

**BATH AND NORTH EAST SOMERSET - CORE STRATEGY EXAMINATION**

**HEARING - STRATEGIC ALLOCATIONS, BATH**

**PART 1 - APRIL 1 2014 - ODD DOWN, BATH**

**INSPECTOR'S AGENDA**

The overall issue for this hearing is: are the strategic allocations in the Green Belt at Bath justified in principle and are the detailed requirements of the policies appropriate and effective? The hearing is in 3 parts to cover respectively Odd Down, Weston and (more briefly) any alternative sites.

This Part 1 hearing relating to the allocation at Odd Down covers primarily the November 2013 proposed changes: CSA22 (policy B3A Odd Down) and CSAs 23 and 24 (Diagrams). It also covers those parts of the following changes which refer to Odd Down: CSA17 (Diagram), CSAs 18 and 21.

Given the volume of material already submitted in relation to this site and the helpful Statements of Common Ground (SCG), no further statements are requested and no further written evidence/documents will be accepted other than as set out in my Guidance Notes.

The references to particular evidence documents in this agenda is intended to be helpful to me and other participants during the hearing. They are necessarily selective and matters highlighted do not represent my conclusions on any point.

**Main issues of principle**

*On each subject below the Council should briefly explain the reasons for the acceptability of the development, followed by those who are opposed to the principle of allocation in relation to that issue (and any Council response), then those who seek any detailed change (and any Council response).*

**1. Green Belt**

1.1 What would be the effect of the allocation on the purposes served by the Green Belt in this location? Given the assessment of this broader location in the *Green Belt Review Stage 1* (CD9/E2 pp47-48) and *Stage 2* (CD9/E9 pp7-15) Reports, the Council should explain its justification for removal from the Green Belt carefully.

1.2 If an allocation is justified in principle, is the proposed Green Belt boundary shown on the Concept Diagram and Policies Map (CD10/CS1, Annexes 1 and 2) appropriate for the scale of development envisaged? Should the farm/business buildings at Manor Farm remain included in the Green Belt?

1.3 Is the Council's conclusion that there is no scope here for any safeguarded land justified? If not, should any new Green Belt boundary follow South Stoke Lane? *(It may be helpful to first discuss the other potential constraints below.)*

**2. AONB**

2.1 In broad terms, what would be the scale and significance of the landscape impact on the AONB?

2.2 NPPF paragraph 116 states that major developments in AONBs should be refused *except in exceptional circumstances and where it can be demonstrated they are in the public interest*. Is this test met?

2.3 Do arguments of need outweigh the *great weight* that must be given to the protection of the landscape of the AONB (NPPF, paragraph 115)?

2.4 I note that Natural England considers that the allocation would not undermine the designation purposes of the AONB (Letter, 13 December 2013, CD12/5).

### **3. Wansdyke Scheduled Ancient Monument (SAM).**

3.1 Council to clarify precise policy wording now considered necessary for soundness arising from the SCG with English Heritage.

3.2 Would the explicit exclusion of built development from the field abutting the SAM/Sulis Manor estate (field *East 1* in CD9/LV/3 and CD/LV1) avoid *substantial harm* to the SAM (NPPF, paragraph 132)? Alternatively, could *substantial harm* be avoided by leaving proposals for this field to the master-planning stage?

3.3 Would any harm be avoided and the SAM conserved by excluding the East 1 field from built development and the proposed mitigation and management measures (subject to detailed design/management being appropriate)?

3.4 Does the north-eastern field adjoining the SAM and South Stoke Lane (outside the allocation) need to be kept free of development to avoid *substantial harm* to the SAM?

### **4. World Heritage Site (WHS) and Setting**

4.1 The allocation abuts the boundary of the WHS. What is the significance of the contribution of the allocated area to the Outstanding Universal Value (OUV) of the WHS?

4.2 The *WHS Setting SPD* July 2012 (CD/W1) does *not* identify this location as within the green hillsides forming prominent features of the landscape setting (Map 4) nor is it identified as being visible from the important viewpoints presented in the SPD. Does this limit the significance of the setting here compared with other parts of the boundary/setting of the WHS?

4.3 Would there be harm to the setting and of what significance? On current evidence, is the Council's assumption that development should avoid the southern portions of fields *West 1* and *East 4* necessary to avoid potential substantial harm to the setting? (Dotted line shown on plan in CD10/E12 *WHS Setting and AONB Updates* November 2013.)

