

BATH AND NORTH EAST SOMERSET - CORE STRATEGY EXAMINATION**INSPECTOR'S MAIN MATTERS AND QUESTIONS**

If any of the questions require clarification please raise the point at the Pre Hearing Meeting (PHM) or with the Programme Officer. The questions will form the structure of the matters to be discussed at the hearing, refined in the light of any further written responses.

A number of the questions repeat or follow-up questions I raised in my Preliminary Comments and Questions (ID/1, ID/4 and ID4a). They take account of the Council's responses in BNES/1 and BNES/2, as well as more substantial new evidence such as Topic Paper 9 published later than the consultation on proposed changes. In responding to these questions (if necessary) no party should reproduce evidence already submitted, but where relevant make succinct and clear cross references to specific parts of the existing material.

1. Compliance with Statutory and Regulatory matters**A) Has the Core Strategy (CS) been prepared in accordance with the Local Development Scheme (LDS) and have the relevant details in the LDS been met in respect of the role, rationale and scope of the CS?**

1.1 I have not seen any evidence that this requirement is not met. The current LDS is very recent having come into effect on 10 August 2011 (CD5/28). The scope and coverage of the CS appears consistent with that set out in the LDS.

B) Has the CS been prepared in compliance with the Statement of Community Involvement (SCI) (CD5/13)?**C) Does the CS comply with the 2004 Regulations (as amended) in relation to the publication of documents, advertising and notification?****D) Has there been sufficient regard given to the Sustainable Community Strategy (SCS)(CD4/04) as required by S19(2) of the 2004 Act?****E) Has the DPD been subject to sustainability appraisal (SA)? Does the SA show how different options perform and is it clear that sustainability considerations informed the content of the CS from the start?**

1.2 This question seeks to determine only whether the minimum legal requirement has been met. Any comments on the conclusions of the SA in relation to specific locations/policies can be considered under the main issues where those are discussed.

F) Is the CS in general conformity with the Regional Strategy?

1.3 This remains a statutory test (Reg 21(1)(a)) until the Localism Bill is enacted and comes into effect. The Regional Strategy for the South West of England, RPG10, was produced in 2001 and provides a broad development strategy to 2016. It is clearly dated. Is the CS in conformity with it? The statutory test of general conformity does not apply to the previously emerging RS (discussed under issue 1).

G) Have the requirements of the Habitat Regulations been satisfied?

1.4 Is the HRA (CD4/A16 and CD4/A18) fit for purpose and is its assessment consistent with the policies in the CS?

H) Has section 110 (duty to co-operate) of the Localism Act 2011 been met?

1.5 Council to prepare a statement setting out what step it has taken to ensure that the duty is met.

Issue 1: Is the planned district-wide scale of provision for jobs and homes justified and is there sufficient flexibility to reflect uncertainties in forecasting and changing circumstances?

Overarching questions (some aspects explored further in other questions)

2.1 Has the Council had appropriate regard to the balance of factors listed in PPS3, paragraph 33?

2.2 If the requirements of the draft NPPF in relation to planning for housing and employment were to become national policy before the close of the Examination, would planned provision meet those requirements (in particular paragraphs 13, 14 - first bullet, and 20- 30)?

2.3 Does the Council's methodology for assessing the technical "need" for housing (Stage 2 Report - CD4/H1 - and Topic Paper (TP) 9 - CD6/S10) represent an established methodology used in the past and/or one being used elsewhere?

2.4 What policy weight, if any, or other significance should be given to the Secretary of State's Proposed Modifications to the emerging RSS for the South West? *Parties should be aware of the conclusion I came to on this matter in my report of the Bristol Core Strategy (paragraph 12, March 2011).*

Economic/Job Growth forecasting

2.5 Is the Council's assessment of likely economic growth/job creation over the plan period in the district reasonable or too optimistic/pessimistic? Do the assumptions and overall intentions satisfy the aim of the Ministerial Statement: *Planning for Growth* (23 March 2011) in particular the Government's expectations in the 4th paragraph: *Local planning authorities should...*?

2.6 Given that: *Economic forecasts and projections are inevitably an educated "shot in the dark"* (CD4/H1, paragraph 6.1) to what extent should any one growth figure be relied on for determining employment provision and related housing?

