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Mr Emerson  
Bath & North East Somerset Core Strategy  
C/O Chris Banks Solutions  
21 Glendale Close  
Horsham, West Sussex  
RH12 4GR

Dear Mr Emerson,

**Reference: Bath & North East Somerset Core Strategy Examination  
Council Response to Inspector's Preliminary Comments & Questions (ID/1)**

Thank-you for your note to the Council dated 3rd June 2011 (ref ID1). The Council's responses are set out in the attached document ref BNES/1.

The response from the Council highlights that there are some issues which either require further consideration by the Council or require more time to collate the necessary information. The Council will provide this 2<sup>nd</sup> tranche of information in early August. The Council will therefore be responding to the Inspector's queries in his letter ID/1 in 2 parts:

- Part 1 attached as BNES/1
- Part 2: early August as BNES/2

As a consequence of the need to consider changes to the Core Strategy in response to the issues raised by the Inspector, the Council is formally requesting a delay in the hearings in accordance with timetable in section 7 of the attached note (BNES/1).

Where this work leads to changes being made to the Core Strategy, these will need to be considered by Council in Sept 2011 and will be subject to a public consultation enable the full range of views to considered thorough the examination process

Yours sincerely

Simon de Beer  
Policy & Environment Manager

**BATH & NORTH EAST SOMERSET CORE STRATEGY EXAMINATION  
COUNCIL RESPONSE TO INSPECTOR'S PRELIMINARY COMMENTS & QUESTIONS (ID/1):  
PART 1**

Part 1 of the Council's response to the Inspector's preliminary comments and questions (ref. ID/1) is set out below. The Council's response to those questions not addressed in this document will be set out in part 2 (this will be referenced BNES/2). There will be a need for a further response from the Council if changes are made to the Core Strategy in September 2011 (see timetable in section 7 below).

**1.0 RELEVANCE OF THE PROPOSED ABOLITION OF REGIONAL STRATEGIES**

**The Issues**

1.1 The issues raised by the Inspector are set out in paragraphs 2 to 4 of ID/1.

**Council Response**

- 1.2 The Council's view on the implications of the Court of Appeal judgement (in *R Cala Homes (South) Limited and the Secretary of State and Local Government and another* 2011 EWCA Civ 639) on its Core Strategy are set out below.
- 1.3 Section 38(3) of the Planning and Compulsory Purchase Act ("the 2004 Act") stipulates that the development plan for an area is the regional strategy ("the RS") for its region and the development plan documents including the local development documents ("LDDs") taken as a whole which have been adopted or approved in relation to that area.
- 1.4 Section 70(1) of the Local Democracy, Economic Development and Construction Act 2009 ("the 2009 Act") provides that: "There is to be a regional strategy for each region...". The only statutory link between the RS and the LDDs is contained in section 24 of the 2004 Act which provides that the LDDs must be in general conformity with the RS. The RS for these purposes is the approved and published RS.
- 1.5 The Court of Appeal judgement in *R(Cala Homes) v. Secretary of State for Communities and Local Government* [2011] EWCA Civ 639 [ paragraph 24] makes the point that as long as RSs continue to exist, any LDD must be in general conformity with the relevant RS.
- 1.6 For the purposes of general conformity (as required by section 24 of the 2004 Act) the relevant and current published RS for the South West is Regional Planning Guidance Note (RPG) 10 (2001). With regard to a figure for housing provision (to which the Inspector's question relates) it should be noted that RPG10 (CD3/3) covers a different period (1996-2016) to that covered by the Core Strategy (2006-2026) and housing figures are only set out to a county level (former county of Avon). Policy HO1: Level of Housing Demand 1996-2016 requires the former county of Avon makes provision for 3,700 dwellings per annum. The Bath & North East Somerset

Local Plan (adopted 2007) (CD5/1) transposes this RPG10 figure to a requirement for B&NES which amounted to 457 dwellings per annum. This uplifted the housing provision set for B&NES in the Joint Replacement Structure Plan (CD3/1) which equated to about 413 dwellings per annum. The Core Strategy's annualised housing delivery requirement is 550 (11,000/20 years), this is about 20% greater than that set out in RPG10. Therefore, in this respect the Core Strategy is considered to be in general conformity with RPG10.

