>Amended Para 302 states:</p> <p><i>The Adopted Core Strategy defines ‘infilling’ as the filling of small gaps within existing development and comprises: a) The building of one or two houses on a small vacant plot in an otherwise extensively built-up frontage, and b) The plot is generally surrounded on at least three sides by developed sites or roads. When considering development proposals, the decision maker would still have to conclude whether a proposal constitutes inappropriate development, and if so, should not be approved except in very special circumstances.</i></p> <p>Whilst we do not disagree with the general thrust of this amended paragraph, it is important to highlight to the Inspector that the NPPF does not limit ‘infill’ to ‘houses’ (or residential use) only. We therefore consider the existing Core Strategy definition is not in accordance with the NPPF and should not be cited within the Local Plan Partial Update Para 302, as limited infilling can indeed comprise other appropriate uses (for example, commercial or community facilities). We have already provided our comments and stated our concerns on the proposed, ‘redefined’ infill boundaries being incorporated into the Local Plan Partial Update, and our concerns still remain given the newly proposed Para 302a. However, if the Inspector is accepting of the Council’s methodology, then we are still pleased to see Para 302b added, and are in support of this additional text which acknowledges that there are other exceptions to inappropriate development in the Green Belt that the Council will consider (rather than just limiting the exceptions to ‘infill’).</p> <p>Policy GB2 We support the addition of the final sentence within amended Policy GB2 which states <i>“Forms of development which fall within the other exceptions to inappropriate development set out in NPPF, paragraph 149 will be dealt with consistent with national policy set out in the NPPF”.</i></p>
<p>Haydn Morris HMPC Ltd Mr and Mrs J Quinlan</p>	<p>MM12 - Object</p>	<p>Supplementary Representation to the Schedule of Proposed Main Modifications to the submitted Plan</p> <p>Policy GB2 Limited Infilling in Green Belt Villages</p> <p>Proposed modification MM12 Pages 21 and 22 of the Schedule are referenced, together with paragraphs 32 - 35 of the Inspector's decision letter 11th August 2022</p> <p>We submitted a representation as above on 31st October 2022 and it was given the reference number 206045.</p> <p>In that representation we referenced the lack of public consultation on the proposed settlement boundaries; that is the boundaries to settlements located within the Green Belt where it is suggested that infill development might be appropriate.</p> <p>Subsequent to our submission, we have been advised further by representatives of the Parish of North Stoke and consider it necessary to clarify the comments we make, to avoid any misinterpretation.</p> <p>The purpose of our representation is to emphasise that the definition of village settlement boundaries did not follow a formal process of evidence gathering, which included input from those most affected " the communities to be subject to the boundary definitions" before any policy definition was prepared. It was their only opportunity to comment "after the event."</p> <p>This is explained in email correspondence, particularly that dated 19th July 2021 in which an officer advises that there had been a "short informal consultation period in held June for the Parishes with a proposed infill boundary. Having checked through my emails I can see that North Stoke was erroneously missed off of the circulation list in outlook so would not have received the invitation to respond to the informal consultation"</p> <p>The key message we wish to offer is that because there was no formal engagement with the community at North Stoke before a settlement boundary was defined and opportunities to open that discussion after the event were limited (to pre-examination consultation), there is a feeling the policy affecting the settlement does not reflect its true needs. The opportunity to reopen that discussion at a local level and to avoid the boundary being tested at appeal, will be welcomed as an extension to the current modification process.</p>
<p>Geoffrey Davis South Stoke Parish Council</p>	<p>MM12 - Support</p>	<p>We are pleased that the defined infill boundary for South Stoke will not be changed and has been defined so as to encompass all parts of the village where there are opportunities for limited infill development and to exclude those areas where development would not be infill, so proposed limited infill development should be located within the defined Infill boundary shown on the Policies Map.</p>
<p>Philip Haile Transition Bath</p>	<p>MM13 - Support</p>	<p>We support the revised wording of the improved energy standards required for HMOs.</p>

Iain Smith
Watkin Jones Group

MM14
- Object

WJG has invested significantly in Bath in recent years, obtaining planning permission and subsequently delivering and operating several projects as detailed below:

- 1) **The Depot** at the junction of Lower Bristol Road and Brougham Hayes – 104 PBSA homes which opened in September 2016, after securing planning permission in January 2015.
- 2) **Avon Studios** on Midland Road – 94 PBSA and 14 BTR homes which opened in September 2018, after securing planning permission in May 2017.
- 3) **Riverside Court** at the junction of Upper Bristol Road and Victoria Bridge Road – 44 ‘for sale’ residential and affordable homes which completed in the summer of 2019, after securing permission in October 2017.
- 4) **Bath Junction** located at the junction of Lower Bristol Road and Windsor Bridge Road – 316 BTR homes (including 95 affordable homes), 335 PBSA homes and flexible commercial units. Permission was granted in April 2022, development commenced in October 2022 and the development will be completed by 2025.

WJG’s Comments

WJG welcomes the opportunity to submit further comments on the main modifications of the LPPU. This submission should be read in conjunction with comments made by ROK Planning, submitted on behalf of WJG, in January 2021 and October 2021. WJG is pleased that some of its previous comments have been considered by the Council and reflected within more recent iterations of the LPPU.

The comments provided within this representation focus solely on Policy H2A ‘Purpose Built Student Accommodation’. We believe that the modifications proposed to the Policy will make the plan unsound in that the policy is not justified, and will not be effective in delivering the future student accommodation that is clearly needed.

Comments on Policy H2A ‘Purpose Built Student Accommodation’

Rental Cost

WJ’s comments focus on point 2(ii) of draft Policy H2A (namely “*the proposed development meets the needs of second and third year university students*”) and the following accompanying text which have been added by the main modifications:

*“370i. In order to meet the needs of second and third year students who would otherwise often reside in HMOs, PBSA developments **must** meet the requirements of such students with regards to cost and type of accommodation. These students generally have a preference to live as a household with friends, at a cost level similar to renting a HMO, therefore development schemes **must** address these preferences. Such accommodation will likely comprise cluster flats with shared facilities. (Our emphasis)*

It is not true that all first years will wish to live on campus, should sufficient bedspaces be available. Equally, there is no evidence available to the Council which supports this statement. Our experience across the UK is that many students, regardless of their age group, nationality or year of study want to live close to city centre amenities. It is true that historically students have seen living in an HMO as a rite-of-passage, however this is not the case nowadays, where the modern student values the security, convenience and inclusivity provided by PBSA. Besides rental cost, there are many reasons why students choose to live in PBSA over HMOs.

This can include, amongst other matters:

- The quality of the accommodation - PBSA is developed, operated, and maintained at a higher standard. It also typically has a better standard of broadband/ Wi-Fi, study space and socialising space based on a tried and tested designs. The houses that are now registered as HMO’s were typically originally designed for the nuclear family, and typically not retrofitted for multiple-occupation.
- Utility bills – utility bills are typically borne by the landlord in PBSA, meaning that tenants benefit from the savings generated by the efficiencies of scale in a larger building, that is part of a wider portfolio. This allows for students to insulate themselves from the ‘cost-of-living crisis’.
- The location of the PBSA – PBSA is typically located in more accessible locations, closer to the city centre or universities (i.e. it is typically closer to the facilities which students require access to). This allows residents to integrate into the wider community as opposed to creating wide swathes of housing occupied by only students.
- Pastoral support is offered by the trained management staff – those staff will have relationships with the support staff at universities and be able to support the needs of each of its residents, including supporting their mental health.
- Superior amenity and communal facilities offered within PBSA, both internal and external. This is of benefit to residents’ health, wellbeing and education experience.
- Events / programmes provided by the operator/ manager of the PBSA.

The above benefits cannot be found in the HMO housing market, which is targeted at a different, lower price point to the PBSA market. There is a need for multiple price-points within any market, where PBSA could be perceived as the equivalent of a hotel and an HMO the equivalent of using Airbnb. Both have a valid place within the market. There is no evidence on such considerations within the policy and supporting text (or supporting evidence).

PBSA attracts students from all years of study. This is evidenced by Avon Studios, delivered by WJ, and operated by Fresh, which has consistently attracted students from all years of study matching the trends of other developments managed by Fresh more widely across the UK:

	AY 2018/2019	AY 2019/2020	AY2020/2021	AY2021/2022	AY 2022/2023	Average
1st Year Students	18.7%	43.4%	15.6%	10.2%	30.9%	23.8%
2nd Year Students	14.7%	14.1%	7.8%	16.5%	6.4%	11.9%
3rd Year Students	10.8%	15.2%	18.8%	18.1%	18.1%	16.2%
Later Year/ Other	55.9%	27.3%	57.9%	55.1%	44.7%	48.2%

Note – AY means academic year. Errors may occur due to rounding.