2.7 Is the plan's assumption of economic growth in the district and likely increase in the number of jobs consistent with the aspirations of the West of England Partnership's Local Enterprise Partnership Bid in September 2010 (notably 95,000 new jobs by 2030 and 3.4% cumulative annual growth in total GVA 2010- 2020 in the WEP area)? Does any inconsistency undermine the plan's approach? Is the Council distancing or disassociating itself from the LEP's aspirations (see footnote 1 in TP2 and paragraph 4.13 of TP9)?

Relationship of Jobs to Housing

2.8 Is the Council's multiplier of jobs to new homes justified? (NB TP9 *Justification for Housing and Employment Provision* October 2011 - CD6/S10 -

notes that there is an error in the Stage 2 Report such that the multiplier should be **1.39** and not 1.33 as in that report. This results in a calculated housing requirement of $8,700 \times 1.39 = 12,100$ rather than the 11,600 previously stated.) Is this multiplier preferable to the use of projected economic activity rates?

2.9 Points for detailed clarification by the Council:

- The last sentence of paragraph 5.1.4 of the Stage 2 report refers to the ratio as (erroneously) 1.33 and then to a needed rounding up of the ratio to 1.33 (sic). How does the corrected ratio fit into this sentence? Does the new 1.39 need an additional rounding up?
- Where has the figure of 127,038 come from in 3.1 of TP9? How does it relate to 126,763 in Table A7 of the Revised Appendix 2 tables in TP9?
- Why is a ratio derived for the West of England sub region seen as appropriate to be applied specifically to a job growth estimate for B&NES when this is not necessarily the basis being used now for planning in other parts of the sub region?

2.10 From TP9 (eg box under 3.1), the Council's intention appears to be to balance the planned number of (net) new jobs and the growth in the economically active population from new housing. Is this aim of the Core Strategy? If so:

- how does that meet Objective 5 bullet 1?
- is the intended balance at the margin (ie only in relation to the planned growth) the right approach?
- would more housing and/or fewer jobs result in unsustainable patterns of development? (See also question on commuting below.)

The spatial/practical implications

2.11 What is the Core Strategy's intention in relation to the future pattern of commuting? Council to explain what is the practical intention of:

- 1c The Vision: *a more sustainable relationship between the city's labour and job markets.*
- 2b The Vision for Bath: same quote as above
- Policy B1 part 4 a and b.

Are these statements consistent with each and how do they relate to the explanation about commuting in TP9 (paragraphs 6.20-6.28) which appears to focus on the planned increase in housing/jobs and not any changes to existing patterns.

2.12 Have the cross boundary implications of the strategy been properly taken into account (both within and outside the sub region)?

- Do the assumptions of the methodology used (e.g TP9 2.21 first sentence and in the box after 3.1) have potential implications for adjoining authorities?
- Should the plan be taking into account any needs or delivery requirements from adjoining areas?

2.13 If the assumptions in the Stage 2 Report/TP9 are reasonable/justified in calculating a *need* for 12,100 dwellings (as now corrected):

- Is the Council justified in planning for 9% less at 11,000 dwellings?
- Prior to TP9, all the Council's justification has been in the context of a smaller gap - a *need* of 11,600 - where/when has the Council weighed this larger gap in its decision making?
- What are the consequences of planning for less than the assessment?

2.14 Is the Council justified in not making additional provision to offset the shortfall against intended delivery in the Local Plan to 2006 of 850 dwellings? (TP9, 6.3-6.5 and CD4/H13, 3.1-3.4.)

Flexibility and Review

2.15 What flexibility exists within strategy if the Council's assessment of growth/job creation or delivery are not borne out? (*The practical implications of the contingencies referred to at the end of DW1 and 2.53 are best explored in the context of Bath under issue 2.*)

2.16 Core Strategy paragraph 7.05 anticipates a review of the Core Strategy every 5 years.

- is such a review compatible with the intended long term nature of Core Strategies?
- does the Government's planned removal of regional plans make a planned review more important than before?
- should the Core Strategy be more explicit about what would be reviewed/when and what might trigger a contingency or review of the spatial strategy;
- should a spatial contingency be an explicit part of the strategy?

2.17 Does the Council's methodology for assessing housing requirements enable assumptions to be tested in the future against new evidence in a transparent way?

