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Bath & North East Somerset Council Core Strategy Inspector

c/o Programme Officer – Chris Banks

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Dear Sir

**Bath & North East Somerset Core Strategy
Response by the Hignett Family Trust to ID/45**

On 13 February 2014 we signed a Statement of Common Ground with the Council (SoCG) in relation to the land allocated for development to the south of Odd Down, Bath. The content of that SoCG and the areas of agreement specified within it were based upon the Placemaking Principles and Concept Diagram contained within the Schedule of Core Strategy Amendments (November 2013).

The Council, without our prior knowledge, has also entered into a SoCG with English Heritage, through which it agreed to changes to the Placemaking Principles in Policy B3A and the associated Concept Diagram. I note that you have identified this change in paragraph 3.6 of ID/45 and requested clarification from the Council in respect of the precise changes proposed. We await to see the Council's response to your request, but in the meantime we feel it necessary to highlight our concern with the changes which we understand are proposed.

It is our understanding that a change is proposed to the Concept Diagram which relates specifically to the land identified as Area D (i.e. to the south of the Wansdyke and east of the Sulis Meadows development) which seeks to preclude built development entirely from this part of the site.

In our SoCG we outlined the areas of agreement with the Council in respect of the Wansdyke. Through this we accepted Placemaking Principle 6 and the Concept Diagram as drafted on the basis that these provide flexibility to address the delineation of the northern boundary of the site through the masterplanning process. Indeed, the relevant section of Placemaking Principle 6 states that the development should:

“Avoid built development in areas that would cause substantial harm to the Wansdyke. An acceptable northerly extent of development and development heights will need to be established as part of the Masterplan.”

Consistent with this Principle, the Concept Diagram included a annotation in Area D confirming that development should:

“Avoid substantial harm to the Wansdyke SAM”.

The Council position has now changed through their SoCG with English Heritage. The Concept Diagram (as modified) would remove the flexibility to agree the appropriate northern boundary through the masterplanning / decision making process and effectively preclude any built development in Area D. The changes proposed would include a modification to the Concept Diagram:

"to better reflect the policy wording that built development in Area D must be avoided, i.e. it should remain undeveloped."

Whereas previously the Council, rightly in our view, set the context for the masterplanning process through an acknowledgment of the relevant test that a planning application would need to satisfy (i.e. avoiding substantial harm), it is now proposed to fix the exclusion of Area D, in effect pre-empting the detailed masterplanning process and applying this test at the plan-making stage.

Our evidence, which is based on expert advice from an experienced conservation consultant, is that there is no need to set the built form of development back as far as the southern boundary of Area D. We therefore agreed with the Placemaking Principles and Concept Diagram (as set out on the November 2013 Core Strategy Amendments) on this matter as we were confident that the detailed debate concerning this test would be taken through the planning application process. Following the changes introduced through the SoCG with English Heritage, this will not be possible and there is now disagreement between the landowner and Council on the content of the Concept Diagram for Odd Down.

There is simply no need, nor is it appropriate, to apply the test in paragraph 132 of the NPPF at this level of detail through the plan-making process. The appropriate forum for agreeing the precise northern boundary of the development should be through the masterplanning process as set out in Placemaking Principle 2 and/or at the planning application stage where the landowner, Council and English Heritage can review all of the site specific evidence in detail before coming to a decision. The Placemaking Principles and Concept Diagram contained within the Schedule of Core Strategy Amendments (November 2013) allowed this to happen and delegate the decision to the right level, where it can be informed by site specific evidence and detailed discussions on the masterplanning for the site.

For these reasons we strongly oppose the changes proposed to the Concept Diagram through the SoCG with English Heritage and support the wording that was previously proposed in the Schedule of Core Strategy Amendments (November 2013). We will address these matters further at the Examination session on Odd Down when we are aware of the Council's position.

Yours faithfully



Nick Matthews MA MTCP MRTPI
Director

cc Richard Daone – Bath & North East Somerset Council