		<p>The rental levels associated with PBSA cannot be directly compared with HMOs. They are entirely different products at different price points. Indeed the tables under para 370h demonstrate the prevailing market differences between the types of accommodation.</p> <p>To interpret changes to Policy H2a, one must consider Paragraph 370i which sets out what the policy will expect of accommodation for second and third years. Paragraph 370i above suggests that the rental levels for PBSA should be set at a “<i>similar</i>” level to HMOs. No evidence base or precedent has been provided. WJ strongly objects to this approach, as the two types of accommodation are not comparable in terms of offering, in the same way that travelling in a bus differs from taking a taxi – clearly the product is different.</p> <p>Limiting the rental costs that PBSA can charge to that of HMOs is not reasonable or based upon any sound commercial understanding. A policy of this nature would render PBSA unviable in Bath, resulting in no delivery of new units, higher overall rents for all students in the market due to supply-demand imbalances and increased pressure on the traditional residential housing market (HMOs). The policy will not be effective in meeting identified housing needs and is therefore contrary to the NPPF. The Council’s student accommodation strategy is clearly not only one of replacing HMO stock with PBSA stock for second and third years. The Council clearly acknowledge an additional need over and above current stock levels (all types) and that new PBSA is required to meet forecast growth. PBSA is an efficient way of delivering additional rooms for students, because of the density of development, where a smaller site can generate several hundred bedrooms.</p> <p>To make the plan sound, the Council needs to remove the rental cost test introduced at this late stage of the Plan. Otherwise, it is reasonable to assume in this Policy that similar or better shared facilities in new PBSA will have greater potential to attract students from occupying existing HMO stock or occupying additional HMO stock in the future. This accords with the Inspector’s direction on para 30 that states “<i>the Policy should be amended to be clear that there should be clear evidence of need for additional student accommodation of the <u>type</u> of, and in the <u>location</u> proposed</i>”. Therefore, it is clear that accommodation type and location are the key factors, not cost.</p> <p>Tenant-Based Planning Condition 370j. <i>As necessary, a condition should be attached to any planning permission for such off-campus accommodation, to ensure that it is provided solely for second and third year students.</i>”</p> <p>We recognise that the Council is particularly keen to cater for the needs of second and third years through new PBSA (to draw them out of uncontrolled HMOs). We note, however, that first year students may favour PBSA over other forms of student accommodation provided in the city (e.g. university halls, HMOs, other forms of private rental). This is evidenced by the Avon Studios scheme which has, on average, 23.8% occupancy by first years.</p> <p>To restrict PBSA to second and third years does not align with the more complex and evidence-based trends of students needs in the city. Restricting tenants to certain academic years through planning condition does not meet the tests of planning conditions in that it is not necessary in planning terms. Discriminating against a certain type or age of student would be unfair. PBSA provides an inclusive environment for all students, where they can make friends, socialise and stay safe. Restricting occupation to a certain tenant type also detracts from the PBSA investment case, which will undermine the effectiveness of the policy, as sufficient student accommodation will not be delivered. For the Plan to be found sound this paragraph should be removed from the justification text related to Policy 370j.</p> <p>Closing Remarks We are broadly supportive of most suggested modifications to the LPPU; however, we consider that the supporting text to Policy H2A requires further refinement for the reasons set out in this representation.</p>
Mr Andrew James Tadd	MM14 - Object	Both of these Modifications have significant shortfalls as there is no defined mechanism to identify if a property defined as a HMO will or will not be used for student accommodation. There are no controls over who a landlord will rent the property to therefore the proliferation of students will continue to swamp the small city of Bath, already 25% of the population, making houses unaffordable for residents who are also Council tax payers. This will also affect the green targets as the assumption that students do not have cars is flawed as demonstrated by the current issues in the Bath area. A key contributor to this problem is that HMOs often have no provision for parking, yet there is no enforcement of parking requirements or limitation to cars attributed to these properties.
Isabelle Ficker	MM14 - Object	BANES declared a climate emergency and an ecological emergency in 2019 and so the Local Plan and Local Plan Update need to reflect the Council’s declarations and aims. MM14 refers to development not having 'unacceptable impact on the amenity of surrounding residents'. This should explicitly include light spill and glare in accordance with statutory nuisance legislation (see below). MM23 refers to light shielding function. This is inadequate as it does not explain how this is to be achieved. BANES's plan and Policy D6 are currently out of date. This needs to be addressed and should include best practice guidance on minimising light pollution (See response to MM29).

<p>Mark Rose Define Planning & Design University of Bath</p>	<p>MM14 - Object</p>	<p>The University and the Council have liaised closely in relation to the evolving University Strategy and the likely accommodation requirements that will arise from that in the plan period to 2029.</p> <p>The outcome of that process has directly informed the LPPU's policies, notably the revised Policy SB19 in relation to further PBSA development on the campus and the addition of the Policy H2A in relation to off campus provision. The revised explanatory text to Policy H2A as set out in paragraphs 370a to 370l in MM14 is welcomed by the University of Bath. It sets out the local context in relation to the PBSA provision that is required to meet the needs of the city's universities, and clarifies the intent of Policy H2A in terms of prioritising provision on allocated sites (specifically the campus for the University of Bath) and the necessary standards of provision. It is apparent that this is a complex and dynamic matter that requires continual monitoring and policy management and the Council's continued commitment to that in new paragraph 370e is very much welcomed.</p> <p>The Inspector's post hearing letter (EXAM18) highlights that the current assessment of need is robust and that prioritising provision on campus in the first instance is justified. Those conclusions are very much welcomed. New paragraph 370f should, however, be clear that Policy SB19 relates to the provision of PBSA on the Claverton campus to meet the Universities of Bath's specific future needs. Moreover, the precise terms of Policy H2A in relation to potential off campus provision remain important. The University is concerned that in seeking to provide greater clarity in relation to the policy's requirements, paragraph 370g and part 2 of Policy H2A are now too prescriptive in terms of the circumstances where further off-campus provision to address the needs of the city's Universities may be necessary and how that should be justified and evidenced.</p> <p>As stated in MM14, additional off-campus accommodation may well be required to address growth-related needs or to address the specific requirements of second and third years, but they are not the only circumstances where a demonstrable need could arise in the plan period. Further provision could, for example, also be required to address a reduction in the existing supply and/or the capacity of the assumed future supply of PBSA in the area. It is, therefore, very important that Policy H2A provides the required flexibility within the Local Plan's spatial strategy in this respect. Its terms must allow for provision to address the full spectrum of potential PBSA needs (not just second and third years as appears to be suggested) and reflect that the need could be generated, evidenced and secured by a variety of means.</p> <p>Paragraph 370g and part 2 of Policy H2a should, therefore, be amended accordingly as suggested in paragraph 30 of EXAM18 to simply require clear evidence of need for the type of the PBSA that is proposed to be provided in that specific location, which could be evidenced by a formal agreement with the provider.</p>
--	--------------------------	--

<p>Matthew Halstead Crossman Acquisitions</p>	<p>MM14 - Object</p>	<p>1 Introduction 1.1 Crossman Acquisitions ('CA'), part of the Crossman Group of companies has land interests across Bath and North East Somerset Council's ('the Council') authority area. CA is therefore grateful for the opportunity to continue to submit representations to the main modifications to the Local Plan Partial Update ('LPPU'). 1.2 CA is currently promoting a site in Bath for purpose-built student accommodation ('PBSA'). Therefore, this representation focuses on those matters contained in the LPPU that relate specifically to student development across the Council's administrative area.</p> <p>2 Context: PBSA Need Across All Academic Year Groups 2.1 The student topic papers used to inform policies B5 and H2A have derived the additional bedspaces required during the plan period to maintain the number of HMOs at current levels. <u>The evidence submitted by the council provides no information on the number of 1st, 2nd and 3rd year students residing in either HMOs or PBSA.</u> 2.2 Anecdotal oral evidence was presented by the council during the LPPU hearings, stating that there was a greater propensity for first and second year students to reside in cheaper HMO accommodation, on the basis that 1st year students are typically prioritised by the academic institution for PBSA. Whilst the Bath universities do indeed seek to focus first year students in PBSA, given that Bath has the second highest student to bed demand ratio across the country at 2:5 (UK average is 2:1), it would wrong to assume that it is only second and third year students that reside in HMOs. The fact is that due to the historic shortfall of PBSA delivery across the plan period, a point acknowledged by the council, demand for PBSA exists across all academic years.</p> <p>3 Main Modifications to Policy H2A (MM14) 3.1 Comments are provided below to the main modification to policy H2A. 3.2 <i>Para 370d</i> – CA agree with the council's statement concerning the complexity of the local housing market resulting from its large student population. CA therefore support the council's proposal to provide 'more detailed local projections with more localised considerations' through on-going engagement with Bath's universities. 3.3 <i>Para 370f</i> – It is true that the universities have an established practice of prioritising PBSA accommodation for 1st year students and not students in their 2nd and 3rd years. However, the prioritisation of 1st year accommodation needs is the not the principal driver of the expansion of the HMO market. Instead, this driver is the shortfall in PBSA delivery across all academic years during the plan period, resulting in all year groups having to reside in HMOs. Therefore, the final sentence should be deleted from this paragraph as it is misleading. 3.4 <i>Para 370g</i> – in his post hearing letter, the inspector stated: <i>'Policy H2A as submitted includes a requirement that proposals for PBSA are required to demonstrate that there is a need for additional student accommodation of the type and in the location proposed, evidenced by a formal agreement between the developer and a relevant education provider, for the supply of bed spaces created by the development. Whilst a formal agreement may be helpful, say in ensuring provision for 2nd and 3rd year students rather than additional 1st year students to reduce pressure for additional HMOs, I am not convinced that a requirement for such an agreement in all cases is justified, given that it is dependent upon the agreement of a third party. Instead, the Policy should be amended to be clear that there should be clear evidence of need for additional student accommodation of the type of, and in the location proposed, and that such evidence may include a formal agreement between the developer and a relevant education provider, for the supply of bed spaces created by the development.'</i> 3.5 It should be evident from the above that in terms of demonstrating need, the inspector has not recommended that any need assessment should focus only on 2nd and 3rd year students. It is assumed that this position was reached given the acknowledged need to ensure flexibility in the policy (as was discussed during the hearing session) combined with the absence of any evidence presented by the council stipulating the need for PBSA by different year group. CA supports this approach advocated by the inspector, that requires PBSA applications to be evidenced by the need for the PBSA, irrespective of the year group that will reside in it. 3.6 In contrast, new para 370g stipulates that for off-campus PBSA, it must meet the need for second and third-year students only. This is a departure from the recommendations of the inspector, and moreover an approach that is unevidenced. In addition, the council is now also stating that only first year students will be accommodated on-campus at Claverton Campus under the provisions of policy SB19. This is a significant revision to the plan and unacceptable for two reasons. 3.7 Firstly, no timeline has been presented as to when PBSA at Claverton Campus will be delivered. Given the constraints associated with the campus, it is expected that PBSA will not be delivered there until later in the plan period. Therefore, any resulting undersupply in first year accommodation would have to be met off-campus in HMOs due the council's preferred approach of restricting off-campus PBSA to second and third year students only. Secondly, the demand for first year PBSA accommodation is likely to exceed what which can be provided at Claverton Campus, in particular with respect to Bath Spa University, which according to the council's own evidence will experience a shortfall in PBSA, and does not have any campus proposals/allocations to meet its anticipated needs. This would therefore exacerbate the reliance on HMOs as stated earlier. 3.8 As a side-note, CA currently has an appeal pending for a 66 bedspace PBSA development in Bath. At their request CA is meeting with representatives of Bath Spa University as they have expressed preliminary interest in entering into a nomination agreement for the PBSA in the event it secures planning permission. Any nomination agreement entered into with the Bath Spa University would be for all year groups, demonstrating a need for PBSA first year students as well as upper years. 3.9 <i>Paras 370h and 370i</i> – tabulated data has now been introduced alluding to the price points of HMO accommodation compared to university and private PBSA bedspaces across the city. This data originates from CD-SD024, which undertook provided a snap shot of price points using a range of sources. Paragraph 370i goes on to state that: <i>'In order to meet the needs of second and third year students who would otherwise often reside in HMOs, PBSA developments must meet the requirements of such</i></p>
---	--------------------------	---

students with regards to cost and type of accommodation. These students generally have a preference to live as a household with a friends, at a cost level similar to renting a HMO, therefore development schemes must address these preferences. Such accommodation will likely comprise cluster flats with shared facilities.'

