

Statement of Common Ground

**B&NES Core Strategy - Green Belt Allocation at
Odd Down, Bath (Proposed Policy B3A)**

**Agents (Savills & Matthew Macan) on behalf of
Hignett Family Trust**

and

Bath & North East Somerset Council

14th February 2014

1.0 Introduction

- 1.1 In his note of 3rd January 2013 (ID/44) the Inspector outlined his requirements in terms of Statements of Common Ground that he would like to be prepared in advance of his preparation for the hearings in March/April 2014. He has also confirmed the dates and scope of coverage for these hearing sessions.
- 1.2 The Inspector has requested that the Council and the various owners/developers/promoters of the Green Belt sites proposed for allocation in the November 2013 Amendments should prepare Statements of Common Ground relating to delivery and environmental impact of those allocations as per the Council's proposals in the following revised policies:
 - B3A Land Adjoining Odd Down, Bath
 - B3B Land Adjoining Weston, Bath
 - KE3A Land Adjoining East Keynsham
 - KE4 Land Adjoining South West Keynsham
 - RA5 Land at Whitchurch
- 1.3 The deadline for submission of hard copies of these Statements of Common Ground to the Inspector is noon on 14th February 2014; the Council has a working deadline of 7th February in order to ensure timely completion.
- 1.4 The Inspector has specified that the Statements of Common Ground, should include (but not be limited to), this template covers these issues accordingly:
 - Delivery: Availability/start on site/likely annual completions (assuming that the Core Strategy is adopted by Autumn 2014).
 - Evidence already submitted relating to the main documents, including the evidence from landowners/developers included in the Core Documents or submitted with representations to the November consultation.
 - The Statement of Common Ground should make clear which parts of evidence are agreed and where there is disagreement briefly the main reasons for that disagreement.
- 1.5 The Inspector has suggested that the Statements of Common Ground may need to involve parties not currently active in the Examination, but they will only have a right to be heard if they have already made representations at an appropriate opportunity. The Council considers that this relates primarily to landowners who have not previously been involved in the examination process prior to Nov-Dec 2013.
- 1.6 In addition, Statements of Common Ground between the Council and other promoters in relation to their suggested alternative or enlarged proposals are welcomed by the Inspector as separate submissions (following this same structure).

2.0 Description of the site

- 2.1 This Statement of Common Ground relates to land as illustrated on the Concept Map in Annex 1 of the Core Strategy Schedule of Amendments (excluding that occupied by Odd Down FC). It totals approximately 30.8 hectares, which includes:
- Land in the ownership of the Hignett Family Trust within the proposed allocation B3A
 - Land in the ownership of Sulis Manor
- 2.2 Savills and Matthew Macan are acting on behalf of both landowners. An in-principle agreement to cooperate with the Hignett Family Trust on the development has been secured with the landowner of Sulis Manor, albeit subject to a detailed agreement.
- 2.3 The Odd Down Football Club an 2.3ha hectare site, which is not located within the Green Belt and is in separate ownership, is not within the remit of this Statement of Common Ground.

3.0 Delivery: Matters of Agreement and Disagreement

- 3.1 The site is included in the SHLAA as available, suitable and deliverable for development (SHLAA, November 2013 - CD10/E19 Appendix 1b – Location E14a Sulis Manor/South Stoke). This is also re-confirmed by the landowner in their submission to the latest Core Strategy consultation (December 2013).
- 3.2 The SHLAA trajectory November 2013 assumes that 150 dwellings would be completed within the first five years of the Plan period at site B3A 'land adjoining Odd Down, Bath', with all development complete by 2021/22. Part of the site would therefore be deliverable as an element of a comprehensive development in the first five years of the Plan period. This position is supported by the landowner who proposes the following timescales:

Stage	Timescale
Core Strategy Examination Hearings	Winter 2013/14
Planning Application submitted	Late Spring / Early Summer 2014
Core Strategy Inspector's Report	Summer 2014
Planning Application determined	Late Summer 2014
Reserved Matters Submission	Late Summer 2014
Reserved Matters Approval	Autumn 2014
Completion of Infrastructure and Enabling	Autumn 2015
Completion of First Dwelling	Winter 2015
Completions in 2015/16 – 20 dwellings	2015/16
Delivery @ 60 dwellings per annum	2016/17 – 2019/20
Completion of Development	2020/21

The landowner provides the following commentary in support of the delivery rate:

“The program envisages the submission of a planning application in late Spring / early Summer 2014. This will facilitate determination in late Summer 2014, following the receipt of the Core Strategy Inspector’s Report.

A Reserved Matters Application will be prepared in parallel for the first phase of the development and submitted shortly after the grant of the Outline Planning Permission. An extremely cautious estimate of one calendar year has been assumed between Reserved Matters Approval and the commencement of housing delivery for the completion of initial infrastructure and enabling works.

The first dwellings will be completed and sold in Winter 2015, following which it is estimated that a delivery rate of 60 dwellings per annum can be achieved. This is in excess of the assumed to 50 dwellings per annum rate within the Council’s current Housing Trajectory (April 2013) however it is considered to be a reasonable position given the location of the site and current market conditions.