- 1.7 Notwithstanding the fact that the Core Strategy is in general conformity with the published RS as required by the 2004 Act the Inspector raises the issue as to whether the housing figure should draw from the emerging RS in light of the CALA Homes judgement.
- 1.8 Replacement of RPG10 with a new RS for the South West was relatively far advanced (the Secretary of State's proposed changes had been published in 2008 following consideration of the EiP panel's report) when the new Government: (1) suspended work on it and abolished (or at least removed resources from) the regional planning board; (2) announced an intention to repeal section 70(1) of the 2009 Act; and (3) revoked and, when that revocation was quashed, announced an intention to revoke all existing RSs. The Localism Bill is proceeding through Parliament and is currently intended to give effect to these intentions. There is no indication that the basic thrust of the draft legislation will be changed by Parliament.
- 1.9 At the present time there is no basis for concluding that the draft RS for the SW will become the statutory RS. Even if section 70 of the 2009 Act is not repealed, any suggestion that future RSs will be as prescriptive as the earlier draft RS (in terms of e.g. housing numbers) would be contrary to the whole thrust of government policy on localism.
- 1.10 Fundamentally, section 24 of the 2004 Act duty does not require conformity with a draft RS which is not and is not anticipated to become the RS. The only further question which arises is whether the Council is somehow required to wait on the passing of the Localism Bill and/or to proceed on the assumption that the draft RS will, ultimately, be approved and published in substantially its current form. It is considered that any decision by the Council to wait on central government decisions in this regard would be likely to be inconsistent with the statutory duties on it in respect of its LDDs. There is no requirement in the statutory scheme that revisions to the RS come first and that LDDs have to wait for the RS before being progressed.
- 1.11 The Council therefore considers that the Core Strategy does not need to generally conform with the draft RS and that for the purposes of section 24 of the 2004 Act that it should generally conform with RPG10.
- 1.12 In his letter of 6<sup>th</sup> July 2010 confirming the revocation of RS the Government's Chief Planner confirmed that locally derived housing figures should be based on reliable information and that the evidence collected by Regional Planning bodies in preparing RS will be available for local authorities to inform their local plans.

- 1.13 Evidence underpinning draft RS is therefore a material consideration to the preparation of Core Strategies. The weight to be afforded to this evidence is a matter for the Inspector to decide. However, the Council considers that it is of limited weight given that it was collected and prepared at a time of greater economic buoyancy. Since that time there has been a period of sustained economic recession. The local evidence base used by B&NES to underpin the Core Strategy not only takes account of this economic recession, but also uses a similar approach to that which informed the draft RS prepared by the Regional Assembly. Therefore, the Council considers that the locally derived figure is robust and based on up to date and reliable information.
- 1.14 In conclusion the Council's view is that the Court of Appeal judgement on the abolition of RS does not undermine the Council's justification for its Core Strategy.

## **2. SUSTAINABILITY APPRAISAL (SA)**

### **The Issues**

- 2.1 The issues raised are set out in paragraphs 5 to 7 of ID/1.

### **Council Response**

#### ***SA of the Core Strategy***

- 2.2 The role of Sustainability Appraisal (SA) in the preparation of the Core Strategy is outlined in Topic Paper 1 (CD6/S2).
- 2.3 The SA of the Core Strategy has been an iterative process with several formal and informal stages related to each Core Strategy preparation stage. The most recent SA was of the publication Core Strategy in October 2010, which was updated in April 2011 following changes resulting from the consultation (CD4/A13).

#### ***SA process and rejecting alternatives***

- 2.4 In the judgement relating to the SEA of the Forest Heath Core Strategy it was concluded that *'It was not possible for the consultees to know...what were the reasons for rejecting any alternatives to the urban development where it was proposed or to know why the increase in residential development made no difference.'* The reasons for rejecting alternatives were included in the Forest Heath Core Strategy preferred options paper, but not included in the SA. The SA report did not identify or evaluate the reasonable alternatives or explain why they were rejected in favour of what is proposed.
- 2.5 This is not the case in relation to consideration of alternatives in the Bath and North East Somerset Core Strategy. As outlined in paragraph 2.6 below the Council considers that the reasons for the submitted Core Strategy planning for a reduced figure of 11,000 new homes are clearly and adequately summarised in the

submission SA report (see references below) and the sustainability effects of the spatial options strategy and submission strategy have also been assessed and summarised. As such the alternative levels of growth and strategy were clearly identified and assessed through the SA process, and thus the reasons for the selected strategy are made clear to consultees. It is therefore considered that the requirements of the SEA directive are met.