- What data could be monitored/used to assess whether the plan was working as intended or whether it was having unintended consequences?
- For how long would the homes/job ratio of 1.39 be used for future work? What would trigger its review?

Issue 2: Is the spatial strategy for the delivery of housing and jobs justified and are there reasonable prospects for delivery consistent with national advice?

This is a major and complex issue which will mainly be discussed under a series of sub matters relating to the spatial areas in the plan. Participants have been allocated to the relevant sub-matters or parts thereof.

The SHLAA (general)

Those who have made relevant reps relating to the SHLAA need to inform the PO if they wish to appear for these matters.

Any points relating to specific housing sites are best addressed in the discussion of the strategy for that area.

3.1 Assumptions made in the SHLAA:

- Does the SHLAA assume that all sites (large and small) with extant planning permission will be delivered?
- Is there any allowance for non implementation? What is the past rate of non-implementation and is this likely to be continued?
- On what evidence has the Council assessed whether sites with planning permission are deliverable?
- On what evidence has the Council assessed whether the SHLAA sites without planning permission are deliverable/developable?
- In the light of the above (and more detailed consideration below) is the trajectory reasonable?

3.2 The SHLAA (CD4/H13, Table 2.1) identifies specific sites for 11,205 dwellings. The Council contend (SHLAA 2.53-2.54) that to this figure can be added at least 400 units and, potentially, 560 units from small sites windfalls in the last 4 years of the plan:

- Is the numerical assessment reasonable?
- What effect, if any, are the changes to PPS3 June 2010 likely to have on future small site windfalls compared with the past and are any such consequences reflected in the figures?
- Is it reasonable to include at least 400 units as part of the overall supply?

3.3 Five year housing supply:

- What is the current 5 year supply position?
- Will the Core Strategy facilitate the provision of a 5 year supply over the plan period?
- If the requirement of the draft NPPF in relation to housing supply of 5 years plus 20% (paragraph 109) were to become national policy before the close of the Examination, would the Core Strategy facilitate such provision?

3.4 Assuming adoption in 2012, there would be only 14 years to the end of the plan period in 2026.

- Should the Core Strategy demonstrate how housing supply will be maintained over at least 15 years from adoption to comply with PPS3 53?
- If so, where would continued housing development take place?

Flood risk (strategic sequential test)

3.5 Has the PPS25 sequential test for flood risk been appropriately addressed in the broad locational strategy? (See Council's further explanation in BNES/2 1.8-1.14.) *(Council to note: I do not accept the last sentence of 1.9. The Core Strategy is the only opportunity to meaningfully apply the sequential test to the broad locational choices being made in the strategy, even though the specific housing capacity in the Bath River corridor at high flood risk may be uncertain until more detailed work is done. The Placemaking Plan would not be able to alter the strategic choices being made now.*

3.6 Should the Core Strategy include a contingency in case the more detailed work in the Placemaking Plan cannot satisfy the exception test?

Issue 2 Sub Matter: Bath Spatial Area

4.1 Are there reasonable prospects of the planned scale of housing within Bath being delivered as planned (explored more fully below)?

4.2 Are the SHLAA trajectories for the Western Riverside covered by the outline planning permission and for the remainder of the area reasonable? What evidence has the Council used for these trajectories?

4.3 Proposed changes PC12, PC20 (point e), PC29, PC50, PC52 refer (explicitly or implicitly) to the removal of the *Windsor Gas Holder Station* in relation to delivering Bath Western Riverside.

- From the representations on the proposed changes it is clear that its removal is necessary for the planned scale of development to be achieved. Do the proposed changes appropriately reflect the constraint?
- Is there an agreed programme to secure its removal? What are the views of the owner/operator of the facility and is there a practical/technically deliverable solution for its removal? What is the likely timescale?

- TP8 (paragraph 17) suggests a cost of about £11m. How will this be funded? What are the views of the proposed developer of this area on securing its removal? If a substantial contribution is required from public funds, is such a contribution realistic?*
- What scale of development could be delivered if it were to remain operational?
- In the light of all the above, does any need to remove the Gas Holder undermine confidence in delivery in Bath Western Riverside?

4.4 Proposed change PC20 *d* refers to implementing an upstream flood storage facility to enable development in vulnerable areas in the Central Area and Western Corridor. PC83 is also relevant here.

