

Issue 2 Bath Spatial Area

Inspectors Question 4.1

The delivery of the planned housing for Bath requires consideration of:

- the overall scale of housing numbers and whether this is adequate.
- the timing or phasing of that housing delivery compared to the overall strategy.
- the planned housing numbers likely to be delivered during the Plan period.
- the type and nature of that planned housing in order to satisfy the objectives of the Plan.

The adequacy of the planned housing numbers is addressed in the PS Issue 1 and the submission by Baker Associates. As it is our position that substantially more houses are needed in Bath than currently provided in this Plan, it follows that the Plan as drafted, will fail to deliver adequate housing.

The timing or phasing of housing delivery is discussed in PS Issue 2 SHLAA. We conclude that the planned delivery as set out in the SHLAA Trajectory will provide a continued shortfall in housing to the City of Bath up until 2021. The planned provision of most housing outside of Bath during this period, will increase in-commuting to the City, contrary to the objectives of the Plan. The overall delivery to achieve the planned housing numbers in Bath is loaded to the end of the Plan period. The Plan has no flexibility to allow other locations in the City to come forward and address the growing shortfall and if such sites encounter technical difficulties the Plan will not be capable of delivery.

Considering the deliverability of the strategic sites in the Bath, we have already touched upon the difficulties of those broad locations in the River Corridor dependant upon 'upstream flood compensation' and upon the significance of this. It is our view that this alone is sufficient to make the CS unsound, especially as there is no flexibility to provide alternative supply.

Turning to the delivery of other significant locations in the CS, ref. Policy B1 3a Housing, the BWR site and the MOD sites make up the majority of new planned housing of approximately 3,500-4,000 homes.

Given the significance of these sites, they also have a substantive contribution to make to affordable housing delivery in Bath (Policy CP9 states that “*an average affordable housing contribution percentage of 35% will be sought on these large development sites*”). HFT will point out in its PS on Affordable Housing, that BWR will fall well short of this policy requirement with major consequences for affordable housing delivery.

As described below, there are considerable technical and assembly problems associated with BWR site, which make the assumptions in the SHLAA Trajectory unreliable.

Inspectors Question 4.2 /4.3

Bath Western Riverside BWR

Rep. HFT 3 to the dCS addressed a potentially significant impediment to the delivery of BWR beyond Phase 1a. This threatens the delivery of over 2,000 houses at the site, despite the grant of Outline Consent on 23/12/2010. The location of the Windsor Gas Holder within the BWR site means that no residential development can take place within the zoned areas covering most of the BWR site.

The reality of the Windsor Gas Holder, was that it was largely ignored by Council officers when reporting upon the planning applications in 2010 and publishing the SHLAA in Dec 2011(CD4/H6).

A revision to the SHLAA May 2011 (CDH4/H13) provided a more detailed assessment of the BWR site, ref. WES1. Again the SHLAA report was silent upon the fundamental constraints imposed by the hazardous Gas Holder facility.

This approach to SHLAA evidence is symptomatic of the Council's lack of openness based upon a fundamental objective to avoid the use of Green Belt locations at all cost.

The assumption of the SHLAA and its Trajectory and of Policies DW1 and B1 is that there is no impediment to continuous year on year housing delivery upon the BWR site for the period between 2011-2026, amounting to 2,281 homes. HFT do not consider the evidence supports this ambitious claim for the following reasons:

1. The site, the subject of the Outline Consent, remains in multiple ownership with little evidence that land assembly can be secured. The parties to the S.106 Agreement remain as Crest, Wessex Water and the Council only. No other landowners are bound by the agreement.
2. The majority of the site is sterilized by the Windsor Gas Holder and this remains an impediment to remaining phases. Solutions to removing the Gas Holder will be complex and expensive. (Retail solutions on the nearby Bath Press Site may assist). This will impact on the deliverability of the site.
3. Parts of the site outside the ownership of Crest and the Council, in the vicinity of the Gas Holders are heavily contaminated. The extent of the contamination and the cost of treatment have not been determined however residential development may not be viable.
4. The BWR site Phase 1a has been the subject of substantial public subsidy to address infrastructure costs and the provision of affordable housing. There is risk that future public funding may not be available for subsequent phases.

5. The terms for the provision of affordable housing on the BWR site, which is said to be 25% of all housing in accordance with the Affordable Housing Scheme dated 23/12/10, is likely to be unviable unless it is supported by huge public subsidy. The uncertainty over the provision of funding for affordable housing beyond Phase 1a must therefore be a major impediment to delivery of this site. Reference will be made to the Affordable Housing Scheme which is signed by Crest, the Council and Somer Housing (Annex 2).

The Council has failed to show in their infrastructure delivery plans how it intends to fund the delivery of affordable housing on the site, given the costs set out in the Affordable Housing Scheme.

The Council has now included reference to remediation issues upon the site and the need for decommissioning of the Windsor Gas Holders, PC20 etc. However there is no acknowledgement of other potential impediments that may impact on delivery, which are referred to above, despite the Council having detailed knowledge of these issues.