2.6 The selection of the submission strategy and the reasons for rejecting the alternatives has been the result of an iterative process which was informed by SA. The Forest Heath judgement (paragraph 17) confirms that it is acceptable for alternatives to be ruled out as a part of an iterative process as long as the reasons have been given for the rejection of the alternatives and that the reasons are still valid. The Council considers this to be the case in relation to the process undertaken in development of the Bath and North East Somerset Core Strategy. The reasons are explained within the submission SA report (CD4/A13) as follows:

- At Section 5.3. The reasons for selecting the strategy/level of growth to be planned for are outlined as based on: intention to abolish RSS, updated evidence on development need, latest development land supply, infrastructure requirements, environmental capacity and the view of local communities. Inherent to the selection of this strategy is the rejection of the alternative strategy options, that include urban extensions, tested at the Spatial Options stage (this process was informed and influenced by SA - see bullet points below)
- SA Report Annex E, Para 1.3 further explains the evidence based approach taken in rejecting the alternatives; the *‘choice of the preferred strategy has been informed by the results of the SA of the options containing urban extensions which identified a number of significant negative effects, plus a large number of objections received from stakeholders including statutory consultees.’* It goes on to explain that in light of these points and the revised evidence base the spatial strategy now provides for 11,000 new homes and 8,700 to 10,000 jobs, it no longer includes urban extensions and it mainly involves the redevelopment of brownfield land with some potential limited greenfield development.
- Annex E, Table E1 provides more detail on the negative effects of the strategy at Spatial Options stage which included urban extensions. This table assesses the most relevant sustainability objectives to the spatial strategy. Along with the reasons identified in the SA report section 5.3, these negative effects contribute to the reasons for rejecting the alternative strategy which included urban extensions. The negative effects identified in Table E1 are summarised below:

Location	Negative effects
All urban extensions	<ul style="list-style-type: none"> <li>• Development of greenfield land</li> <li>• Loss of soil resources</li> <li>• Issues for community cohesion</li> <li>• Access to services and facilities for new residents</li> <li>• Loss of habitats</li> </ul>

	<ul style="list-style-type: none"> <li>• Increased traffic on the A37 and A4</li> <li>• Potential to introduce pollution in places which currently do not experience it</li> </ul>
South East Bristol	<ul style="list-style-type: none"> <li>• Traffic impact</li> <li>• Significant impact on the distinctiveness of the village of Whitchurch</li> <li>• Compromise the Green Belt gap between Keynsham and Bristol</li> <li>• Impacts on the setting of medieval field pattern, Grade II* listed building, the setting of scheduled ancient monument Maes Knoll and the Chew Valley Skyline</li> <li>• Potential loss of skylark habitat</li> <li>• Potential to provide certain types of jobs may be limited due to the market for commercial uses</li> </ul>
Twerton	<ul style="list-style-type: none"> <li>• Major landscape impact</li> <li>• Negative impact on integrity on the World Heritage Site of Bath</li> <li>• Significant effect on the Green Belt</li> <li>• Could affect habitats of the River Avon</li> <li>• Impact on distinctiveness of nearby village of Newton St Loe</li> <li>• Topography would discourage walking and cycling to access local facilities</li> </ul>
Odd Down	<ul style="list-style-type: none"> <li>• Landscape impact</li> <li>• Impact on distinctiveness of nearby village of South Stoke</li> <li>• Potential affect on Wansdyke ancient monument</li> <li>• Potential impact on bats</li> <li>• Steep descent into the centre may discourage walking and cycling into Bath</li> </ul>

***Level of growth and its implications***

2.7 The 'serious implications' of not providing 15,500 new homes over the plan period referred to in the Spatial Options document were within the context of the level of growth identified through the draft RSS. The draft RSS was based on evidence of the future need for housing at a time of economic buoyancy and the associated forecasts of future economic growth. Since that time the government has announced its intention to abolish RSS and the economy has entered a period of sustained recession. In this context the Council commissioned new evidence on the level of forecast future economic growth and the need for new housing.

- 2.8 The evidence provided by these studies indicates a lower level of economic growth and newly arising need for housing (based on changing social and economic trends) than that proposed by the draft RSS. The submission Core Strategy is therefore based on this lower level growth requirement. Given the evidence of a reduced need for new housing the ‘serious implications’ of not providing 15,500 new homes referred to in the Spatial Options document are no longer relevant. This is explained in section 3.6 of the SA report (CD4/A13).
- 2.9 Exploration of many of the effects of the reduced overall scale of housing will be similarly influenced by the more up to date local evidence of newly arising need for housing. Therefore, some of the effects (principally economic and social) of not providing for the newly evidenced need in the submission Core Strategy will be similar to the effects of not providing 15,500 new homes at the time of the Spatial Options document. The Future Housing Growth Requirements to 2026 Stage 2 Report (CD4/H1) identifies a need for 11,600 new homes. The submission Core Strategy plans the provision of 11,000 homes which represents about 95% of the identified need. Notwithstanding the relationship between the evidenced level of need and the effects of the reduced overall scale of housing the published SA report identifies the effects of the District-Wide strategy in the submission Core Strategy in Annex D (CD4/A13). In assessing and identifying these effects the commentary also compares the effect with that set out of the strategy in the Spatial Options document (see table below).