- Have the Council identified potential compensation sites and assessed technical feasibility and environmental impacts?
- How would such a scheme be delivered? What is the attitude of landowners? What is the likely timescale?
- TP8 (paragraph 17) suggests a cost of £3-5m. How will this be funded? If a substantial contribution is required from public funds is such a contribution realistic?*
- Are there realistic prospects of the necessary works being delivered to enable planned developments to proceed?
- If upstream compensation cannot be delivered what type/scale of development could proceed in the river corridor?
- *If the Council intend to rely at the hearings on the forthcoming report Bath Compensatory Storage Study Phase 1 (referred to in BNES/2 1.16-1.20) then this should be published by the date of the PHM so that other parties can comment on it in their further statements.*

4.5 *Given that these 2 projects are critical to intended delivery, greater clarity is required from the Council about the prospects for funding. TP8 refers to the HCA *Single Conversation* document CD4/I4. This shows an expected contribution of nearly £28m from the HCA over 5 years to assist delivery in Bath City Centre/Riverside, including affordable housing. But it is impossible to judge from this what scale of public funds might be available specifically for removing the gas holder and/or flood mitigation works, given the range of work to which these funds might be applied. Have the funds available to the HCA for this type of support been reduced since this *Single Conversation* was drawn up?

4.6 *Some of the representations on proposed changes include detailed evidence-based concerns about the deliverability of the removal of the gas holder and of upstream flood compensation. In responding to the above questions, the Council should respond to the main points of concern raised so as to make the most efficient use of the time for discussion at the hearing.*

4.7 Do other uses/businesses need relocating to achieve projected delivery? Is the Council seeking to retain such businesses locally and, if so, are there identifiable sites/locations for practical relocation?

4.8 Are the SHLAA's expectation for housing delivery from the 3 MOD sites realistic and consistent with the most up-to-date position of the MOD? (See MOD's *Defence Infrastructure Interim Land and Property Disposal Strategy 5* October 2011.) Are changes PC18, PC34 (as amended) and PC35 justified and needed to make the plan sound?

4.9 The Core Strategy refers to contingencies at 1.36, the end of Policy DW1 and 2.53. See also TP9 6.36 re Foxhill. How does the Council envisage such contingences working in practice? Would not the MOD sites be planned at the

outset to make the most efficient use of the land, leaving little scope for a future contingency to deliver more?

4.10 Following from the discussion under issue 1, is the planned increase in the number of jobs/housing consistent with the aim of policy B1 4a and b for a better balance between jobs and resident workforce in Bath and increased self containment?

4.11 Is the scale of change in office and industrial floorspace in policy B1 2a-e consistent with evidence and the Council's assumptions about economic growth? Council to explain how the floorspace figures in policy B1 relate to the supporting evidence (eg Table 3.11 in CD4/E2). What is the reason for proposed minor change PC17? Is it in fact significant and necessary for soundness?

Newbridge/Riverside

4.12 Is the overall strategy for this area justified and appropriate?

4.13 Are the changes in PCs 31, 32, 33 required for soundness?

4.14 How would the contingency in 2.53 be triggered? What effect would such a contingency and the greater/accelerated loss of industrial floorspace have on the needs of this sector? Would the Council seek to retain existing businesses locally and, if so, are there identifiable sites/locations for practical relocation?

4.15 Is the plan unsound in referring in 2.53 to Newbridge Riverside? Would the Council's proposed change (PC53) to refer here to Twerton Riverside make the plan sound?

Bath Transport

5.1 *Note for potential participants: The Council has proposed various changes to the transport proposals for Bath consistent with the reduced scope of its plans and of its final bid for Government funding. The changes include deletion of the specific location for a new east of Bath Park & Ride site and of the previously proposed rapid transit route. Given that the Council has clearly abandoned these elements of its transport proposals it would be unsound for the Core Strategy to continue to include them since they have no prospect of being delivered. I therefore confirm that these deletions are necessary for soundness and participation at the hearing is not required to secure these proposed deletions. Whether or not the proposed reduced package is sound overall is still for discussion.*

5.2 The Council is now proposing a reduced transport package for Bath compared with that in the submitted plan and compared with that supported by substantial evidence at submission (eg CD4/T1 and CD4/T2).