The detailed questions raised by the Inspector in Question 4.3 have as yet to be answered by the Council, however HFT may wish to respond to any new evidence presented by the Council but in the meantime, the lack of such evidence calls into question deliverability of BWR, which goes to the soundness of the Plan.

In the case of BWR, this seems all too little, too late. The location is well known to the Council having been allocated for mixed-use development in the Local Plan, been the subject of a comprehensive SPD, as well as outline and full planning applications lodged in 2006. It is an indication of how complex delivery of these brownfield sites are within the River Corridor and how delivery is less certain now, than it was at the time of the Local Plan in 2006.

Inspector's Questions 4.4/4.5/4.6/4.7

The matters raised by the Inspector are addressed elsewhere in PS by HFT. In some cases, HFT will be submitting more representations to the Inspector, as the Council discloses new evidence to support their case for deliverability. As we have said before, the approach of this Council to preparation of the SHLAA has not been in accordance with CLG Good Practice Guidance and consequently will be subject to scrutiny only at the inquiry stage.

Inspector's Questions 4.8

MoD Land

The MoD statement makes clear the planned disposal of the three sites at Bath, with the Ensleigh Site being vacated in 2018.

Proposed Changes PC18/34 suggest that the scale of the housing development at these sites may be increased by up to 300 units (~~2500-2800 units in Suburban Bath~~).

The issues for the purposes of the CS are the timing and the scale of development at the locations and whether there are particular infrastructure costs that might impact on delivery.

The level of housing in the SHLAA Trajectory is approximately 1,190 homes on all three sites. We suggest that this represents a maximum figure as the computation in the SHLAA assumes a net to gross ratio

(whole site area) of 0.8, which is extremely optimistic and in contrast to the approach taken by the Council on the Green Belt locations i.e. Sulis Down, where the Gross Area is taken as approx. 75% of the site, with buffer zones against the adjoining Green Belt/AONB Boundary, the setting of the Conservation Area, the SAM and a conservative allowance for land stability.

Although land stability due to past undermining at Foxhill may be a risk, there is no allowance taken into account in the computation of net developable area.

PC18/34 suggests an even higher delivery rate of 1,490 units at all three sites, with no substantive evidence to justify this.

There has been no assessment of the needs for on site facilities at the larger locations, i.e. Primary School, community facilities shops etc. Neither location at Foxhill or Ensleigh is well served with local facilities or with good transport links, albeit there is a local centre at Bradford Road.

At present, the three sites directly employ over 2,800 staff, with many other indirect jobs located in the vicinity. The Local Plan proposed mixed use development on the sites however this CS is planning almost entirely residential development, with the SHLAA proposing up to 1.0 ha for employment uses.

Finally, the SHLAA trajectory proposes that all three locations will come on stream in 2016, to make a significant contribution to the Bath over the following 10 Years. The trajectory suggests that the first year will be the largest contribution of 167 units/pa, reducing to 100-140 units in subsequent years. We do not believe this is credible given the plans for disposal by the MoD and the continued occupation of at least one site until 2018.

The planned disposal process as set out in the MoD Document Oct 2011 will take some time to conclude, 2012/2013 estimated.

Therefore whilst it is accepted that the MoD sites will come forward during the period of the CS and make a significant contribution to the housing delivery, there can be no certainty that the scale and the timing will match that set out in the SHLAA. A more conservative approach should therefore be applied to these locations and flexibility found within the delivery at alternative locations. Without this, the continued shortfall in housing at Bath will be maintained in the second half of the CS period, with consequences for the economy and sustainability, i.e. increased in-commuting.

The largest site at Foxhill may contain substantive risks due to land stability and undermining, which is accepted in the SHLAA. This needs to be confirmed before the location can be considered deliverable in the SHLAA.

Inspector's Question 4.9

There appears to be no real scope for the MoD sites or for the River Corridor locations to be used as contingency sites. The CS proposes maximizing development through housing on most of these sites, as reflected in the SHLAA and its trajectory. The likelihood is that there will be a need for contingency specifically because of a delay or impediments that result from these brownfield sites.

Flexibility in the nature, density and mix of uses (DW1) is completely meaningless and because of the lack of availability of alternative sites in the CS, the exact opposite is the case.

Cl. 1.36 refers to an early review in 2016, in response to monitoring delivery rates, however the SHLAA trajectory is so low in the City of Bath 2011-2016, that there will be little response to monitoring delivery.

Inspector's Question 4.10/4.11

As referred to in the SHLAA Trajectory (3.1 above) the overall plan to secure a net increase of 5,700 new jobs, means that actual jobs growth will be 8,500 jobs at Bath. This growth in jobs that has continued since 2001, has seen a net increase in jobs to Bath equivalent to 600 jobs/yr. During this time new housing in Bath has barely met 50% of this growth figure, with a consequential rise in in-commuting (see Baker's Report Feb 2011, PS1). The delivery of homes in Bath will fail to keep pace with jobs growth to 2016 and beyond with self-containment getting worse. The B1 2 e policy for reduction in industrial space has been subject to proposed change i.e. a reduction from 40,000m² to 30,000m² but this is insufficient.

