

**BANES
CORE STRATEGY DPD
EXAMINATION**

DAY 3

**Issue 2 Sub Matter:
Bath Spatial Area**

HEARING DATE:

THURSDAY 19 JANUARY 2012

STATEMENT

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For

The Duchy of Cornwall

December 2011

Executive Summary: Test of Soundness

PPS12 sets out the principal components to be included in local spatial plans.

Paragraph 4.42 of the PPS requires that in order to be “sound” a core strategy should be justified, effective and consistent with national policy.

PPS3 sets out the specific outcomes that the planning system should deliver. It also sets out a requirement for development plans to take into account evidence of current and future levels of need and demand for housing and affordability levels based upon, inter alia, local and sub-regional evidence of need and demand as set out in SHMAs. This duty to cooperate is carried forward under Part 6 (Sec.110) of the Localism Act 2011, the requirements of which may come into play if further preparation and/or consultation is likely.

In order to be justified the Core Strategy (CS) must be founded upon a robust and credible evidence base and represent the most appropriate strategy when considered against the reasonable alternatives. Effective means that the document must be deliverable, flexible and able to be monitored.

For the reasons set out in our submissions, we are of the view that the Core Strategy fails the following PPS12 tests of soundness:

Justified

The suggested approach to (i) establishing a housing requirement (ii) housing delivery; and (iii) distribution does not represent the most appropriate strategy when considered against the reasonable alternatives.

Effective

The approach to addressing housing, employment and growth related needs has not been demonstrated to be either deliverable or flexible.

Consistent

The proposals are not consistent with national policy in that they fail to provide a sufficient supply of deliverable/developable housing land.

The draft CS should be amended in accordance with our detailed representations.

In accordance with our recommendations we are of the view that additional technical work is required to be undertaken in relation to the Green Belt and the District-wide scale of provision for jobs and housing. This would need to be followed by a further round of public consultation and re-examination of the changes before the plan could be found sound.

Summary of Representation

- 1.1. For the reasons set out in our detailed representations submitted in response to the submission draft CS and the subsequent Significant Changes consultation, we are of the view that the CS is unsound. We expand upon our reasoning below.
- 1.2. As set out in our Issue 1 and 2 Statements, the Council's approach to the overall amount of housing to be met during the plan period is neither justified or effective in so far as it fails to represent the most appropriate strategy when considered against the reasonable alternatives and nor does it provide either a deliverable or flexible strategy.
- 1.3. Even at the level of housing growth proposed in the submission draft CS, we remain to be convinced that the components of supply relied upon by the Council are deliverable (within five years) and/or developable at the point envisaged. This is particularly the case in relation to this hearing session having regard to delivery concerns within the Bath urban area.
- 1.4. The CS sets out unrealistic and unreasonable delivery assumptions in relation to the Western Riverside and MOD sites.

Statement of Case

Q4.1 to 4.7 – Western Riverside

- 1.5. Our Issue 2 Statement expands upon our concerns relating to the delivery of the identified sites within the Western Riverside and we rely upon the content of that Statement for this hearing session.
- 1.6. As the Inspector will be aware, outline planning permission for the redevelopment of the Western Riverside site (SHLAA ref Wes1) to provide for a mixed use development comprising 2,281 dwellings, student accommodation and commercial uses was granted on 23 Dec 2010 under LPA Ref 06/01733/EOUT.

- 1.7. The permission includes a total of 75 conditions, many setting out trigger points requiring certain works to be undertaken prior to the commencement of development. This includes condition 12 which prevents the occupation of development within the Inner or Middle Consultation Zones as shown on the Health and Safety Executive Plan attached to the permission until the Gas Holder Station has been permanently decommissioned. In addition, conditions 10 and 11 require all of the land owners to enter into a s106 agreement to bind the land to the planning obligations secured under the outline consent. Other trigger points, whilst not uncommon, require infrastructure to be provided at certain stages of the development.
- 1.8. Proposed Changes 20 and 29 now refer to the decommissioning and removal of the Gas Holder Station as part of the redevelopment of the site. In response to the Inspector's Q4.3, it is clear from condition 12 imposed upon the outline consent that the Gas Holder Station must be decommissioned and removed prior to occupation of the development. This wording should be reflected in a revision to PCs 20 and 29 given that the current wording requiring the matter to be "addressed as part of the redevelopment" does not convey, to our satisfaction, the constraint imposed by the permanence of the Gas Holder Station. Moreover, there is likely to be a substantial cost in undertaking the associated decommissioning, remediation and removal works (Topic Paper 8, paragraph 17) where a figure of £11m is suggested.
- 1.9. We have not seen any evidence from the LPA setting out a programme for the required works and this is a matter upon which we welcome a discussion at the Examination. Moreover, and as highlighted by the Inspector, we are unclear whether what, if any, funding arrangements are in place.
- 1.10. Comparing the outline masterplan approved at the outline stage, with the Inner and Middle Consultation Zones shown on the Health and Safety Executive Plan attached to the consent implies that, other than the Phase 1 Scheme for 299 dwellings granted under LPA Ref 06/04013/EFUL, no further development can be occupied until the decommissioning and removal of the three gas holders has been completed. Accordingly, and in the absence of a timescale for the removal of the gas works, there can be no certainty on which to expect any further development. This could lead to further delays.