- Will this reduced package enable delivery of the proposed scale of development?
- What evidence demonstrates that the reduced package would result in acceptable outcomes and achieve the aim of Objective 7 and that part of the Bath vision (after 2.09) *to keep the city moving* (which is unchanged)?
- What are the implications for the soundness of the Core Strategy if the bid is refused or agreed funds are much lower than the bid? (*The Government is likely to have announced the outcome of the Council's bid for transport funding before the hearings. Council to publish outcome on the examination website and inform me as soon as the outcome is known.*)

5.3 Is PC20 parts 10 – 10c necessary for soundness?

5.4 What specific plans have been endorsed by Network Rail and/or the relevant operators to *increase capacity of local rail services travelling through Bath Spa rail station, improving ease of access to and attractiveness of rail travel to and from Bath?*

5.6 What projects are being funded in Bath under the existing *Local Sustainable Transport Fund key component funding* and what bid (relevant to Bath) is being made for further funds? When will the outcome of any such bid be known?

5.7 Is FPC1 (reference to the updating of the Parking Strategy) necessary for soundness? BNES/2 (5.20) indicates that the Draft Bath Parking Strategy informed the assessment of potential development on car parks sites in the SHLAA based on the revised package agreed by the Council in July 2011. I do not understand how this is the case given that the SHLAA (CD4/H13 and 14) is dated May 2011, but the transportation package had not been reduced at that time. Council to clarify.

Other Bath matters

City Centre

6.1 Is policy B2 on the Central Area justified, clearly expressed in the accompanying diagrams and consistent with Council's intentions?

6.2 The Council's explanation in BNES/2 (5.11-5.12) of its approach to the planning of the City Centre appears to add a gloss not found in the Core Strategy. If this explanation is the Council's intention, should it not be reflected in the Core Strategy? Since the Core Strategy is meant to set out the approach to 2026, I do not understand why the proposed new City Centre boundary to be added to the Proposals Map reflects the position now rather than the area likely to be needed for development to 2026. Council to explain and suggest possible additional changes to make its intentions clear.

6.3 Are there reasonable prospects for the delivery of a new sports stadium within the City Centre in the plan period?

World Heritage Site (WHS)

6.4 Are the expectations of development consistent with the retention of the Outstanding Universal Value of the World Heritage Site of Bath? What evidence underpins the Council's assessment on this point?

6.5 Are proposed significant changes PCs 42, 43, 44, necessary for soundness? Are proposed minor changes PCs 40, 41 and 45 so complementary to the above that they should also to be treated as significant changes?

District and Local Centres

6.6 Are the changes proposed in PC37 (to the named District and Local Centres in Bath) necessary to make the plan sound?

Universities

6.7 Is there a need to accommodate/facilitate additional off-campus, purpose-built student accommodation? Does the provision of such accommodation have positive outcomes for the wider housing market and, if so, should these be acknowledged in the plan? Are there opportunities for such provision without reducing general housing provision? Are PCs 47 and PC 49 justified and required to make the plan sound?

Issue 2 Sub Matter: Keynsham

7.1 Are there reasonable prospects of the planned scale of housing within Keynsham being delivered as planned (explored more fully below)?

7.2 What is the evidential basis for the SHLAA trajectory for delivery of the sites at South West Keynsham and Somerdale?

7.3 What progress has been made on bringing forward the mixed-use development proposed at Somerdale and the proposals at the town centre/Town Hall site?

7.4 Is public funding required to bring forward these 2 schemes and if so what is the commitment or expectation of such funds being available and by when?

7.5 Are there any other strategic opportunities for development in Keynsham (excluding the Green Belt discussed under Issue 3) which should be highlighted in the plan?

Issue 2 Sub Matter: Rural Areas

8.1 *I raised a number of concerns about the intention of the rural settlement policies in my Preliminary Comments (ID/4). I have taken account of the Council's response in BNES/2. The Council has made clear that the villages referred to in paragraph 5.18 of the plan are indicative only and that villages which meet the criteria in RA1 may change over the plan period. Also, the criteria in RA1 are to be applied at the time that an application is determined. (See proposed changes FPC3 and FPC4.) CD5/27 includes a change to policy RA1, but I could not see this in the schedules. Council to clarify.*

8.2 Do policies RA1 and RA2 provide a clear basis for development in rural settlements? Does FPC10 provide necessary clarification?

