

BATH AND NORTH EAST SOMERSET CORE STRATEGY EXAMINATION**BATH AND NORTH EAST SOMERSET COUNCIL RESPONSE TO INSPECTOR'S NOTE ON THE CONSULTATION ON THE PROPOSED CHANGES TO THE SUBMITTED CORE STRATEGY (ID/31)****1.0 INTRODUCTION**

- 1.1 Following confirmation from the Council that the consultation on the Proposed Changes to the Submitted Core Strategy would take place between 26th March and 8th May 2013 the Inspector sent a note to the Council seeking clarification on a number of issues (ref. ID/31). This document is the Council's response to these issues.
- 1.2 The Inspector makes it clear that the response to his questions should be made publicly available as much of the information will be of relevance and assistance to those wishing to make further representations during the consultation. Whilst the Council was not in a position to publish this response at the start of the consultation period, it should be noted that it has been published within the consultation period on the Proposed Changes to the Submitted Core Strategy and that all of the information referred to in this response has been publicly available during the consultation period.

2.0 PROGRAMME AND PROCESS FOR MAKING REPRESENTATIONS AVAILABLE TO THE INSPECTOR

- 2.1 Consultation on the Proposed Changes to the Submitted Core Strategy closes on 8th May. It should be noted that due to the need for an amendment in the Schedule of Changes consultation on one specific issue has been extended to 22nd May. This amendment is to part of the Proposed Changes (ref. SPC 88 and 89) relating to the proportion of affordable housing to be sought at land adjoining Odd Down and land adjoining Weston set out in planning requirement a) in Policies B3A and B3B. The Council still anticipates making the schedule of representations received available to the Inspector by the end of May.
- 2.2 The Council will prepare a schedule of representations received on the Proposed Changes to the Submitted Core Strategy in the same format as those prepared previously for the hearings in early 2012. The representations will be set out in Proposed Change order (and therefore, Plan order). As requested by the Inspector this will ensure that the comments relating to each of the Green Belt locations will be grouped together. The schedule will also enable those respondents wanting to be heard at the hearings to be identified helping to inform the structure of a draft hearing programme.

3.0 EVIDENCE STUDIES

3.1 Given the range of new studies undertaken to inform the Proposed Changes to the Submitted Core Strategy the Inspector wants to be clear how the new studies relate to studies that were undertaken to support the Submitted Core Strategy.

3.2 The new evidence studies that have informed the Proposed Changes to the Submitted Core Strategy have been publicly available during the consultation period and can be found on the Council's website at:

http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/Core-Strategy/ProposedChanges/scspc_background_evidence.pdf

3.3 Attached to this note as Annex 1 is a schedule setting out:

- Any previous documents which the new studies replace; or
- if not replacing a previous document how the new study relates to a previous one

4.0 STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT (SHLAA)

4.1 The information requested by the Inspector regarding the sites that have been added or removed from the previous version of the SHLAA and the reasons for changes in capacity/delivery trajectory is principally set out in the SHLAA Findings Report (March 2013). The Findings Report outlines the locations that the Council has decided to release from the Green Belt and sites in the Somer Valley as suitable for development. It also lists a number of new sites such as Bath Press and Twerton Park. Furthermore, it sets out an update on key issues in respect of deliverability e.g. the use of RIF in relation to sites in the Bath Enterprise Area (see also section 5 below). The Findings Report (March 2013) is available here:

http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/Evidence-Base/SHLAA/shlaa_2013_findings_report.pdf

It should be noted that the Council intends to publish an updated SHLAA Findings Report in May 2013 following the annual routine April survey and other imminent releases of information (see paragraphs 4.2 and 4.3 below).

4.2 In addition to the Findings Report (March 2013) the following points should be noted:

- (1) a number of sites in the centres of Radstock and Midsomer Norton have been removed from the identified supply on account of uncertainty regarding their

future availability and deliverability. These are listed in the Somer Valley sheet of the housing delivery trajectory between rows 63-74.