3.10 In relation to the need to meet the 'requirements of students with regard to costs', this is considered unacceptable for the following reasons:

3.11 Firstly, the tabulated costs which new PBSA development would have to have regard to are not robust. These costs present a single snap shot of price points in 2021, and would not remain valid for the remainder of the plan period, during which time market conditions are inevitably going to change. Moreover, this data is very basic and not subject to any form of market analysis. For example, an obvious reason as to why PBSA bedspaces are currently more expensive than HMO accommodation is due to the chronic shortage of PBSA compared to HMOs and which is increasing PBSA rental values.

3.12 Secondly, there is no policy basis concerning the affordability of PBSA accommodation, and therefore no viability assessment has been undertaken to ascertain the economics of reducing PBSA rental incomes, having regard to increased land values associated with PBSA and also the micro-economics associated with the PBSA financial model.

3.13 Therefore, any references in this paragraph of the need for PBSA developments to have regards to costs should be deleted.

3.14 *Para 370j* – requires the imposition of a planning condition on new off-campus PBSA developments that restricts occupation to second and third year students only. Given the chronic shortfall of PBSA across the district to accommodate all year groups, it makes little sense restricting occupation to second and third year students only, when first year student also require PBSA bedspaces. In addition, there are multiple reasons as to why first year students should be encouraged to mix with upper year students, such as pastoral care, familial ties and also friendship groups. Therefore, restrictions on mixing would fail to provide for mixed and inclusive communities as set by the Framework. On this basis such a condition would clearly fail the test for conditions as set by paragraph 55 of the Framework on the basis of not being necessary, relevant to planning and reasonable in all other respects. **This paragraph should therefore be deleted.**

3.15 *Para 370k* – criterion e of policy H2A requires that various design considerations of PBSA should be of 'an appropriate standard'. Paragraph 370k lists various specific design features which are 'the appropriate standards' as described by criterion e. The specific design features listed do not constitute 'standards' but are design considerations, and as a result are left open to interpretation. This is considered too vague as a means of understanding how the requirements of criterion e can effectively be complied with. If the council wishes to stipulate specific design standards expected of PBSA, then these should be set-out in specific guidance. **This paragraph should therefore be amended to reflect that proposals should have regard to the stated design considerations.**

4 Amendments to Policy H2A

4.1 Tasking account of the above comments, it is suggested that policy H2A is amended as below. Additions to the policy wording are underlined and deletions ~~struck out~~.

Purpose built student accommodation of an appropriate scale and design will be permitted:

1. On allocated sites where student accommodation use is specifically identified within the Development Principles; or
2. Elsewhere in the District, and subject to the provisions of policy B5, only where there is a clear evidence of need for additional student accommodation, of the type, and in the location proposed. ~~and subject to the provisions of policy B5. In these locations proposals for Purpose-Built Student Accommodation on sites will be required to demonstrate that: Such evidence may include:~~
 - i. ~~There is a need for additional student accommodation of the type and in the location proposed, evidenced by a formal agreement between the developer and a relevant education provider located within the District; or~~
 - a. A formal agreement between the developer and a relevant education provider located within the District; or
 - b. A student need assessment to be submitted in support of a planning application.
 - ii. ~~The proposed development meets the needs of second and third year university students.~~

All proposals for Purpose Built Student Accommodation will also be required to demonstrate that:

- a. The proposal will not result in a significant negative impact on retail, employment, leisure, tourism, housing or the council's wider strategic objectives;
- b. The site is in a location accessible by sustainable transport methods, including to the educational establishment to which it is associated;
- c. The use of the site for student accommodation is appropriate in relation to neighbouring uses;
- d. The development will not have an unacceptable impact on the amenity of surrounding residents. A management plan must be provided prior to occupation of the development, to ensure adequate management arrangements have been incorporated;
- e. The proposal has robustly taken account of the design considerations at paragraph 370k; ~~The internal design, layout and size of accommodation and facilities are of an appropriate standard;~~
- f. The proposal provides an appropriate level of car parking having regard to the Transport and Development SPD, and provides adequate provision for servicing, pick up and drop off;
- g. The proposal provides adequate storage for recycling/refuse and bicycles, having regard to Waste Planning Guidance and the Transport and Development SPD;
- h. The development has been designed in such a way that it is capable of being re-configured through internal alterations to meet general housing needs in the future if necessary; and
- i. The proposal accords with other relevant Local Plan policies relating to, but not limited to, impact on the historic environment, high quality design, landscape, transport and access, flood risk and drainage, nature conservation, pollution and contamination, and responding to climate change.

4.2 **Please Note:** CA's suggested revision to criterion 2 is in order to add clarity for applicant's as to how the issue of need can be addressed. If this revision is not accepted, then CA would suggest the following alternative wording for criterion 2, which accurately reflects the recommendations of the inspector:

~~2. Elsewhere in the District, and only where there is a need for additional student accommodation, and subject to the provisions of policy B5. In these locations proposals for Purpose-Built Student Accommodation on sites will be required to demonstrate that: where there is clear evidence of need for additional student accommodation of the type of, and in the location proposed, and that such evidence may include a formal agreement between the developer and a relevant education provider, for the supply of bed spaces created by the development.~~

~~i. There is a need for additional student accommodation of the type and in the location proposed, evidenced by a formal agreement between the developer and a relevant education provider located within the District; or A formal agreement between the developer and a relevant education provider located within the District; or~~

~~ii. The proposed development meets the needs of second and third year university students.~~

5 Conclusion

5.1 During the hearing sessions the inspector expressed concerns over the lack of flexibility policy H2A would introduce if the need for off-campus PBSA could only be demonstrated by entering into a formal agreement with an education provider. This flexibility was deemed necessary due to the accepted challenges forecasting student demand during the plan period.

5.2 In light of the above, and to reiterate the words of the inspector in his post-hearing letter:

'Whilst a formal agreement may be helpful, say in ensuring provision for 2nd and 3rd year students rather than additional 1st year students to reduce pressure for additional HMOs, I am not convinced that a requirement for such an agreement in all cases is justified, given that it is dependent upon the agreement of a third party. Instead, the Policy should be amended to be clear that there should be clear evidence of need for additional student accommodation of the type of, and in the location proposed, and that such evidence may include a formal agreement between the developer and a relevant education provider, for the supply of bed spaces created by the development.'

5.3 The approach taken by the council does not reflect the above advice of the inspector. Instead, the council has amended the policy to enable off-campus PBSA where it is supported by a formal agreement with the education provider, or meets the needs of second and third year students only. This is a subtle misinterpretation of the inspector's recommendation. No evidence has been presented by the council to demonstrate that only second and third year students should be required to reside in PBSA. CA considers this approach to be manifestly wrong given the acute shortage of PBSA across the district, which is needed by all academic year groups, and also due to unnecessary segregation of student year groups which is in clear conflict with the principle of achieving mixed and balanced communities.

5.4 CA suggested revisions to policy H2A would address the above concerns and better reflect the recommendations of the inspector.

<p>Esterina Bartilomo CBRE Bath Spa University</p>	<p>MM14 - Object</p>	<p>B&NES purpose-built student accommodation (Policy H2A) seeks to address student accommodation needs arising from educational establishments. Policies B5 and H2A are intended to work together to set out that as a first priority PBSA should be developed on-campus and on allocated sites, and that it will only be allowed on other sites (excluding areas restricted by policy B5) where a need can be demonstrated. This on-campus focus, and approach aligns with the future aspirations of the University, to develop any additional required student accommodation within their Newton Park campus.</p> <p>However, it is noted that whilst the supporting text to Policy H2A references priority for First Year PBSA to be delivered “on campus” first, the policy text does not. Given the Newton Park campus does not have a specific PBSA allocation, we would like to propose a small amendment to paragraph 1 of Policy H2A as follows:</p> <p>Current Text: <i>“Purpose built student accommodation of an appropriate scale and design will be permitted: 1) On allocated sites where student accommodation use is specifically identified within the Development Principles; or 2). Elsewhere in the District, only where there is a need for additional student accommodation, and subject to the provisions of policy B5. In these locations proposals for Purpose-Built Student Accommodation will be required to demonstrate that:...”</i></p> <p>Proposed Text: <i>“Purpose built student accommodation of an appropriate scale and design will be permitted: 1) On allocated sites where student accommodation use is specifically identified within the Development Principles; and within University Campus locations where PBSA is already located; or 2). Elsewhere in the District, only where there is a need for additional student accommodation, and subject to the provisions of policy B5. In these locations proposals for Purpose-Built Student Accommodation will be required to demonstrate that:...”</i></p> <p>This would have the effect of supporting the principle of PBSA on campus locations that do not have site specific allocations, such as Newton Park. BSU operates such that a percentage of its student accommodation is located on satellite sites, including as part of their Locksbrook Walkable Campus model, and on nearby and adjacent sites. Up to 50% of student accommodation for BSU is shared across these satellite sites. Whilst the priority is always for first-year accommodation to be on or directly in walking distance to campus, occasionally this cannot be accommodated. New wording under paragraph 370j suggest a condition should be imposed on any off-campus student housing that would restrict its use to “<i>second- and third-year students only</i>”. BSU very much want to protect their student housing stock to support the University’s thriving campus life however, the wording proposed is not reflective of how BSU (or other universities) operate and would be overly restrictive if applied verbatim across off-campus sites. It would severely restrict the University from housing first year students in available accommodation should it be required. This is an issue that BSU is facing already, with a high influx of new students and limited accommodation spaces on campus. It is critical that BSU are able to accommodate their students across all years in all types of student accommodation; a condition that would prevent this would be overly restrictive and would not meet the planning tests insofar as being necessary, relevant and reasonable. If the approved use is for student accommodation, the development should be able to house students across all years including international students.</p> <p>We therefore propose the wording is amended to protect student accommodation but ensure that the University can remain flexible in its approach to housing and ensure all students have access to suitable accommodation, as follows:</p> <p><i>“370j. As necessary, a condition should be attached to any planning permission for such off-campus accommodation, to ensure that it is provided solely for second and third year university students.”</i></p> <p>Furthermore, it is noted throughout paragraphs 370c – 370l, which have been added under the ‘Main Modifications’, reference is made to ‘on-campus’ and ‘off-campus’ accommodation. In terms of understanding and applying the policies, particularly in regards to requiring formal agreements for off-campus PBSA, the definition of what is ‘on’ and ‘off’ campus should be made clear in this wording.</p>
<p>Amanda Grundy Natural England</p>	<p>MM17 - Support</p>	<p>POLICY RE1: EMPLOYMENT USES IN THE COUNTRYSIDE</p> <p>Proposals for employment uses in the countryside outside the scope of Core Strategy Policies RA1 and RA2 will be permitted providing they are consistent with all other relevant policies, and involves:</p> <ul style="list-style-type: none"> i) replacement of existing buildings; ii) the limited expansion, intensification or redevelopment of existing premises or redevelopment of previously developed land where it is not habitat functionally linked to a European site; and iii) they would not lead to dispersal of activity that prejudices town and village vitality and viability <p>The additional wording in relation to functionally linked land is welcome (point ii above) as it better reflects the importance of land outside the SAC and SPA boundaries to bats and birds, which are the main qualifying features of European sites within B&NES – these highly mobile animals are reliant on habitats and landscape features beyond designated site boundaries for their long-term survival.</p>