8.3 *My preliminary view is that the requirement in policy RA1 for community support cannot be justified in its current form. The overall strategy relies on development occurring in some RA1 villages as part of needed housing delivery, but the criteria embeds a veto on such development. I would ask the Council to include a proposed change in its response statement to overcome this problem, for discussion at the hearing.*

8.4 Core Strategy 5.21 indicates that Housing Development Boundaries will be reviewed in the Placemaking Plan. BNES/2 (8.8) indicates that this review would cover all RA1 and RA2 villages. But Core Strategy 6.64 states that: *There are no exceptional circumstances which would justify amending these inset boundaries and therefore they remain unchanged.* The position appears ambiguous. The Core Strategy should make clear what the Placemaking Plan needs to do and the Council should clarify the position. If the Council does intend to review the boundaries of settlements inset from the Green Belt, what are the potential exceptional circumstances that might justify such changes, bearing in mind that no such review is contemplated around the larger settlements?

8.5 What is, or could be, the sustainable transport link to local shopping facilities referred to in 5.19 for Farmborough? Is this a reasonable requirement for further development here? Is FPC6 required for soundness?

8.6 Policy RA4 (Rural Exception sites) allows for a small proportion of market housing to cross subsidise affordable housing where essential for viability. Is this consistent with national policy in PPS3? If paragraph 112 of current draft of the NPPF were to become national policy before the close of the Examination, would RA4 be consistent with national policy? Is FPC5 required for soundness?

8.7 Core Strategy 5.36 refers to the conversion of *underused* agricultural buildings and 5.38 refers to the reuse and conversion of *redundant or underused* agricultural buildings. PPS4 policy EC6c supports the conversion and reuse of appropriately located and constructed existing buildings in the countryside for economic development. This policy refers to all rural building (not just agricultural building) and does not require buildings for reuse to be redundant or underused. Are the Council's intentions, as expressed in the Core Strategy, consistent with national policy and, if not, is there any local justification for a departure from it?

Issue 2 Sub Matter: Somer Valley

9.1 The vision is to create greater self reliance in the area (a closer balance between jobs and housing). Is this closer balance the most appropriate aim and is it likely to be achieved by the proposed strategy in SV1?

Economic development

9.2 Are there reasonable prospects of 1,000 net additional jobs? Is the Council setting aside or to review its Economic Strategy (CD4/E8) which seeks 2,500 new jobs (p52)? Would planning for more than 1,000 new jobs be justified and deliverable?

9.3 Is the expected scale of change in relation to different types of business use justified by evidence (Policy SV1 3b)? In particular, how do the figures in SV1 relate to the projected oversupply predicted in the Business Growth & Employment Land Study (8.41-8.48 CD4/E1)?

9.4 Is the protection of existing business use/employment land (SV1 3c) consistent with national policy in relation to economic development? Is it likely to maximise the potential to create jobs in the area? Is it consistent with the expectation in the SHLAA of the loss of some former employment sites to housing (eg Alcan site, MSN 10)?

Housing

9.5 Is the planned increase of 500 dwellings above existing commitments consistent with the intended strategy? Would planning for substantially more dwellings result in increased out commuting from the area for work?

9.6 Are the major commitments relied on for delivery likely to be achieved, bearing in mind the lack of development since being allocated in the Local Plan? What barriers to implementation remain to be overcome?

9.7 Are the constraints set out in SV1 4b justified/consistent with national policy?

9.8 Does the existing Housing Development Boundary exclude potentially sustainable sites, including previously developed land, potential mixed use employment housing sites, or sites included in the SHLAA as part of the housing supply? If so, is policy SV1 4b justified or should the Core Strategy signal the intention to review the Housing Development Boundary? This is proposed in minor change PC62 (introducing new paragraph 4.15a), but would this change then be consistent with SV1 4b?

9.9 How would the requirement in SV1 3c for an *employment benefit* work in practice?

9.10 In my Further Preliminary Questions (ID/4) I sought clarification of the status of the proposed Town Park and what relationship it had to additional housing development. Council response in BNES/2 7.5-7.6. I remain unclear how delivery of a Town Park could be secured via specific housing developments as the requirements for Section 106 undertakings set out in the CIL Regulations would appear not to be met. Is policy SV1 4b justified in linking some additional housing developments to contributions to a Town Park?