- (2) the Council has reassessed the windfall allowance for small sites (<10 units) in light of NFFF, para 48. This assessment is presented in the SHLAA Findings Report. To date the evidence relates to historic delivery rates and this will be supplemented with evidence in relation to the rate of replenishment of the stock of permissions, once the update to the SHLAA is published in May 2013.
- (3) a number of planning applications for large housing sites in the Somer Valley, at Whitchurch and at Saltford will be heard at the May 8th Development Control Committee. The May update to the SHLAA Findings Report will report on the outcome for these applications and the housing delivery trajectory will be updated if necessary.

4.3 In addition the Council is currently compiling housing completions and permissions data for 2012/13 and housing commitments data from April 1st 2013. This will result in a further version of the housing delivery trajectory being published in May and will be reflected in the May update to the Findings Report. This will form the most up-to-date assumptions regarding 5 year land supply matters to form the basis for discussions at the Examination hearings once they resume.

5.0 WINDSOR ROAD GAS HOLDER AND BATH UPSTREAM FLOOD COMPENTATION SCHEME

5.1 The Inspector has asked for the current position to be outlined in respect of the Windsor Road gas holder and the Bath upstream flood compensation scheme.

5.2 The up-to-date position on both these schemes was highlighted in the 4/3/13 Council report when changes were agreed to the Core Strategy. The West of England Local Economic Partnership (LEP) has secured funding from the Regional Growth Fund for a Revolving Infrastructure Fund (RIF) programme. The initial focus of the RIF will be the Bristol Enterprise Zone and the four Enterprise Areas (EA) agreed across the West of England, including the Bath EA. B&NES Council has submitted a package of bids to the LEP for RIF funding to enable obstacles to development in the Bath EA to be removed. This package of bids includes:

- Decommissioning and decontamination of the Windsor Gas Station: to enable removal of the HSE restriction on development at Bath Western Riverside and other sites in the Windsor Bridge area.
- The construction of a new road and pedestrian bridge to replace the Destructor Bridge at BWR: to provide access to the BWR western site.
- The provision of flood mitigation works for the enterprise area, comprising river and landscape works between Churchill Bridge and Midland Bridge.

- 5.3 The funding bids and the process and programme of delivering these schemes have progressed since the Examination hearings in 2012. The latest position is set out in a Report to Council's Cabinet in April of this year. The Report is available on the Council's website at:

<http://democracy.bathnes.gov.uk/documents/g3646/Public%20reports%20pack%2010th-Apr-2013%2018.30%20Cabinet.pdf?T=10>

A brief update in relation to the Windsor Road gas holders and Bath flood mitigation scheme is set out below.

Windsor Road Gas holder

- 5.4 Following the submission of the package of bids for RIF funding Cabinet in April has agreed to enter into a contract with the LEP for funding for the three priority projects referred to in paragraph 5.1 above. In addition Cabinet has agreed to enter into a contract with Crest to use the RIF for de-commissioning of the gas holder on the basis of a loan for a maximum of 5 years. The scheme delivery arrangements and programme are also set out in the Report to Cabinet (including Appendices A and B).

Bath Upstream Flood Compensation Scheme

- 5.5 Following the Hearings, more detailed hydrologic modelling was prepared for the Council by Black & Veatch (B&V). It confirms that the principal impact of raising key development sites along the river corridor is a loss of flow conveyance, rather than a loss of flood storage. To provide flood storage that would actually reduce peak flows in Bath would require a volume that is in excess of 10 million cubic metres and would need to be on land that currently does not flood. No suitable sites of this size are available upstream and therefore upstream storage is no longer being considered as part of any flood mitigation measures for these development sites.
- 5.6 Instead of upstream storage for these development sites, B&V has investigated the provision of compensatory flow conveyance along the river corridor and concluded that the provision of compensatory flow conveyance at several locations would mitigate the increase in flood risk as a result of the loss of floodplain conveyance by excluding floodplain flow from the development sites. It recommends, where necessary, to raise all the development sites and the access/egress routes (or raise defence walls). In summary;
- All key development sites (including housing and employment mixed use sites) to be raised to make new development safe and provide conveyance mitigation measures to compensate for lost conveyance capacity.