Newbridge /Riverside

Inspector's Questions 4.12,4.13, 4.14, 4.15

Sadly, the Council's most successful economic strategy (in terms of achieving its target) continues to be the contraction of industrial, including manufacturing, floor space. This strategy, which is set out in the Local Plan 2007, is recorded in the AMR. The City contains a multi-skilled workforce with many successful businesses with international markets, for example Rotork, Cross Engineering. The proposals in para. 2 e of Policy B1 to plan to further run down industrial land by 40,000 m² (now 30,000m²) over the period to 2026 seems perverse and will continue to discourage economic investment in this area. Not all new jobs will be office based in the future and therefore the CS should emphasize the desire for a mixed/balanced economy. The Policy wording, as amplified in Policy B3, suggests that retention of the Newbridge Riverside Area is the CS's future response to industrial floor space. However this area has also been identified as 'a contingency area' (Policy DW1, B3, see objections/rep's) for non-economic development uses i.e. residential, mixed use, which will be 'welcomed' by the Council.

This has been subject to Proposed Changes (PC31) part of which are welcomed, however the Proposed Changes go on to suggest that Twerton Riverside can in time accommodate mixed-use development and thereby become some sort of contingency.

This muddled approach, which is more about trying to prevent any urban extension to Bath, will serve only to undermine the economic base of this area in the future, through lack of support for employment investment contrary to the objectives of the Economic Strategy for B&NES 2010-2026, which seeks to 'protect and retain manufacturing space within Bath'.

The Action Plan from the Economic Strategy provides practical advice to the Council when drawing up the CS. This seems to have been ignored. At page 45, " *Improving the availability of business premises*" the text states: " *Growth in the above targeted sectors will only occur on the scale required if*

businesses have the space to move into and grow..... This space must be appropriate for, and attractive to, those types of business we wish to grow locally. For example, space for arts and creative businesses can be more informal, industrial, or "second hand". Industrial and workshop space will be essential for advanced engineering , high-value manufacturing and businesses developing new technologies".

Policy B1 and particularly para 2, fails to recognise the importance of this element of employment in the City, given the skills base that exists locally and the ignoring priorities set out in para 4 a & b of the same policy. That is “ *Achieve better balance.....Economic diversification will reduce the need for a significant minority of resident workers to out-commute to other areas.*” Such an approach undermines the Core Objectives of the CS, 1, 3 and 7 which will lead to more unsustainable patterns of commuting. The policy wording of para. 2 e should be amended by the deletion of the strategy to contract the floorspace by 40,00m³ (PC 30,000m²) and to try to retain industrial/ manufacturing space as part of the mixed economy, including in areas such as Newbridge Riverside. The proposed amended wording to Policy 2 e forms part of HFT 3, para 7b 3. **It is therefore HFT’s position that the overall strategy of further running down industrial land capacity in Bath is unsound given the need for such space, the local work force and skills and the business success. This requires alteration to Policy B1 2 e to make it sound.**

The broad locational strategy behind Policy B1 is understandable as it seeks to prioritise brownfield land in the city centre and along the river corridor, where possible regeneration opportunities will attempt to deliver the broad spatial strategy of Policy B2., that is 85,000-100,000m² of new office space and 3500 new homes. This strategy is at the heart of the Council’s economic delivery plan. It represents approx 100% of the new planned employment space and 58% of the new homes for the City as determined by the Council and therefore is fundamental to success of the CS. The Policies to deliver this strategy in addition to B1 are, Policy B2 Central Area Strategic Policy (see reps HFT 5) , B3 Twerton and Newbridge Riverside Strategic Policy (see rps HFT6) Key Diagrams 5-9 (see Reps HFT 2,4).

In so far as all of these policies seek to deliver between 2011 -2026, at least 85,000-100,000m² of new office space and 3500 new homes, it is vital to consider their soundness that is to say; are they justified and/or effective. Alongside this, the Council should maintain their existing stock of industrial land as it represents the most sustainable location for this type of development. Most of the sites at Newbridge and Twerton Riverside lie within Flood Zone 3 and as such are less vulnerable to flooding risk than other uses, ie residential. As a possible contingency location, Twerton Riverside has a limited role.

Twerton and Newbridge should remain as locations for industrial use and the Council should provide appropriate investment to encourage the objectives of the Economic Strategy 2010-2026. The suggestion that this part of the economy is somehow not ‘Smart Growth’ is not sound. Modest investment from the Council would probably deliver more jobs in this area in the short term, than seeking extensive office development on difficult sites in the River

Corridor. In reality, the Council need a more balanced approach to the economy and jobs growth, which allows investment to be encouraged in most sectors.