Jackie Head	MM19 - Support	I am pleased that these infrastructure encouragements to active travel are being encouraged, within urban areas and rural to urban area but I am disappointed that this does not extend to rural to rural route areas. More generally it as if the Chew Valley area does not exist in this plan update. Where are the plans to help decarbonise transport and encourage liveable neighbourhoods in village communities where active travel and public transport are prioritised over car us? Unless decarbonisation of rural transport is tackled head on this will be a real block to reaching net zero in B&NES as a whole.
Tim Burden Turley St William Homes LLP ("St William")	MM19 - Object	<p>Introduction</p> <p>1.1 This submission to the Main Modifications consultation has been prepared on behalf of St William Homes LLP ('St William') in relation to the Bath and North East Somerset ('BANES') Council Local Plan Partial Update ('LPPU') Examination.</p> <p>1.2 St William have actively engaged with the Examination process, and has sought to work positively and proactively with the Council in relation to Policy SB8 Bath Western Riverside site.</p> <p>1.3 In August 2022, St William submitted their planning application (reference 22/03224/EFUL) for part of this important site, seeking full planning permission for: <i>"Demolition of existing buildings and decontamination/remediation of the site to facilitate redevelopment for a residential-led mixed-use development, comprising residential dwellings (Class C3 Use) and provision of Class E floorspace (Class E(b) and (f) Uses), together with associated infrastructure, landscaping, and car and cycle parking, engineering works (on site and to associated areas) and access and works to the existing river wall, infrastructure and gasholder voids."</i></p> <p>1.4 We are pleased to note the overall conclusions of the Inspector on the soundness of the Local Plan and that the Plan looks able to proceed to adoption. However we remain concerned that some of the proposed Main Modifications could significantly delay the delivery and affect the capacity of this important site, in direct conflict with paragraphs 85 and 119 of the National Planning Policy Framework (NPPF)</p> <p>1.5 In preparing these submissions and considering the Main Modifications, we specifically note the comments of the Inspector in his Post Hearing letter dated 11 August 2022, particularly paragraph 26 which states that: <i>"Policy SB8, Bath Riverside includes criteria relating to the delivery of sustainable transport. In the hearing statement, the Council suggest a number of additional changes to the Policy. However, I do not find it justified to require integration with the emerging Metrobus / Mass Transit proposals and the provision of a grade separated crossing of Windsor Bridge Road if feasible. This is because these amended requirements are not justified or necessary for soundness. To be effective, the Policy should be amended so that it is clear that the specific infrastructure elements are amongst the matters to be investigated to find feasible solutions in the provision of sustainable transport at the development management stage, which if found necessary would be provided as per the legal tests for planning obligations."</i> (emphasis added)</p> <p>1.6 It is in that context that we suggest some minor refinements to the published Main Modifications..</p> <p>1 This section sets out our response to the aforementioned Main Modifications.</p> <p>MM19 - Policy ST2A Active Travel Routes</p> <p>2.2 Noting the comments of the Inspector at paragraph 26 of his Post Hearing Letter, we are concerned that the Council continue to use the word 'feasible' throughout some of its policy wording. Policy ST2A is one such policy where this approach is continued, but where it should be a requirement for infrastructure to be 'necessary' in order to meet the statutory tests.</p> <p>2.3 In order to be effective, we consider that it is necessary to amend the second component to reflect the need for any policy requirements to consider the necessity of any strategic connections, in order to satisfy the tests of soundness and as appropriate, the CIL Regulations (as amended).</p> <p>2.4 We therefore propose the following minor change to MM19 (as highlighted), in order to be consistent with the Inspector's initial conclusions:</p> <p><i>"2. A development proposal affecting a publicly accessible recreational active travel route will be expected to maintain and/or incorporate the route within the scheme, provide appropriate enhancements to the route in line with having regard to guidance set out in the Transport and Development SPD, and depending on the location, the Council will seek to negotiate the provision of support additional linkages between urban areas and the wider countryside, open spaces and the River or Canal. Opportunities to make and enhance strategic connections between, and within, urban areas and other key origins/destinations, utilising these routes, should be investigated and implemented wherever feasible necessary."</i></p>
Westley Little National Highways	MM19 - Support	The renaming of this policy from "Recreational routes" to "Active travel routes" is considered beneficial as it expands the scope of routes to include those for commuting in addition to recreational routes. We suggest any supporting graphics are updated to reflect this wider scope. We are pleased that this policy has been linked to the Transport and Development SPD to ensure that there is a strong detailed up to date policy framework for any development proposal bringing forwards sustainable transport improvements.
Isabelle Ficker	MM22 - Object	BANES declared a climate emergency and an ecological emergency in 2019 and so the Local Plan and Local Plan Update need to reflect the Council's declarations. I am writing with concerns about light pollution and its impact on biodiversity, protected species and climate change. MM22 refers to light shielding function. This is inadequate as it does not explain how this is to be achieved. BANES's plan and Policy D6 are currently out of date. This needs to be addressed and should include best practice guidance on minimising light pollution (See response to MM29).

<p>Tim Burden Turley St William Homes LLP ("St William")</p>	<p>MM22 - Object</p>	<p>2.5 We do not consider it necessary to include the new text proposed at paragraph 152d. Whilst noting that only supporting text, rather than new policy wording, is proposed, we still consider that its inclusion is not necessary for the plan to be found sound.</p> <p>2.6 As a minimum, the final sentence should be removed to ensure consistency with the Inspector's Post Hearing letter which explicitly states that reference to a grade separated crossing was not justified or necessary for soundness:</p> <p>"152d. The second phase of the Bath Riverside development offers great potential to further deliver sustainable connections through the site and with the wider area to the benefit of the city. The route of the former railway line that runs through the site and westwards through the Newbridge Riverside Policy area to connect to the Bristol Bath Railway Path (BBRP) is safeguarded as a Sustainable Transport Route. The delivery of this route through this site is a key requirement. It is also a requirement to provide a direct, well-aligned and high quality crossing over Windsor Bridge Road and to deliver an upgrade to the disused former railway bridge over the river to allow use by pedestrians and cyclists and to link the site with the BBRP. The Council recognises that further work is required at the Development Management stage on the feasibility of the various options for the crossing of Windsor Bridge Road, which may include the assessment of crossing options both at grade and grade separated."</p>
<p>Tim Burden Turley St William Homes LLP ("St William")</p>	<p>MM22 - Object</p>	<p>Noting the Inspector's response, the following text should be deleted from the policy wording:</p> <p>"It will also need to investigate which specific infrastructure elements, such as integrating with emerging Metrobus/Mass Transit proposals and the options for crossing Windsor Bridge Road, are feasible solutions for the provision of sustainable transport."</p> <p>2.8 As drafted, this seeks to effectively reintroduce the text deleted at SB8 (g)(v) which the Inspector has concluded is not justified or necessary for soundness . It should therefore be deleted entirely.</p> <p>2.9 If the Council are intent to retain it then the following amendments are essential:"It will also need to investigate which specific infrastructure elements, such as integrating with emerging Metrobus/Mass Transit proposals and the options for crossing Windsor Bridge Road, are feasible, optimal and necessary solutions for the provision of sustainable transport."</p>
<p>Tim Burden Turley St William Homes LLP ("St William")</p>	<p>MM22 - Object</p>	<p>2.10 The amended part 5 of SB8 introduces text (as highlighted) that is not justified or necessary and fails to provide an effective policy. The wording is ambiguous and vague and should be deleted.</p> <p>2.11 Mechanisms relating to sites, habitats and species (including replacement, enhancement, mitigation etc) and BNG are addressed by Policy NE3/NE3a and it is not necessary to add this line into the site-specific policy.</p> <p>2.12 Further, the biodiversity-led approach is already captured in the first line of this paragraph.</p> <p>2.13 The LPPU should advocate a design and ecological enhancement led approach rather than a crude like-for-like reinstatement.</p> <p>2.14 We suggest deleting that sentence and also amending the policy to state "where most appropriate", as follows:</p> <p>"5 Retain and enhance green infrastructure and habitats along the riverside edge where possible, providing a biodiversity led approach towards the treatment of this area. Where vegetation clearance is necessitated for site preparation the vegetation shall be reinstated. Built form shall be set back from the existing retained or reinstated riverside habitat infrastructure by a buffer of at least 10 metres where feasible most appropriate. This buffer could be used for informal public open space but must retain a habitat function, a light shielding function, and improved access to the river for maintenance purposes. Built form must respond appropriately to this habitat buffer."</p>
<p>Isabelle Ficker</p>	<p>MM23 - Object</p>	<p>BANES declared a climate emergency and an ecological emergency in 2019 and so the Local Plan and Local Plan Update need to reflect the Council's declarations. I am writing with concerns about light pollution and its impact on biodiversity, protected species and climate change. MM23 refers to light shielding function. This is inadequate as it does not explain how this is to be achieved. BANES's plan and Policy D6 are currently out of date. This needs to be addressed and should include best practice guidance on minimising light pollution (See response to MM29).</p>
<p>Amanda Grundy Natural England</p>	<p>MM23 - Support</p>	<p>Policy B3 Policy B3g Strategic Policy for Twerton and Newbridge Riverside SB22 (Creative Hub) Policy SB22</p> <p>New clause 9</p> <p>10. Retain and enhance green infrastructure and habitats along the riverside edge, providing a biodiversity led approach towards the treatment of this area. This area of green infrastructure could be used for informal public open space but must retain a habitat function, a light shielding function, and improved access to the river for maintenance purposes. Built form must respond appropriately to this habitat buffer.</p> <p>We support the new clause 9 (above), which reinforces the importance of the river corridor as an essential habitat feature and resource for bats, and other wildlife, and should help to ensure that these interests are considered and protected as part of new development in this ecologically sensitive location.</p>