- Lower Bristol Road: Improve defence walls and provide conveyance mitigation measures to provide safe access/egress. Provide surface water management scheme.

5.7 The findings are presented in **B&V Bath Flood Risk Management Project: Technical Note (Feb 2013)** and development sites considered include all key employment and SHLAA sites and are shown in Appendix A. The work was endorsed by the EA (see Bath Flood Risk Management Project - Letter of Compliance). Both the B&V Technical Note and EA endorsement letter have been publicly available during the consultation period and are available on the Council's website at:

http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/Evidence-Base/Flood-Risk/bath_frm_project_technical_note.pdf

http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/Evidence-Base/Flood-Risk/bath_frm_project_compliance.pdf

5.8 In relation to funding, the provision of flood mitigation works was approved as a Capital Project in the 2013/14 Capital Programme and as set out above in April the Council's Cabinet authorised the Strategic Director for Place to enter into contracts with the LEP for RIF funding agreements.

5.9 Regarding the potential upstream compensatory storage work, there may be other development sites that come forward in the future which may result in a noticeable effect from loss of flood storage if they were raised above flood level. Whilst this scheme is not required as part of this phase of works it is considered sensible to keep the area of search for location of Flood Mitigation in the key diagram.

6.0 PROPOSED CHANGES TO THE GREEN BELT – NPPF, PARAGRAPH 83

6.1 The Inspector has asked the Council to explain how its proposed changes to the Green Belt have taken into account the 3rd sentence of NPPF paragraph 83 - boundaries capable of enduring beyond the plan period.

6.2 The Proposed Changes to the Core Strategy identify the locations where land will be removed from the Green Belt for development through the Placemaking Plan which is under preparation alongside the Core Strategy. As such the Core Strategy does not re-define the new detailed Green Belt boundary. This will be done through the Placemaking Plan in accordance with the policy set out in the NPPF, paragraph 85.

- 6.3 The identification of locations where land will be released from the Green Belt for development was informed by a range of evidence, including the Stage 1 Green Belt Review Report. This review assessed the extent to which various land parcels serve the purposes of the Green Belt, as set out in national and local policy, and within the context of the original reasons for the designation of the Bristol and Bath Green Belt. The Report on 'Changes to the B&NES Core Strategy' considered by Council on 4th March 2013 makes a high level consideration of the safeguarded issue and gives a conclusion in relation to each location (see section 5 of Annex 1).
- 6.4 In order to ensure that the revised Green Belt boundary defined in the Placemaking Plan will not need to be altered at the end of the plan period consideration of whether land should be safeguarded to provide for longer term development needs is necessary. As set out in the Report to Council on 4th March 2013 (Annex 1) the Council has considered carefully the scale of development that is appropriate at each of the locations and whether there is scope to consider the identification of safeguarded land for longer term development.
- 6.5 In both locations on the edge of Bath (adjoining Odd Down and Weston) identified in the Proposed Changes to the Core Strategy for the release of land from the Green Belt for development the Council considers that there is no scope for longer term development. This is primarily because the scope for development is limited due to significant environmental impacts, including on the World Heritage Site and its setting and the Cotswolds AONB. Therefore, in defining a revised detailed Green Belt boundary the Placemaking Plan will not be considering the identification of safeguarded land.
- 6.6 At Keynsham the Council considers that at the location on the eastern side of the town there is no capacity for longer term development and therefore, the Placemaking Plan will not consider the identification of safeguarded land. This is because land in this location is of significant importance to the Green Belt. As set out in the Stage 1 Green Belt Review undertaken by Arup (available as part of the supporting evidence throughout the consultation period) land in this area is of high importance in Green belt terms as it lies directly in the Green Belt corridor between Bristol, Keynsham, Saltford and Bath (fundamental to the reasons behind the designation of Bristol and Bath Green Belt) and it prevents the merger of Bristol, Bath and Keynsham.
- 6.7 On the south west side of Keynsham the Report to Council confirms that it is considered that there may be scope for longer term development. This issue, including whether land should be safeguarded between the edge of the built-up area of Keynsham and the revised detailed Green Belt boundary should be safeguarded to meet long term development needs, will be assessed through the Placemaking Plan.