Infrastructure

9.11 What sites will the public funding MNR1.1 support? What does the figure of £7.7m represent? (eg total contribution from public funds or that expected from HCA alone)? What funding is currently secure/committed from HCA? What are the implications if HCA funding is substantially less than expected? Similarly, what is the likely scale and certainty of public funding for NMR1.3 (Old Mills II) and the implications if it is not forthcoming?

9.12 When will the bus route corridor improvements relevant to the Somer Valley be completed (MNR1.2)?

Issue 3: Is the retention of the general extent of the Green Belt justified?

10.1 *Responses and subsequent discussion on this sub-matter should not repeat matters most appropriately addressed under Issue 1 (overall provision) or concerns about delivery within the urban area to be addressed in the context of the spatial areas.*

10.2 *If I were to find the plan unsound in relation to the overall scale of development planned or its delivery and that there was potential for additional development in the Green Belt, I would refer the matter back to the Council for further consideration. On the basis of the present planned hearings, I would not be in a position to impose a recommendation for a specific location in the Green Belt, not least because parties (both existing and possibly new) who support the plan and oppose development in the Green Belt would not have had a right to be heard.*

10.3 *I consider that there is considerable scope for the participants pursuing major alternative development sites in the Green Belt to produce succinct Statements of Common Ground with the Council (or with other parties) to help focus discussion at the hearings. These should not cover lengthy descriptive background, but highlight matters that will assist me in grappling with the complexity and diversity of material relating to these sites, with clear cross referencing to existing material (eg agree what evidence studies remain relevant for what types of proposals; what evidence is lacking; what are the critical areas*

of disagreement; and what would need to be done to overcome unsoundness if I were to conclude that some development opportunities should be explored in the Green Belt).

The overall approach

10.4 On the assumptions set out in the following 3 scenarios would there be any need/justification for development in the Green Belt; would any such scenario result in the *exceptional circumstances* necessary to change a Green Belt boundary (as required by PPG2); and, if so, does that mean that a change to the Green Belt is required to make the plan sound or only that such a change is an option to be balanced against any disadvantages?

- that the overall scale of development proposed and its delivery is sound;
- that the overall scale of development proposed is sound, but its delivery is uncertain and needs supplementing and/or a specific contingency needs to be identified;
- that the overall scale of housing development is unjustified and should be significantly more.

Bath

10.5 Is there the potential to accommodate additional housing in the Green Belt adjoining Bath (either at the scale of urban extensions proposed in the *Spatial Options Consultation 2009* (CD5/4) or as smaller extensions, such as assessed by the Council in September 2011 - CD4/A17 Annex K) without serious conflict with the overall purpose of the Green Belt here and national policy objectives/legal requirements, such as the setting of the WHS, AONBs and their setting, Ancient Monuments and their setting, and the Special Area of Conservation?

Adjoining Bristol

10.6 Is there the potential to accommodate additional housing in the Green Belt adjoining the Bristol City boundary (either at the scale of urban extensions proposed in the *Spatial Options Consultation 2009* or as smaller extensions as assessed by the Council in September 2011 - CD4/A17 Annex K) without serious conflict with the overall purpose of the Green Belt here and national policy objectives/legal requirements and deliverable in relation to integration with development over the City boundary?

10.7 Given that the adopted Bristol Core Strategy identifies Brislington (adjoining Hicks Gate) as a long term contingency for further housing development is the Core Strategy's silence in relation to development here sound (irrespective of any conclusions on the other issues)?

10.8 If I were to conclude that there was a need for more housing development within B&NES to serve its needs, would development adjoining Bristol be an appropriate location? How compatible would it be the rest of the strategy?

Keynsham

10.9 Is there the potential to accommodate additional housing in the Green Belt adjoining Keynsham, and if so of what scale, without serious conflict with the overall purpose of the Green Belt here and national policy objectives/legal requirements?

Issues 4: Is adequate provision made for specific housing needs?

