

Draft Core Strategy
Consultation on Potential Changes arising from the
Draft National Planning Policy Framework (NPPF)

19th September - 21st October 2011

Schedule 2: Duly Made Representations by Draft NPPF
Potential Change Reference

Notes:

This schedule sets out all the duly made representations on Potential Changes to the Draft Core Strategy arising from the Draft National Planning Policy Framework (NPPF). In order to be treated as duly made representations need to:

- Be received by the Council during the consultation period (between 19th September and 21st October 2011); and
- Relate to one of the Potential Changes arising from the Draft NPPF set out by the Council or relate to the implications for the Draft Core Strategy of the Draft NPPF

The representations are grouped together in 'Potential Change' reference order. Representations relating to the potential changes arising from the draft NPPF specified by the Council (as agreed at its meeting of 15 September 2011) are prefixed 'NPPF'. Those representations relating to other implications for the draft Core Strategy of the Draft NPPF are categorised as 'NPPF General'.

For those representations where any of the fields marked 'Representation (soundness)'; 'Change sought to make sound'; 'Representation (legal compliance)'; and 'Change sought to make legally compliant' are blank this is because no comment was specified by the respondent. All representations are an objection unless the 'support' box is ticked.

Schedule of Representations on the Implications of the NPPF on the Draft Core Strategy (Duly Made)

Schedule of Representations on the Implications of the NPPF on the Draft Core Strategy (Duly Made): Sorted by Draft Core Strategy Plan Reference

Draft Core Strategy Plan Reference: Whole Document

NPPF Reference: NPPF General

Draft Core Strategy Plan Reference: Whole Document

NPPF Reference: NPPF General

LDF Consultee ID: 170/NPPF/1 Name: Mr Phil Hardwick Organisation: Robert Hitchins Limited

Support: Supporting Material:

Representation (soundness):

Change sought to make sound:

The Council's Core Strategy does not take account of longer term housing requirements. The Draft NPPF states at paragraph 24 that:

"Crucially, Local Plans should:

Be drawn up over an appropriate timescale, preferable 15 year time horizon, take account of longer term requirements, and be kept up to date"

The Council have assessed the housing land supply against the housing requirement in the Core Strategy and they have acknowledged in their report to the Council on 15th September 2011 that the housing land supply is "tight" and there is limited flexibility/contingency. If sites do not come forward as anticipated in the housing trajectory the housing requirement will not be met.

The housing requirement in the adopted Local Plan was also based on brownfield sites and the evidence has shown that the district does not have a good track record on housing delivery (e.g. there was a shortfall of 1,000 dwellings during the Local Plan period for which the district is not seeking to address.)

It is considered that the Core Strategy does not take account of the longer term, as a significant proportion of the housing land supply is on brownfield sites, which are recognised as being difficult to bring forward in the Core Strategy, consequently the approach is considered to be a strategy for the Bath and North East Somerset's Core Strategy – Representation Form short term rather than addressing the long term issues and how development needs are to be met at sustainable locations. A review of the Green Belt should be undertaken to consider needs in the plan period and beyond in accordance with the statutory development plan (RPG10 is part of the statutory development plan and reference is made to Policy SS4 Green Belt). The exceptional circumstances have been outlined in the RSS.

The essence of PPS 12 is taken forward in the Draft NPPF in paragraph 24 referred to above. (PPS 12 in paragraph 4.13 states that the time horizon should be at least 15 years from the date of adoption. Paragraph 4.14 states that frequent updating may be reduced by taking a long term view and providing some flexibility.) If it were to be adopted in 2012 the Core Strategy will not provided for 15 years from the date of adoption.

Paragraph 28 of the NPPF, i.e. Housing Requirements states that:" Local planning authorities should have a clear understanding of housing requirements in their area. They should: Meet household and population projections, taking account of migration and demographic change."

It is considered that the Core Strategy fails to meet the household and population projections as the housing requirement included in the Core Strategy is only 11,000 dwellings compared with 21,300 dwellings in the emerging RSS and 17,000 dwellings based on the latest 2008 based household projections.

The Core Strategy does not address planning strategically across local boundaries as set out in paragraphs 44 - 47 of the Draft NPPF. This was addressed in the emerging RSS, hence the strategy for the West of England recognised that one district could not be planned for and examined in isolation from its neighbours. On this basis the RSS set of a development strategy for the West of England and identified areas of search for sustainable development. To some extent this was acknowledged in the Inspector's report on the Bristol Core Strategy paragraph 52

"...Nonetheless, as this plan is the first Core Strategy of the West of England authorities to be examined, it would be short sighted to rule out the possibility of a cross boundary approach to development in the Green Belt in the future."

The Draft NPPF in the Housing section states that the objectives are to increase the supply of housing, deliver a wide choice of high quality homes that people want and need, widening opportunities for home ownership; and creating sustainable, inclusive and mixed communities, including through the regeneration and renewal of areas of poor housing.

In order to do this the Draft NPPF states that the planning system should aim to deliver a sufficient quantity, quality and range of housing consistent with the land use principles and other policies of this framework. The Draft NPPF states that LPAs should identify and maintain a rolling supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirement. In fact the Council should identify additional deliverable sites for housing as part of the five year supply of deliverable sites.

It is considered that the Core Strategy fails to provide a rolling five year housing land supply given that the housing supply is "tight" even against the Council's own assessment of the housing requirement and that there are questions over the deliverability and therefore the reliability of brownfield sites coming forward to meet the housing requirement in the Core Strategy.

S has been outline in earlier representations in order for the Core Strategy to be sound the changes that area required are that the housing requirement should be increased to meet the housing needs. The housing provision should be based on current and future demographic trends, market trends and the needs of different groups in the community and to provide a wide choice of homes for the plan period. In order to make the necessary provision for new homes and to fulfil the role of the area in terms of the economic potential (consistent with what has been submitted in the West of England LEP) the most sustainable solutions is to provide for urban extensions, which requires a comprehensive review of the Green Belt. The RSS made changes to the general extent of the Green Belt removing the designation from the areas required to accommodate proposed development and identifying areas of search.

Representation (legal compliance):

Change sought to make legally compliant:

Draft Core Strategy Plan Reference: Whole Document

NPPF Reference: NPPF General

LDF Consultee ID: 180/NPPF/1

Name: Ms Elaine Vashi

Organisation: J S Bloor Ltd

Support: **Supporting Material:**

Representation (soundness):

The Council's Core Strategy does not take account of longer term housing requirements. The Draft NPPF states at paragraph 24 that:

“Crucially, Local Plans should:

☑ Be drawn up over an appropriate timescale, preferable 15 year time horizon, take account of longer term requirements, and be kept up to date”

The Council have assessed the housing land supply against the housing requirement in the Core Strategy and they have acknowledged in their report to the Council on 15th September 2011 that the housing land supply is “tight” and there is limited flexibility/contingency. If sites do not come forward as anticipated in the housing trajectory, the housing requirement will not be met.

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Meet household and population projections, taking account of migration and demographic change.”

It is considered that the Core Strategy fails to meet the household and population projections as the housing requirement included in the Core Strategy is only 11,000 dwellings compared with 21,300 dwellings in the emerging RSS and 17,000 dwellings based on the latest 2008 based household projections.

The Core Strategy does not address planning strategically across local boundaries as set out in paragraphs 44 - 47 of the Draft NPPF. This was addressed in the emerging RSS, hence the strategy for the West of England recognised that one district could not be planned for and examined in isolation from its neighbours. On this basis the RSS set of a development strategy for the West of England and identified areas of search for sustainable development. To some extent this was acknowledged in the Inspector’s report on the Bristol Core Strategy paragraph 52 “...Nonetheless, as this plan is the first Core Strategy of the West of England authorities to be examined, it would be short sighted to rule out the possibility of a cross boundary approach to development in the Green Belt in the future.”

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In order to do this the Draft NPPF states that the planning system should aim to deliver a sufficient quantity, quality and range of housing consistent with the land use principles and other policies of this framework. The Draft NPPF states that LPAs should identify and maintain a rolling supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirement. In fact the Council should identify additional deliverable sites for housing as part of the five year supply of deliverable sites.

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As has been outline in earlier representations in order for the Core Strategy to be sound the changes that area required are that the housing requirement should be increased to meet the housing needs. The housing provision should be based on current and future demographic trends, market trends and the needs of different groups in the community and to provide a wide choice of homes for the plan period. In order to make the necessary provision for new homes and to fulfil the role of the area in terms of the economic potential (consistent with what has been submitted in the West of England LEP) the most sustainable solutions is to provide for urban extensions, which requires a comprehensive review of the Green Belt. The RSS made changes to the general extent of the Green Belt removing the designation from the areas required to accommodate proposed development and identifying areas of search e.g. Area of Search 1F 3,000 homes at Keynsham.

Change sought to make sound:

Representation (legal compliance):

Change sought to make legally compliant:

Draft Core Strategy Plan Reference: Whole Document

NPPF Reference: NPPF General

LDF Consultee ID: 224/NPPF/1

Name: Ms Joanna Robinson

Organisation: Bath Preservation Trust

Support: **Supporting Material:**

Representation (soundness):

Is there sufficient policy strengthening in light of the proposed NPPF?

The draft core strategy deliberately and correctly did not restate national policy and our earlier comments therefore recommended removal of references to PPS’s. However, there are now areas of current national policy which may be abolished by the NPPF, and so the Council should use its core strategy to strengthen and reinforce its policy framework and evidence base, in order to ensure that there are sufficient safeguards in the local plan to manage development for the sustainable benefit of the City. Thus, policies for protecting & enhancing local heritage and natural environment may require strengthening by restatement of elements of current national guidance as local policy. For example, the Core Strategy continues to make reference to previously-developed land being brought forward before greenfield, which we support; but as this will no longer be national policy, we believe that stronger local policies may be required to ensure that greenfield land will not be given planning permission in advance of available previously-developed land.

Conversely however, there seems little case (notwithstanding the Inspector’s comments) to assume that developments have to be ‘economically-led’ alone (as mentioned for

instance in PC26 as amended), since this element of the NPPF has been tempered by the Prime Minister’s reassurance to the National Trust that all elements of sustainable development will need to be considered. PINS advice on the NPPF has now been diluted and its draft status requires simply that local policy must fully reflect local requirements.

If the Core Strategy wishes to define ‘economically-led’ as ‘led by business use rather than residential or other’ it should be defined as such in the glossary.

Change sought to make sound:

Representation (legal compliance):

Change sought to make legally compliant:

Draft Core Strategy Plan Reference: Whole Document **NPPF Reference:** NPPF General

LDF Consultee ID: 227/NPPF/1 **Name:** Dr David Dunlop **Organisation:** London Road Area Residents Association

Support: **Supporting Material:**

Representation (soundness):

The NPPF has no relationship to justify this amendment.

Furthermore, even if PPS 25 is withdrawn the underlying Government legislation will remain unchanged.