<b>Summary of comparison of effects from Annex D - District Strategy .</b>
<p><b>Objective 3: Meet identified needs for sufficient, high quality and affordable housing</b></p> <p>‘As a lower amount of housing growth is proposed in this district strategy, compared with the previous housing growth options considered for the district strategy, less affordable housing could be delivered by this strategy compared to the previous options, however, this strategy is based on an evidence base predicting need and Policy CP9 aims to deliver a greater rate of affordable housing than has been delivered in the district over previous years.’</p>
<p><b>Objective 12: Protect and enhance local distinctiveness</b></p> <p>‘The avoidance of urban extensions will help to maintain the distinctiveness of villages around the edges of the existing urban areas and will help to protect areas of high landscape value (the AONBs) and the surrounding landscapes of the main settlements within the district.’</p>
<p><b>Objective 13: Protect and enhance the district’s historic, environmental and cultural assets</b></p> <p>‘The avoidance of urban extensions in the spatial strategy should reduce the risk of adversely affecting historic sites on the edges of the main urban areas, such as the Wansdyke, and reduces the risk of adversely affecting the World Heritage Site in Bath.’</p>

**Objective 15: Reduce land, water, air, light, noise pollution**

'The avoidance of urban extensions within the district strategy should avoid the risk of introducing light and noise pollution into areas which previously did not suffer from this type of pollution.'

**Objective 17: Ensure the development of sustainable and/or local energy sources and energy infrastructure**

The redevelopment of brownfield sites could potentially have less opportunities for decentralised renewable energy solutions / zero carbon design compared with large scale urban extensions.

**Objective 19: Encourage careful and efficient use of natural resources**

'The Spatial Strategy prioritises the redevelopment of brownfield land ahead of Greenfield land and avoids urban extensions, which supports the conservation and wise use of land.'

- 2.10 It is considered that the assessment of a lower level of growth has been inherent to the nature of the assessment of the submission Core Strategy. The difference between the submission strategy and the spatial options strategy is principally the removal of the urban extensions. Annex E of the SA report which is summarised in Table E.1 considers the positive and negative effects of the strategy with and without urban extensions.
- 2.11 Within the context of revised and more up to date evidence of growth and need underpinning the submission Core Strategy and its influence on the effects of the level of growth proposed, the Council considers that the exploration of the different effects of the reduced overall scale of housing through the SA is adequate.

**3.0 EVIDENCE STUDIES**

- 3.1 The issues raised by the Inspector in paragraphs 8 to 12 of ID/1 will be addressed in the second part of the Council's response.

**4.0 JUSTIFICATION FOR HOUSING & EMPLOYMENT PROVISION**

**The Issues**

- 4.1 The issues raised are set out in paragraphs 13 to 22 of ID/1.

**Stage 2 report**

- 4.2 The Council is preparing a short explanation of the Stage 2 report and a response to the specific questions made by the Inspector in paragraphs 13 to 19 of ID/1 and how it has informed the Core Strategy. This will be submitted to the Inspector in the second part of its response to the Inspector (BNES/2).



- 4.3 The Stage 1 report is available but this is not particularly useful to the examination as it is an earlier version of the Stage 2 report but based on outdated data and hence is likely to confuse proceedings.

#### **Housing Flexibility & Contingency**

- 4.4 The Council considers that the Core Strategy as submitted is sound (being the product of new, up-to-date evidence, engagement with local communities, assessment of the necessary and deliverable infrastructure, working with partners, statutory appraisals and benefiting from new a new focus on delivery), but the Council is mindful of the points raised by the Inspector in paragraphs 21 and 22 of ID/1. Therefore, as well as setting out more explicitly the flexibility/contingency within the existing strategy, the Council is considering whether any additional contingency measures are appropriate. These are being assessed during July and August. Any changes will need to be agreed by the Full Council meeting in September 2011 along with other potential changes being considered to the Core Strategy. A full response to these issues will be submitted in the second part of the Council's response (BNES/2).

#### **15 year land supply**

- 4.5 The issue raised by the Inspector in paragraph 21 of ID/1 in relation to planning for or facilitating housing development over a 15 year period from adoption will be addressed in the second part of the Council's response (BNES/2).

#### **Affordable housing**

- 4.6 The issue raised by the Inspector in paragraph 19 of ID/1 along with detailed questions on affordable housing delivery set out in Annex 1 of ID/1 will be addressed in the second part of the Council's response (BNES/2).

### **5.0 SCHEDULE OF PROPOSED CHANGES MARCH 2011**

#### **The Issue**

- 5.1 The issues raised are set out in paragraphs 23 to 29 and Annex 2 of ID/1.