Esterina Bartilomo CBRE Bath Spa University	MM23 - Object	<p>Under the Main Modifications, new policy SB22 been adapted to remove reference to “incubator or grow on space”, and instead for the use of the site to be focussed on employment use, and education teaching space which can be used flexibly to provide facilities for start up businesses and workspaces for local people, academics and students:</p> <p><u>“1.Provide a mixed use development comprised of employment space including incubator units and ‘grow-on’ space, and teaching space. and higher education teaching space associated with Bath Spa University which can also be used as studio space with access to specialist equipment and facilities for start-up businesses and workspaces for local people, academics and students.”</u></p> <p>The Main Modification text augments the wording to focus on the flexibility of the spaces provided. The University is in agreement with this approach and will work with the Council to achieve this objective through flexible planning permissions and meanwhile uses as currently submitted to B&NES, pending the full redevelopment of the site in the mid to long term.</p> <p>It is key for the University that redevelopment around the Locksbrook remains grounded in provision of educational facilities with flexible spaces to support and encourage creativity, innovation and economic opportunity for BSU students and the wider local population. Policy SB22 has also seen a new paragraph added, paragraph 10, as follows:</p> <p><u>“10. Retain and enhance green infrastructure and habitats along the riverside edge, providing a biodiversity led approach towards the treatment of this area. This area of green infrastructure could be used for informal public open space but must retain a habitat function, a light shielding function, and improved access to the river for maintenance purposes. Built form must respond appropriately to this habitat buffer.”</u></p> <p>BSU fully supports the ecological intention of the policy, and is working with B&NES to ensure appropriate controls at the former Herman Miller Building to protect riparian habitat and biodiversity here. However, the additional text makes reference to parts of the riverside edge being used as “informal public open space”. This riverside edge green space is privately owned University land for the use of students and staff as informal breakout and amenity space. This is the first time we have been made aware of the Council’s aspiration for this to become publicly accessible. It is well documented that the University have had issues with anti-social behaviour in this location, including risk to life through a recent fire on site likely caused by a discarded cigarette from a towpath user. It is imperative that the University is able to delineate and maintain a boundary here and exclude individuals as necessary. As an example, because there has been no fence or hard boundary in the past, BSU have struggled to engage with police officers for help in events of anti-social behaviour and trespassing, as there was no clear delineation of private and public property. This does not mean wholly closing of this space to the public, for example the provision of a riverside café and seating area is intended in this location as part of the Riverline project, which would be open for public use. However the café can still be managed through opening hours, and would retain the right for anyone behaving anti-socially to be excluded. This is key for BSU and also for the wider aspiration of protecting the habitats here.</p> <p>To that end, we would suggest amended wording as follows:</p> <p><u>“10. Retain and enhance green infrastructure and habitats along the riverside edge, providing a biodiversity led approach towards the treatment of this area. This area of green infrastructure could be used for informal public open space for various informal functions by Bath Spa University but must retain a habitat function, a light shielding function, and improved access to the river for maintenance purposes. Built form must respond appropriately to this habitat buffer.”</u></p> <p>This would protect BSU’s interest as a land owner, and their requirement as an education provider to ensure a safe environment for students, staff and visitors; all whilst still ensuring ecological and habitat protection as per the intention of the policy wording.</p>
Isabelle Ficker	MM24 - Object	<p>BANES declared a climate emergency and an ecological emergency in 2019 and so the Local Plan and Local Plan Update need to reflect the Council’s declarations. I am writing with concerns about light pollution and its impact on biodiversity, protected species and climate change. MM24 refers to other relevant policies in the Plan. All the standards and guidances in Policy D6 on Lighting are out of date. This needs to be addressed (See response to MM29).</p>
Isabelle Ficker	MM26 - Object	<p>MM26 refers to protecting habitat from light spill. It does not explain how this is to be achieved. BANES’s plan and Policy D6 are currently out of date. This needs to be addressed and should include best practice guidance on minimising light pollution (see below). BANES declared a climate emergency and an ecological emergency in 2019 and so the Local Plan and Local Plan Update need to reflect the Council’s declarations. I am writing with concerns about light pollution and its impact on biodiversity, protected species and climate change. (See response to MM29)</p>
Westley Little National Highways	MM26 - Support	<p>We welcome the additional paragraph 214a that confirms the commitment of the Trust to develop a Sustainable Transport Strategy for the whole site that will reflect its commitment to being a sustainable organisation that is fit for the future. Hospital/healthcare sites can attract trips from long distances that may route via the SRN. Therefore, we are pleased that the main modification also confirms the focus on delivering sustainable travel improvements to manage down demand from the site whilst also ensuring consistency with the Transport and Developments SPD.</p>
Westley Little National Highways	MM26 - Support	<p>The proposed main modification to Policy SB18 is broadly consistent with paragraph 214a above and we are therefore supportive of the requirement to manage down demand on the highway network and deliver measures to improve safe and sustainable transport as per the principles of the NPPF.</p>

Amanda Grundy Natural England	MM26 - Support	Policy SB18 for RUH <u>Development proposals in the vicinity of the Manor House must:5a. Protect and enhance existing landscape infrastructure and habitats within the site, including trees, hedgerows, grassland habitats, planting and landscaped garden areas. Protect all habitats from increased light spill.</u> We welcome the additional policy wording (5a) which recognises the important existing green space, habitats, and landscape features at RUH and should help to protect and enhance these assets alongside accommodating new development in this location
----------------------------------	-------------------	--

<p>Cathy Francis JLL Royal United Hospitals Bath NHS Foundation Trust</p>	<p>MM26 - Object</p>	<p>On behalf of The Royal United Hospitals Bath NHS Foundation Trust (the "Trust") we wish to make further Representations in respect of the above consultation document and the proposed main modifications in respect of Policy SB18 relating to Royal United Hospital Bath.</p> <p>In summary, whilst the Trust supports the majority of the proposed modifications made to Policy SB18 they seek further changes to be made in line with the recommendations of the Inspector. The Trust are also concerned that reference to specific transport requirements are still retained and which presupposes the scope and outcome of the Trust's Sustainable Transport Strategy.</p> <p>The specific areas of concern are:</p> <ul style="list-style-type: none"> • Paragraph 214a – the suggested scope of the Trust's Sustainable Transport Strategy, which has not yet been agreed, is too focused on physical measures and interventions. As such this not justified or supported by proportionate evidence, one of the tests of soundness under para 35 (b), NPPF. • Policy SB18 Criteria 3a – as above. • Policy SB18 Criteria 7 – text pre-supposes the Manor House will be for staff accommodation with no flexibility for potential alternative development such as clinical health facilities or a staff wellbeing centre etc. As such the policy criteria should make reference to reasonable alternatives and any enhancements being proportional to the development proposal (i.e. fully justified). <p>These Representations consider the above points raised and proposes further modifications to Policy SB18 and the associated supporting text.</p> <p><u>Inspectors Recommendations</u></p> <p>Following the Examination Hearings, the Inspector has now issued the main modifications which he considers are necessary to make the Local Plan sound and capable of adoption. This is set out in his letter dated 11th August where he specifically refers to Policy SB18 and sets out the changes required including the omission of detailed specific transport infrastructure requirements. For ease of reference we provide the Inspector's comments below:</p> <p><i>"Paragraph 27. Policy SB18 Royal United Hospital. The Policy requirement for development proposals to set out a sustainable transport masterplan for the whole of the RUH site would apply to all development proposals at the hospital. This is not justified and is inconsistent with paragraph 16 d of the NPPF in that it is not clearly written and unambiguous. In this regard, the detailed measures set out in criterion 8 have not been justified. Criterion 9 is concerned with parking and is inconsistent with criterion 1 of the policy. Criterion 9 would not be effective as it requires compliance with the Transport and Developments SPD which is not part of the development plan, and the provisions regarding the possible provision of a Residents Parking Zone are not justified. The Policy should be amended accordingly".</i></p> <p><u>G</u> <u>rounds of Objection</u></p> <p>As confirmed above the Trust supports and welcomes the majority of the proposed modifications which the Council has sought to duly incorporate into the specific wording of amended Policy SB18 within the latest Local Plan Partial Update (LPPU) consultation (September 2022).</p> <p>However, the Trust seeks to further modifications in respect of the scope and specific references made to the Sustainable Transport Strategy (STS) both within Policy SB18 but also the supporting text.</p> <p>With regards to the details for the Sustainable Transport Strategy (STS), the Trust is concerned that the text for Paragraph 214a and Criterion 3a is too focused on physical measures and interventions without a commensurate emphasis on demand management and initiatives designed to reduce the need to travel to the RUH. The text for Paragraph 214a acknowledges that the physical measures and infrastructure are to be 'complementary to measures to reduce travel demand and travel planning'. However, these are not expanded on further in the supported text for Policy SB18 and are not referred at all in Criterion 3a, which is solely focused on physical measures and infrastructure. In addition, we are concerned that these requirements are overly prescriptive and presuppose the outcome of the Trust's work on the STS.</p> <p>We wish to remind the Council that both parties need to agree the contents of the STS and, as currently worded, the Trust considers that these requirements for the STS fails to strike the right balance between physical interventions and initiatives designed to reduce the need to travel to the RUH which the Trust are actively progressing.</p> <p>The Trust would like to see the text refocused to recognise the considerable opportunities offered by RUH organisational changes that reduce the need to travel to the Hospital, for example, reducing patient attendance through digital improvements, 'health on the High Street', patient triage, and online treatment and care; and reducing staff attendance through staff homeworking. The Trust therefore objects to the current wording for Paragraph 214a and Criterion 3a for Policy SB18 in this latest consultation of the BaNES LPPU.</p> <p>The Trust also objects to the inclusion of Criterion 7 specifically for the Manor House site as this presupposes the outcome of plans for redevelopment of this part of the RUH Estate. As explained at the EiP and at subsequent meetings, the plans for the Manor House are uncertain at present and it is not clear whether this site will now come forward for the Staff Accommodation Scheme. Hence, a criterion that requires examining active travel links between the site and key local facilities would be redundant if, for example, the Manor House was to be redeveloped as a Staff Wellness Centre. Therefore flexibility is required within the wording of Criterion 7 to allow for this.</p> <p>In addition, the Trust are concerned that the addition of the word 'necessary' presupposes the outcome of any analysis on the requirements to improve the local walking and cycling environment external to the Manor House site.</p> <p><u>Proposed Modifications</u></p> <p>To reflect the comments made above the Trust proposes the following modifications. The additions are in bold and underlined.</p> <p>Para 214a - Supporting Text:</p>
---	--------------------------	--