Change sought to make sound:

Representation (legal compliance):

Change sought to make legally compliant:

Draft Core Strategy Plan Reference: Whole Document **NPPF Reference:** NPPF General

LDF Consultee ID: 266/NPPF/1 **Name:** Mr Brian Cassidy **Organisation:** The Bath Society

Support: **Supporting Material:**

Representation (soundness):

The NPPF has no relationship to justify this amendment.

Furthermore, even if PPS 25 is withdrawn the underlying Government legislation will remain unchanged.

Change sought to make sound:

Representation (legal compliance):**Change sought to make legally compliant:****Draft Core Strategy Plan Reference:** Whole Document**NPPF Reference:** NPPF General**LDF Consultee ID:** 269/NPPF/1**Name:****Organisation:** Barratt Homes Bristol**Support:** **Supporting Material:** **Representation (soundness):**

We welcome the opportunity to comment on the Core Strategy in the light of the Government's draft National Planning Policy Framework. Of particular relevance in respect of housing provision is paragraph 28 which states:

"Local Planning Authorities should have a clear understanding of housing requirements in their area, they should: Prepare a Strategic Housing Market Assessment to assess their full housing requirements, working with neighbouring authorities where housing market areas cross administrative boundaries. The Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to require over the plan period which:

- Meets household and population projections, taking account of migration and demographic change;
- Addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as families with children, older people, disabled people, service families and people wishing to build their own homes); and
- Caters for housing demand and the scale of housing supply necessary to meet this demand.

Prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified requirement for housing over the plan period."

This is particularly pertinent to Bath & North East Somerset as we do not consider (in line with our initial representations) that the Council have identified the scale and mix of housing which will meet the requisite housing need over the core strategy period taking into account the various issues identified in paragraph 28. In addition, the housing provision does not take into account the shortfall of 1,000 dwellings along the Council Plan period.

The Council have not produced any alternative evidence on housing need from the most recently published CLG projections which state that there will be a substantial increase in households over the plan period.

The Core Strategy's target of 11,000 dwellings will not meet this need particularly when the shortfall in housing provision for the existing BANES Local Plan Period of over 1,000 dwellings is taken into account.

The draft NPP F goes on to set out the Government's objectives for housing in paragraph 107. The emerging Core Strategy does not address any of the se objectives namely:

- It does not increase the supply of housing rather it decreases the supply;
- It does not deliver a wide choice of houses that people want and need ;
- It does not widen opportunities for home ownerships;
- It does not assist in enabling sustainable, inclusive and mixed communities.

Our client controls land at Church Farm, Clutton and Sleep Lane , Whitchurch which if identified would assist the Council to meet all of the objectives in the draft NPPF.

We strongly urge the Council to fully adopt the advice in the draft NPPF which will become Government policy early in 2012 (i.e. during the period of the Examination). By so doing, this will assist meet the housing needs of Bath & North East Somerset and enable the Council to demonstrate a 5 year supply of deliverable housing sites which for many years they have been unable to do so.

We trust that these comments will be taken into account and look forward to reviewing the changes that will be made to the Core Strategy in the light of the draft NPPF.

Change sought to make sound:

Representation (legal compliance):

Change sought to make legally compliant:

Draft Core Strategy Plan Reference: Whole Document

NPPF Reference: NPPF General

LDF Consultee ID: 270/NPPF/1

Name:

Organisation: Blue Cedar Homes

Support: **Supporting Material:**

Representation (soundness):

We welcome the opportunity to comment on the Core Strategy in the light of the Government's draft National Planning Policy Framework. Of particular relevance in respect of housing provision is paragraph 28 which states:

"Local Planning Authorities should have a clear understanding of housing requirements in their area, they should:

Prepare a Strategic Housing Market Assessment to assess their full housing requirements, working with neighbouring authorities where housing market areas cross administrative boundaries. The Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to require over the plan period which:

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: Prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified requirement for housing over the plan period."

This is particularly pertinent to Bath & North East Somerset as we do not consider (in line with our initial representations) that the Council have identified the scale and mix of housing which will meet the requisite housing need over the core strategy period taking into account the various issues identified in paragraph 28 . In addition, the housing provision does not take into account the shortfall of 1,000 dwellings along the Council Plan period.

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The draft NPPF goes on to set out the Government's objectives for housing in paragraph 107 . The emerging Core Strategy does not address any of these objectives namely:

- It does not increase the supply of housing rather it decreases the supply;
- It does not deliver a wide choice of houses that people want and need;
- It does not widen opportunities for home ownerships;
- It does not assist in enabling sustainable, inclusive and mixed communities.

Our client controls land at Brookside Drive, Farnborough which if identified would assist the Council to meet all of the objectives in the draft NPPF.

Change sought to make sound:

We strongly urge the Council to fully adopt the advice in the draft PPF which will become Government policy early in 2012 (i.e . during the period of the Examination). By so doing, this will assist meet the housing needs of Bath & North East Somerset and enable the Council to demonstrate a 5 year supply of deliverable housing sites which for many years they have been unable to do so .

We trust that these comments will be taken into account and look forward to reviewing the changes that will be made to the Core Strategy in the light of the draft NPPF .

Representation (legal compliance):

Change sought to make legally compliant:

Draft Core Strategy Plan Reference: Whole Document

NPPF Reference: NPPF General

LDF Consultee ID: 275/NPPF/1

Name: Mr Keith Annis

Organisation: Redrow Homes (South West) Ltd

Support: ***Supporting Material:***

Representation (soundness):

The Council's Core Strategy does not take account of longer term housing requirements. The Draft NPPF states at paragraph 24 that:

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The housing requirement in the adopted Local Plan was also based on brownfield sites and the evidence has shown that the district does not have a good track record on

housing delivery (e.g. there was a shortfall of 1,000 dwellings during the Local Plan period for which the district is not seeking to address.)

It is considered that the Core Strategy does not take account of the longer term, as a significant proportion of the housing land supply is on brownfield sites, which are recognised as being difficult to Bath and North East Somerset's Core Strategy – Representation Form bring forward in the Core Strategy, consequently the approach is considered to be a strategy for the short term rather than addressing the long term issues and how development needs are to be met at sustainable locations. A review of the Green Belt should be undertaken to consider needs in the plan period and beyond in accordance with the statutory development plan (RPG10 is part of the statutory development plan and reference is made to Policy SS4 Green Belt). The exceptional circumstances have been outlined in the RSS.

The essence of PPS 12 is taken forward in the Draft NPPF in paragraph 24 referred to above. (PPS 12 in paragraph 4.13 states that the time horizon should be at least 15 years from the date of adoption.

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requirement in the Core Strategy.

As has been outline in earlier representations in order for the Core Strategy to be sound the changes that area required are that the housing requirement should be increased to meet the housing needs. The housing provision should be based on current and future demographic trends, market trends and the needs of different groups in the community and to provide a wide choice of homes for the plan period. In order to make the necessary provision for new homes and to fulfil the role of the area in terms of the economic potential (consistent with what has been submitted in the West of England LEP) the most sustainable solutions is to provide for urban extensions, which requires a comprehensive review of the Green Belt. The RSS made changes to the general extent of the Green Belt removing the designation from the areas required to accommodate proposed development and identifying areas of search e.g. Area of Search 1F 3,000 homes at Keynsham.

Change sought to make sound:

Representation (legal compliance):

Change sought to make legally compliant:

Draft Core Strategy Plan Reference: Whole Document

NPPF Reference: NPPF General

LDF Consultee ID: 276/NPPF/4

Name: Mr Matthew Macan

Organisation: Hignett Family Trust

Support: **Supporting Material:**

Representation (soundness):

Please find attached herewith a background report Tetlow King Planning recently prepared which inter alia provides further evidence of:

- The severity of the affordable housing needs across the whole District in the national and regional contexts and how these have continued to escalate.
- The concentration of affordable housing needs at Bath.
- The growing special need arising from the ageing population of both the District and Bath in particular.
- The potential that an urban extension immediately to the south of the built up area of Bath has in meeting these identified needs.

We ask that our report be added to the list of Core Documents for the Examination.

Change sought to make sound:

Representation (legal compliance):

Change sought to make legally compliant:

Draft Core Strategy Plan Reference: Whole Document

NPPF Reference: NPPF General

LDF Consultee ID: 276/NPPF/1

Name: Mr Matthew Macan

Organisation: Hignett Family Trust

Support: **Supporting Material:**

Representation (soundness):

Responding to the demands in the NPPF that the SHMA should identify the scale and mix of housing and the range of tenures that the local population is likely to require over the plan period which ...takes account of demographic change and...addresses the needs of older people, Insert the following wording at the end of policy CP10 .

The Council will make specific provision for a Care Village on land off Southstoke Lane Odd Down as an integral part of the new community at South Bath. This will include provision of a substantial number of sheltered dwellings, a dementia care facility, a nursing care/cottage hospital and, if needed, an integral GP Surgery and Pharmacy.

Amend the Key Diagram to show a broad location for a new Care Village at Odd Down .

NPPF makes expressly clear at P. 109 that “Local Authorities should boost supply of housing and use evidence base to ensure full requirements for market and affordable housing are met , including identifying key sites which are critical to the delivery of the housing”.

A Care Village will provide both market and affordable housing needs which are currently not met.

At P.111 “Deliver a wide choice of quality homes.... and plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as families with children, the elderly and people with disabilities”

Responding to the demands in the NPPF that the SHMA should identify the scale and mix of housing and the range of tenures that the local population is likely to require over the plan period which ...takes account of demographic change and...addresses the needs of older people, Insert the following wording at the end of policy CP10 .

The Council will make specific provision for a Care Village on land off Southstoke Lane Odd Down as an integral part of the new community at South Bath. This will include provision of a substantial number of sheltered dwellings, a dementia care facility, a nursing care/cottage hospital and, if needed, an integral GP Surgery and Pharmacy.

Amend the Key Diagram to show a broad location for a new Care Village at Odd Down .

Policy CP10 fails to make clear how providing for a mix of housing types for different needs , including older people , disabled people and those with other special needs eg dementia will be implemented.

The Tetlow King Report (App PC 1) commissioned by HFT and Guinness Trust provides a clear indication of the rate of household growth to meet these particular groups.

The SHMA also shows how the demographic change will demand the provision of mixed housing types.for an ageing population.

A report entitled Planning and Delivering Continuing Care Retirement Communities Tetlow King states that between now and 2026 , a requirement of 2.4 million “older households” will be created

The SA Sept 2011 , highlights this problem and in particular the lack of clarity about how developers are expected to deliver this policy requirement. The response from the Council has been to clarify that Lifetime Homes Standard will be applied to market as well as affordable housing.

This is clearly inadequate and fails to address the specific needs and means of delivering an integrated mixed housing to tackle the needs of an ageing population. The projections for the growth in numbers of elderly people in the B&NES area are provided in Tetlow King's Report at para 4.30. Experience in other Local Authorities clearly demonstrates that specialist accommodation and dedicated care provides the best and the most economic outcomes, benefitting both the elderly themselves and ensuring

best value for money to the healthcare sector.