- 1.11. As to the associated flood risk relating to planned development with the Western Riverside and the proposed upstream flood storage facility, this matter has been addressed in our Issue 2 Statement on which we rely in responding to this matter.

Q4.8 – The MOD Sites

- 1.12. The MOD sites will need to be planned at the outset, including in relation to informing the disposal values. Accordingly, there is little scope for a future contingency to delivery additional dwellings/development.
- 1.13. As to the anticipated delivery rates from the three sites, the LPA suggest a capacity of 1,200 dwellings, whilst the MOD's own Disposal Strategy document (Oct 2011) suggests a lower capacity of only 970 dwellings. Again, we have addressed this matter in our concerns about delivery as set out in our Issue 2 Statement. Moreover, the redevelopment of these sites, will result in loss of employment which matter may need to be addressed through mixed use development of the sites.

Q5.1 to 5.7 – Bath Transport

- 1.14. The proposals for improvements to public transport in the City are subject to uncertainty at the time of writing. It is clear that public transport provides the key to a sustainable future for Bath. The best way to achieve this is by concentrating development in and around the City and securing a package of feasible improvements in association with planned development.

Q6.4 and 6.5 – World Heritage Site (“WHS”)

- 1.15. We have taken this opportunity to comment generally upon the status and setting of the WHS, including in relation to the perceived impact of additional development in the form of an urban extension following a review of the Green Belt at Bath, which matter was assessed as being acceptable by the RSS Panel. Indeed, the Panel commented that consideration of an urban extension represents part of the “on-going evolution of the city and its environs” (CD3/5, paragraph 4.1.49).
- 1.16. Paragraph 4.1.51 of CD3/5 concludes that provision for 1,500 dwellings should be sought in the area to the south west of the Bath urban area. Work

undertaken in support of the CS identifies land at West of Twerton to provide for an urban extension.

- 1.17. A report prepared by the Prince's Foundation was submitted at Annex 3 to our representations upon the Proposed Changes consultation and considers the landscape and heritage impact of providing for development on land to the west of Twerton in the form of an urban extension. It also responds to the representations made by English Heritage and Natural England in relation to the urban extension option.
- 1.18. The Heritage and Landscape Review states, in relation to the setting and character of Bath that the urban extension provides the opportunity to address and enhance the entrance to the city whilst the masterplan proposals confirm that development of the site (located outwith the AONB) can preserve the key landscape features of the site.
- 1.19. Any adverse impact arising from a planned urban extension to the south west of Bath needs to be weighed in the planning balance against the sustainability merits of the proposal and providing for an adequate supply of housing land as well as employment opportunities.
- 1.20. Based upon the reasons summarised above and detailed in the accompanying reports and evidence base prepared in support of the urban extension proposal, the west of Twerton option is satisfactory and would not have an adverse impact upon the setting of Bath.
- 1.21. Our observations in relation to the WHS of Bath and the application of the CS to its preservation are summarised below.
 - We note in particular that the WHS designation simply follows the original administrative boundary of Bath City rather than reflecting any well found analysis of Georgian development and the setting and view of the same.
 - Following visual analysis the Integrity of the WHS is seriously compromised in parts of the city and less so elsewhere, but nowhere is fully intact. The Advisory report which underpinned designation as a WHS site (ICOMOS 1987) stated 'The safeguarding of a major and discontinuous monumental heritage poses serious problems which cannot be avoided'. Recognition that the heritage asset is discontinuous has

been conveniently overlooked. Specific areas having OUV have not been identified and failure to do so has led to a blanket approach to policy development.

- Particular concern is raised regarding current development policies relating to the river corridor which is a major feature in historical depictions of the City throughout the Georgian and early Victorian period.
- The widely drawn boundary of the WHS for Bath is disproportionate when compared to how other World Heritage Cities are administered. It is also anomalous and incoherent, for example excluding Sham Castle but including modern Twerton and Weston. Only 1/10th of present-day WHS city is of Georgian origin.
- Concern to protect the rural interface of the WHS /City boundary and development of WHS Setting policies represents a displacement from the core heritage asset and protection of the OUV. Only 5.8% of the current WHS boundary reflects the Georgian development of the City. This raises questions about the heritage sensitivity of the WHS boundary and authenticity of the proposed setting.
- The active planning policies and active consents to redevelop the River Corridor miss a major opportunity to sustain and improve the understanding of the WHS and at the same time adversely impact on the OUV. Key Georgian buildings were situated in a dialogical relationship with other buildings and landscape on the opposing valley side making development in the river corridor highly sensitive to intrusive building design. Contrary to B&NES emerging building height policies, and tall buildings (whilst a familiar part of the Georgian architectural repertoire on slopes) presents substantial and significant threat to the OUV. Intensively scaled riverside development could have a far more deleterious impact on the WHS than an urban extension on slopes that follows appropriate design precedents for building in Bath.
- The lack of an integrated landscape and tree management plan is damaging the WHS by a number of measures, principally by allowing key intervisibility of key features to be obscured by lack of management. There are other cases where additional strategic landscaping could be beneficial.

1.22. Our submissions confirm that the provision of an urban extension to the west of Bath will not have an adverse impact upon the setting or designation of the WHS.