Similarly, at Whitchurch the Council also considers there may be scope for development in the longer term. Again this issue, including the identification of safeguarded land, will be examined through the Placemaking Plan.

7.0 DRAFT SCHEDULE OF POTENTIAL MAIN MODIFICATIONS

- 7.1 As requested by the Inspector and for his use once the Examination resumes a draft schedule of potential Main Modifications, bringing together the composite text of all the various extant changes necessary for soundness and the composite text and diagrams of the whole Core Strategy, is being prepared by the Council in accordance with the Inspector's notes (see ID/29). This schedule will be supplied to the Inspector at the end of May alongside the schedule of representations on the Proposed Changes to the Submitted Core Strategy. This will ensure that there is no confusion to consultees/respondents during the period of public consultation. Respondents should be considering and submitting representations on the Schedule of Proposed Changes that is currently publicly available.

APPENDIX 1

B&NES Core Strategy: New Background Papers

Introduction

This schedule lists all new evidence and studies which have been produced to underpin the Proposed Changes to the Submitted Core Strategy. The relationship with previous studies is indicated in the adjoining column. Please note that the Sustainability Appraisal and the Habitats Regulations Assessment of the Proposed Changes have not been included in this list.

New Background Papers		Commentary
Concept Option Reports		
	Extension to MoD Ensleigh (13.9 MB) . This is supported by the Ensleigh Landscape and Visual Impact Study (29.5 MB) , Ove Arup & Partners Ltd (April 2013)	NEW
	Land adjoining East Keynsham (12.8 MB)	NEW
	Land adjoining Odd Down (14.5 MB) . This is supported by the Odd Down Landscape and Visual Impact Study (30 MB) , Ove Arup & Partners Ltd (April 2013), Ove Arup & Partners Ltd (April 2013)	NEW
	Land adjoining South East Keynsham, south of K2 (11.1 MB) , Ove Arup & Partners Ltd (April 2013)	NEW
	Land adjoining Uplands, Keynsham (6 MB) , Ove Arup & Partners Ltd (April 2013)	NEW

Land adjoining West Keynsham (11.9 MB) , Ove Arup & Partners Ltd (April 2013)	NEW
Land adjoining Weston (13.8 MB) . This is supported by the Lower Slopes of Weston Landscape and Visual Impact Study (29.5 MB) , Ove Arup & Partners Ltd (April 2013)	NEW
Land at Hicks Gate, Keynsham (15.7 MB) , Ove Arup & Partners Ltd (April 2013)	NEW
Land at Whitchurch (19.7 MB) , Ove Arup & Partners Ltd (April 2013)	NEW
Land to the West of Twerton (13.8 MB) , Ove Arup & Partners Ltd (April 2013)	NEW
MoD Concept Statements, Bath & North East Somerset Council (September 2012) <ul style="list-style-type: none"> • Ensleigh (1.3 MB) • Foxhill (0.6 MB) • Warminster Road (0.8 MB) 	NEW
World Heritage Site	
World Heritage Setting SPD, Bath & North East Somerset Council (2012) <ul style="list-style-type: none"> • Consultation Draft (May 2012) (10.4 MB) • Cabinet Report (November 2012) (0.06 MB) • Cabinet Meeting Minutes approving the changes to the SPD (November 2012) (0.7 MB) <p><i>Note finalised SPD anticipated to be ready by end of May 2013</i></p>	Supersedes: CD6/O1 World Heritage Site Setting Study - Information Paper (October 2009)
Environment	
Bat Walkover Survey and Assessment Report - Weston Slopes/Sulis	NEW