#### **Council Response**

- 5.2 The schedule of proposed changes March 2011 (CD5/6) has not yet been the subject of any public consultation. The Council intends to divide this schedule into two revised schedules as requested by the Inspector, one setting out minor changes (covering matters of updating, clarification and correction) and the other outlining significant changes. In sorting out the schedules the Council will ensure that the changes have been made in a consistent and comprehensive way. The significant changes agreed in March may be supplemented by further significant changes

(relating to issues outlined elsewhere in this response) which will need to be approved by Council in September 2011. A composite schedule of all significant changes will then be published for consultation during autumn 2011.

## **6.0 OTHER MATTERS**

### **Flood risk & the sequential test**

6.1 The issues raised by the Inspector in paragraphs 30 and 31 of ID/1 will be addressed in the second part of the Council's response (BNES/2).

### **The Proposals Map**

6.2 The issues raised by the Inspector in paragraph 32 of ID/1 will be addressed in the second part of the Council's response (BNES/2).

### **Minerals**

#### **The Issue**

6.3 The issues raised are set out in paragraph 33 of ID/1.

#### **Council Response**

6.4 Whilst the Draft Core Strategy has a dedicated section on minerals (paragraphs 6.65 -6.69), there is no accompanying policy setting out the overall approach to minerals at a strategic level. It is acknowledged that there is now an obligation on all Mineral Planning Authorities to define Minerals Safeguarding Areas and that the Minerals Consultation Areas as shown on the existing Proposals Map reflect an outdated approach and now only relevant in the case of a two tier authority. In order to address the concerns expressed in paragraph 34 of ID/1 the following changes to the minerals section are to be considered:

- clarification that the Mineral Safeguarding Areas will relate to coal as well as other minerals
- highlight in the text the need to take into account the coalfield legacy and land stability
- the need to include a broad strategic minerals policy
- Any changes to the text to have the prior agreement of the Coal Authority

6.5 Any changes made to the Core Strategy in relation to this issue will need to be approved by Council in September 2011 before being published for consultation. The above response may be expanded upon in the second part of the Council's response (BNES/2).

## **Gypsies & Travellers & Travelling Showpeople**

### **The Issue**

6.6 The issues raised are set out in paragraph 34 of ID/1.

### **Council Response**

6.7 The draft Core Strategy currently confirms that the Local Development Framework must consider the accommodation needs of gypsies, travellers and travelling showpeople and it sets out criteria in Policy CP11 against which applications for such accommodation will be determined but it does not set out the strategic picture for the G&T DPD by identifying:

- the scale of needs
- the broad approach to be taken to accommodating needs
- how needs up to 2026 will be assessed

In order to address these concerns the following changes are being considered:

- Amendment to the text to refer to the scale of accommodation needs of gypsies, travellers and travelling showpeople established through the GTAA and to confirm that these needs will be met through identification and allocation of suitable and deliverable sites in separate Development Plan Documents.
- Changes to Policy CP11 to make it clear that identification of the sites to meet identified needs and future needs (when assessed) will use the same criteria already outlined in the policy.
- Reference in the text clarifying that the assessment of accommodation needs beyond 2011 (to 2026) will be achieved through a process of regularly reviewing and updating the GTAA.

6.8 Any changes made to the Core Strategy in relation to this issue will need to be approved by Council in September 2011 before being published for consultation.

6.9 The revised timetable for the Gypsy and Traveller DPD is set out in the [LDS review 2011-2014](#) agreed by the Council on 13 July 2011.

6.10 No permanent planning permissions for new pitches have been granted since 2006.

6.11 The above response may be expanded upon in the second part of the Council's response (BNES/2).

## **7.0 FURTHER PROGRESS**

7.1 In light of the need to properly consider the issues raised by the Inspector, the Council is requesting a delay to the hearings (see covering letter to this note) in accordance with the suggested revised timetable set out below.

**Revised Core Strategy Timetable Assuming Changes to Core Strategy in September**

1	Report to Cabinet	13 <sup>th</sup> July 2011
2	Council Informs Inspector of Cabinet Decision	15 <sup>th</sup> July 2011
3	Council to review issues raised by Inspector	July /August 2011
4	Full Council considers changes to Core Strategy	15 <sup>th</sup> Sept 2011
5	Consultation on Proposed Changes	19 <sup>th</sup> September to 21 <sup>st</sup> October
6	Council collates results of consultation	24 <sup>th</sup> to 28 <sup>th</sup> September
7	Inspector considers results of consultation & draw up questions	31 <sup>st</sup> October to 11 <sup>th</sup> November
8	Inspector gives all parties 3 weeks to respond to issues	14 <sup>th</sup> November to 2 <sup>nd</sup> December
9	Advertise start of Hearings	14 <sup>th</sup> November
10	Advertise PHM	14 <sup>th</sup> November
11	Pre – Hearings Meeting	13 December
12	Hearings	5 <sup>th</sup> January to 20 <sup>th</sup> January

7.2 If it is decided that changes to the Core Strategy are not appropriate, then there would be scope to reach the hearings more quickly but consultation is still required on the delegated changes already made by the Council.