HFT are therefore proposing to locate a 'Care Village ' on part of the Odd Down Plateau near Southstoke and will propose amendment to policy CP10 to reflect this as well as change to the Key Diagram.

Change sought to make sound:

Responding to the demands in the NPPF that the SHMA should identify the scale and mix of housing and the range of tenures that the local population is likely to require over the plan period which ...takes account of demographic change and...addresses the needs of older people, Insert the following wording at the end of policy CP10 . The Council will make specific provision for a Care Village on land off Southstoke Lane Odd Down as an integral part of the new community at South Bath. This will include provision of a substantial number of sheltered dwellings, a dementia care facility, a nursing care/cottage hospital and, if needed, an integral GP Surgery and Pharmacy.

Amend the Key Diagram to show a broad location for a new Care Village at Odd Down.

Representation (legal compliance):

Change sought to make legally compliant:

Draft Core Strategy Plan Reference: Whole Document **NPPF Reference:** NPPF General

LDF Consultee ID: 821/NPPF/1 **Name:** Mrs Deborah Porter **Organisation:** Cam Valley Wildlife Group

Support: **Supporting Material:**

Representation (soundness):

Cam Valley Wildlife Group considers that the presumption towards sustainable development as set out in the NPPF serves to strengthen and bring into sharper focus the arguments we have made regarding the significant failings of the B&NES Core Strategy with reference in particular to

- the protection and enhancement of the wildlife and biodiversity of the District
- the relative value placed upon that protection and enhancement
- the present and future network that extends beyond the boundaries of the District
- mitigation and adaptation to climate change
- the role of individual sites and
- a strategic and integrated approach to these elements

We do not consider that the following point of paragraph 24 of the NPPF on plan-making have been satisfied:

- identify land which it is genuinely important to protect from development, for instance because of its environmental or historic value; and
- contain a clear strategy for the environmental enhancement of the area.

We consider that paragraph 167 of the NPPF, that local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure has not been adequately tackled in the Core Strategy.

We consider that paragraph 168 of the NPPF is not satisfied in the Core Strategy

NPPF para 168.

Planning policies should:

- take account of the need to plan for biodiversity at a landscape-scale across local authority boundaries
- identify and map components of the local ecological networks, including: international, national and local sites of importance for biodiversity, and areas identified by local partnerships for habitat restoration or creation
- promote the preservation, restoration and re-creation of priority habitats, ecological networks and the recovery of priority species populations, linked to national and local targets 1; and identify suitable indicators for monitoring biodiversity in the plan; and
- aim to prevent harm to geological conservation interests.

Paragraph 169 of the NPPF includes the following:

When determining planning applications in accordance with the Local Plan and the presumption in favour of sustainable development, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused

- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted
- opportunities to incorporate biodiversity in and around developments should be encouraged
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss

Change sought to make sound:

Representation (legal compliance):

Change sought to make legally compliant:

Draft Core Strategy Plan Reference: Whole Document

NPPF Reference: NPPF General

LDF Consultee ID: 822/NPPF/1

Name: Mrs Deborah Porter

Organisation: Somer Valley Friends of the Earth

Support: **Supporting Material:**

Representation (soundness):

B&NES has identified very few potential changes arising from the new NPPF. The Introduction of the NPPF has the following to say about sustainable development:

10. For the planning system delivering sustainable development means:

- planning for prosperity (an economic role) – use the planning system to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type, and in the right places, is available to allow growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure
- planning for people (a social role) – use the planning system to promote strong, vibrant and healthy communities, by providing an increased supply of housing to meet the needs of present and future generations; and by creating a good quality built environment, with accessible local services that reflect the community’s needs and supports its

health and well-being; and

- planning for places (an environmental role) – use the planning system to protect and enhance our natural, built and historic environment, to use natural resources prudently and to mitigate and adapt to climate change, including moving to a low-carbon economy.

11. These three components should be pursued in an integrated way, looking for solutions which deliver multiple goals. There is no necessary contradiction between increased levels of development and protecting and enhancing the environment, as long as development is planned and undertaken responsibly. The planning system must play an active role in guiding development to sustainable solutions.

B&NES suggests a potential amendment to Policy DW1, which replaces promotion of sustainable development in the District with a presumption in favour of sustainable development but has not changed the ways in which this will be promoted. We consider that the Core Strategy divides up its objectives into component parts and fails to reflect adequately point 11 of the Introduction of the NPPF.

There are no changes proposed to Objective 1 of the B&NES Strategy, which states that it is a cross-cutting objective to pursue a low carbon and sustainable future in a changing climate. We consider that it is important that such an overarching objective should incorporate point 11.

We consider that the policies for the Somer Valley area, set out in SV1, do not adequately reflect the pursuance of the components in point 10 in an integrated way and are not sufficiently well considered to deliver development which is "planned and undertaken responsibly" (point 11).

Change sought to make sound:

Representation (legal compliance):

Change sought to make legally compliant:

Draft Core Strategy Plan Reference: Whole Document

NPPF Reference: NPPF General

LDF Consultee ID: 822/NPPF/3

Name: Mrs Deborah Porter

Organisation: Somer Valley Friends of the Earth

Support: **Supporting Material:**

Representation (soundness):

Regarding the environment in the Somer Valley area, we note that the NPPF says:

131. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- where the green space is in reasonably close proximity to a centre of population or urban area
- where the green area is demonstrably special to a local community and holds a particular local significance because of its beauty, historic importance, recreational value, tranquillity or richness of its wildlife
- where the green area concerned is local in character and is not an extensive tract of land; and
- if the designation does not overlap with Green Belt.

163. The Government’s objective is that planning should help to deliver a healthy natural environment for the benefit of everyone and safe places which promote wellbeing.

164. To achieve this objective, the planning system should aim to conserve and enhance the natural and local environment by:

- protecting valued landscapes
- minimising impacts on biodiversity and providing net gains in biodiversity, where possible; and
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of land, air, water or noise pollution or land instability.

165. In preparing plans to meet development requirements, the aim should be to minimise adverse effects on the local and natural environment. Plans should allocate land with the least environmental or amenity value where practical, having regard to other policies in the Framework including the presumption in favour of sustainable development. Plans should be prepared on the basis that objectively assessed development needs should be met, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

166. To this end, local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites.

If there is to be a presumption towards sustainable development as set out in the NPPF, it is essential that there is sufficient evidence regarding economic, social and environmental matters for the Somer Valley area available when the Strategy is examined at Inquiry and that all the available evidence regarding the economic, social and environmental aspects are brought together so that a responsible approach to development in the area can be pursued, in line with the NPPF.

Somer Valley Friends of the Earth will endeavour to provide for the Inquiry such evidence as it can that supports the case put forward above if/where B&NES does not.

Change sought to make sound:

Representation (legal compliance):

Change sought to make legally compliant:

Draft Core Strategy Plan Reference: Whole Document **NPPF Reference:** NPPF General

LDF Consultee ID: 2564/NPPF/2 **Name:** Mr Simon Steel-Perkins **Organisation:** Strategic Land Partnerships

Support: **Supporting Material:**

Representation (soundness):

Summary

Bath and North East Somerset Council has proposed changes to the Core Strategy that it believes are required to enable the Council to show that it contains and is based on the NPPF, something that the Draft NPPF says will be required of local plans.

The Proposed Changes do not bring the Core Strategy into a form where it is consistent with emerging national policy. The Draft NPPF reiterates the requirements of a plan for it to be sound, including the need to justify its approach with a compelling link to evidence, and for it to be effective in delivering on the future requirement for the area. The Submitted Core Strategy does not meet these requirements, and the Proposed Changes arising from the Draft NPPF do not overcome these fundamental failings.

The Core Strategy does not make the level of housing provision that the evidence demonstrates should be made.

Additional land will inevitably need to be found. Further provision should be made at Midsomer Norton amongst other locations, as this is a settlement where development is intended to take place according to the spatial strategy in the plan but where the plan does not demonstrate how this can be achieved. Strategic Land Partnerships has land that would be suitable and deliverable and which would make a useful contribution.

1 Introduction

1.1 Bath and North East Somerset Council is preparing additional material in explanation and justification of its Submission Core Strategy in response to the appointed Inspector's notes 'Preliminary Comments and Questions', of 3 June 2011 and subsequent dates. In addition the Council has published a 'Schedule of Significant Proposed Changes to the Draft Core Strategy', and a 'Schedule of Potential Changes arising from the Draft National Planning Policy Framework (NPPF)'. Though entitled Potential Changes, these have the status for the consultation of proposed changes, and indeed the specified matters are listed in the schedule itself as 'Proposed Changes'. Both of these documents are dated September 2011 and labelled, 'for comment', and the Council is undertaking a consultation on the provisions of each document.

1.2 These representations comment on the Council's consultation papers and in particular reflect on the implications of the Draft NPPF for taking forward the Bath and North East Somerset Core Strategy. The representations are made on behalf of Strategic Land Partnerships (SLP) by Baker Associates, part of Peter Brett Associates. SLP has various interests in Bath and North East Somerset and in the Core Strategy, as well as in the wider West of England of which the area administered by the Council is part. Specifically SLP is promoting land at Midsomer Norton for much-needed residential development.

1.3 The NPPF is a further part of the Government's reform and rebuilding of the planning system. Part of its significance and why it is being taken so seriously by the promoters and opponents of development and growth alike, is that it is being seen as the clarification and crystallisation of the Government's thinking. Representations on the Proposed Changes to the Bath and North East Somerset Core Strategy on behalf of Strategic Land Partnerships on planning and development. Whilst the document needs to be more carefully drafted in places, with more precise language appropriate to the way it will inevitably be used, the Government's policy on planning and its position on the role and preparation of Local Plans is now quite clear. The robust way that Ministers have responded to some of the more controversial, and arguably rather misplaced, comments on the Draft NPPF by lobby groups suggests that the Government will stay with the principles and objectives embedded in the document.

1.4 The Draft NPPF is not really a change in policy, but a distillation and representation of a great deal of policy that already exists, with added emphasis and with the addition of a clear recourse to an alternative means where local planning authorities ignore the policy in making plans.

1.5 For these reasons the Draft NPPF can be expected to be afforded considerable weight. That said, it is almost certain that the Government will have finalised the NPPF prior to the Hearing stage of the Examination and before the Inspector completes his report, and what is contained in the document that emerges will be national policy with which the Core Strategy will be required to conform.

3 The role and significance of the Draft NPPF

3.1 The significance of the Draft NPPF to the Core Strategy is in three respects:

- It sets out national planning policy that has to be taken forward at the local level through local plans according to local evidence
- It contains significant material on what is expected from local plans in the future, and on how these are to be prepared and examined, including through cooperation across functional areas
- It reinforces the role of the plan in determining the future of places and in addressing the requirements of those places, but also deals specifically with how development proposals are to be considered where local planning authorities have not taken the opportunity to put a progressive plan in place for their area and community, with the addition of the ‘presumption in favour of sustainable development.’