4.4 Would a significant loss of trees be necessary at Sulis Manor to form any road access west-east across the site? If so, would this harm the setting of the WHS? (See CD10/E12, paragraph 2.1.)

4.5 The *WHS and AONB Landscape and Visual Impact Assessment for Land adjoining Odd Down* (CD9/LV3, p6) highlights the historical importance of Field East 2 (outside the proposed allocation) for understanding the OUV. Is this significance highlighted in the *WHS Setting SPD* (CD9/W1)? (There is a reference to this area on p142.) Is it a reason for avoiding the potential for future development here? (The Sustainability Appraisal, Annex O CD10/A1/3 pp10-11

refers to the *open view across the Down* as relating to the field to the north - Area E/East 3.)

### **5. South Stoke Conservation Area**

5.1 Is the conservation area likely soon to be enlarged to include Brantwood House?

5.2 Would the allocation as proposed harm the setting of the conservation area?

5.3 Would the possible alternative access from South Stoke Lane shown on the Concept Diagram harm the setting? Would it require the widening of South Stoke Lane and street lighting along its length?

5.4 Background: The *Heritage Assets Study* CD9/LV1 notes that *the site and the conservation area are not strongly related* (paragraph 3.56) and that the setting will not be affected (paragraph 3.82). There are similar conclusions in CgMs' assessment CD10/LD1c section 4. The report from EDP on behalf of South Stoke Parish Council (rep 1525) expresses considerable concern about the impact on the conservation area (2.32-2.45).

### **6. Special Area of Conservation (SAC)**

6.1 There is substantial evidence relating to the use of the location by bats (including Dr Ransome's Dusk Bat Surveys 2008 and 2009, CD9/E7 and E8 and Kestrel Wildlife CD10/LD1d).

6.2 Natural England consider that the revised Core Strategy to be generally legally compliant and sound (Letter 13 December 2013, CD12/5).

6.3 With the mitigation measures proposed in the allocation would the Habitat Regulations be met in relation to the SAC and any harm to bats avoided?

6.4 Should *compensation* be deleted from last paragraph of ecological requirements as there is no evidence that any such compensation would be required?

### **7. Detailed Matters/Policy requirements**

7.1 Various small changes are agreed in SCG BNES/53C. Council to clarify what is considered necessary for soundness or simply preferable.

7.2 In relation to Place-making Principle 7, *transport*:

- Should the requirement to provide access from Combe Hay Lane be qualified by *unless a suitable alternative access can be provided*?
- If a road across Sulis Manor would be unacceptably damaging (see 4.4 above), would an access from South Stoke Lane or the Mitford junction be essential to serve land to the east?
- Should reference be made to *potential vehicle access* from South Stoke Lane? Is the suggestion on the Concept Diagram likely to be acceptable in highway terms? Would it require the widening of South Stoke Lane and street lighting??
- Is vehicular access to the Sulis Manner estate necessary/justified? (CD10/E8, paragraph 2.1 indicates that it is, along with access from Combe Hay Lane). Should only pedestrian and cycle links be required?

7.3 The allocation is for *around 300 dwellings*. Is this intended as a cap or might a future decision maker perceive it as such? Should flexibility to accommodate more dwellings within the location be acknowledged, if all the requirements of the policy can be met and any harm avoided? If so, how might this be expressed (either here or as a general statement applying to all the allocations)? (Site areas for the different field parcels is in the *Sustainability Appraisal, Annex O CD10/A1/3*, matrix p5)

7.4 Is the inclusion of the football ground within the allocation justified/necessary bearing in mind that the policy does not require relocation and potential adverse impacts of doing so are highlighted in *WHS Setting and AONB Updates* (CD10/E12, paragraphs 2.4-2.7)?

7.5 Is the inclusion of Manor Farm buildings within the allocation justified/necessary?

7.6 Are there adequate arrangements to mitigate/compensate for loss of habitat and increased disturbance to skylarks?

7.7 Are the other requirements necessary and effective?

*As with the other strategic allocations, concerns regarding the affordable housing requirement and sustainable construction/renewable energy will be considered at later hearings on those specific matters.*

**Simon Emerson**  
**Inspector**  
**March 2014**