**8.0 ANNEX 1 TO THE INSPECTOR’S NOTE ID/1**

**Stage 2 report**

8.1 In response to anomalies identified by the Inspector in A1 of ID/1 in the Future Housing Growth Requirements to 2026 Stage 2 Report, the Stage 2 Report will be amended as set out in table 1 below:

Table 1: Amendments to Future Housing Growth Requirements Stage 2 Report

<i>Paragraph 5.1.6</i>	There is no paragraph 1.6. The inspector is actually referring to paragraph 5.1.6. which indeed refers to paragraph 4.6.5. This is also referred to in paragraph 8.1 of the Stage 2 Report.  Paragraph 4.6.5 derives from an earlier draft version of the report, and its inclusion in the final report is a mistake. In this draft version, paragraph 4.6.5 refers to principle c, which in the final report, is described in <b>paragraph 5.1.5.</b>
<i>Paragraph 4.2</i>	Again, this is a mistake which originates from the draft version. Paragraph 4.2 should actually refer to principles A-D and be changed to look like this:  <i>The remainder of this paper deals with principles a) to <del>d</del> c): the setting of an overall planning total for housing in B&amp;NES up to 2026. The requirements of <del>e</del> d) must be met from a subsequent exercise which takes on board the results of the Strategic Housing Land Availability Assessment, an Appropriate Assessment under the Habitat Regulations and an SA/SEA and including a full programme of public consultation.</i>
Paragraph	Table A8 appears in the draft version of the report and relates to detail

A2.4	<p>in the SHMA. This table does not appear in the final report and so should not have been referenced.</p> <p>Table 10 is also from the draft version and shows the total housing requirement for the district to 2026. The final report contains this information in section 8, which arrives at a total of 11,600 dwellings (2006-26).</p>
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### **Economic Growth**

- 8.2 The issues raised by the Inspector in A2 to A4 of ID/1 will be addressed in the second part of the Council's response (BNES/2).

### **Housing**

- 8.3 The issues raised by the Inspector in A5 to A13 of ID/1 will be addressed in the second part of the Council's response (BNES/2).

### **Affordable Housing**

- 8.4 The issues raised by the Inspector in A14 and A15 of ID/1 will be addressed in the second part of the Council's response (BNES/2).

### **Bath**

- 8.5 The issues raised by the Inspector in A16 and A17 of ID/1 will be addressed in the second part of the Council's response (BNES/2).

### *Infrastructure & Delivery*

- 8.6 The issues raised by the Inspector in A18 of ID/1 will be addressed in the second part of the Council's response (BNES/2).

### **Transportation: Bath Transport Package**

#### **The Issues**

- 8.7 The questions raised by the Inspector in relation to the Bath Transport Package are set out in Annex 1 (A19 to A22) of ID/1.
- 8.8 At its meeting of 14<sup>th</sup> July the Council also agreed a number of changes to the Bath Transport Package funding bid. It was agreed that the following elements of the BTP should not be included in the Best & Final Bid to DfT:
- The Bus Rapid Transit (BRT) Segregated Route
  - The A36 Lower Bristol Road Bus Lane

- The A4 London Road Lambridge Bus Lane
- New A4 Eastern P&R (1,400 spaces), plus bus lane priority on the A4/A46 slip road
- Reduced size of the P&R expansion at Newbridge

As a result the BTP would comprise of the following elements:

- Upgrades to bus stop infrastructure on 9 service routes to Showcase standard, including raised kerbs for better access, off-bus ticketing to speed up boarding and real time passenger information
- Expansion of Odd Down P&R by 250 spaces, of Lansdown P&R by 390 spaces and of Newbridge P&R by about 250 spaces
- Variable Message signs on the main approaches to Bath, and within the city centre to direct drivers to locations where parking spaces are available
- City centre enhancement works: High Street improvements and timed access restrictions (currently ongoing) to improve conditions for pedestrians and cyclists
- Works to support Bath Western Riverside (BWR)

8.9 The implication of these changes to the Core Strategy are reflected and commented on in the response to the Inspector's questions below (in particular questions A21 and A22).

### **Council Response**

#### ***Compulsory Purchase Orders (CPOs)***

8.10 The CPO Inquiry for the BRT and Newbridge P&R expansion was anticipated to take place in September this year. However, on 13<sup>th</sup> July the Council's Cabinet agreed to formally withdraw the CPOs and therefore, the CPO Inquiry will no longer take place. The CPOs no longer need to be served to allow implementation of the BTP as the relevant elements (BRT Segregated Route and part of the Newbridge P&R expansion) are not going to be included in the Best & Final Bid ("the bid") to DfT. Land is available to accommodate a smaller expansion of the Newbridge P&R (to provide an additional 250 spaces) without the need for a CPO.