3.2 Whilst a great deal of the text is exceedingly pertinent to the Core Strategy and to the interests SLP has in the Core Strategy, care is taken in our representations to avoid simply repeating text that will already be very familiar to the Council and the Inspector. Instead we seek to comment on the implications of a document of this status saying what it does.

3.3 The distillation of existing national planning policy for the Draft NPPF and the removal of the guidance embedded with policy provides the opportunity for local planning authorities to be creative rather than rule-bound, though in positive ways and always with the need to justify choices by reference to evidence. This must be right, reflecting as it does a fundamental principle of spatial planning, and indeed of any public policy. The clearest statement on the role of evidence is at para. 27 of the Draft NPPF, where it is said that: ‘each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals, such as land prices to inform judgements about levels of demand.’

3.4 The main message of the Draft NPPF to the Core Strategy with the Framework’s consolidation and reinforcement of a great deal of existing policy, is the importance of delivering development as part of achieving economic growth.

4 The policy context for the Core Strategy

4.1 The main message of the Draft NPPF for the Core Strategy is that development is essential to achieving the growth that Government policy promotes, and that a development plan should be just that – a plan for development. This is development that meets the needs of the future community and the economy and that is demonstrated to be required by evidence.

4.2 Amongst many statements on the same theme, perhaps the overarching statement from the Draft NPPF related to growth and expressed as one of the ‘core planning principles’ at para. 19, says: ‘planning should proactively drive and support the development that this country needs. Every effort should be made to identify and meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth’.

4.3 On the evidence of the submitted Core Strategy, it could not be said that Bath and North East Somerset Council that it had ‘made every effort’ to meet the development needs of its area.

4.4 Within this omnipresent theme of growth, a small number of more specific policy matters from the Draft NPPF do need comment.

4.5 The policy on the provision of housing to be made through plans is carried forward from what is currently in PPS3, placing this in the context of the need to promote growth and the relationship between the economy and housing provision, with added emphasis on provision being made according to the evidence (reflecting but reinforcing the messages of paras. 32 and 33 of PPS3).

4.6 Para. 32 of PPS3 says that: ‘The level of housing provision should be determined taking a strategic, evidence-based approach that takes into account relevant local, sub-regional, regional and national policies and strategies achieved through widespread collaboration with stakeholders.’

4.7 This in-principle requirement is unchanged.

4.8 The requirement to maintain a five year supply of available housing currently in para. 54 of PPS3 is given further weight in the Draft NPPF by the requirement on planning authorities to demonstrate an additional at least 20% of available housing on top of what is needed to provide the five year supply. This is said to be to assist in ‘ensuring choice and competition in the market for land’. The message by adding this clear margin could not be clearer; the task for planmakers is to use their resources in making adequate provision.

5 The NPPF on plan making and the consequences for the Core Strategy

5.1 The NPPF when it is in place will sit alongside the 'duty to cooperate' that is contained in the Localism Bill presently in the House of Lords. The duty to cooperate places a requirement on planning authorities to work with other planning authorities and other public bodies. Most significantly it places upon the Inspector undertaking the Independent Examination a requirement to consider whether the plan is the product of such collaboration as part of testing its soundness.

5.2 We are completely clear that the unavoidable requirement on Bath and North East Somerset Council from the combination of the obligation to work with other planning authorities and stakeholders and the fundamental emphasis on evidence in plan-making, is that the Core Strategy will have to deal with what the evidence shows this plan can do to meet the requirements arising from the role of Bath and North East Somerset as part of the functional area of West of England. This means providing for a level of growth beyond what the Council would seek to claim follows from a locally driven approach.

5.3 There are a series of very pointed statements on this matter from the NPPF. We confine ourselves to three of these. 5.4 Para. 47 says that; 'joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance because of a lack of physical capacity or because to do so would cause significant harm to the objectives, principles and policies of this Framework'.

5.5 It is noted in this context, that the Inspector dealing with the Bristol Core Strategy found that the plan does not make provision for the development that will be required for the part of the West of England functional area that is within the administrative area of Bristol City Council, because there is insufficient physical capacity.

5.6 Specific to a plan's role in relation to housing requirements, para. 28 says that,

'local planning authoritiesshould prepare a Strategic Housing Market Assessment to assess their full housing requirements, working with neighbouring authorities where housing market areas cross administrative boundaries.'

5.7 Finally on this point, the Framework says at para. 48 that, 'the Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate'.

6 The presumption in favour of sustainable development

6.1 The Draft NPPF makes much of the role of planning in promoting sustainable development. It is very valuable and important that in saying (at para. 9) that the purpose of the planning system is to contribute to the achievement of sustainable development (the position already enshrined in legislation), it also says that this core principle, 'recognises the importance of ensuring that all people should be able to satisfy their basic needs and enjoy a better quality of life, both now and in the future'. We pick this out and emphasise the reference to 'all people' as this inclusive requirement proscribes any temptation to define sustainable development in terms of the wishes of a unrepresentative group of existing residents that the Council may seek to please with its plan and policies.

6.2 A further very relevant statement from the Draft NPPF appears in para. 110 that; 'the presumption in favour of sustainable development means that Local Plans should be prepared on the basis that objectively assessed development needs should be met, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole'.

6.3 Probably the most significant addition to current policy in the Draft NPPF is the introduction of an explicit presumption in favour of sustainable development, though arguably this already exists. Whilst emphasising, rightly, that the planning system gives primacy to the development plan, this states that:

'Local planning authorities should:

- Prepare Local Plans on the basis that objectively assessed development needs should be met', and;
- 'Grant planning permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.'

6.4 Whilst the Council has identified a potential change to suggest that the plan contains the presumption, it is certainly not based upon the presumption in favour of sustainable development when considered against the meaning of this concept in the Draft NPPF, which includes meeting objectively assessed needs.

7 Housing provision

7.1 It is a basic requirement of the Core Strategy reiterated by the draft NPPF that it makes provision for the amount of housing that the evidence demonstrates to be

necessary through sources that are demonstrably deliverable as well as suitably located.

7.2 There are a number of ways that the level of housing provision that should be made through the plan can be identified, and inevitably there will be differences in what each would suggest as the 'right' level, as well as plenty of differing views on the merits of making proper provision. The only figure for which no supporting evidence can be found is the one promoted by the Council of 11,000 dwellings for the plan period.

7.3 The Regional Strategy needs to be mentioned here. As a matter of present law the Core Strategy has to be in general conformity with the Regional Strategy and the South West Regional Strategy that reached an advanced stage before work was suspended is therefore a material consideration. The Proposed Changes contained a housing provision figure for B&NES of 21,300 dwellings for the plan period.

7.4 The Draft Regional Strategy of 2006 contained a housing provision figure for B&NES of 15,500. The Council accepted this figure as the basis for planning for the area.

7.5 Regional strategies may still be part of the planning system when the Examination of the B&NES Core Strategy continues and concludes. The Government however proposes to abolish regional strategies, leaving, amongst other things, the housing provision to be made by plans to be determined locally. They are to do so according to proper evidence, as is already the case and as the draft NPPF makes clear, as already noted. The Regional Strategy was based on evidence, and the Panel charged with testing the soundness of the Draft Regional Strategy having regard to the evidence, recommended that it should contain a housing provision figure for B&NES of 18,800 dwellings.

7.6 The approaches to identifying the level of housing provision as the basis for plan making that are rapidly becoming established as best practice, generally use the housing requirement that would promote and furnish the employment levels apparently achievable from sectorally-specific assessments of economic potential alongside demographic projections. The figures are tested for deliverability from an understanding of the market operating in the area and benchmarked against housing need assessments. The Council has not provided evidence for its proposed housing provision on this basis.

7.7 We note that the Inspector Examining the Bath and North East Somerset Core Strategy has sought to further understand the basis for the housing provision figure, and asked the Council to explain the discrepancy between its Core Strategy and its expectations for the net increase in the number of jobs in the West of England as expressed in the bid for the Local Enterprise Partnership of which it is now part.

7.8 It is apparent from what the Council has produced on the housing requirement that it is definitely not addressing its share of the housing requirement that arises from its place within the West of England. The LEP bid document of which the Council is a signatory identifies the West of England the four local authority areas as 'a functional area'.

7.9 By any reckoning, the level of housing for which the plan makes provision is far too low.

8 Distribution of development and opportunities to address the shortfall

8.1 More housing needs to be provided for in B&NES. The proper means of doing this is through a justified and effective plan prepared with the benefit of informed participation. If the Council does not take on this opportunity it is evident from the draft NPPF that the housing will be delivered through the operation of the presumption in favour of sustainable development.

8.2 The existing spatial strategy in the submitted Core Strategy identifies four settlements where new housing, jobs and community facilities should be focussed. This is at Policy DW1 which is the subject of a potential or proposed change in the Council's consultation. Whilst the policy says 'focussing new housing jobs and community facilities in Bath, Keynsham, Midsomer Norton and Radstock', we would strongly suggest that the proposed change should be for the policy to say 'at' rather than 'in'. This would better reflect the reality of how the development provision will be made, with opportunities for satisfactory development within the settlements taken fully, and alongside this, provision for development to take place on the immediate periphery of those settlements, in order to achieve sufficient levels of supply and to address multiple objectives (consistent with the concept of sustainable development).

9 Conclusions

9.1 The Council has proposed changes to the Core Strategy that it believes are required to enable the Council to show that it contains and is based on the NPPF, something that the Draft NPPF says will be required of local plans.

9.2 The Proposed Changes do not bring the Core Strategy into a form where it is consistent with emerging national policy. The Draft NPPF reiterates the requirements of a

plan for it to be sound, including the need to justify its approach with a compelling link to evidence, and for it to be effective in delivering on the future requirement for the area. The Submitted Core Strategy does not meet these requirements, and the Proposed Changes arising from the Draft NPPF do not overcome these fundamental failings.

9.3 The Core Strategy does not make the level of housing provision that the evidence demonstrates should be made.

9.4 Additional land will inevitably need to be found. Further provision should be made at Midsomer Norton amongst other locations, as this is a settlement where development is intended to take place according to the spatial strategy in the plan, but where the plan does not demonstrate how this can be achieved. Strategic Land Partnerships has land that would be suitable and deliverable and which would make a useful contribution.

Change sought to make sound:

Generally the Core Strategy should be fundamentally reconceived to ‘deliver housing and economic development requirements’ (NPPF para 23), which have been ‘objectively assessed’, (NPPF para 20).

We believe the Proposed Change (or Potential Change as it is referred to by the Council in some cases) does not bring the Core Strategy into a form where it is consistent with emerging national policy. The Draft NPPF reiterates the expectations of a plan for it to be sound, including the need to justify its approach with a compelling link to evidence, and for it to be effective in delivering on the future requirements for the area. The submitted Core Strategy does not meet these requirements, and the Proposed Change arising from the Draft NPPF does not deal with these fundamental failings.