The assumptions that have been applied to the delivery program will result in the construction of 200 dwellings in the first five years of the plan period and a further 100 dwellings in the subsequent two years.”

- 3.3 Land immediately to the east, west and south of the allocation is also in the Hignett Family Trust ownership – this is important as it ensures that ecological mitigation can be achieved on land under the control of the same landowner, ensuring that this is achievable.
- 3.4 The Hignett Family Trust have submitted an EIA Scoping Report to the Planning Department, as part of a pre-application process, work is underway to respond to this during January 2014.
- 3.5 There is no further planning history for this site of note.

4.0 Key relevant evidence

- 4.1 The key evidence prepared by the Council in relation to land at Odd Down is as follows:

<p>Key evidence 2012 (Taken from BNES 47)</p>	<ul style="list-style-type: none"> • Summary of key evidence to 2009 included in the <i>New neighbourhood in an urban extension to South / South West Bath - Information Paper (October 2009) CD6/O2</i> • Core Strategy Spatial Options Consultation (CD5/4) • B&NES Urban Extension Environmental Capacity Appraisal: Land within the AONB surrounding Bath (2007) CD4/UDL23 • B&NES Urban Extension Environmental Capacity Appraisal (2006) CD4/UDL22 • B&NES Landscape and World Heritage Study of the
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	<p>Potential for an Urban Extension to the South/South West of Bath (2006) CD4/UDL21</p> <ul style="list-style-type: none"> • Slope, Geological Instability and Undermining Study, Arup (March 2010) CD4/ENV6 • Core Strategy – Post Submission Changes (Report to Council 15th September 2011) CD5/24 • Core Strategy – Post Submission Changes (Minutes of Council Meeting 15th September 2011) CD5/25 • Previous iterations of SHLAA • Representations made during consultations • Previous B&NES Submissions to the hearings include: <ul style="list-style-type: none"> - B&NES 11: Green Belt - B&NES 20: Statement of Common Ground between B&NES and the Hignett Family Trust: Major Alternative Sites in the Green Belt <p>NB Much of this earlier evidence is in part superseded by more detailed evidence prepared to support the allocations as outlined below.</p>
<p>Evidence prepared within Core Strategy suspension (Taken from BNES 47)</p>	<ul style="list-style-type: none"> • Sustainability Appraisal Annex I. (CD9/A1/5) • Arup Green Belt Review Stage 1 Report (CD9/E2) • Arup Development Concept Option Report for Whitchurch (CD9/CO3) <p>NB As per BNES/47 the Council is of the view that the Arup Concept Options were part of the investigative process but not conclusive of the development capacity. They do not represent a comprehensive assessment of all development constraints.</p> <ul style="list-style-type: none"> • Arup Transport Evaluations of alternative locations (CD9/I2/1-25 – in particular Appendix D CD9/I2/3) • Habitat Regulations Assessment of the Proposed Changes to the Submitted Core Strategy (CD9/A2) • Assessment of Locations in Annex 1 of the Council Report, 4 March 2013 (CD9/PC3)
<p>Additional evidence to support proposed change Submitted alongside BNES 47 (Sept 2013)</p>	<ul style="list-style-type: none"> • Stage 2 Green Belt Review, Arup CD9/E9 • Core Strategy/Placemaking Plan Additional Heritage Asset Study (Land Use Consultants, BaRAS & Conservation Studio) September 2013. CD9/LV/1 • WHS Setting and AONB Landscape and Visual Impact Assessment for Land Adjoining Odd Down CD9/LV/3
<p>Documents associated</p>	<ul style="list-style-type: none"> • Preliminary Arboricultural Assessment – Odd Down CD10/E4

with the Core Strategy strategic site allocation Submitted (Nov 2013)	<ul style="list-style-type: none"> • B&NES CIL – Strategic Greenfield Allocations Viability Testing BNP Parabis CD10/E7 • Transport Access Assessment Core Strategy Greenfield Site Allocation Bath & Whitchurch CD10/E8 • Addendum to Landscape & Visual Impact Assessment: Weston & Odd Down CD10/E12 • Renewable Energy Assessment for B&NES Green Belt sites: Assessment, Regen SW CD10/E16 • Valuing people, place and nature – a Green Infrastructure Strategy for B&NES CD10/E17 • Strategic Green Infrastructure Profiles Maps: Green Belt sites at Odd Down, Weston and Whitchurch CD10/E18 • SHLAA CD10/19 • B&NES Local Education Authority – Education Requirements for the sites CD10/21 • BNES 51
Assessments	<ul style="list-style-type: none"> • Sustainability Appraisal • Habitat Regulations Assessment
Other	<ul style="list-style-type: none"> • EIA Screening Assessment response from B&NES Planning Department NEW CD XX? forthcoming

- 4.2 The landowner has prepared a number of detailed technical reports on matters relating to highways, landscape and visual impact, heritage assets, ecology etc. Key evidence is summarised below:

Key landowner evidence	<ul style="list-style-type: none"> • Preliminary Capacity Assessment of Junctions by PFA CD10/LD1a • Land Adjoining Odd Down, Bath - Land Allocation Report CD10/LD1b • Heritage Asset Assessment: Sulisdown Land at Odd Down, Bath CD10/LD1c • Kestrel Ecological Report, prepared by Kestrel on behalf of the Hignett Family Trust CD10/LD1d • Land at Odd Down, Bath Landscape Assessment and Strategy – October 2013 Bath CD10/LD1e
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5.0 Summary of Agreed Matters

- 5.1 The matters agreed relate to the current proposed allocation as outlined in draft Policy B3A.
- 5.2 The following are all common ground between the landowner and Council:

- The principle of a strategic allocation on Land at Odd Down is supported
- The proposed allocation for development at Odd Down (CSA B3A) is agreed in principle.
- There are no objections to the following Placemaking Principles set out in Policy B3A in the Core Strategy amendments:
 - Principle 2 - Masterplan
 - Principle 3 – Green Infrastructure
 - Principle 4 – Public Rights of Way
 - Principle 5 – Landscape and Ecological Mitigation Strategy and Management – subject to specific amendments outlined below
 - Principle 8 – Primary School Contributions
 - Principle 10 – Odd Down Football Club
 - Principle 12 – Land Instability
- There are no objections to bullet points 3,5, 6 & 7 of Principle 7 in relation to Transport.

Placemaking Principle 1: Scale of Development

- Both parties agree that around 300 dwellings can be delivered on the site.

Placemaking Principle 5: Ecological Requirements

- Two of the amendments to the B3B Placemaking Principle 5 suggested by the Hignett Family Trust in their December 2013 representations are considered acceptable to the Council. Specifically the amendment relating to: Skylarks and the use of the word compensation.

Placemaking Principle 5: Wansdyke Scheduled Ancient Monument

- Both parties are in agreement that in general the allocation should include land parcel shown as “Area D” (as shown on page 4 of the *B&NES Sustainability Appraisal Annex O – CD10/A1/3*).
- Both parties consider that the precise nature of treatment of “Area D” warrants further consideration as part of the development of a Masterplan for the site, in line with the Placemaking Principles. The Council is of the view that “Area D” must remain undeveloped, in line with its existing evidence.
- Both the Council and the landowners are of the view that the requirements of NPPF para 134, are met and there are public benefits of development at this location in terms of meeting housing need in a sustainable location and requiring a conservation management plan funded by the development to conserve the Wansdyke (as per Policy B3A Placemaking Principle 6).

Placemaking Principle 7: Transport

- Both parties agree that access to the site is achievable and does not represent a constraint to the delivery of development.
- Both parties agree that detailed access arrangements can be determined through the Masterplan process, the policy as proposed does not preclude this.

Placemaking Principle 9: Manor Farm Buildings

- The Landowner supports the reference to local employment and the identification of Manor Farm Buildings as an appropriate location.

- It is common ground between the parties that the delivery of the proposed small scale employment can come forward at the Manor Farm Buildings irrespective of whether the buildings remain in the Green Belt. However, the Landowner considers that the land occupied by Manor Farm Buildings should be removed from the Green Belt.

6.0 Summary of Matters in Dispute

6.1 There continues to be dispute between the parties on the following matters:

Placemaking Principle 1: Scale of Development and Housing

- The only outstanding area of disagreement concerns whether or not the Odd Down Football Club site is required to deliver the 300 dwelling allocation.
- Based on the evidence available the Council considers that the Odd Down Football Club land is likely to be required to achieve the 300 dwelling allocation.
- The landowner has confidence in delivery of at least 300 new dwellings, local employment and infrastructure, without the need to relocate the Odd Down Football Club.

Placemaking Principle 1: Proportion of Affordable

- The landowner objects to 40% affordable housing requirement for the reasons stated in the representations.
- The Council supports the affordable housing policy as currently worded and supported by its evidence CD10/E7.

Placemaking Principle 7: Transport

- The landowner has proposed alternative wording relating to highways access options which is not supported by the Council. The wording of this placemaking principle therefore remains in dispute; however, there is no dispute over the principle that access can be achieved.
- The landowner considers that the following two changes would overcome the objections.
 - Bullet 2 , insert the words “where appropriate” after Sulis Manor in the second line; and
 - Bullet 4 Insert the words “an alternative“ before the word potential in the first line
- These changes are not supported by the Council.

Placemaking Principle 11: Sustainable Construction

- The landowner objects to the requirement for Code Level 5 for the reasons stated in the representations.
- The Council supports the sustainable construction policy as currently worded, and supported by its evidence CD10/E7 and CD10/E16).

7.0 Declaration

- 7.1 The content of this document is agreed for the purposes of the B&NES Core Strategy hearing 2013.

Signed on behalf of Savills (on behalf of the Hignett Family Trust):

N. Weston

Position: *Owner*

Date: *13/2/14*

And

Signed on behalf of Bath & North East Somerset Council:

Richard Dore

Position: Planning Policy Team Leader

Date: 18th February 2014