#### ***Bus Rapid Transit (BRT)***

8.11 References in the submitted Core Strategy to the BRT reflect the Local Transport Plan 3 (LTP3). However, following the Council decision to remove the BRT Segregated Route from the bid for the BTP, factual changes to the Core Strategy to ensure that it accurately represents the latest proposals will need to be proposed. It is anticipated that changes to the Core Strategy will be considered by Council in September and any changes published for consultation.

8.12 With regard to the BTP as a whole, references in the submitted Core Strategy are also consistent with locations and principles set out in LTP3. However, following the Council decision on 14<sup>th</sup> July the BTP funding bid has changed (see paragraph 8.8

above). These changes to the BTP will be incorporated into the planned refresh of LTP3 in 2012. Changes will also need to be proposed to the Core Strategy (see below).

***Implications of the changes to the Bath Package on the Core Strategy***

- 8.13 DfT funding totalling about £1bn is available and following an initial short listing process where schemes were accepted into a 'development pool' 45 bids are due to be submitted for funding totalling about £1.4bn. Therefore, most of the bids will be allocated funding. Following the Council's decision to remove some elements of the BTP from the bid the total cost has been reduced significantly from £58.8m to £34.3m (with the Council contributing up to £17.8m towards this cost). This means that the BTP is more deliverable given the reduced cost to DfT and the removal of the requirement for CPO.
- 8.14 As outlined in paragraph 8.8 above there are number of elements of the BTP that will no longer form part of the bid. The BTP is listed as essential infrastructure to support delivery of the spatial strategy for Bath. The Council considers that, for the reasons set out below, the spatial strategy will continue to be supported and delivered and its transportation impacts satisfactorily addressed with the amended BTP. However, it is acknowledged that some factual changes to the Core Strategy will need to be proposed to reflect amendments to the BTP and these will be considered by Council in September 2011.
- 8.15 The Core Strategy proposes a significant increase in the number of dwellings in Bath (6,000 between 2006 and 2026), as well as the provision of new commercial space to enable net job growth of around 5,700 jobs. This strategy seeks to at least stabilise commuting into and out from the city and may (subject to the proportion of new residents that work in the city) reduce current commuting levels. As such the opportunity for an increased proportion of journeys to work within the city is provided for by the strategy. These journeys will benefit from some of the measures that form part of the BTP e.g. upgraded bus stop infrastructure on nine service routes and, to a significant extent, other interventions proposed i.e. Greater Bristol Bus Network improvements (already funded and being implemented) and smarter choices plus improvements to walking and cycling infrastructure (as referred to in the submission Core Strategy, paragraph 2.45). Elements of the BTP now not included in the bid (East of Bath P&R and part of the Newbridge P&R expansion) will not affect these journeys and as such the implications for the spatial strategy for Bath are reduced.
- 8.16 There are a range of other public transport improvement measures that when implemented could result in equivalent transport benefits. The Council is undertaking further assessment work of these measures, which it is anticipated will demonstrate the transportation impacts of the spatial strategy can be satisfactorily addressed. The results of this assessment work will be available to inform debate at the Examination Hearings. With regard to the East of Bath P&R the Council is assessing other P&R site and integrated rail options. Table 2 below lists the relevant

other measures/solutions (including their current status) in relation to the individual elements of the BTP no longer forming part of the bid.

Table 2: Alternative transport measures to be assessed

<b>BTP measure no longer included in the bid</b>	<b>Relevant alternative solution/measure</b>	<b>Current status of alternative solution</b>
BRT Segregated Route	<p>Element of segregated route for BRT through BWR development can still be implemented</p> <p>Options to provide frequent and reliable bus link from western edge of city to BWR include improvements to A36 (Lower Bristol Road) bus services</p>	<p>BRT route between Windsor Bridge Road and Pines Way forms part of the planning approval for Crest's BWR development. Section 106 agreement associated with this approval will still provide £2m for public transport through the site</p> <p>Negotiations with other land owners to the east of the Crest site continue to seek the continuation of the BRT through to Green Park</p>
Reduced Newbridge P&R expansion and East of Bath P&R	Growing the local bus network with GBBN.	GBBN currently being implemented.
East of Bath P&R	<p>Growing the local bus network with GBBN.</p> <p>Improvements to diesel rolling stock on rail line linking Bath to Bradford-on-Avon and Trowbridge resulting in increased passenger capacity together with improved journey time and reliability</p>	<p>GBBN currently being implemented</p> <p>Rail line rolling stock improvements due to be implemented by 2016.</p>
East of Bath P&R	<p>Growing the local bus network with GBBN.</p> <p>Improvements to bus services in the short term on the A4 to Chippenham and improvements to bus services to Melksham.</p>	<p>There is a good fit with Wiltshire's Public Transport Strategy. Discussions with Wiltshire Council to commence.</p>
East of Bath P&R	Re-opening of rail stations in	Potential to add to the