Representation (legal compliance):

Change sought to make legally compliant:

Draft Core Strategy Plan Reference: Policy DW1: District Wide Spatial Strategy

NPPF Reference: NPPF1

Draft Core Strategy Plan Reference: Policy DW1: District Wide Spatial Strategy

NPPF Reference: NPPF1

LDF Consultee ID: 246/NPPF/1

Name: Mr Peter

Duppa-Miller OBE

Organisation: Combe Hay Parish Council

Support: **Supporting Material:**

Representation (soundness):

It is essential that a detailed definition of “sustainable development” is included, otherwise the Potential Change would be in danger of being deemed unsound.

Change sought to make sound:

Representation (legal compliance):

Change sought to make legally compliant:

Draft Core Strategy Plan Reference: Policy DW1: District Wide Spatial Strategy

NPPF Reference: NPPF1

LDF Consultee ID: 248/NPPF/1

Name:

Organisation: Crest Strategic Projects and Key Properties Ltd

Support: **Supporting Material:**

Representation (soundness):

- 1) RPS is grateful for the fact that the Full Council report and minutes of the meeting of 15 September 2011 have been added to the Core Document Library (CD5/24 and 25 respectively). This representation focuses extensively on the implications of the Council's decision not to accept the Officers recommendations in full, the implications it has on the soundness of the plan, and how the Core Strategy now responds to the draft NPPF.
- 2) The Council and the Inspector will be aware that RPS represents Crest Strategic Projects and Key Properties strategic land interests at Hicks Gate; evidently the Officers Report and Council's decision has significant implications for that specific site.
- 3) In terms of the NPPF, RPS finds it surprising that given the level of scrutiny the draft NPPF has received from all sections of society and the implication that it constitutes a significant shift in planning policy that the Core Strategy would have to make only modest changes to four matters to be in full accordance with the NPPF. This either represents a case of remarkable foresight or is an exercise in the Council simply burying its head in the sand; the only reasonable conclusion is that the latter contention applies. Of course, the NPPF is only in draft form but ignoring its implications is of benefit to no one, least of all the Council itself.
- 4) The suggested simple change to amend the Core Strategy to confirm that there is a presumption in favour of sustainable development demonstrates that the Council has not considered the NPPF properly. If it did, it would know that merely changing one sentence does not make the Core Strategy comply; the presumption in favour of sustainable development has far wider consequences on the Core Strategy. Like any planning document, the NPPF has to be read as a whole to properly understand the implications for local plan formulation.
- 5) In terms of responding directly to these matters, the format of this representation addresses the Officers consideration of Option 1 – the 'no housing contingency' (or 'do nothing') approach in the 15 September Committee Report. This (regrettably) is the option favoured by Members. RPS shares Officers concerns that pursuing this option is a high risk strategy in the context of the Inspector's scope to find this Core Strategy sound. Evidently the purpose of the report was to make clear to the Council that the 'do nothing' approach would most likely render the Core Strategy unsound.
- 6) The underlined text is a direct extract from paragraphs A1.3 to A1.5 of the Officers Report. RPS responses to the issues follow underneath.
A1.3 The Core Strategy plans for a growth in around 11,000 houses and 8,700 jobs by 2026. This compares with up-to-date evidence commissioned by B&NES that around 11,600 dwellings and 8,700 jobs will be needed. It is acknowledged that this is a tight housing land supply and that there is limited flexibility/contingency.
- 7) Representations by RPS on the submission Core Strategy make clear its stance that the homes and jobs forecast fails the test of soundness. The fact that officers actively recognise that the current position underplays even its own evidence base only exacerbates the matter beyond any degree of reasonableness. Officers argue that the stance is due to a set of particular circumstances:
 - the housing supply as identified in SHLAA is around 11,200 dwellings (without Green Belt changes, prioritising brownfield sites and focussing new development on in the most sustainable locations)
- 8) At the very least, the question has to be asked why is the requirement not 11,200 in line with the SHLAA. In reality, that question only scratches the surface of the issue. The SHLAA represents a snapshot in time and it is not an absolute requirement to have to demonstrate that the strategic requirement can be met in full before the Core Strategy is even adopted. BANES cannot continue to ignore greenfield and Green Belt development opportunities. It is absolutely wrong to imply that such development is unsustainable. There is nothing wrong in prioritising development on brownfield land (albeit is no longer required under the NPPF) but if needs dictate, and clearly they do, then greenfield development opportunities have to be fully explored. There is no reason why a higher growth rate cannot be delivered in BANES in a sustainable manner.
 - the district's extremely high quality environment (e.g. Bath is the UK's only city which is entirely a WHS, extensive AONB within the District, high concentration of listed buildings, numerous conservation areas, home to bats of European importance)
- 9) Undoubtedly the environment in BANES is high quality; it contributes to the reason why in-migration, demand and need is so high. It is unacceptable for BANES to become the domain of the wealthy as that is no formula for the creation of mixed and balanced communities. Whilst Bath may be the only city with WHS status, the other matters

referred to by Officers are common to the vast majority of non-metropolitan districts in the country. BANES is no more special in that sense and there remain strategic and sustainable development options available that do not compromise these special qualities.

- a strong view from local communities that they do not want to see strategic changes to the Green Belt

10) RPS is under no illusion that the political pressure to maintain the Green Belt is strong. Unfortunately, bowing to pressure and 'doing nothing' is not going to result in a sound Core Strategy. The politics of the situation have to be balanced with all the other requirements of planning policy (existing or emerging) and meeting the needs of households and the economy both now and in the future. The blind acceptance of political will should not be at the expense of following due procedure in conducting an adequate Green Belt review. The new tests for Green Belt under the NPPF highlight the issues more than ever (see below).

11) This position is further heightened by the new requirements for the tests of soundness in the NPPF that require plans to be 'positively prepared'. Again, RPS has made clear that the housing and economic projections are based on recessionary targets that go fundamentally against everything the Government is trying to achieve via the NPPF and other fiscal measures to stimulate the economy.

- new development should be aligned with the provision of necessary infrastructure and infrastructure may be a limiting factor on growth levels

12) It is not entirely clear what this statement means, but the fact that officers state that infrastructure 'may be' a limiting factor suggests that they don't have the evidence to back this assertion up.

- the spatial strategy should be co-ordinated with that of adjoining authorities

13) In the new NPPF tests of soundness, LPAs have to establish housing and employment growth figures that include unmet requirements from neighbouring authorities. The effectiveness test now also makes clear that the plan should be deliverable based on effective joint working on cross-boundary strategic priorities.

14) It is of great benefit to the examination that the Inspector will be acutely aware of the issues in the adjoining Bristol City administrative area. On housing and employment growth in Bristol City the Inspector concluded that,

"The Council's proposed change for a minimum housing provision of 26,400 is very unlikely to meet, and could fall very substantially below, the potential housing demands in Bristol over the plan period. If the Council's anticipated delivery of 30,600 dwellings is achieved this would avoid the worst consequences of the lower figure, but could still be under provision. Whilst the Council's intention of delivering 30,600 new homes might achieve a broad balance between the number of additional people living in the city and seeking work and the number of new jobs provided, it could restrict economic growth if economic circumstances are more favourable than expected and/or increase the proportion of workers commuting into the city."

15) Regardless of the requirements of the NPPF it has long been RPS's contention that the BANES Core Strategy (metaphorically) turns it back on Bristol. This is well established in the Council's own evidence and from a cursory examination of the Core Strategy itself. The Inspector's conclusions of the Bristol City Core Strategy and the clear message in the NPPF that cross-boundary issues are a fundamental consideration in the preparation of a Core Strategy suggest that the current stance is entirely unacceptable in a sub-regional context. The Inspector has made clear that the Bristol Core Strategy does not (because it cannot) meet housing and economic projections. It is therefore BANES's responsibility to (as an absolute minimum) test the implications of under-provision in Bristol for its LPA area.

16) The fact that the BANES Core Strategy makes only paltry references to the fact that it borders the Core City in the South West of England makes a mockery of the suggested changes to the Core Strategy as a consequence of the NPPF. The fact that BANES has completely ignored the consequences of paragraphs 44 to 47 of the NPPF speaks volumes for the prospects of sub-regional planning in the West of England. The Core Strategy wholly fails to acknowledge the guidance that joint working should be undertaken 'diligently'. The fact of the matter is that the requirements for cross-boundary working are not going to disappear in the final version of the NPPF as this is the only means of ensuring sub-regional matters are considered effectively. Indeed, in the Parliamentary debate on 20 October, Ministers confirmed,

"Duty to co-operate: this duty required ongoing constructive engagement on all strategic matters arising between councils when they prepared local plans, and councils would be required to consider whether they had entered into agreements on joint approaches and on the preparation of joint policies on cross-boundary issues.

They would also have to satisfy the independent examiner of the local plan and to demonstrate compliance with the duty of co-operation when they do so. If they fail to

satisfy the independent examiner, the plan would fail. That would be a powerful sanction to encourage council A to bear in mind the importance of taking into account its consultation and co-operation with council B.”

17) It remains to be seen how this powerful sanction will be applied.

18) In terms of the Bristol Core Strategy, the Inspector confirmed that,

“The indicators of housing need, potential household growth and the opportunity of facilitating greater economic growth, would provide the necessary exceptional circumstances (as required by PPG2) to justify a change to the Green Belt boundary. But this does not mean that the City Council is obliged to do so if it wishes to pursue a strategy of greater restraint which is otherwise justified.”

19) The strategy of constraint was considered justified in the context of a tight administrative boundary where the release of the relatively small areas of Green Belt would not have a material impact on meeting a higher level of growth and would be difficult to plan effectively in isolation of the obvious wider urban extension opportunities. Supply from other sources had largely been exhausted and there is ‘only so much’ Bristol City can deliver. RPS contends that the position is entirely different in BANES. In terms of sub-regional Green Belt issues, the Inspector concluded that,

“The opposition of the relevant adjoining councils to such development effectively precludes any current strategy that sought a more comprehensive approach to potential needs and opportunities. It would be unreasonable to expect the City Council to explore cross-boundary urban extensions at a time when the neighbouring authorities are opposed to such development and there is no higher tier of planning being actively pursued to promote such an approach. Nonetheless, as this plan is the first Core Strategy of the West of England authorities to be examined, it would be short-sighted to rule out the possibility of a cross-boundary approach to development in the Green Belt in the future. The Localism Bill may also require adjoining authorities to co-operate on cross-boundary issues.”

20) The Inspector went on to confirm that the proposed deletion of the Green Belt contingency was unsound. Clearly BANES has no such contingency and if the same conclusions are drawn then the plan can only be found unsound; Officers have already recognised this by the context in which the Committee Report was prepared.