	Manor (1.2 MB) , Bat Pro Ltd (February 2013)	
	Green Belt Review (Stage 1) (1.7 MB) , Ove Arup & Partners Ltd (2013)	<p>Supersedes:</p> <p>CD3/16 West of England Joint Study Area Second Report – Appendix 18: Strategic Appraisal of Green Belt in the West of England (2006)</p> <p>CD3/17 Strategic Green Belt Review: Final Report; Appendices 1 to 3; Appendix 4; Appendix 5; Appendix 6; Appendix 7; Appendix 8; Appendix 9; Appendix 10; Appendix 11</p> <p>Where relevant the Green Belt Review (Stage 1) (Ove Arup & Partners, 2013) compares its assessment of land cells with the assessment in Strategic Green Belt Review for SWRA (Colin Buchanan & Partners, 2006) (CD3/17).</p>
Housing		
	Affordable Housing Viability Study (10 MB) , Andrew Golland Associates (December 2012)	<p>Supersedes:</p> <p>CD4/H8 Viability Study Three Dragons (June 2010)</p>
	Gypsy and Traveller Accommodation Assessment (1 MB) Opinion Research Services (December 2012)	<p>Supersedes:</p> <p>CD4/H10 West of England Gypsy & Traveller Accommodation Assessment (WoE GTAA) and Appendices, Buckinghamshire Chilterns University College (October 2007)</p>
	Strategic Housing Land Availability Assessment (March 2013), including Findings Report, Appendix 1 (sites assessments and plans) and Appendix 2 (housing trajectory) Bath & North East Somerset Council (March 2013)	<p>Supersedes:</p> <p>CD4/H6 Strategic Housing Land Availability Assessment (SHLAA) – Findings Report, B&NES (December 2010)</p>

		<p>CD4/H13 Strategic Housing Land Availability Assessment Findings Report Version 2.1 (May 2011)</p> <p>CD4/H14 Strategic Housing Land Availability Assessment Findings Report Version 2.1 Appendices (May 2011)</p> <p>CD4/H14a Strategic Housing Land Availability Assessment Findings Report Appendix A to 1b (Bath Green Belt)</p> <p>CD4/H16 Strategic Housing Land Availability Assessment (SHLAA) Update Note (November 2011)</p> <p>CD4/H18 SHLAA Housing Trajectory April 2012</p>
	<p>Strategic Housing Market Assessment (SHMA) (2.4 MB), Opinion Research Services (February 2013)</p>	<p>Supersedes:</p> <p>CD4/H11 West of England Strategic Housing Market Assessment (SHMA), West of England Partnership/ Professor Glen Bramley (June 2009)</p>
Flood Risk		
	<p>Bath Flood Risk Management Project - Letter of Compliance, Environment Agency (February 2013)</p>	<p>NEW</p>
	<p>Bath Flood Risk Management Project - Technical Note, Black & Veatch (January 2013)</p>	<p>NEW (see paragraphs 5.4 – 5.8 of the above)</p>
	<p>Flood Risk and Sequential Test Update, Bath & North East Somerset Council (March 2013)</p>	<p>This paper updates the Sequential/Exception Test report for the Draft Core Strategy Publication Version (Nov 2010) and sets out how the sequential test was applied to test the scale and locations of new residential development to inform the Proposed Changes to the Submitted Core Strategy.</p> <p>CD6/O6 Interim Sequential and Exception Tests for</p>