	Wiltshire	specification for the GWR franchise commencing next year 2012. Discussions to commence with Wiltshire Council, Network Rail and rail operators.
Reduced Newbridge P&R expansion and East of Bath P&R	Increased capacity of local rail services travelling through Bath Spa rail station, improving attractiveness of rail travel increasing rail catchment area and making rail travel in to/out from Bath.	Electrification of the Great Western mainline to Bristol Temple Meads, via Bath Spa, is due to be completed by 2016. This will include improved signalling and higher train speeds that will facilitate additional train paths and a cascade of diesel rolling stock for local rail services.
Greater Bristol Metro	Enhanced half hourly clock face train services from Bristol to Westbury via Bath (supported by Wiltshire Council) plus new high capacity rolling stock.	Will be promoted as part of the GWR re-franchise.

8.17 In the event that the funding bid to DfT is unsuccessful the Council would still pursue the same transport strategy of reducing the impact of cars by improving the public transport alternatives (see paragraphs 8.15 & 8.16 and table 2 above). Since 2000, the Council has been successful in effecting a modal shift from car to other modes in Bath, with significant growth in use of P&R, cycling and rail travel, combined with a reduction in car trips into central Bath. In particular the Council would continue to take the opportunity of growing the P&Rs in number (and location). The Council recognise that the electrification of GWR will improve the accessibility of the City and allow a greater number of people to travel to work in the city as a vibrant economic centre. This important investment was only confirmed in a Ministerial statement by The Rt Hon Philip Hammond MP in March 2011 (see <http://www2.dft.gov.uk/press/speechesstatements/statements/hammond20110301.html>) after the publication of the Core Strategy. This therefore presents an improvement in public transport, fully in accordance with the Council's aims and objectives which helps to provide an answer to the Inspector's current concerns.

8.18 To pursue the Council's transport aims considerable resources will still be required, with or without the funding of the BTP. This funding will be found from the Council's own resources, developer contributions and opportunities for funding from Central

Government or Europe. The Council, with its West of England partners, continue to successfully bid to DfT for funding. The Council has recently received £750,000 from the Local Sustainable Transport Fund, part of a £5m award to the West of England, for promoting behavioural change. In addition, the Council is awaiting the result of the West of England's £25m major scheme bid for Local Sustainable Transport funding. The success of this bid should provide significant funding to encourage continued mode shift away from the car.

### ***Parking Strategy***

- 8.19 The Draft Bath Parking Strategy has not been approved by Members and is therefore, not yet publicly available. A programme for approval by Members and public release of the Parking Strategy is still being assessed in light of the need to amend it as a result of changes to the BTP. However, given the links between the BTP, the Parking Strategy and the Core Strategy, revisions to the Parking Strategy will need to inform proposed changes to the Core Strategy which will be considered by Council in September.
- 8.20 The Draft Bath Parking Strategy aims to meet national and local objectives for transport and land use, which broadly seek to protect the environment and promote economic growth. Parking policies form an integral part of LTP3; the Local Development Framework (including the Core Strategy and the Placemaking Plan); air quality targets; and implementation of the Public Realm and Movements Strategy (PR&MS) for Bath.
- 8.21 Conclusions emerging from the Draft Bath Parking Strategy have informed the assessment of the potential availability of some city centre car parking sites for redevelopment, through the Strategic Housing Land Availability Assessment and the Bath Economic Regeneration Delivery Plan. The Draft Parking Strategy is currently based on the assumed expansion of existing P&R sites and the provision of a new P&R site to the East of Bath as set out in the BTP prior to its amendment by Council on 14<sup>th</sup> July 2011.
- 8.22 As a result of changes to the BTP agreed by Council on 14<sup>th</sup> July 2011 the Draft Parking Strategy is currently being revised. Whilst this work is ongoing the Council considers that re-assessment is likely to show that the redevelopment of city centre car parking sites can still be supported as assumed in the preparation of the submitted Core Strategy.

### **Flood risk**

- 8.23 The issues raised by the Inspector in paragraphs A23 and A24 of ID/1 will be addressed in the second part of the Council's response BNES/2.

**9.0 ANNEX 2 TO THE INSPECTOR'S NOTE ID/1**

- 9.1 Regard will be had to the changes listed by the Inspector that 'appear not to be minor' in undertaking the work on the schedule of proposed changes outlined in paragraph 5.2 above.