21) There is merit in considering the implications of the Green Belt paragraphs in the NPPF (133-147). Certainly the NPPF replicates much of PPG2 and RPS accepts the Government remains keen to enforce the protection of Green Belts. However, the NPPF makes clear (para 138) of the appropriateness of reviewing Green Belt boundaries through the ‘Local Plan’ process. Quite clearly the Council has chosen to ignore this requirement and has made no statement on the prospects of the Green Belt boundaries enduring beyond the plan period.

22) Critically, paragraph 139 introduces a key test in any Green Belt review; that is to test the effects on sustainability the consequences of developing within or beyond (i.e. leapfrogging) the Green Belt. This exercise should have been conducted as a matter of sensible plan making under PPG2 but now the requirement is explicit. Moreover, paragraph 140 sets out a series of tests:

When defining boundaries, local planning authorities should:

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development

23) Policy DW1 of the Core Strategy sets out what the Council considers to be sustainable development. Sustainable development is promoted by: ‘retaining the general extent of the Bristol-Bath Green Belt with no strategic change to the boundaries.’ This is a wholly unsound statement; development within the Green Belt is absolutely not inherently unsustainable; paragraph 139 of the NPPF confirms.

24) The Council has failed to adequately address what the identified requirements for sustainable development are in the context of the NPPF requirements for responding positively to wider opportunities for housing and economic growth, and addressing cross-boundary issues.

- not include land which it is unnecessary to keep permanently open

25) Through earlier submissions, RPS has presented the case that there is no harm to Green Belt purposes by releasing land at Hicks Gate

- where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period

26) Evidently BANES has elected not to pursue this avenue, and is seemingly willing to contend that Bristol (and Bath) does not need to grow in the period to 2026, and for the foreseeable period beyond. There is absolutely no justification for this approach and the Core Strategy remains rigidly inflexible and as a consequence unsound.

- make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a local plan review which proposes the development

27) Not relevant given the Council's stance; quite clearly that stance is not (and never was) credible.

- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period;

28) That exercise simply has not been conducted.

- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

29) Since there are no proposed changes, BANES evidently does not consider this test to apply; that is not acceptable and RPS has made clear its position that drawing a new Green Belt boundary to exclude the Hicks Gate development area has absolute scope to adhere to the principles of defining robust physical boundaries that will not be breached in the long term.

Defence for 'doing nothing'

30) The Officers report refers to the following matters concerning how they would defend the Core Strategy in the 'do nothing' scenario,

A1.4 However, the Council may wish not to make any changes and continue to defend this strategy at examination. In addition to the above points, the Council's case would focus on the following points;

- The strategy entails a significant uplift in past rates of housing delivery from around 380 to 550 per annum.

31) This statement merely seeks to paper over the cracks; it does nothing to reflect need in the district. The 380 dwellings per annum completion rate compares with the Local Plan requirement of 457dpa. The increase to 550 dwellings per annum does little more than replicate the Local Plan requirement rate whilst including an allowance for the backlog of failed delivery. It absolutely fails to represent a 'significant uplift'.

- The strategy enables delivery of the substantial Council's economic growth reflecting national objectives

32) The statement is confused but evidently the Council considers that it will be planning for substantial economic growth. The Core Strategy housing requirement justification is based on an assumption of low economic growth so represents an absolute contradiction. As set out above, RPS is of the view that the Core Strategy fails to meet the requirements of 'planning for prosperity' and in particular paragraphs 71 to 81 of the NPPF. RPS has yet to see the LEP acknowledge that the BANES strategy reflects its own pursuit of strong and ambitious economic recovery.

- The Council has a new focus on delivery and is address past problems of non delivery

33) It is not clear in any sense how this statement has been or is translated into policy. Further evidence is required to demonstrate the point but the entire Core Strategy is predicated on a strategy of economic and housing growth restraint; it is difficult to concur with the statement.

- There is some scope, albeit limited, for contingency within the existing strategy through flexibility on densities and mix of uses and in the assessment of housing need in the Stage 2 Report.

34) RPS cannot agree with this assertion; evidently neither does the Inspector and his concerns have already been expressed by Officers to the Council on this specific matter. As the Officers report establishes, those concerns prompted the recommendations to be made to Council on 15 September. The Inspector has made detailed comments on the robustness of the 'contingency' options and Officers are well aware the current provisions will not pass the tests of soundness.

Risks of 'doing nothing'

35) Officers go onto to establish the risks of the 'do nothing' approach:

"A1.5 The risks of not identifying a contingency are significant;

- Increased likelihood of an unsound Core Strategy

- Inability to progress the Community Infrastructure Levy (CIL) which is dependent on adoption of the Core Strategy. CIL must be in place by March 2014 when the ability to seek developer contributions is significantly scaled back
- A delay in the Core Strategy means that the Governments new presumption in favour of development will result in loss of control over the location of new housing.
- Changes to Local Government funding mean that the Council is increasingly dependent on local sources of funding e.g. the New Homes Bonus, CIL, rates and a failure in housing delivery will have a significant impact on resources
- There is the risk that housing needs will not be met, thereby exacerbating affordable housing needs and potentially limiting economic growth.”

36) RPS acknowledges the Officers’ honesty regarding the consequences, and would not disagree with any of the matters. Individually (never mind collectively) they all have severe implications for the future of BANES, its households and its businesses.

37) Perhaps most tellingly of all, Officers perceive “the Governments new presumption in favour of development will result in loss of control over the location of new housing.” In one of its few acknowledgements of the NPPF, the Core Strategy supports the presumption in favour of sustainable development. On what possible basis is there concern that in the event the Core Strategy is found unsound the Council would not support sustainable development wherever the opportunity may arise? The statement conflicts with the ‘new focus on delivery’. The Council should be confident that where development is not sustainable it can be resisted. Perhaps there is an underlying acknowledgement by officers that development in locations such as the Green Belt is in reality inherently sustainable and they cannot defend a position to the contrary...?

Officer Stance

38) Evidently the Officers do not consider the stance to be credible and recommended the Green Belt contingency option at Hicks Gate. Officers consider that the only risk to this option would be that “harm to the environment will be realised.” RPS does not accept that development at Hicks Gate would result in harm to the environment; there is no evidence to back this assertion. Not for the first time, the Council misinterprets Green Belt policy to assume that development in it results in environmental harm and should be resisted; that is simply incorrect and is not the aim of Green Belt policy.

39) The fact of the matter is that the identification of Hicks Gate in the Bristol Core Strategy as a contingency establishes that the scope for sustainable development exists. The tests of sustainable development have always taken into consideration the effects on the environment.

40) Certainly RPS is grateful for the acknowledgement that the Hicks Gate location remains the most appropriate for release of all Green Belt options. Whilst the decision of the Council is disappointing, the fact of the matter is that RPS would still be objecting to the identification of Hicks Gate as a ‘contingency’. The objection would have been on the basis of the clear evidence that the site should be allocated as a strategic release from the Green Belt and be brought forward for development at the earliest opportunity.

41) The Inspector will be very well aware of the final version of the Bristol Core Strategy. Policy BCS6 states that, “Proposals for urban extensions in the Green Belt beyond Bristol City Council’s boundaries may emerge through the development plans of neighbouring authorities. If appropriate proposals come forward the council will continue to work with the adjoining authorities to consider the impact on existing areas, to assess infrastructure requirements and to ensure integrated and well-planned communities are created to the benefit of existing and future residents.”

42) There is a clear context for enabling development at Hicks Gate to proceed. If the BANES Core Strategy was to set the context then under the terms of the Policy Bristol City would act positively to coordinate development appropriately. RPS will continue to elaborate on this case through the examination process.

Change sought to make sound:

Representation (legal compliance):

Change sought to make legally compliant:

LDF Consultee ID: 265/NPPF/2 **Name:** Mr Patrick Hutton **Organisation:** Bath Heritage Watchdog

Support: **Supporting Material:**

Representation (soundness):

Bath Heritage Watchdog has responded to the NPPF Consultation explaining exactly why, because it is so badly drafted, the presumption therein in favour of sustainable Development is unsustainable.

This comment might result in some redrafting which would invalidate this proposed wording in the Core Strategy. Suggested wording is:
The overarching strategy of B&NES is to promote sustainable development following the guidance of the National Planning Policy Framework, by:
Note that the earlier objection to the remaining text still applies, see Part B.

Change sought to make sound:

Representation (legal compliance):

Change sought to make legally compliant:

Draft Core Strategy Plan Reference: Policy DW1: District Wide Spatial Strategy **NPPF Reference:** NPPF1

LDF Consultee ID: 2564/NPPF/1 **Name:** Mr Simon Steel-Perkins **Organisation:** Strategic Land Partnerships

Support: **Supporting Material:**

Representation (soundness):

2 The Council's potential changes arising from the draft NPPF

2.1 The Council proposes a change to Policy DW1 which deals with the Districtwide

Spatial Strategy, replacing the wording, 'The overarching strategy for B&NES is to promote sustainable development by' with 'There is a presumption in favour of sustainable development in B&NES. Sustainable development is promoted by:'

2.2 Parts of the policy which the Council does not suggest should change, but are nevertheless part of a changed policy and therefore open to comment, include:

1: focussing new housing jobs and community facilities in Bath, Keynsham, Midsomer Norton and Radstock particularly ensuring:

With the ensuing list including:

C: there is deliverable space to enable job growth in the towns and principal villages in the Somer Valley to create a thriving and vibrant area which is more self-reliant socially and economically

2: making provision for a net increase of 8,700 jobs and 11,000 homes between 2006 and 2026, of which around 3,400 affordable homes will be delivered through the planning system

4: retaining the general extent of (the) Bristol-Bath Green Belt with no strategic change to its boundaries.

2.3 The proposed changes to the Core Strategy could hardly be said to embrace the spirit of the Draft NPPF, but rather represents the minimum the Council believes it needs to do to meet the requirement set out in the Draft NPPF that 'all plans should be based on and contain the presumption in favour of sustainable development as their starting point'. This requirement certainly would not appear to be met by the proposed changes.

2.4 The preamble to the schedules invites potential respondents to 'also comment on any elements of the NPPF that you have identified that affect the soundness of the Core Strategy that have not been reflected by the Council's potential changes'. We believe that there is indeed a great deal in the draft NPPF that has not been reflected in the Council's potential changes and this is the essence of our representations.

Change sought to make sound:

Specifically, Policy DW1 should say 'at' rather than 'in' Bath, Keynsham, Midsomer Norton and Radstock.

Representation (legal compliance):

Change sought to make legally compliant:

Draft Core Strategy Plan Reference: Chapter 2: Bath

NPPF Reference: NPPF General

Draft Core Strategy Plan Reference: Chapter 2: Bath

NPPF Reference: NPPF General

LDF Consultee ID: 276/NPPF/5

Name: Mr Matthew Macan

Organisation: Hignett Family Trust

Support: **Supporting Material:**

Representation (soundness):

The publication of the NPPF has resulted in the Council considering changes to the CS at the request of the Inspector. These possible changes together with the impact of the NPPF are considered here in the context of the additional policy for the new neighbourhood. In particular, the Government's clearly stated aim that LAs should significantly increase the supply of housing, use an evidence base approach to ensure that Local Plans met the full requirements for market and affordable housing in the HMA, including identifying key sites which are critical to the delivery of all housing, plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as families with children, the elderly and people with disabilities).