Sub matter: Affordable Housing

11.1 *On the basis of the evidence in the West of England Strategic Housing Market Assessment 2009 (CD4/H11), representations and the absence of evidence of substance which undermines its conclusions, there clearly a well justified need for a substantial scale of affordable housing. This need is much more than is likely to be delivered in any realistic scenario. Accordingly, I consider that the overall "need" requires no further exploration. There is also sufficient evidence to justify, in principle, a policy which seeks to secure some affordable housing from developments below the national minimum threshold of 15 dwellings.*

11.2 BNES/2 paragraph 5.7 indicates that the figure of 3,400 affordable dwellings to be delivered in the plan period in policy DW1 and in the monitoring framework is incorrect and should be 3,000, which accords with the Council's current assessment of likely delivery.

- In the context of the present plan, the figure of 3,400 is unjustified and the Council should put forward a proposed change prior to the hearings.
- How/where has the Council assessed the implications of this reduction in provision in relation to the overall strategy for housing provision?

11.3 Is policy CP9 justified in seeking an average of 35% affordable housing on developments of 10 dwellings and more? Given the range of market values across the district is a single % figure the most appropriate approach?

11.4 Is policy CP9 justified in seeking an average of 17.5% affordable housing on developments of 10 dwellings and more?

11.5 Does the most recent viability assessment relating to affordable rents (CD4/H15 June 2011) weaken the justification for the %s in the policy?

11.6 In responding to the above, the Council should explain clearly how the conclusions of the viability studies (CD4/H8, CD4/H9 and CD4/H15) have been used in determining the policy approach.

11.7 In my Further Preliminary Questions (ID/4) I indicated that the policy needed to address the issue of viability more fully. I remain of the view that policy CP9 is unsound in this regard as submitted. I suggested a possible remedy to the Council which is reflected in PC91. Does this proposed change make the policy sound in relation to viability considerations?

11.8 As affordable *rent* is a new type of provision not included in existing assessments of affordable rent and provision how will the requirement in PC91 to demonstrate the need for affordable rent be achieved? Would this impose an unreasonable burden on applicants? What change is needed to make the plan sound in relation to the introduction of affordable rent?

11.9 I also previously questioned whether the requirement at the end of CP9 for all affordable units to remain at an affordable price for future eligible households is realistic, bearing in mind that for some types of housing stair-casing to full ownership may be allowed. PC91 includes the deletion of the word *units*, but I do not see what difference this makes. To reflect reality, and avoid an unintended impediment to delivery, should the policy refer to: *arrangements being in place to recycle the subsidy for the provision of future affordable housing?*

Issue 5: Are the policies to respond to climate change justified and deliverable?

12.1 *Policy CP2 does not require any acceleration of the energy efficiency requirements currently planned to be increased through the Building Regulations to 2016. It does, however, require adherence to specific Code for Sustainable Homes (CfSH) levels by set dates. As the CfSH is more wide-ranging than the likely equivalent future Building Regs, this element of the policy amounts to the imposition of a local construction standard. It needs to be justified in relation to the tests in the Supplement to PPS1 Planning and Climate Change (especially paragraph 29-33). I have taken into account the Council's further explanation in BNES/2, but this still does not explain the local circumstances that warrant and allow the imposition of a local standards. My current view is that this aspect of the policy is not justified or consistent with national policy and that at least the last paragraph of the policy ("The standards set out...") and the related table should be deleted (or at least amended to make clear that this is not a requirement). If so deleted, the targets for policy CP2 in Table 9 (Monitoring) would no longer be applicable. Comments invited.*

12.2 *BNES/2 (9.16) states that policy CP4 (district heating) is an encouraging rather than requiring policy. Whilst the first sentence of the policy says district heating will be encouraged the second sentence is that within the district heat priority areas development will be expected to.... The only exception introduced by FPC7 is viability. My reading of the policy is that within the district heat priority areas it is a requiring policy. If this is not the Council's intention, the Council should put forward changes to make clear that policy requirements will not be imposed.*

12.3 *If the policy wording is to remain, is it justified? In the absence of a district heating system being operational in a locality the installation of district heating infrastructure may represent a waste of resources (both financially to the developer and in terms of physical materials used) until such times as it can be integrated with a working system. How would the application of this policy relate to the other policy requirements for sustainable construction especially where there would be no working district heating system in place for a proposed development to utilise from the start?*

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