		<p>To complement the Estates Strategy, the Trust will also develop a Sustainable Transport Strategy for the whole site that will reflect its commitment to being a sustainable organisation that is fit for the future. It will include organisational changes at the RUH that reduce the need to travel to the Hospital, for example, by reducing patient attendance through digital improvements, implementing the ‘health on the High Street’ initiative, improved patient triage, online treatment and care; and reducing staff attendance through staff homeworking. In addition, and complementary to measures to reduce travel demand and travel planning, this will support the transition to the use of more sustainable modes of travel, such as, by identifying measures that improve safe and suitable active travel routes, and supporting infrastructure such as parking, wayfinding, hire facilities, showers and changing spaces.</p> <p>Policy SB18 Text: Criterion 3a Development proposals will be required to have regard to the Sustainable Transport Strategy, once completed to the satisfaction of both the Trust and B&NES, and introduce, as necessary, initiatives to reduce travel demand and measures that improve safe and suitable active travel routes, provide supporting infrastructure such as parking, wayfinding, hire facilities, showers and changing spaces, and manage car parking appropriately.</p> <p>Development proposals in the vicinity of Manor House must: Criterion 7. Examine the pedestrian and cycle routes between the site and key local facilities, and make appropriate necessary enhancements that are proportional to any development proposals coming forward, to ensure that the walking and cycling are the natural choices for local trips. The Trust welcomes the opportunity to maintain positive ongoing dialogue with the Planning Policy and Highways Team, working in collaboration on the Updated Estates Strategy and agreeing the precise scope for a Sustainable Transport Strategy in promoting safe and active travels links to and from the site. We trust the comments made above will be fully considered by Officers.</p>
Rachael Hushon Lansdown Crescent Association	MM27 - Support	The changes proposed to the Sion Hill campus development were discussed at length during and after the Hearing, the resulting modifications help to ensure that the allocation can be delivered in a way which enhances rather than harms the historic setting and does not displace traffic from Winifred's Lane onto neighbouring residential streets.
Rachael Hushon Lansdown Crescent Association	MM27 - Support	The diagram is now accurate and does not mislead in anyway
Isabelle Ficker	MM27 - Object	BANES declared a climate emergency and an ecological emergency in 2019 and so the Local Plan and Local Plan Update need to reflect the Council's declarations. MM27 refers to other relevant policies in the Plan. All the standards and guidances in Policy D6 on Lighting are out of date. This needs to be addressed. (See response to MM29)
Isabelle Ficker	MM28 - Object	MM28 states that biodiversity net gain will be achieved through a set of strategies such as planting trees, sowing wildflower meadows, installing bird and bat boxes, creating lakes and so on. This policy does not address the role of artificial light at night in biodiversity loss. Arguably, minimising light pollution through best practice strategies (see below) would have a significant impact on reversing biodiversity loss and can be done both easily and cheaply (see more below). BANES declared a climate emergency and an ecological emergency in 2019 and so the Local Plan and Local Plan Update need to reflect the Council's declarations. I am writing with concerns about light pollution and its impact on biodiversity, protected species and climate change. MM29 states that biodiversity net gain will be achieved through a set of strategies such as planting trees, sowing wildflower meadows, installing bird and bat boxes, creating lakes and so on. Neither of these policies addresses the role of artificial light at night on biodiversity loss. Arguably, addressing light pollution would have a significant impact on reversing biodiversity loss and can be done both easily and cheaply (see response to MM29).
Mark Adams NHS Property Services Ltd	MM28 - Support	We support the inclusion of the text within paragraph 1 of MM28 which refers to the significance of the chapel on site
Mark Adams NHS Property Services Ltd	MM28 - Support	We support the inclusion of the text within paragraph 8 of MM28 which introduces a balance between bat house provision and heritage considerations.

<p>Mark Adams NHS Property Services Ltd</p>	<p>MM28 - Object</p>	<p>We object to the modifications made under paragraph 11 of MM28, where there is no evidence to justify the inclusion of the specific transport measures. The wording of the entirety of paragraph 11 is not effective, as none of the referenced schemes have been evidenced as being directly linked to the allocation, nor do they take consideration of the existing uses on the site. They are therefore not consistent with national policy. Objection to the inclusion of these transport requirements was raised repeatedly during the hearing sessions, and we are disappointed that this section of the allocation has not been reviewed in full and re-drafted. I refer you back to the comments raised in our hearing statement which confirm: As set out in these representations, the specific requirements outlined in paragraph 11 are considered overly onerous and premature at this stage in the absence of more detailed design and assessment work. Paragraph 10 commits NHSPS to undertaking a full Transport Assessment which will include identifying a scope of mitigation. Potential mitigation measures can all be examined as part of a future planning application once more detail is available. Noting the above, Paragraph 11 should read simply: Examine the pedestrian and cycle routes between the site and key local facilities and make appropriate enhancements to ensure that the walking and cycling are the natural choice for local trips. Once a scheme has been developed, and the full transport assessment has taken place, NHSPS would be happy to engage with the Council to discuss necessary mitigation. Inclusion of specific schemes at this stage is considered premature, and there is a lack of demonstrable evidence from the Council that these improvements are directly related in scale and kind to the proposed development, particularly in the absence of detailed transport assessment work. Similarly, the Council confirmed in the hearing sessions that they would confirm whether these works are already known improvement projects from wider growth in the area, and also whether alternative funding sources (e.g Highways / CIL) are already in place to fund these works. We have not seen any further information on this. We therefore have not had sight of any evidence 'justifying' the inclusion of these specific improvements, nor confirming that these are necessary as a direct result of the sites allocation.</p>
<p>Mark Adams NHS Property Services Ltd</p>	<p>MM28 - Support</p>	<p>We support the inclusion of the text within paragraph 12 of MM28 linking parking requirements to Policy ST7.</p>

<p>Isabelle Ficker</p>	<p>MM29 - Object</p>	<p>I am writing with concerns about light pollution and its impact on biodiversity, protected species and climate change. BANES declared a climate emergency and an ecological emergency in 2019 and so the Local Plan and Local Plan Update need to reflect the Council's declarations. MM29 states that biodiversity net gain will be achieved through a set of strategies such as planting trees, sowing wildflower meadows, installing bird and bat boxes, creating lakes and so on. Neither of these policies addresses the role of artificial light at night on biodiversity loss. Arguably, addressing light pollution would have a significant impact on reversing biodiversity loss and can be done both easily and cheaply (see more below)</p> <p>BANES's Core Strategy & Placemaking Plan 2017 (CS & PP 2017) describes a biodiversity metric which purports to assess an area's value to wildlife, helps to determine the impact of local development and therefore informs planning applications. The information on which this is based includes the conditions of each habitat parcel. While this does include air and noise pollution (CS, p. 130-137), it does not and MUST include light pollution.</p> <p>Paragraph 310 of the Core Strategy's policy on Pollution, Contamination & Safety states: "Policy PCS1 embodies the 'precautionary principle'. This requires that where there is significant risk of damage to the environment, pollution controls will take into account the need to prevent or limit harm, even where scientific knowledge is not conclusive. The principle applies particularly where there are good grounds for judging that action taken promptly at comparatively low cost may avoid more costly damage later, or that irreversible effects may follow if action is delayed." Light pollution has a well-documented impact on human and environmental health (United Nations OOSA Draft Report on the Impact of Light Pollution on the Bio-Environment (http://www.astro.sunysb.edu/fwalter/IAUDQS/DraftReportBio-Environment.pdf) and, given the current urgent need to save energy as our planet warms, and the evidence that waste light is a contributory factor to the rapid decline in biodiversity (www.sciencedaily.com/releases/2018/06/180619122456.htm), there is an urgent need to tackle waste light.</p> <p>Policy SB8 Riverside makes provision for a bird and bat enhancement strategy and MM22 makes provision for the installation of bat and bird boxes. These are praiseworthy initiatives; however, they will only be successful if the surrounding environmental conditions are supportive. Bats in and around Bath are highly light sensitive and no amount of habitat provision will help if they are deterred from roosting, foraging and commuting by artificial light at night.</p> <p>Other than two references to artificial light in the Major Amendments to the Local Plan Update, there has been no update of lighting policy. (Policy SB18 re the RUH, Manor House development refers to the need to "Protect all habitats from increased light spill" and Policy SB22, new Clause 9 requires "a light shielding function" (Creative Hub)).</p> <p>Policy D8: Lighting, point 3: The British Standard given in point 3 BS 5489-1 2013 has been updated and is now withdrawn and has been replaced by and is now BS 5489-1 2020. This new standard needs to be included in the Local Plan Update.</p> <p>Policy D8, Paragraph 208 on Lighting has also not been updated. The guidances listed have been updated as follows:</p> <p>Bats and Lighting in the UK, Bat Conservation Trust 2008 has become ILP GN08 Bats and Artificial Light in the UK (2018): https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/ Given BANES's nationally and internationally significant bat population and the Bath and Bradford-on-Avon SAC, this Guidance Note is particularly pertinent.</p> <p>ILP GN01 was updated in 2021 : https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2021/</p> <p>The UK Road Lighting Standards were updated in 2020 and the links to the ILP's free resources and Society of Light and Lighting CIBSE publications are both broken. This needs to be rectified and the updated policies above need to be included in the Local Plan Update.</p> <p>BANES's Core Strategy properly identifies greening the built environment as potentially making a significant contribution to climate change mitigation as well as supporting and being closely associated with priority species (CS, p. 120). Light pollution must be addressed as it is an important factor affecting plant metabolism and the health of insect populations which are essential for plants e.g. pollinators which in turn supports the food growing strategy (CS LCR9).</p> <p>The National Planning Policy Framework (NPPF), paragraph 185, section c states the need to "limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation". The National Planning Policy Framework further requires planning policies and decisions to contribute to and enhance the natural and local environment by "minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;" (NPPF, Chapter 15, para 174 (d)) The Local Authority has a legal duty* to set out policies and proposals in the Core Strategy relating to the natural environment and biodiversity. It is also subject to the "biodiversity duty" which requires public bodies to have regard to conserving biodiversity as part of their policy development, decision making and operational activities." [* Natural Environment and Communities Act 2006].</p> <p>DEFRA's "UK Biodiversity Indicators" report from 2019 shows that there has been a sharp decline in insect numbers in recent decades, with a 31% drop in insect pollinators between 1980 and 2016 and a 60% decline in the 2,890 "priority" species from 1970 (the baseline) to 2018. Similarly, the National Biodiversity Network's State of Nature report from 2019 says that "Increases in air, light and noise pollution, human disturbance and predation by domestic animals particularly affect biodiversity in urbanised areas." (State of Nature Report, p. 31 https://nbn.org.uk/wp-content/uploads/2019/09/State-of-Nature-2019-UK-full-report.pdf)</p>
------------------------	--------------------------	--

BANES's "Get Bath Buzzing" 2019-2024 Pollinator Action Plan specifically mentions the importance of pollinators e.g. bees and gives as one of its aims (5) "to raise awareness of the plight of pollinators and the actions needed to help reverse species decline". Lepidoptera (of which approximately 90% are moths) also need to be recognised as pollinators since they contribute approximately 15% of all pollination. The Core Strategy includes the protection of priority species (inter alia bats, hedgehogs, badgers, toads) for whom insects are an essential food source. Artificial light at night is a known contributor to insect decline. The increasing use of high CCT (blue spectrum) LEDs is extremely harmful and the choice of warm white, 2200K LEDs rather than LEDs in the 2700K – 4000K+ range, is vital.