		<p>Strategic Sites - Information Paper (December 2009)</p> <p>CD6/D2 Draft Core Strategy Information Paper - Flood Risk Sequential and Exceptions Test (November 2010)</p> <p>CD6/D3 Flood Risk Sequential and Exceptions Test Appendix B - Part 1 (November 2010)</p> <p>CD6/D4 Flood Risk Sequential and Exceptions Test Appendix B - Part 2 (November 2010)</p>
Economy		
	<p>Economic Growth Report (0.09 MB) Bath & North East Somerset Council (February 2013)</p>	<p>Supersedes Section 2 of the following:</p> <p>CD4/E10 Smart Economic Growth for B&NES – Achieving a Higher Growth Economic Scenario to 2026, GWE Business West (May 2011)</p> <p>Note: Section 2 included three possible growth scenarios for 2006-2026. The new Feb 2013 report relates to 2011-29 and forms the Council’s new economic growth scenario. Economic Development Team currently preparing a supplementary explanatory report. Much of the remainder of the report remains relevant as it focuses on the actions required to enable the LEPs growth aspiration in BANES</p> <p>The following remain relevant as they focus on the means of enabling/supporting LEPs economic growth aspiration in BANES.</p>

		<p>CD4/E9 Smart Economic Growth Cabinet Report, B&NES (November 2010)</p> <p>CD4/E15 Delivering Sustainable Economic Growth (Report to Cabinet, 9 November 2011)</p> <p>CD4/E16 Delivering Sustainable Economic Growth Appendices to Report to Cabinet, 9 November 2011</p>
Infrastructure		
	<p>Infrastructure Delivery Plan (6.6 MB), Bath & North East Somerset Council (February 2013)</p>	<p>Supersedes:</p> <p>CD4/I1 Infrastructure Delivery Programme, B&NES (December 2010)</p> <p>CD4/I2 Infrastructure Delivery Programme update, B&NES (April 2011)</p> <p>CD4/I6 Infrastructure Delivery Programme, B&NES (November 2011)</p>
	<p>Transport Evaluation Report, Ove Arup & Partners Ltd (February 2013)</p> <ul style="list-style-type: none"> • Main Report (7.7 MB) • Appendix A: Land adjoining Weston Evaluation (1 MB) • Appendix B: Land adjoining Odd Down Evaluation (0.8 MB) • Appendix C: Extension to MOD Ensleigh Evaluation (0.6 MB) • Appendix D: Land to the West of Twerton Evaluation (0.6 MB) • Appendix E: Land adjoining East Keynsham Evaluation (0.8 MB) • Appendix F: Land adjoining South West Keynsham Evaluation (0.2 MB) • Appendix G: Uplands Evaluation (0.6 MB) • Appendix H: West of Keynsham Evaluation (0.6 MB) 	<p>Read alongside:</p> <p>CD6/D5 Transport Modelling Technical Note, B&NES (January 2011)</p> <p>Note: The Transport Modelling Technical Note summarises the transport modelling that was undertaken to support the preparation of the Core Strategy and is based on a number of development scenarios reflecting the then emerging RSS (draft RSS and Sec of State’s Proposed Changes) and the Submitted Draft Core Strategy.</p> <p>The Transport Evaluation Report (Ove Arup & Partners, 2013)</p>

	<ul style="list-style-type: none"> • Appendix I: Hicks Gate, Keynsham Evaluation (0.7 MB) • Appendix J: Land at Whitchurch Evaluation (0.7 MB) • Appendix K: ACCESSION Maps: Walking and Cycling (29 MB) <p>Appendix L: ACCESSION Maps: Public Transport (26 MB)</p>	<p>assesses the transport implications of the development proposed in the Proposed Changes to the Submitted Core Strategy, including development at the various alternative greenfield locations investigated through this work. The Transport Evaluation Report is not based on new transport modelling that would have superseded that previously undertaken and reported on via the Transport Modelling Technical Note.</p>
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