HFT in association with its new affordable housing partner Guinness Trust have commissioned a study by Tetlow King Planning to assess the affordable housing needs of B&NES, Bath and more specifically South Bath in the context of the policies of the draft Core Strategy. That report is attached to this submission and to the wider reps made at this by HFT and amongst other things, considers the potential contribution that a new neighbour at Odd Down could make to meeting affordable housing need.

Care for the Elderly and People with Disabilities:

The studies carried out by Tetlow King show that the DCLG future demographic projections will lead to the majority of households growth coming from households aged 65 or above and approximately 13% for households aged 85 or above. This age group is the most vulnerable and typically has the highest level of care. This situation is supported by the findings in the SHMA.

In response to this HFT are proposing that the New Neighbourhood at Odd Down should make provision for the care for the elderly including people with disabilities through the provision of a Care Village.

A New Neighbourhood

Chapter 3 of the CSSO provides ample reasoned justification for the development of the Vision for the New Neighbourhood at Bath including stakeholder engagement. HFT has fully participated in this process and will rely upon the evidence in Chapter 3 of the CSSO, together with the CSSO Reps Part 2:

- 3.6 New Neighbourhood in an Urban Extension in Bath
- 4.0 Green Belt
- 5.0 Area of Outstanding Natural Beauty
- Proposed Recommendations in support of the proposed new vision, strategic objectives and policy for a New Neighbourhood at Odd Down.

Together with Appendices

App 4 Odd Down Plateau SWB2: proposed extensions SWB2.1-4

App 5 A Provisional Employment Strategy

App 6 Landscape Report Novell Tullet 2006

App 7 Landscape Report A Novell 2009

App 8 Health Impact Assessment (extract from 2009 study)

App 9 Former Fullers Earth Works, Fosse Way, Bath (B12) extract from Draft Joint Waste Core Strategy 2010

Affordable Housing Evidence

There are currently around 11 051 applicants on the housing register which has more than doubled since 2005' and includes 1171 applicants in need of older person's accommodation. This represents a huge increase in the need for affordable housing over recent years which the Council has failed to be in to address. In particular there are currently 3476 applicants with a reference to live in the City of Bath. HFT will rely upon the evidence in the SHMA and in the Tetlow King Report 2011 to demonstrate that there is an overwhelming need for affordable housing in Bath and that the need for family housing is especially great in South Bath. The location and layout of a New Neighbourhood at Odd Down is particularly well suited to meet those needs. (App .PC 1. Tetlow King Report 2011)

HFT will draw upon the Council's most recent Sustainability Assessment findings ref. 1817049 September 2011 page 33 "The site will have a major positive effect on meeting identified needs for sufficient high quality and affordable housing . Development in this location would improve accessibility to community facilities and local services improving health and access to sustainable modes of travel.. The site has good public transport accessibilities to Bath and towards Radstock and Frome. These major positive effects are dependent on adequate provision of community and health facilities."

HFT believe that the provision of the 'Care Village' within the New Neighbourhood will provide the means to provide and sustain in the long term community and health facilities benefiting the wider community of South Bath as well as meeting the needs of the elderly and disabled. HFT agrees with the findings of the SA ref. 68C13479 September 2011 that Policy CP10 Housing Mix is unsatisfactory as it does not make clear how housing that meets the needs of older people disabled people and those with other special needs will be delivered. Therefore as well as addressing it within a New Neighbourhood policy HFT will proposed changes to Policy CP10 to identify the broad location of a new Care Village on the Odd Down Plateau.

Odd Down Plateau

In developing the policy for the New Neighbourhood at Odd Down in the context of the Vision and Spatial Objectives, HFT carried studies of the potential area of the New Neighbourhood on the Odd Down Plateau. Full details of those studies of the Plateau Area and the Southstoke Valley alongside, together with the conclusions, are attached as separate documents, that originally formed part of the CSSO submissions, which should be read in support of the policy and reasoned justification to these representations. These submissions are CSSO Part 1 with Appendices 1,2,3 and CSSO Part 2 with Appendices 4-9.

In addition studies in support of Habitat Regulations Assessment and Land Stability are described below together with their recommendations. In response to Policy CP3 Renewable Energy, there is additional information relating to the New Neighbourhood.

Habitat Regulations

The proposed New Neighbourhood at Odd Down lies in proximity to the Bath/Bradford on Avon SAC, which is situated to the east, in the community of Combe Down. The

importance of this mine location for certain species of bat is well recognised both in terms of species and population numbers to the extent that it is registered under the Habitats Directive as a Natura 2000 Site (SAC) and consequently must be taken into account when proposing planning policies in an LDF document or determining a planning application.

HFT have engaged in detailed discussions with the Council and with Natural England to support site monitoring of bats as part of an Appropriate Assessment carried out by the Council in the Interim Habitat Regulations Assessment of the CSSO. Details of the Councils interim assessment are set out in CSSO Part 2 3.6.9. HFT commissioned further studies to address the potential indirect impact upon the SAC and to identify appropriate safeguards and mitigation that would assist its long term integrity. Details of those studies and recommendations were included in two CSSO Representations: 1. Response to the Interim HRA for the B&NES Core Strategy - Assessment of likely impacts and mitigation options for bats at Combe Down Mines SAC due to the proposed New Neighbourhood at Odd Down Option SWB 2. A report prepared by Mrs Lyn Jenkins & Dr. Laurent Duverge Kestrel Wildlife Consultants Ltd, and 2. Addendum to the response to the Interim HRA for the B&NES Core Strategy Spatial Options - Assessment of likely impacts and mitigation options for bats at Combe Down Mines SAC due to the proposed New Neighbourhood at Odd Down Option SWB 2.

Details of the overall conclusions and recommendations are set out below: (reference to Option SWB2 is the proposed new policy area at Odd Down) (See background information)

Land Stability

The area of the Odd Down Plateau has been subjected to mining in the past both for Fuller's Earth and for Bath Limestones. The remnants of this historic mining that goes back to perhaps Roman times, is most evident in the former processing works to the western end of the plateau, now allocated for residual waste treatment (JWCS). Consequently the western parts of the New Neighbourhood, nearby Combe Hay Lane and to the north and south of the A367, have been undermined and suffered historic subsidence. Recent development at the park and ride has also taken place on undermined ground, following treatment.

The Council commissioned Arup & Partners to carry out an investigation into land stability at Odd Down, together with the alternative site at West Twerton/Newton St Loe. A copy of the report dated March 2010 is attached to these representations. The report identified the presence of land instability beyond those areas intended for residential development, i.e. to the west of Sulis Meadows. The report recommended either the use of piled foundations or cement grouting to stabilise these areas, in the event that residential development were to take place. This form of ground remediation is standard engineering practice and the evidence supports a viable scheme being capable of being delivered on these areas if required. (Arup & Partners: Slope, Geological Instability and Undermining Study: March 2010)

The projections for the growth in numbers of elderly people in the B&NES area are provided in Tetlow King's Report App PC1, para 4.30. Experience in other Local Authorities clearly demonstrates that specialist accommodation and dedicated care provides the best and the most economic outcomes benefitting both the elderly themselves and ensuring best value for money to the healthcare sector.

Change sought to make sound:

Proposed Spatial Vision for a New Neighbourhood

The following vision is proposed for the New Neighbourhood and takes account of the comments made in the CSSO Reps 3.6.1. It is proposed that this vision is included in the CS.

(Insert the following vision in the CS)

The Vision for a New Neighbourhood at Odd Down

The new neighbourhood at Odd Down will be a mixed use extension to the urban edge of the city. It will be an attractive and vibrant new part of the city which exemplifies sustainable living. Buildings will be zero carbon, and opportunities for using local energy resources and local food production will be a core part of the development.

The new neighbourhood will be part of the city and will be well linked to the city centre and other areas using sustainable methods of transport, including public transport, cycling and on foot. With the highest quality urban design, the new area will provide a range of housing, including an important contribution to affordable family housing, a Care Village employment space and community facilities and will encourage safe and healthy lifestyles.

This neighbourhood will play an important role in the growth of Bath contributing towards the quality of community facilities in adjacent areas supporting regeneration of relatively deprived areas in the south of Bath and will complementing the redevelopment of the river corridor and the renewal of the city centre.

The development will be located and designed in a way that respects the World Heritage Site status and that minimises the potential harm to the setting of Bath. Opportunities to increase access to green space and the countryside and enhance ecology will be realized so as to protect and enhance the recreational opportunities within the Cotswold Area of Outstanding Natural Beauty. The neighbourhood will reflect the form and character of Bath.

Spatial Objectives

A number of spatial objectives have also been developed and these may form the basis of future development principles, which will help shape the look and feel of the area. The following objectives are recommended for inclusion alongside and in support of the new policy (see CSSO Reps 3.6.1)

Spatial Objectives of the New Neighbourhood

The New Neighbourhood at Odd Down will:

1. Be an exemplar of low carbon development, exceeding government targets
2. Have a mix of uses which will make sure that there is vibrancy and activity, while also offering easy, safe and affordable access to local employment, community, health and educational opportunities.
3. Offer access to a wide range of services and facilities be well linked to the new Care Village and will support the needs of the new and existing communities
4. Provide a mix of housing types, tenures and sizes, including affordable housing, family housing and housing for the elderly disabled and special needs to meet the identified needs of all sectors of the community
5. Contribute to the sustainable economic vitality of the area and the city as a whole by the provision of a variety of employment types
6. Be well linked into Bath and work as a new neighbourhood in the city
7. Minimise the impact on the integrity of the villages close to the city including maintaining the general extent of the Bristol-Bath Green Belt subject to boundary changes to accommodate the New Neighbourhood
8. Be located and designed in a way that minimises any negative impact on environmental assets and the views of, and from, them including the World Heritage Site and its setting and the Wansdyke
9. Be designed and developed in a way that makes sure that measures are taken to enhance and otherwise mitigate and compensate for harm to the landscape of the Cotswold Area of Outstanding Natural Beauty including improving recreational opportunities and to protect and enhance nature conservation interests and their habitats
10. Include a network of connected high quality accessible green infrastructure providing local recreation and biodiversity opportunities and visual benefits. This will include a comprehensive mitigation strategy to be agreed with Natural England comprising an ecological corridor on the plateau edge and on land to the south of the plateau, which together will ensure no adverse impacts upon the integrity of the SAC.
11. Be a high quality place with its form and appearance responding to the character and context provided of the site and the wider area, but at the same time encouraging the efficient use of land
12. Be a place that is easy access and move around with excellent walking, cycling and public transport links both within the community and with the surrounding urban area and surrounding countryside

13. Have good access, via a range of transport modes including walking, cycling, public transport and car to Bath and the wider area
14. Be designed and developed in a way that results in a more sustainable use of resources and minimising impact on flooding, heat gain, water resources and water quality and maximizing the use local building materials
15. Be designed to meet the needs of a varied community and provide a safe, playful and healthy environment
16. Provide an integrated waste management infrastructure. Any scope for integrating waste management and heat generation should be exploited where practicable.