A key failing of the existing legal regime is that a number of development proposals are simply not assessed against NPPF policies at all (<https://www.gov.uk/guidance/artificial-light-nuisances-how-councils-deal-with-complaints#artificial-light-not-covered-by-statutory-nuisance-laws>). BANES must flag up to government that the statutory nuisance regime, limiting the exemptions in section 79(5B) of the Environmental Protection Act 1990, needs to change. Under the current regime people affected by light nuisance from exempt premises can find it difficult to obtain redress. Amendment would also provide much better protection for the bio-environment. The All-Party Parliamentary Group on Dark Skies (APPG Dark Skies) has developed a comprehensive Ten Point Policy Plan to address the short-comings in current legislation and I recommend it to BANES:
<https://static1.squarespace.com/static/5e567fb65a380a76eb3c8133/t/60c72d0311d31c3137515f31/1623665931233/APPG+for+Dark+Skies+-+10+dark+sky+policies.pdf>

If the exemptions were removed, local authorities would have a more effective method of preventing nuisance lighting from these premises. Further, the "best practicable means" defence would give adequate protection for the legitimate use of light for health and safety reasons, and responsible operators already employing "best practicable means" would not have to take additional measures to abate artificial light nuisance.

BANES's Core Strategy needs to include a specific paragraph on Light quality and installation requirements. These requirements must apply to all Minor, Major and Large Scale developments and include all exterior public, commercial and domestic lighting. Exterior lighting must conform to best practice as set out in the following :

Institution of Lighting Professionals Guidance Note 1 for the reduction of obtrusive lighting 2021:

<https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2021/>

Institution of Lighting Professionals Guidance Note 8 Bats and Artificial Lighting

<https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

Commission for Dark Skies (a section of the British Astronomical Association) Lighting Guidelines:

<https://www.britastro.org/dark-skies/pdfs/CfDS1703E5GoodLightingGuide.pdf>

South Downs Technical Advice Notes (SD TAN) Dark Skies :

<https://www.southdowns.gov.uk/wp-content/uploads/2021/11/DNS-TAN-2021-accessibility.pdf>

SD TAN Internal light spill:

<https://www.southdowns.gov.uk/wp-content/uploads/2021/11/TAN-Appendix-Glazing-2021-accessibility.pdf>

BANES's amended Core Strategy Policy AM 1 5a and b states: "In March 2019 the Council declared a climate emergency and pledged to enable carbon neutrality in the district by 2030. An ecological emergency has also been declared in response to the escalating threat to wildlife and ecosystems. These Priorities were included in the Council's reviewed corporate strategy. The Council's overriding purpose is to improve people's lives and its core policies are addressing the climate and ecological emergency and giving people a bigger say." This echoes the United Nations resolution adopted on 28 July this year (2022) www.ohchr.org/en/press-releases/2022/07/historic-day-human-rights-and-healthy-planet-un-expert that recognises for the first time, that everyone, everywhere, has a human right to live in a clean, healthy and sustainable environment.

The measures to reduce light pollution, discussed above, are all easy to adopt and will offer immediate and better protection of the bio-environment and health.

Gary Parsons Sport England	MM29 - Object	<p>Sport England challenges the interpretation in MM29 that the loss of significant playing field land including 4 playing pitches can be replaced by a single artificial grass pitch (AGP).</p> <p>Para 99b of the NPPF seeks “the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location”. <u>This proposal fails to be equivalent or better in terms of quantity. There is a significant reduction in the number of playing pitches from 4 to 1. At peak time, you will only be able to hold a single game under this proposal when currently four can be held simultaneously.</u></p> <p>For that reason the NPPF does not present or give guidance on ‘how many natural turf pitches an AGP is worth’. Which is the University’s main argument. Unfortunately this is not policy compliant. Playing fields are one of the most important resources for sport in England. They provide the space for team sports on outdoor pitches, and form part of a network of open spaces and wider green infrastructure in an area. Artificial grass pitches or multi-use games areas may be able to sustain more intensive use than natural grass playing pitches. However, they will not be preferred in relation to Exception 5 of Sport England’s Playing Field Policy purely for this reason. This is because a proposed artificial grass pitch or multiuse games area may be unsuitable to accommodate some grass pitch sports or the standards of play or grades of competition required for some sports. Also, they may not be sufficiently flexible to readily accommodate changes in demand for playing pitch types and sizes compared to the current area of playing field. The allocation is not in compliance with the NPPF (para 99), the Sport England Playing Fields Policy, the local plan policy LCR5 and the adopted BaNES Playing Pitch Strategy.</p> <p>The original masterplan consultation by the University in 2018 showed a single football pitch in this locality to be lost in future development proposals. A greater loss is now proposed on the Eastern Playing Fields. For the record, Sport England did not support the proposed masterplan given the loss of playing fields. It is disappointing that Sport England comments were not taken on board to avoid this allocation of development on playing fields against national and local planning policy. Sport England does not support the loss of 4x grass pitches with provision of 1x AGP. Four playing pitches would need to be replaced by 4 or more playing pitches of equivalent quantity and quality, not less, in line with Sport England policy and the NPPF. As recognised by Sport England and NGBs, at peak time, only one match can take place at that time on a playing pitch. This is acknowledged in the Council’s own adopted Playing Pitch Strategy. In addition to the AGP, three new natural turf playing pitches are needed to be created within the locality as mitigation in line with the NPPF para 99b and exception 4 (E.4) of Sport England’s Playing Fields Policy – in terms of quantity and quality. E.4 in full states “The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field: • of equivalent or better quality, and • of equivalent or greater quantity, and • in a suitable location, and • subject to equivalent or better accessibility and management arrangements. SummaryAs shown, there will be a loss of playing field land which is not in compliance with the NPPF, BaNES Local Plan Policy and its own Playing Pitch Strategy and Sport England’s Playing Fields Policy. Further modifications are required before this Plan is acceptable in planning terms.</p>
Westley Little National Highways	MM29 - Support	<p>New paragraph G commits to maintaining or reducing the amount of car parking available on campus at around 2,200 spaces to ensure the attractiveness of sustainable transport measures. Due to the close access to the SRN from this campus, this modification is welcomed to ensure that car driver trips to/from the SRN are managed down appropriately to ensure the safe and efficient operation of the SRN.</p>
Mark Rose Define Planning & Design University of Bath	MM29 - Support	<p>The University and the Council have worked collaboratively to prepare a new Masterplan for the Calverton Campus that will enable the delivery of the development and infrastructure required to facilitate the University's sustainable growth, in a manner that also enhances the unique beauty and environmental quality of the campus. The new Policy SB19 is critical to facilitating the implementation of the Masterplan as it sets clear parameters and principles for the consideration of future planning applications in relation to the location and scale of built development elements, the nature of the supporting infrastructure required to facilitate the development, and the protection and enhancement of the Green Infrastructure network.</p> <p>The proposed modifications to Policy SB19 as set out in MM29 are welcomed by the University as they ensure that the policy is positively prepared, justified and consistent with national policy, but critically that it will also be effective in its implementation.</p> <p>Notably, the revisions to parts 8 and h (formerly part i) of the policy, that relate to the University's sports strategy and facilities, provide the clarity required for decision makers considering the proposal to provide a 3G pitch on the campus. The early provision of the 3G pitch is essential to address the University's existing sports needs and also to provide effective mitigation for the loss of the grass pitches required to facilitate the delivery of the PBSA on the campus.</p> <p>It has been demonstrated that the grass pitches in this part of the campus are relatively poor quality and have very limited capacity. The 3G pitch will provide much need improvements in the quality and accessibility of the facilities and a significant increase in useable capacity that will more than compensate for the limited loss of the pitches to both the new facility itself and the proposed PBSA development.</p>
Mark Rose Define Planning & Design University of Bath	MM29 - Object	<p>The University supports the revision to part g of Policy SB19 as it clearly establishes the policy imperatives in respect of managing travel demand, and specifically encouraging sustainable modes of travel. However, the consequent overlap with part 9 of the policy should be addressed to ensure that the policy is precise and clear to decision makers and, therefore, effective. Specifically, the first paragraph of Part 9 should be deleted as it applies to the whole of the campus rather than a specific area(s) / proposals and it duplicates the intent and provisions of clause g in the General Development Principles. Moreover, it establishes an unduly onerous requirement in terms of there being no increase in car trips that cannot be justified and goes beyond the requirements of part g and national policy.</p>

Westley Little National Highways	MM30 - Support	We note that paragraph 1 is proposed to be strengthened to include a wide range of different modes considered as part of a 'transport interchange' concept. Paragraph 4 contains specific policy diagrams to illustrate the areas that have been taken out of the Green Belt to provide the Transport Interchanges as specified on the Policies Map. The further clarity on these points is welcomed. National Highways commits to working collaboratively and proactively with the Bath and North East Somerset Council and neighbouring authorities as the delivery of this Local Plan progresses.
Amanda Grundy Natural England	MM30 - Support	<p>Policy SB26 Transport Interchanges Insert after criterion 10:</p> <p>11. Explore and deliver measures to improve the environmental quality of Green Belt land adjoining the sites, with a focus on improvement and / or the expansion of existing habitats.</p> <p>We support the additional criterion 11 (above) which seeks to improve the environmental quality of Green Belt land around the Park and Ride sites at Odd Down, Newbridge and Lansdown, all of which lie within or adjacent to the Cotswolds Area of Outstanding Natural Beauty. AONBs have been confirmed by Government as having the highest status of protection in relation to landscape and scenic beauty, and the statutory purpose of AONBs is to conserve and enhance the natural beauty of their area. Section 85 of the Countryside and Rights of Way Act 2000 states that in exercising or performing any functions in relation to, or so as to affect, land in these areas, relevant authorities "shall have regard" to their purposes - we particularly welcome the emphasis placed on improving and expanding existing habitats in these locations, which we think is consistent with this duty</p>
Katherine Leigh	MM32 - Object	I object to the removal of the safeguarded status of the land East of Keynsham and releasing it for development of housing. There are already multiple housing developments in progress, and a huge amount of new houses already built in Keynsham over the last few years. I do not believe it is possible for anybody to know whether further housing is needed yet. It also makes no sense to keep building on green areas that are important to the physical and mental health of the local community and not building on brownfield sites. The land should remain safeguarded until at least 2029.
Tom Roche Roche Associates Mactaggart and Mickel	MM33 - Object	<p>With reference to the above matter, on behalf of Mactaggart and Mickel, who are promoting the land the subject of Policy KE3C, we object to MM33, and in particular the proposed revisions to the wording of policy criteria 8 and 9.</p> <p>The necessity to amend the criteria to make them more generic and set them as measures for consideration through Transport Assessment and Travel Plans rather than as policy 'requirements', was raised by the Inspector at the Examination. The Council agreed to reconsider the wording of the relevant criteria, and to seek to reach agreement with the promoters. The Council subsequently consulted my clients on their proposed revised wording, and to which a response was submitted. However, no further communication was received and no agreement has been reached on the revised wording. Moreover, the Council has not made any amendments to the revised wording in response to my clients' submissions.</p> <p>On behalf of Mactaggart and Mickel I therefore reiterate their previous concerns that the revised policy criteria remain pre-judgemental and too prescriptive, and request that the Inspector substitutes the following alternative wording in preference to the Council's, which responds more appropriately and effectively to the concerns that he raised:</p> <p><i>8. Through a Transport Assessment and Travel Plan, consider the traffic impacts of the proposed development and the extent to which off-site mitigation, if any, is required having regard to the existing accessibility of the location by sustainable transport modes, including whether contributions to the following are necessary and justified by the development proposed:</i></p> <p><i>a). Enhancements to public transport between the site and Keynsham town centre;</i></p> <p><i>b). Enhancements to footways / cycleways along the A4 between the site entrance and the Broadmead Roundabout and along Bath Hill towards Keynsham town centre and Keynsham Railway Station;</i></p> <p><i>c). A new Active Travel Route to the north of the site between the A4 and the Bristol-Bath Railway Path via Clay Bridge, World's End Lane</i></p> <p><i>9. Informed by appropriate ecological assessment of the site, pursue opportunities for securing measurable net gains for biodiversity. As far as is compatible with the objective to optimise the efficient use of suitable land for housing, internal and boundary hedgerows should be retained, and an appropriate buffer incorporated between the proposed development and the LNR Manor Road Community Woodland.</i></p> <p>In addition, it should be made clear in the reasoned justification that the policy requirements relate to the land allocations proposed in accordance with both Policies KE3C and KE3D, and therefore each site should contribute to any requirements that may arise following reasonable and appropriate assessment, on a proportionate basis.</p> <p>For the reasons set out in previous representations and their Hearing Statement in respect of Matter 4, my clients maintain their view that, given the existing excellent accessibility of the location by sustainable transport modes, as endorsed by the Core Strategy Examination Inspector, to the extent that contributions towards enhancing sustainable transport modes are necessary, they will be limited and partial. The evidence simply does not support the range and extent of measures currently proposed in the policy criteria, which are intended primarily to encourage modal shift to ease <u>existing</u> congestion on the A4 and other local roads, rather than to mitigate impacts arising from the development proposed.</p> <p>My clients' position in relation to all of the policy clauses remains as set out in Appendix 4 to the Hearing Statement submitted on their behalf in respect of Matter 4.</p>
Mark Boulton	MM34 - Support	Please take this comment as an observation. The wording in point 4 of policy KE3D states that access to the safeguarded land should be via Hygge Park or via the residential area to the west. Diagram no 23 does not fully reflect this as it only shows access via Hygge park. Can this be made clearer in the diagram?

<p>Dawn Drury Keynsham Town Council</p>	<p>MM34 - Support</p>	<p>Policy KE3d: East of Keynsham Safeguarded Land. This site, within safeguarded land is of some concern to Keynsham Town Council especially as the developer has made several attempts to bring forward its development with plans that we do not feel are feasible. However, we do support Bath and North East Somerset Councils modifications to this section of the plan, to include enabling cycle access through a contribution, to improve the existing footpath connection to Windrush Road and the creation of public footpaths between KE3C and KE3D. The inclusion of the wording at point 6. Be accompanied by a Travel Plan and Transport Assessment, which will assesses in detail the mitigation requirements of an individual site in order that sufficient headroom capacity is created on the highway network through mode shift such that development does not result in a SEVERE IMPACT. Mitigation proposals for the site must investigate, and provide as necessary the following: a) Improved frequency of public transport service long the A4 - This is essential as currently commuters are unable to get on early morning buses from Keynsham to Bath, as the bus services provided are full of school students traveling from Brislington/Bristol area into Bath for schooling. These buses do not stop at bus stops on the A4 Keynsham, when they are full. b) Enhanced local Town Centre bus services connecting the development site with the town more widely and providing an opportunity to interchange with metro bus and Mass Transit Service - It is IMPORTANT that this development is not permitted to come forward until the metro bus and Mass Transit Services are in place. Keynsham's town centre and outlying estate routes are often gridlock or at a stand still due to there not being sufficient, regular and reliable local and main transit route bus services. In respect of Economic Development proposals and the retention and extension of the Broadmead/Ashmead/Pixash Industrial Estate as an area for business activity (including use classes B1c, B2 and B8) complementing the role of the town centre and enabling its intensification through higher density business development. Keynsham Town Council state that it is important to note that B2 Use Class is a specific business use for General Industrial and specifically for uses that do not fall within the B1 use class i.e. for uses that would not generally be allowable within a residential area. This type of General Industrial class covers a very wide/diverse range of industries. There is an example of a cement works that has been permitted next to residential homes within Keynsham, severely impacting the health and well being of those residents, It is essential that B1 use class should be thought about carefully before allowing development, especially as there is now the recently built Meryton Place Care Home on Pixash Lane/Bath Road in addition to other residential housing.</p>
<p>Marian O'leary</p>	<p>MM34 - Object</p>	<p>KE3D - I object to the new vehicle entrance to this development. This would put even more traffic through the Hygge Park development which already has issues with traffic trying to drive down Fairfield Rd and onto the A4 (plans already intended to make a left hand turn onto A4 to ease congestion). There is a Primary school on this road so this also would endanger pupils crossing Fairfield Rd. At the junction with The Drumway and Oboe Rd there would also be children crossing to Wellsway and Chandag School from the East side of Hygge Park. The community wood would have to be partly destroyed to enable vehicle access. I have no objection to the original plan of pedestrian and cycle access (if this development MUST go ahead) as the woods can still be kept. I live on the Drumway and signed my contract on the understanding that this would be a cul-de-sac and a safe and peaceful road. The deveopment of 70 houses is already planned to being built on pre safeguarded fields. We do not need any more traffic driving through Hygge Park and i hope that this modification is not allowed.</p>

<p>Jemma Shorrock Boyer Taylor Wimpey UK Ltd</p>	<p>MM34 - Support</p>	<p>New Para 96c and Para 96d Taylor Wimpey UK Ltd welcome the contextual information set out in new paragraphs 96c and 96d, including the reference to the 'Sustainable Transport Strategy for Safeguarded Land at Keynsham' (August 2021) which has informed the sustainable transport measures that form part of the current Outline Application (LPA Ref. 21/05471/OUT) which is recommended for approval.</p> <p>Policy KE3d As set out within EXAM 19 B&NES Post Hearing Statements with Participants, Taylor Wimpey UK Ltd agree with the main modifications to point 6 of emerging Policy KE3d.</p> <p>Taylor Wimpey UK Ltd disagree with point 6b as detailed within EXAM 19, there is a subsequent agreed position between the local highway authority (refer to Highways Officer, Tom Gaze) and Taylor Wimpey UK Ltd as part of the current Outline Planning Application (LPA Ref. 21/05471/OUT) and the Case Officers Planning Committee report. Specifically, the following amendment should be made to emerging Policy KE3d:</p> <p>b. The potential to enhance local town centre bus services connecting the development site with the town more widely;</p> <p>As set out within EXAM 19 B&NES Post Hearing Statements with Participants, Taylor Wimpey UK Ltd agree with points c and f.</p> <p>Taylor Wimpey UK Ltd disagree with Point 7. As detailed within EXAM 19, we consider the Inspector was clear at the Examination session that Policy KE3d (point 9 now point 7) should not prescribe a precise width of buffer (25m) at this stage, where the Council has not submitted any supporting ecological evidence to the Examination. The Inspector's direction was that for the policy to be sound it need only require that a buffer is provided that is sufficient to adequately protect the LNR woodland. It would then be for the Development Management process to determine the width of the future buffer through the determination of a planning application. To this end, we have suggested some amendments in red to your policy wording.</p> <p>7. Deliver biodiversity net gain of at least 10% in accordance with Policy NE3a. Opportunities to deliver 10% biodiversity net gain within the site curtilage should be fully explored and tested before any off-site measures are proposed. The substantive retention of internal and boundary hedgerows, with 10-15m habitat buffers is expected. A protective buffers is required around the LNR woodland. The width of the buffer shall be sufficient to protect the woodland.</p> <p>Following extensive consultation with the Ecology Officer, the Outline Planning Application provides a 12m buffer to the LNR woodland which has been accepted by the Council's Ecology Officer and reflected within the Case Officers recommendation for approval to the current Outline Planning Application. Taylor Wimpey UK Ltd therefore respectfully request the emerging Policy KE3d is updated to reflect the accepted position reflected within the Outline Planning Application.</p> <p>Subject to the above amendments, Taylor Wimpey UK Ltd would consider MM34 to be legally compliant and sound.</p>
<p>Mark Barrett</p>	<p>MM34 - Object</p>	<p>This policy change is contrary to the unpopular proposed development from Minsmere Rd, providing potential access through the Hygge Park development. This was not proposed in the public consultation for the planning application, and is an appalling way to potentially allow substantial material changes to a planning application. Regardless of access route, the development will increase traffic on an already overburdened network, running contrary to Government targets for net zero emissions by 2050 (offsetting individual developments is not good enough, we need reductions). Keynsham simply does not have the infrastructure (roads, GPs, childcare, schools etc) to support more housing and this land use provides no meaningful solution to those infrastructure problems. The A4 around Keynsham east is unbearable to use at peak times and other developments and the recycling centre are only going to make it worse. BANES must spread housing development out more equally around it's area and stop using Keynsham as a dumping ground for more houses.</p>