Outline Masterplan Drawing: see Appendix App PC 3

The proposals in the Outline Masterplan demonstrate the possible scale of development at the eastern end of the Odd Down Plateau which together with a Care Village will provide for up to 1000 new homes including 350 affordable homes and employment and community facilities. The studies carried out by the Council identify increasing higher levels of constraints associated with land to the west in the vicinity of Combe Hay Lane and the A367.

Notwithstanding these constraints the area to the west will be subject to considerable change and development that either forms part of this dCS ended Park and Ride and prior bus lanes, Fosseway), the adopted Waste Core Strategy' a new strategic waste treatment facility at the Former Fuller's Earth Site, Fosseway), or an extant planning permission' New Sixth Form and community facilities, Fosseway, St Gregory's School). All of these developments are in themselves compatible with the proposed New Neighbourhood at Odd Down and indeed provide opportunities for integration. They are all taking place on primarily open land that is designated as Green Belt in the dCS with no proposed alteration to the designation and therefore are considered exceptions. In determining the scale and nature of development at Odd Down, the Council and the Inspector will need to consider and ultimately determine any necessary alteration to the Green Belt in this location.

HFT have made representations regarding alteration of the Green Belt at HFT GB which the Council have declined to take forward in their PCdCS . HFT will make further representations in the form of HFT PC GB to take account of the findings of the SHLAA, the SA September 2011 and this Outline Masterplan. The HFT will propose two alternative options for defining the new Green Belt boundary at Odd Down with the alternative boundary more aligned with the findings of the SHLAA and allowing accommodation of development in accordance with the Outline Masterplan enclosed.

HFT acknowledge the planning constraints associated with the area to the west indeed their own landscape studies commissioned as part of the CSSO 2009 reached the same conclusions as the Council about the importance and sensitivity of this area. There are also technical constraints arising from mining activities however according to Arup these can be overcome by engineering works. This area will be subject to considerable change which will impact on its openness however the role of this location for additional residential/employment should be properly assessed by the Council, especially if other alternative locations in the river valley in central Bath, are themselves undeliverable. This matter will be left for further discussion once the Council have provided additional evidence relating to flood storage and compensation.

Policy B6 Strategic Policy for the New Neighbourhood at Odd Down

The strategy for the New Neighbourhood is to:

Natural and Built Environment

Protect, conserve, and where possible, enhance:

A The World Heritage Site and its setting including that part which is designated as Cotswolds Area of Outstanding Natural Beauty.

B The conservation area and its setting.

C Archaeology ,including the Fosse Way and the Wansdyke scheduled ancient monument.

D The network of green spaces and wildlife corridors alongside the plateau, Local Nature Reserves, informal parks and recreational areas, trees and woodlands.

E The biodiversity resource including species and habitats of European importance,

including effective mitigation and enhancement of the SAC to ensure that the Combe Down mines bat roost and associated foraging areas are safeguarded in the long term by:

- Ensuring Masterplanning will minimise the impact of lighting and disturbance on foraging areas
- Increasing the area and quality of bat foraging habitat in the Southstoke valley to the south to include both improvements to existing habitats, and the conversion of arable

land to cattle grazed pasture with optimal management for bats

- Developing strategic flight lines along Southstoke valley to allow bats safe passage and providing a link to foraging areas in Englishcombe Valley to the north-west

Public Realm and Access to the Countryside

Facilitate enhancement of the public realm and access of the plateau area and countryside alongside by :

- a Improvement in interpretation of local historical and natural features together with a Movement Strategy and
- b The provision of Green Infrastructure

Energy Conservation and Generation

- a Enable renewable energy generation including energy from residual waste treatment, biomass and on-site photovoltaics
- b. The development of a district heating network to include Sulis Meadows and nearby community facilities
- c. Enable new development to feature low/zero carbon energy efficiency in both residential and non-residential development
- d. Minimise waste and maximise recycling during the construction phase utilising local, including on-site materials where possible

Economic Development

Plan for an overall increase of up to 1600 jobs at or near the New Neighbourhood between 2006-2026 including the following:

- a. Continuing expansion of Manor Farm Buildings to accommodate 250 new jobs aimed at SME knowledge economy.
- B. Redevelop the P&R Site to form a Science/Business Park with exceptional transport links capable of accommodating small industrial/manufacturing and office infrastructure.
- C. Provision of live/work units to provide for increasing self-employed workers
- d. The provision of Community facilities to serve the New Neighbourhood, including a new or extended primary School, local shops, GP surgery .
- E. Provision of good links to nearby centres and employment on foot, bicycle or public transport, providing greater choice
- f. Provision of a Care Village employing u to 150 staff.

The objective will be to provide a variety of employment types which are easily accessible to the whole community.

Housing

Plan for the development of 1000 new homes and a Care Village including:

- a. A range of homes that contributes to providing choice in tenure and housing type
- b. Both market and affordable housing to accommodate a range of different households as evidenced by local needs including up to 350 affordable homes with particular emphasis towards family housing
- c. A range of specialist housing that meets the needs of older or disabled people, including supported housing projects, as well as live/work units.
- D. Proposals that deliver high quality designs in harmony with nature and natural materials, with the surrounding landscape, with the local vernacular as seen in the best of buildings constructed over the past 500 years and more
- e. Careful design of the Care Village as an integral part of the wider community at South Bath. This will include provision of a substantial number of sheltered dwellings, a dementia care facility, a nursing care cottage hospital and if needed an integral GP Surgery and Pharmacy

Retail and Community Facilities

Plans for the New Neighbourhood will include:

- a. Strong pedestrian and cycle links to the District Centre on Frome Rd
- b. Public transport links within walking distance of all homes, that provide frequent services to the City Centre, RUH, Bath University and the Railway Station along showcase bus routes with enhanced frequencies
- c. Access to local schools within walking distance and on safe routes
- d. Existing On-site GP Surgery (enlarged) or enhanced health and community facilities as part of new Care Village
- e. Provision of allotments with capacity to serve new and existing homes
- f. Provision for Green Infrastructure to include a local interpretation centre to enhance recreational activities within the countryside (AONB)
- g. Community based energy strategy which supports existing and new residents to reduce energy consumption and to use renewable sources on-site.
- H. Support for the new 'sport hub' and facilities at Odd Down Playing Fields

Transport and Access

Plans for the New Neighbourhood will include:

- a. Enhancement of existing public transport services to provide greater frequency and ease of access from the New Neighbourhood to City Centre
- b Excellent walking and cycling links to Local Schools and local convenience shopping as well as to public transport links nearby
- c Further bus priority measures in the Bath Package
- d Arrangements for a car club and local Travel Plan

Representation (legal compliance):

Change sought to make legally compliant:

Draft Core Strategy Plan Reference: Chapter 2: Bath

NPPF Reference: NPPF General

LDF Consultee ID: 276/NPPF/3

Name: Mr Matthew Macan

Organisation: Hignett Family Trust

Support: **Supporting Material:**

Representation (soundness):

The New Neighbourhood will accommodate a Care Village which will probably be located at the eastern end of the plateau, near Southstoke Lane. This responds to the demands in the NPPF that the SHMA should identify the scale and mix of housing and the range of tenures that the local population is likely to require over the plan period which ...takes account of demographic change and...addresses the needs of older people. the Council will makes specific provision for a Care Village as an integral art of the new community at South Bath. This will include provision of a substantial number of sheltered dwellings, a dementia care facility, a nursing care cottage hospital and if needed an integral GP Surgery and Pharmacy.

Change sought to make sound:

Representation (legal compliance):

Change sought to make legally compliant:

Draft Core Strategy Plan Reference: Policy B3: Twerton and Newbridge Riverside Strategic Policy

NPPF Reference: NPPF2

Draft Core Strategy Plan Reference: Policy B3: Twerton and Newbridge Riverside Strategic Policy

NPPF Reference: NPPF2

LDF Consultee ID: 265/NPPF/3

Name: Mr Patrick Hutton

Organisation: Bath Heritage Watchdog

Support: Supporting Material: **Representation (soundness):**

The role of Twerton and Newbridge Riversides

Having effectively isolated the two areas you can then assign them differing characteristics or zones. Point b should not be advocating or arranging the loss of industrial activity just because it is in the way of other schemes. If it is there and it is trading successfully, the location is a contributory factor to that success and must be respected.

The history of Bath is one of continuous evolution, and the character of any place has evolved because that is what is appropriate. Replacing it with what can only be described as social engineering is likely to do more harm than good, particularly when the Core Strategy bears all the signs of being prepared by those who do not come from Bath and do not understand its character.

Bath Press. The building is sound and could be reused, but the current plans are that most of it is to be demolished. Such a demolition represents the loss of approximately 5 acres of industrial premises, which makes unnecessary other reductions of industrial land proposed in the Core Strategy. Even if a change of use is permitted, there seems little justification for destroying the existing structure.

Roseberry Place is one of the few current industrial areas that is sufficiently far from residences that it can accommodate virtually any kind of industrial business. Any proposals for this area needs careful consideration because potentially they could cause the export of jobs from Bath. It should not be a key development opportunity for that reason.

Change sought to make sound:

As original Comment

Representation (legal compliance):**Change sought to make legally compliant:**

Draft Core Strategy Plan Reference: Policy CP5: Flood Risk Management

NPPF Reference: NPPF3

Draft Core Strategy Plan Reference: Policy CP5: Flood Risk Management

NPPF Reference: NPPF3

LDF Consultee ID: 265/NPPF/4

Name: Mr Patrick Hutton

Organisation: Bath Heritage Watchdog

Support: Supporting Material: **Representation (soundness):**

Bath Heritage Watchdog has responded to the NPPF Consultation explaining that although the stated intention is to withdraw PPS25, the underlying legislation on which

PPS25 is based will remain extant, and the summary of the requirements of that legislation in the NPPF is erroneous and therefore unlawful. The draft Core Strategy should not be amended to align with a draft NPPF which will have to be changed to restore the PPS25 description of dependence on Sequential Tests and Exception Tests enshrined in the legislation.

Note that earlier comments objecting to parts of Policy B3 still apply. For avoidance of doubt these are summarised in Part B above, but the full text supplied in the earlier consultation still applies in full.

Change sought to make sound:

As the Draft NPPF is not legally compliant, the safest route is to delete the proposed amendment NPPF2 in its entirety.

Representation (legal compliance):

Change sought to make legally compliant: