

# Schedule of Representations on the Proposed Changes to the Draft Core Strategy (Duly Made)

Schedule of Representations on the Proposed Changes to the Draft Core Strategy (Duly Made): Sorted by Draft Core Strategy Plan Reference

Draft Core Strategy Plan Reference: Whole Document

Proposed Change Reference: All changes

*Draft Core Strategy Plan Reference:* Whole Document

*Proposed Change Reference:* All changes

*LDF Consultee ID:* 218/PC/1

*Name:* Mr

Keith

Tyrrell

*Organisation:*

*Support:*  *Supporting Material:*

*Representation (soundness):*

*Change sought to make sound:*

*Representation (legal compliance):*

*Change sought to make legally compliant:*

*Draft Core Strategy Plan Reference:* Whole Document

*Proposed Change Reference:* All changes

*LDF Consultee ID:* 247/PC/1

*Name:* Ms

Anita

Tyrrell

*Organisation:*

*Support:*  *Supporting Material:*

*Representation (soundness):*

*Change sought to make sound:*

*Representation (legal compliance):*

*Change sought to make legally compliant:*

*Draft Core Strategy Plan Reference:* Whole Document

*Proposed Change Reference:* All changes

*LDF Consultee ID:* 250/PC/1

*Name:* Ms

Sarah

Winfield

*Organisation:* Somerset County Council

*Support:*  *Supporting Material:*

*Representation (soundness):*

Somerset County Council welcomes the opportunity to comment on the proposed changes to the Bath and North East Somerset Draft Core Strategy. We have no new issues to raise at this point in the consultation, but note that the Examination in Public of the Core Strategy has considered the fundamental matter of the scale and broad location of development in the BaNES area.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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

**Proposed Change Reference:** All changes

**LDF Consultee ID:** 276/PC/2

**Name:** Mr Matthew Macan

**Organisation:** Hignett Family Trust

**Support:**  **Supporting Material:**

**Representation (soundness):**

We are disappointed that the Council's Proposed Changes give insufficient weight to important evidence in its own background documents, such as the most recent iteration of the Sustainability Assessment, as well as inadequately addressing a number of important questions already raised by the Inspector.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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

**Proposed Change Reference:** All changes

**LDF Consultee ID:** 276/PC/9

**Name:** Mr Matthew Macan

**Organisation:** Hignett Family Trust

**Support:**  **Supporting Material:**

**Representation (soundness):**

HFT have considered the revised evidence submitted as part of the SHLAA May 2011 and the SA September 2011. The Council have identified the scale of development at the eastern half of the plateau to minimize impact upon the surrounding landscape, the World Heritage Site and transport infrastructure, concluding that upto 1000 new homes together with employment land and community facilities can be delivered.

HFT have assessed that additional capacity exists within that part of the plateau to accommodate 1000 homes together with a Care Village ( see rep. HFT PCdCS B6 ) . Consequently the HFT propose an alternative revised boundary of the Green Belt which maintains land to the west within Green Belt, as shown on the attached plan Revised Green Belt Boundary 2 , App PC 4

The reasoned justification for either Green Belt boundary change is set out in HFT PCdCS B6. The actual proposed boundary is still defined by a strong physical feature ( mature hedgerow and trees east of Combe Hay Lane ) which will be capable of securing the permanent boundary beyond the plan period.

**Change sought to make sound:**

**Representation (legal compliance):****Change sought to make legally compliant:****Draft Core Strategy Plan Reference:** Whole Document**Proposed Change Reference:** All changes**LDF Consultee ID:** 276/PC/12**Name:** Mr Matthew Macan**Organisation:** Hignett Family Trust**Support:**  **Supporting Material:** **Representation (soundness):**

The Council has published a revised SHLAA May 2011 on which it wishes to rely. Many of the points made in the earlier representation to the dCS, set out below remain the same. That is the Council have not properly tested the sites set out in the new SHLAA May 2011 and followed best practice to achieve a sound evidence base, as recommended below. This means that much of the Inquiry time will be taken up challenging the evidence of the Council. Some key additional points are underlined below but these are in no order of priority.

**Change sought to make sound:**

The SHLAA will need substantial review before publication of Version 1.2

**Representation (legal compliance):****Change sought to make legally compliant:****Draft Core Strategy Plan Reference:** Whole Document**Proposed Change Reference:** All changes**LDF Consultee ID:** 276/PC/19**Name:** Mr Matthew Macan**Organisation:** Hignett Family Trust**Support:**  **Supporting Material:** **Representation (soundness):**

Economic Development and Flood Risk

The strategic policy seeks to locate almost all new office premises (up to 100,000m<sup>2</sup>) in the Central/River Corridor area. Details of the locational strategy are set out in policy B2 and also in B3 which have been subject to a Sequential Test (Council's Sequential Test) for housing only.

This area is also proposed to accommodate up to 1000 new homes.

The details of the flood plain status of these areas is set out in the Appendix A of the Sequential Test, pages 28/29. This indicates that most of the proposed development locations will be located in floodplain Zone 2 and 3a.

The recently published Flood Risk Management Strategy for B&NES has considered the means by which Bath can seek to accommodate the level of development set out in the CS. The summary findings are:

"The Flood Risk Management Strategy has concluded that there is no strategic solution reducing peak flow through Bath which is either technically or economically viable. As such the Strategy proposes the provision of compensatory storage upstream combined with on-site flood defences. New development must provide storage to offset the volume of water that would be displaced in a flood event by the defences on-site. In order to meet this requirement, a maximum flood storage area of 345,000m<sup>3</sup> volume would be required as this is equivalent to the total combined volume of the footprint of the identified development sites. Provision of compensatory storage off-site is more

cost-effective than providing it on-site and allows for greater flexibility in master planning sites”

This report, together with the Sequential Test and the FRAs show that resolving flooding problems within Bath Central Area and its River Corridor will be challenging. Diagram 5, the Bath Spatial Strategy, indicates the ‘Area of Search for the Flood Storage Facility’, upstream.

The significance of these findings suggests that without resolving and delivering this strategic flood storage facility within a reasonable timescale and upfront, the strategic policies B1, B2 and B3 which rely upon it, must be called into question due to uncertainty and are therefore unsound. This Flood Storage Facility proposal has not been tested for its soundness at present and does not exist in policy within the CS. Policy CP5 Flood Risk Management fails to make reference to it. Section 19 (2)(l) of the Planning and Compulsory Purchase Act and PPS12 makes clear that policies within LDDs must have regard to the resources that are required to deliver them, whether financial, land etc. PPS12 Annex B states: The reasoned justification should include an indication of the assumptions made about the resources likely to be available for carrying out the policies and proposals formulated, and for the associated infrastructure. It should have particular regard to the conservation of finite or non-renewable resources such as land and energy, the need for more sustainable development, and the implications for public sector capital expenditure.

The Council will need to demonstrate that the scale of economic development proposed in B1, B2 and B3 which lies within Flood Plain and occupies flood storage capacity can be delivered given the risk of flooding. At present, the policies are unsound due to uncertainty. Alternatively, the Council will need to show how more economic development may be delivered elsewhere in the City, in areas of low risk of flooding, (Zone 1) particularly on brown field sites i.e. MOD sites or within the New Neighbourhood, as part of the mixed use development. (Amend the wording to B1, 2 to recognize the need to resolve flooding issues, and to redirect economic development to strategic locations away from the River Corridor that will form part of a significant mixed use scheme).

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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

**Proposed Change Reference:** All changes

**LDF Consultee ID:** 276/PC/21

**Name:** Mr Matthew Macan

**Organisation:** Hignett Family Trust

**Support:**  **Supporting Material:**

**Representation (soundness):**

A New Neighbourhood at Odd Down, Bath\_ Summary

The Council have published proposed changes to the draft Core Strategy September

2011 published further new evidence including Sustainability Assessments in April and September 2011 in support of the dCS and PCdCS made recommendations in the light of the National Planning Policy Framework and addressed specific questions of the Inspector.

This representation seeks to address the above new matters which, whilst it may not

necessarily have led to the Council proposing changes in the PCdCS it nevertheless

represents a material change of circumstances or new evidence which was not before the public at the time of the dCS consultation and which affects the soundness of the Plan. The Council continue to produce new evidence and rely on evidence so far not placed before the public at the time of this consultation. Where this may impact upon the soundness of the Plan the HFT will request further opportunity to make appropriate representations to the Council and the Inspector.

Where the HFT propose to make further comment in addition to the earlier representations, together with proposed changes or additions to the dCS, this will be underlined in these representations. Where the HFT wish to withdraw earlier comment or proposed changes to the dCS, in the light of the PCdCS the comments or proposed changes will be struck through. Otherwise these representations will stand and the HFT request that as set out in section 9 they will wish to articulate in public hearings when these are scheduled in 2012.

The Hignett Family Trust are proposing a new policy to be included within the Core Strategy, to provide for a New Neighbourhood at Odd Down, Bath. This development will provide a low carbon mixed-use scheme capable of accommodating up to 1000-1600 new homes including up to 350 new affordable homes a Care Village and stimulate up to 1600 new jobs on the edge of Bath. The Council have considered the need for a new neighbourhood on the edge of Bath at Odd Down and have rejected this option. HFT will demonstrate that this decision is not sound and that a New Neighbourhood at Odd down represents a key part of the CS, in order to deliver the Councils Vision and strategic objectives.

#### Introduction

The representations made in respect of this new policy will necessarily include supporting text and diagrams, as would be expected in such a strategic allocation in a CS. Therefore this representation offers such text and diagrams in support of the policy, as part of the reasoned justification and to demonstrate soundness. The Council is invited to engage in a dialogue over the content of the strategic allocation, including policy wording, and to invite wider consultation in order to receive views from other stakeholders and the public.

These representations will include as background, the representations that were made by the HFT in respect of earlier development plans, where these are relevant to this proposed allocation and to the policy wording. In particular, these representations will draw upon the evidence and proposals as submitted in the Core Strategy Spatial Options 2009 as these remain valid today.

The representations in support of this strategic allocation should also be read alongside the representations and the evidence made in respect of the remainder of the CS by HFT, as they support the need for a new policy for a New Neighbourhood at Odd Down, are part of the reasoned justification and are evidence of soundness of this new policy.

A list of the evidence base and background information, can be found on the Council's website, together with the links from that website to other sources of public information, i.e. West of England Partnership. HFT will draw from this evidence base now and in preparation for the public inquiry but will provide as attachments to these representations, copies of all other evidence, whether previously submitted or not, so that the Council, the public and the Inspector have a complete record of this information.

The evidence base includes an assessment of the New Neighbourhood under the Habitats Regulations in consultation with Council, following their interim assessment, this is discussed below.

The Council indicated that if there were to be a New Neighbourhood at Bath, their preferred choice would be a location at West Twerton/ Newton St Loe, (CSSO). HFT have therefore provided evidence, from Baker Associates, in support of this new policy, to demonstrate that Odd Down performs significantly better than the West Twerton/Newton St Loe alternative, namely: 1. A Comparative Accessibility Appraisal and 2. A Comparative Sustainability Appraisal ( App1 CSSO Reps). This evidence will be used to support the soundness of the new policy and will be reviewed to bring it up to date, having regard to the new Policies in the CS, other stakeholder representatives and development on the ground. HFT will draw upon this evidence base where alternative, competing schemes are proposed, which do not form part of the CS.

Updated Sustainability Assessments:

The Council has published further Sustainability Assessments which are relevant to this new policy and the points raised above:

1. In April 2011 following closure of the dCS consultation the Council published a Sustainability Appraisal Report.. This Report contained Annexes published at this time.
2. In September 2011 in response to areas of concern raised by the Inspector the Council considered possible 'contingency sites' and the impact of greenfield housing was assessed. A Sustainability Assessment of Contingency Sites ref. UK 1817049 September 2011 was published, accompanied by a Sustainability Appraisal Report UK 18117128 together with Annex D. It is understood these are provided in the Core Documents Library. On 15th September the Council declined to accept the officers' recommendation for the provision of any contingency sites to be provided.

HFT will address the evidence contained in these SA reports as they are new and address the soundness of the Core Strategy and the assessment of alternative options. HFT will make recommendations for any changes to the proposed policy for a new neighbourhood consequent on the findings in these reports.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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

**Proposed Change Reference:** All changes

**LDF Consultee ID:** 276/PC/24

**Name:** Mr Matthew Macan

**Organisation:** Hignett Family Trust

**Support:**  **Supporting Material:**

**Representation (soundness):**

The Council's SHLAA May 2011 has been published. This includes extracts from the Arup report, part of which is set out below. As can be seen, the majority of the plateau area to the east remains unconstrained from the impacts of geological instability (shaded green). The area immediately to the east of Sulis Meadows and the south of the Wansdyke has been shaded red i.e. 'unsuitable for development unless the effects from previous mining is mitigated'. HFT consider that this finding is overly pessimistic and is based upon the BGS evidence of one shaft, abandoned over 100m years ago adjacent to the Wansdyke, close to Sulis Meadows. During the development of Sulis Meadows in the nineties, no evidence was found of mining instability in this area and no ground remediation works were required. HFT have this land over half a century (including farmland formerly beneath Sulis Meadows) and have no knowledge of land instability in this area or any remediation measures. Its precise location and condition has therefore been taken into account. Any future development will include detailed site investigation and should it prove necessary to remove all risks, appropriate remediation can be provided to building foundations. Details of such remediation and feasibility is included in the Arup Report.

In contrast the areas in the vicinity of Combe Ha Lane and the A367 to the east also shaded red have been extensively undermined right to the 1980s. These areas have undergone extensive subsidence over the last half century and backfilling and surface remediation has taken place. The character and nature of this ecological stability is wholly different from land to the east.

The assessment of land stability together with landscape and other constraints has impacted upon the Council's estimate of development potential for the plateau area. The Council have determined that this exercise will give the public a realistic quantum of the amount of development that is being rejected by the Council when considering this option. The Council have concluded that a potential development foot print taking account of these constraints having regard to the availability of land from landowners, can

be defined by an area of approximately 29 Hectares, as shown edged blue on the plan below. In calculating the net yield the Council assume a gross to net ratio of 80% leaving 23.32 hectares for housing and other uses. A further 3 ha for a local centre, formal open space and employment, leaving 20 hectares for residential development. At 50 dph this would yield approximately 1000 new homes.

In response to the SHLAA evidence HFT will be enclosing in this representation an outline master plan drawing of art of the New Neighbourhood to show the possible footprint of development at the eastern end of the plateau and the key features that could form part of the New Neighbourhood in this area. We are conscious that this stage of the Development Framework is not intended to allocate specific sites or to determine the masterplanning exercise. The Council will shortly be bringing forward their Placemaking DPD which will define more clearly the allocation of sites on an ordnance base plan however we believe it is helpful, in the light of the assessments that have been carried out as part of this dCS, that the nature and scale of the development that is deliverable and developable is before the Council the public and the Inspector.

In addressing the development footprint defined by the blue line the HFT broadly agree with the Council's conclusions other than in the following locations:

1. Land east of Sulis Meadows, which is capable of development
2. Land and buildings forming the south east corner of the plateau will be available for a range of uses, including employment uses ( currently used for industrial and office development)
3. Other areas of the plateau between the red and blue lines are capable of contributing to the informal public space requirements associated with the planned development
4. Land to the south of the plateau will increase the amount of Green Infrastructure, contribute to the public open space requirements, including provision of allotments, and provide important mitigation for supporting the nearby SAC.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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

**Proposed Change Reference:** All changes

**LDF Consultee ID:** 281/PC/1

**Name:** Ms

Alison

Howell

**Organisation:** Natural England

**Support:**  **Supporting Material:**

**Representation (soundness):**

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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

**Proposed Change Reference:** All changes

**LDF Consultee ID:** 822/PC/1

**Name:** Mrs Deborah Porter

**Organisation:** Somer Valley Friends of the Earth

**Support:**  **Supporting Material:**

**Representation (soundness):**

6.41a

Also reference to Twerton and Newbridge Placemaking

Regarding the announcement of the forthcoming SPD on opportunities for heritage assets to mitigate, or adapt to, the effects of Climate Change, and incorporating comment on changes to the text regarding heritage features in Bath (placemaking change).

6.41a The Core Strategy seeks to enable the appropriate modification of heritage assets, including the World Heritage Site in order to reduce carbon emissions. A forthcoming Supplementary Planning Document will identify the opportunities for heritage assets to mitigate, and adapt to, the effects of climate change. These include enhancing energy efficiency and allowing greater use of renewable energy. This will give applicants clear guidance on the acceptability of a range of potential modifications, the SPD having weighed the benefit of a number of modifications to mitigating the effects of climate change against any harm to the significance of heritage assets.

The combination of the Government's new climate change public policy statement (PPS1: Climate Change) and the opportunities that the SPD may present will have a bearing on development in the District. The reference to the World Heritage Site suggests strongly that this additional paragraph relates to areas and sites as assets in addition to individual buildings.

Had examination of the role of heritage assets in climate change mitigation and adaptation been a background document, we would have made representations accordingly. It would appear that this matter may now be examined through the Inquiry process. We feel that this may be a result of the failure of B&NES to adequately address the 'frontloading' approach flagged up in the Somer Valley Friends of the Earth response to the Draft Core Strategy and to provide a robust evidence base before the Draft Strategy was launched (see Production of the Core Strategy and impact upon content and appraisal - SVFRepresentation1- Draft Core Strategy response)

We note that there have been additions regarding heritage features in Bath, including the importance of Brunel's Great Western Railway feature in Twerton and Newbridge. Radstock Railway Land is also an important former GWR feature, being part of the GWR since 1850 and sporting original GWR features.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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

**Proposed Change Reference:** All changes

**LDF Consultee ID:** 1366/PC/1

**Name:**

**Organisation:** Network Rail

**Support:**  **Supporting Material:**

**Representation (soundness):**

Network Rail has been consulted, by Bath & North East Somerset Council, on the Proposed changes to the Bath & North East Somerset Draft Core Strategy. Thank you for providing us with this opportunity to comment on this Planning Policy document. Upon the review of this document, Network Rail has no comments to make.



**Change sought to make sound:****Representation (legal compliance):****Change sought to make legally compliant:****Draft Core Strategy Plan Reference:** Whole Document**Proposed Change Reference:** All changes**LDF Consultee ID:** 1525/PC/1**Name:** Mr Geoff Davis**Organisation:** South Stoke Parish Council**Support:**  **Supporting Material:** **Representation (soundness):****Change sought to make sound:**

South Stoke Parish Council was broadly supportive of the Draft Core Strategy document outlined by B&NES Council. The proposed changes to that document do not in general cause us great concern.

However we feel that we should formally record our support for the robust defence of the Green Belt, The Cotswold AONB and the World Heritage City of Bath which our Council has decided to follow. Bath's status as a World Heritage City automatically makes the City and its important Rural Setting a 'special case'. This should continue to be respected at the highest level.

In addition we are convinced that the future health of the City of Bath and the Countryside around it, which embodies its 'Setting' will best be served by ensuring that the 'Previously Developed' (Brownfield) sites are re-used before any consideration is given to the use of Greenfield sites.

Notwithstanding some possible implications of the proposed NPPF, the Parish Council supports the determination shown by B&NES and by English Heritage that there should be no 'Urban Extension' to the City of Bath.

The Parish Council remains deeply concerned about the balance of evidence submitted during the course of the consultation period for the Draft Core Strategy. We have submitted detailed clarification of the facts presented to the Council during the build up to its crucial meeting on September 15th. Although at this meeting the Council decided correctly to continue to resist pressure to allow development in Green Belt Areas the Officers' evidence remains on file and otherwise unchallenged.

We re-iterate our previous requests to participate in the EiP process and request attendance at both the Pre-Hearing Meeting on Friday 18th November and at the full EiP hearings commencing January 9th 2012. We consider our attendance is necessary because of the huge importance any consideration of development of Green Belt Areas has for South Stoke as well as for Bath and North East Somerset as a whole. The concerns identified in the previous paragraph add further imperative to our participation.

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

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

**Proposed Change Reference:** All changes

**LDF Consultee ID:** 2563/PC/2

**Name:**

**Organisation:** Guinness Trust

**Support:**  **Supporting Material:**

**Representation (soundness):**

General

We are disappointed that the Council's Proposed Changes give insufficient weight to important evidence in its own background documents, such as the most recent iteration of the Sustainability Assessment, as well as inadequately addressing a number of important questions already raised by the Inspector.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Bath: Strategic Issues

**Proposed Change Reference:** PC12

**Draft Core Strategy Plan Reference:** Bath: Strategic Issues

**Proposed Change Reference:** PC12

**LDF Consultee ID:** 265/PC/1

**Name:** Mr Patrick Hutton

**Organisation:** Bath Heritage Watchdog

**Support:**  **Supporting Material:**

**Representation (soundness):**

The Bristol Avon Local Flood Defence Committee imposed an action in March 2005 for B&NES and the Environment Agency to jointly prepare a Masterplan of the development potential consistent with the flood risk. If that document exists (and a search of the B&NES website suggests that it doesn't) it should be referenced in the Core Strategy. Without such a masterplan there will need to be sufficient flood compensation in each development to offset the additional flood risk posed by that development. It should also be noted that any development outside the flood plain will have water run-off implications for the floodplain and all developments on it, because water always runs downhill.

There have been rumours of unworkable ideas such as mass planting of trees upstream to absorb water, which will create a localised drought in the summer around the planting, and be totally ineffective in November when the trees are dormant and statistically Bath is at its greatest risk of a flood.

Also, in his 1974 report, Frank Greenhalph, who designed and installed the current flood prevention scheme specifically excluded upstream water detention, because the adverse impact on upstream communities would far exceed any marginal benefit to Bath. Because such upstream communities are mostly outside the area administered by B&NES, any scheme supposedly for the benefit of B&NES that creates problems for Wiltshire or Gloucestershire can be expected to be very short-lived.

Equally unworkable is the idea of upstream excavation for storage. At the speed that the Avon runs through Wiltshire during potential flood situations the storage area (assuming it is kept empty in readiness, which is an unlikely condition because potential flood situations are usually preceded by significant rain some of which will fall in or

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drain into the compensation space), the most likely size of compensation area will fill in less than two hours the first time it is used, and in progressively less thereafter as it gradually fills with silt during every use. It takes considerably longer than that for rain falling 5 miles or more further upstream to get to the (now full) storage location.

In the absence of any Environment Agency endorsed workable mitigation plan, this proposed change is undeliverable.

### **Change sought to make sound:**

The only practical mitigation measure is to increase the volume of water passing through Bath by dredging the river above, through and below Bath, and this has to be a continuous programme because silt is continuously deposited. If B&NES believes it can fund and deliver a regularly dredged river then there is a place in the Core Strategy for a commitment to do so.

Otherwise, it is necessary to delete this entry. It is unworkable, and a policy based on false hope has no place in a legally binding document.

### **Representation (legal compliance):**

### **Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Bath: Strategic Issues

**Proposed Change Reference:** PC12

**LDF Consultee ID:** 276/PC/20

**Name:** Mr Matthew Macan

**Organisation:** Hignett Family Trust

**Support:**  **Supporting Material:**

### **Representation (soundness):**

7b.5 Add to the list of strategic issues in the text on page 29 : 1. Addressing the hazardous facility at Windsor Gas Holder Station to release land for development .2. Implementing a strategic flood strategy to allow land in high flood risk areas to be brought forward. The text should give explanation as to why these issues are critical to the policies in B1 and that the Council's underlying assumption is that they can be resolved ahead of development taking place.

### **Change sought to make sound:**

### **Representation (legal compliance):**

### **Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Bath: Strategic Issues

**Proposed Change Reference:** PC12

**LDF Consultee ID:** 292/PC/1

**Name:** Mr Edward Nash

**Organisation:** Bath Avon River Corridor Group

**Support:**  **Supporting Material:**

### **Representation (soundness):**

The Group believes the proposals for flood mitigation in both the rural and urban areas need to recognise the economic, social, cultural and environmental value an enhanced river can bring to the Bath, Keynsham and region. Historically, Bath's flooding was created by 19th and early 20th century development that narrowed the flood channel. In future some areas that are developed now, such as narrow sites on the western outskirts would contribute more to the health and character of the city, if used for flood mitigation or environmental, social, cultural enhancement. The approach to the re-development of the riverside sites should be led by a wider range of value growth

imperatives as the report outlines.

The failure of the proposed change to reflect the above and therefore meet the justified and effective elements of PPS12's Tests of Soundness means the Core Strategy remains unsound.

**Change sought to make sound:**

Since making our original submissions the River Corridor Economy Group has produced its first report to the council and is being encouraged to change its status to a Trust that can, over at least two decades guide and initiate the changes to the evaluation and relevance of the River working with many established agencies and the wider community. We are submitting the report to the Inspector in hard copy form, but include the Executive Summary here. We believe it to be helpful to this process to be able to refer to the conceptual model for river led regeneration in the report, explore its terms of reference and answer any questions the Inspector raises. The full report will be available on the Group's website shortly. The Report provides a conceptual model to bring forward the significance of the river and is crucial to the next phase of the evolution of the Core Strategy.

Changes need to be made to the Core Strategy that reflect the observations above, therefore enabling the Core Strategy to meet PPS12's Test of Soundness.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Bath: Strategic Issues

**Proposed Change Reference:** PC12

**LDF Consultee ID:** 318/PC/7

**Name:** Mr Rob Sanderson

**Organisation:** Ministry of Defence. Defence Infrastructure Organisation

**Support:**  **Supporting Material:**

**Representation (soundness):**

The presentation of the proposed change is confusing and potentially overlooks an issue of importance.

If the proposal is to replace Strategic Issue 11 with the underlined text, then the existing text of the Draft Core Strategy should be reproduced and illustrated as strike-through, if it is to accord with the covering notes in the Introduction. If the intention is to introduce the item as an additional issue, then reference needs to be made to re-numbering the existing issues 11, 12 and 13.

If intended as a replacement, then this raises the issue of whether the original strategic issue 11 is now not of interest or concern and given that this related to the inefficiencies of the Bath building stock, this needs further clarification.

**Change sought to make sound:**

Insert a new issue 11 as proposed and re-number existing draft strategic issues 11, 12 and 13.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

Draft Core Strategy Plan Reference: Diagram 5: Bath Spatial Strategy

Proposed Change Reference: PC15

**Draft Core Strategy Plan Reference:** Diagram 5: Bath Spatial Strategy**Proposed Change Reference:** PC15**LDF Consultee ID:** 246/PC/1**Name:** Mr Peter**Organisation:** Combe Hay Parish Council**Support:**  **Supporting Material:** **Representation (soundness):**

Consequent upon its frequent involvement with the work of the Planning Policy Team, it is inevitable that Combe Hay Parish Council supports many of the Proposed Changes to the Bath and North East Somerset Core Strategy – these are listed in the Annex to this letter, rather than on a multitude of Representation Forms.

**Change sought to make sound:**

Combe Hay Parish Council makes one representation relating to the potential implications of the Draft National Planning Policy Framework – the relevant Representation Form is attached.

- the addition of the Combe Hay settlement

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

Draft Core Strategy Plan Reference: Diagram 5: Bath Spatial Strategy

Proposed Change Reference: PC15

**LDF Consultee ID:** 318/PC/5**Name:** Mr Rob Sanderson**Organisation:** Ministry of Defence, Defence Infrastructure Organisation**Support:**  **Supporting Material:** **Representation (soundness):**

The presentation of the proposed change is confusing.

If the 2 universities are both to be indicated as white dotted circles, there may be confusion with the MOD sites which are also indicated with white dotted circles.

(The suggested change to the notation for Bath's Neighbourhoods to read "Redeveloped MOD land together with infilling to yield about 2800 homes" is supported)

**Change sought to make sound:**

The confusion might be resolved by adding both black and white dotted circles to the key, with a clear description for each.

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

Draft Core Strategy Plan Reference: Policy B1: Bath Spatial Strategy

Proposed Change Reference: PC18

**Draft Core Strategy Plan Reference:** Policy B1: Bath Spatial Strategy

**Proposed Change Reference:** PC18

**LDF Consultee ID:** 96/PC/1

**Name:** Ms Jo Swift

**Organisation:** Keynsham Town Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Sound in relation to use of MOD and Brownfield sites.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B1: Bath Spatial Strategy

**Proposed Change Reference:** PC18

**LDF Consultee ID:** 170/PC/3

**Name:** Mr Phil Hardwick

**Organisation:** Robert Hitchins Limited

**Support:**  **Supporting Material:**

**Representation (soundness):**

The Proposed Change is unsound because it has increased the reliance on homes coming forward on brownfield sites i.e. within Bath's outer neighbourhoods where surplus Ministry of Defence land is to come forward. Topic Paper 2 (CD6/S3) states that the MOD has confirmed their intention to vacate all 3 sites by April 2013; the Topic Paper also indicates that the Council expects that HCA will be involved in the disposal.

The only Core Document explicitly dealing with the MOD sites is the BBC Press Release of 11th March 2011 which announces the closure of the three MOD establishments in Bath: Foxhill, Ensleigh and Warminster Road sites. The Press Release states that "it has not been announced what to do with the three vacant sites." Bath and North East Somerset Council has already drawn up contingency plans for new housing at the Foxhill and Warminster Road sites." However, there are no plans available in the evidence base to support the Proposed Changes and to demonstrate the deliverability of these MOD sites. Whilst it is acknowledged that the Core Strategy is not making site specific allocations Topic Paper 7 August 2011 (CD6/S8) as it will be the role of the forthcoming Placemaking Plan (a Development Plan Document) to resolve the detail of the type and scale of development, it is nevertheless part of the role of the Core Strategy to demonstrate the deliverability of the strategy and importantly the Council needs to maintain a 5 year housing land supply.

The Draft Core Strategy with Proposed Changes incorporated (March 2011) indicates at paragraph 2.22 that it is likely that the majority, if not all of the Ensleigh site will be vacated and that the SHLAA will refine the capacity and consider the prospects for the site in more detail, including the scope for business space and the measures to enable sustainable travel to the city centre and local centres. The paragraph goes on to state that: "For the purposes of the Core Strategy it is sufficient to highlight their suitability and availability for redevelopment and to observe that delivery by 2026 is an achievable proposition."

More recent information in the Core Strategy Topic Paper 8 (September 2011) indicates that apart from part of the Ensleigh site which for operational reasons is required until 2018, the other sites will be vacated by March 2013. The Topic Paper indicates that the disposal of the sites is likely to be 2012/13, but leaseback arrangements are to be put in

place to enable continuation of use until relocation is

required. The SHLAA indicates that housing completions are envisaged to start in 2016/17, but given that there are no firm dates for relocation, a planning application needs to be prepared; it is questionable if these sites could actually deliver development by 2016/17.

The Core Strategy is already highly reliant on brownfield sites and although the Council envisage that the delivery of the sites by 2026 is achievable, it is not clear whether all the sites will actually be completed in the plan period. The reliance on brownfield sites means that there is a high risk of delay and an increased probability that housing needs will not be met, exacerbating the affordable housing needs of the district.

Evidence in the AMR 2010 indicates that Council does not have a good track record on housing delivery (when assessed against the adopted Local Plan e.g. there is a shortfall of 1,000 dwellings and 783 dwellings against the early years of the Core Strategy). The Council have acknowledged this in its recent report to the Planning, Transport and Environment Policy Development and Scrutiny Panel on 13th September 2011. The Council have also acknowledged that the land supply is "tight".

It is considered that even against the unjustifiably low housing requirement in the submitted Core Strategy there is a considerable 5 Year land supply deficiency which will be compounded by the lack of choice and the reliance on brownfield sites such as the MOD land and by increasing the amount of housing on MOD land this will create further uncertainty about delivery.

**Change sought to make sound:**

The changes required to make the Core Strategy sound are that in order to fulfil the Government's housing objectives as set out in PPS3 i.e. a wide choice of high quality homes, which people can afford, in a community where they want to live, needs to be provided using both brownfield and greenfield sites. It is also important to deliver a flexible housing land supply as set out in PPS 3 paragraphs 52- 67.

In order to ensure that housing supply meets housing requirements a balanced portfolio of sites needs to be put forward ( i.e. brownfield and greenfield), even to meet the Councils own assessment of the housing requirement for the plan period. The Provision in the Core Strategy does not provide for any flexibility or contingency.

In order to meet the Government's planning for growth agenda an increase in the overall housing requirement is required. In order to make the plan sound further sites should be identified, failing that the Plan should be withdrawn.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B1: Bath Spatial Strategy

**Proposed Change Reference:** PC20

**LDF Consultee ID:** 170/PC/4

**Name:** Mr Phil Hardwick

**Organisation:** Robert Hitchins Limited

**Support:**  **Supporting Material:**

**Representation (soundness):**

Policy B1 as proposed states that the delivery of the spatial strategy for Bath is reliant on the implementation of actions in Section 2G which is on page 56 of the Core Strategy and is now summarised in the proposed changes to the policy. However, it is not clear what the implications of the changes to the Bath Transport package are and how these will affect the delivery of the brownfield sites. It is noted in CD4/12 under the Transport Proposals for Bath that following the Comprehensive Spending Review, the Bath Transportation Package has been placed in the DfT development pool for transport schemes being considered for investment in future years.



However, the Government are asking all schemes in this pool to review their costs following new Government Guidance. CD4/12 refers to Bath having congestion problems and the development of the BTP is important to the longer term sustainable growth of the city, however there are no contingencies identified.

CD6/S8 Topic Paper 8 paragraph 15 states that the most up to date information on the availability of public funding to assist with site preparation for key sites is the West of England Delivery and Infrastructure Investment Plan (CD4/14), however, this document was produced in May 2010, and includes £28 million of funding to support the delivery of affordable housing and supporting infrastructure at Bath City Riverside.

It is noted that CD4/12 the Infrastructure Delivery Programme update, B&NES (April 2011) lists projects that are districtwide and also by location. District wide proposal 13 i.e. Greater Bristol Bus Network Improvements and other Transport Improvements for Bath and states that there are no contingencies identified and that the Bath and North East Somerset's Core Strategy – Representation Form project is largely completed. Yet in the risks section of the table it states that the project is subject to DfT funding and that developer contributions may not be forthcoming in the current economic climate.

It is assumed that this Update of May 2011 is now superseded by Annex D of the Council's Report on 13th September 2011 which sets out the changes to the Core Strategy arising from the changes to the Bath Transport Package. The Council's Report states that the Inspector has raised concerns as to whether and how the changes to the BTP affect the spatial strategy for Bath.

The Council acknowledges that the changes to the BTP will have implications for the transport strategy for Bath, but they believe that they are still able to demonstrate it has a coherent strategy to address the transport problems in the city in order to enable growth to be delivered.

However, from the evidence base produced it is not clear what funding has been secured, and if so what it will be used for and consequently what is the funding gap i.e. schemes where funding is subject to bids.

**Change sought to make sound:**

The changes required to make the Core Strategy sound are that in order to fulfil the Government's key housing policy goal as set out in PPS 3 i.e. to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live, more housing should be included in the Core Strategy to provide a range a choice of sites on both brownfield and greenfield sites to ensure delivery to meet housing needs within the plan period. It is also important to deliver a flexible housing land supply as set out in PPS 3 paragraphs 52- 67. The reliance on brownfield sites, the poor track record to date on housing delivery and the cost of infrastructure undermines the strategy. Unless changes are made to the Core Strategy it should be withdrawn as it is unsound.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B1: Bath Spatial Strategy

**Proposed Change Reference:**

**LDF Consultee ID:** 180/PC/1

**Name:** Ms Elaine Vashi

**Organisation:** J S Bloor Ltd

**Support:**  **Supporting Material:**



**Representation (soundness):**

The Proposed Change is unsound because it has increased the reliance on homes coming forward on brownfield sites i.e. within Bath's outer neighbourhoods where surplus Ministry of Defence land is to come forward. Topic Paper 2 (CD6/S3) states that the MOD has confirmed their intention to vacate all 3 sites by April 2013; the Topic Paper also indicates that the Council expects that HCA will be involved in the disposal.

The only Core Document explicitly dealing with the MOD sites is the BBC Press Release of 11th March 2011 which announces the closure of the three MOD establishments in Bath: Foxhill, Ensleigh and Warminster Road sites. The Press Release states that "it has not been announced what to do with the three vacant sites." "Bath and North East Somerset Council has already drawn up contingency plans for new housing at the Foxhill and Warminster Road sites." However, there are no plans available in the evidence base to support the Proposed Changes and to demonstrate the deliverability of these MOD sites. Whilst it is acknowledged that the Core Strategy is not making site specific allocations Topic Paper 7 August 2011 (CD6/S8) as it will be the role of the forthcoming Placemaking Plan (a Development Plan Document) to resolve the detail of the type and scale of development, it is nevertheless part of the role of the Core Strategy to demonstrate the deliverability of the strategy and importantly the Council needs to maintain a 5 year housing land supply.

The Draft Core Strategy with Proposed Changes incorporated (March 2011) indicates at paragraph 2.22 that it is likely that the majority, if not all of the Ensleigh site will be vacated and that the SHLAA will refine the capacity and consider the prospects for the site in more detail, including the scope for business space and the measures to enable sustainable travel to the city centre and local centres. The paragraph goes on to state that: "For the purposes of the Core Strategy it is sufficient to highlight their suitability and availability for redevelopment and to observe that delivery by 2026 is an achievable proposition."

More recent information in the Core Strategy Topic Paper 8 (September 2011) indicates that apart from part of the Ensleigh site which for operational reasons is required until 2018, the other sites will be vacated by March 2013. The Topic Paper indicates that the disposal of the sites is likely to be 2012/13, but leaseback arrangements are to be put in place to enable continuation of use until relocation is required. The SHLAA indicates that housing completions are envisaged to start in 2016/17, but given that there are no firm dates for relocation, and that a planning application needs to be prepared; it is questionable if these sites could actually deliver development by 2016/17.

The Core Strategy is already highly reliant on brownfield sites and although the Council envisage that the delivery of the sites by 2026 is achievable, it is not clear whether all the sites will actually be completed in the plan period. The reliance on brownfield sites means that there is a high risk of delay and an increased probability that housing needs will not be met, exacerbating the affordable housing needs of the district.

Evidence in the AMR 2010 indicates that Council does not have a good track record on housing delivery (when assessed against the adopted Local Plan e.g. there is a shortfall of 1,000 dwellings and 783 dwellings against the early years of the Core Strategy). The Council have acknowledged this in its recent report to the Planning, Transport and Environment Policy Development and Scrutiny Panel on 13th September 2011. The Council have also acknowledged that the land supply is "tight". It is considered that even against the unjustifiably low housing requirement in the submitted Core Strategy there is a considerable 5 Year land supply deficiency which will be compounded by the lack of choice and the reliance on brownfield sites such as the MOD land, furthermore by increasing the amount of housing on MOD land this will create further uncertainty about delivery.

**Change sought to make sound:**

The changes required to make the Core Strategy sound are that in order to fulfil the Government's housing objectives as set out in PPS3 i.e. a wide choice of high quality homes, which people can afford, in a community where they want to live, needs to be provided using both brownfield and greenfield sites. It is also important to deliver a flexible housing land supply as set out in PPS 3 paragraphs 52- 67.

In order to ensure that housing supply meets housing requirements a balanced portfolio of sites needs to be put forward ( i.e. brownfield and greenfield), even to meet the Councils own assessment of the housing requirement for the plan period. The Provision in the Core Strategy does not provide for any flexibility or contingency. In order to meet the Government’s planning for growth agenda an increase in the overall housing requirement is required. In order to make the plan sound further sites should be identified, failing that the Plan should be withdrawn.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B1: Bath Spatial Strategy

**Proposed Change Reference:** PC18

**LDF Consultee ID:** 180/PC/1

**Name:** Ms Elaine Vashi

**Organisation:** J S Bloor Ltd

**Support:**  **Supporting Material:**

**Representation (soundness):**

The Proposed Change is unsound because it has increased the reliance on homes coming forward on brownfield sites i.e. within Bath’s outer neighbourhoods where surplus Ministry of Defence land is to come forward. Topic Paper 2 (CD6/S3) states that the MOD has confirmed their intention to vacate all 3 sites by April 2013; the Topic Paper also indicates that the Council expects that HCA will be involved in the disposal.

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**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B1: Bath Spatial Strategy

**Proposed Change Reference:** PC20

**LDF Consultee ID:** 180/PC/2

**Name:** Ms Elaine Vashi

**Organisation:** J S Bloor Ltd

**Support:**  **Supporting Material:**

**Representation (soundness):**

Policy B1 as proposed states that the delivery of the spatial strategy for Bath is reliant on the implementation of actions in Section 2G which is on page 56 of the Core Strategy and is now summarised in the proposed changes to the policy. However, it is not clear what the implications of the changes to the Bath Transport package are and how these will affect the delivery of the brownfield sites. It is noted in CD4/12 under the Transport Proposals for Bath that following the Comprehensive Spending Review, the Bath Transportation Package has been placed in the DfT development pool for transport schemes being considered for investment in future years. However, the Government are asking all schemes in this pool to review their costs following new Government Guidance. CD4/12 refers to Bath having congestion problems and the development of the BTP is important to the longer term sustainable growth of the city, however there are no contingencies identified.

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## Schedule of Representations on the Proposed Changes to the Draft Core Strategy (Duly Made): Sorted by Draft Core Strategy Plan Reference

England Delivery and Infrastructure Investment Plan (CD4/14), however, this document was produced in May 2010, and includes £28 million of funding to support the delivery of affordable housing and supporting infrastructure at Bath City Riverside.

It is noted that CD4/12 the Infrastructure Delivery Programme update, B&NES (April 2011) lists projects that are districtwide and also by location. District wide proposal 13 i.e. Greater Bristol Bus Network Improvements and other Transport Improvements for Bath and states that there are no contingencies identified and that the Bath and North East Somerset's Core Strategy – Representation Form

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The Council acknowledges that the changes to the BTP will have implications for the transport strategy for Bath, but they believe that they are still able to demonstrate it has a coherent strategy to address the transport problems in the city in order to enable growth to be delivered.

However, from the evidence base produced it is not clear what funding has been secured, and if so what it will be used for, and consequently what the funding gap is, i.e. schemes where funding is subject to bids.

### **Change sought to make sound:**

The changes required to make the Core Strategy sound are that in order to fulfil the Government's key housing policy goal as set out in PPS 3 i.e. to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live, more housing should be included in the Core Strategy to provide a range a choice of sites on both brownfield and greenfield sites to ensure delivery to meet housing needs within the plan period. It is also important to deliver a flexible housing land supply as set out in PPS 3 paragraphs 52- 67. The reliance on brownfield sites, the poor track record to date on housing delivery and the cost of infrastructure undermines the strategy. Unless changes are made to the Core Strategy it should be withdrawn as it is unsound.

### **Representation (legal compliance):**

### **Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B1: Bath Spatial Strategy

**Proposed Change Reference:** PC18

**LDF Consultee ID:** 222/PC/1

**Name:** Mr Nicholas Pollock

**Organisation:** Duchy of Cornwall

**Support:**  **Supporting Material:**

### **Representation (soundness):**

Notwithstanding our observations concerning the planned level of housing growth to be met during the plan period, we have concerns over some of the Council's assumptions on delivery rates in relation to certain of the identified sites, noting in particular the suggestion of achieving some 3,500 completions within the Western Riverside. We are concerned that the Council is being over reliant on the ability of previously developed land to meet the demand for housing to the exclusion of employment need. To create sustainable communities, development on the MOD sites for example, need to be properly mixed use with substantial employment provision retained.

In making our observations, we note that the Inspector has raised concerns about the proposals for housing delivery on sites within Western Riverside as they are liable to flooding.

The evidence base to the Council's strategy includes the work undertaken by Atkins. Details are set out in the Bath and North East Somerset Flood Risk Management Strategy Report (June 2010).

The report states that the only option open to the Council in support of the urban intensification approach to the location of development within Bath (and Western Riverside in particular) is to provide a compensatory storage area(s) upstream of the centre of Bath.

The report states that the provision of an upstream storage area would need to offset the volume of water that would theoretically be displaced by the combined developed footprints of the development sites within Bath centre. In order to meet this requirement, a flood storage area of a minimum of circa 345,000m<sup>3</sup> volume would be required as this is said to be equivalent to the total combined volume of the developed footprint of the development sites.

We attach as Annex 2 a report prepared by PBA which identifies the issues in relying upon such a strategy to provide for the scale of flood mitigation proposed which would need to be in the form of a not insignificant storage area covering circa 15ha. The Council's approach introduces a whole range of practical, implementation and environmental issues, not least in relation to, inter alia, impact on the Green Belt, AONB and archaeology. Moreover, there is then the timing issue of designing such a scheme, purchasing the necessary land, undertaking a full EIA and then implementing the scheme all before any development takes place within the Western Riverside area.

Paragraph 4.94 of the Bath and North East Somerset Flood Risk Management Strategy Report (June 2010) concludes in relation to the likely flood mitigation strategy and viability of such an approach as follows:

"The only favoured option which is fully feasible in terms of the appraisal criteria is the installation of flood defence measures at the individual development sites. However, a number of sites present issues of development viability that are exacerbated by the additional marginal cost of the identified flood risk infrastructure, which may impact on viability and site delivery in the absence of supporting scheme funding. (Our emphasis)

In the circumstances, it is difficult to see how the sites are achievable, at least in the short to medium term. This further emphasises the need to plan for a contingency in the form of a sustainably located urban extension.

(Annex 2 Flood Strategy Briefing available as a hard copy)

***Change sought to make sound:***

***Representation (legal compliance):***

***Change sought to make legally compliant:***

Schedule of Representations on the Proposed Changes to the Draft Core Strategy (Duly Made): Sorted by Draft Core Strategy Plan Reference

**Draft Core Strategy Plan Reference:** Policy B1: Bath Spatial Strategy

**Proposed Change Reference:** PC18

**LDF Consultee ID:** 224/PC/3

**Name:** Ms Joanna Robinson

**Organisation:** Bath Preservation Trust

**Support:**  **Supporting Material:**

**Representation (soundness):**

The suggested amendment (PC18) removes the suggestion that housing associations could increase density and improve their stock, and removes reference to small infill sites. We do not support the removal of this reference. Housing targets must clearly take into account windfall sites as these may be more appropriate locations and when taken across the whole district can significantly contribute to housing need.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B1: Bath Spatial Strategy

**Proposed Change Reference:** PC20

**LDF Consultee ID:** 224/PC/5

**Name:** Ms Joanna Robinson

**Organisation:** Bath Preservation Trust

**Support:**  **Supporting Material:**

**Representation (soundness):**

Flooding

There is increased reference to upstream flood compensation but no mention of sites or delivery strategies. In this light we believe it is essential to refer to the watersheds in Wiltshire and Somerset which affect flow in the Avon.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B1: Bath Spatial Strategy

**Proposed Change Reference:** FPC20

**LDF Consultee ID:** 246/PC/15

**Name:** Mr Peter Duppa-Miller OBE

**Organisation:** Combe Hay Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Consequent upon its frequent involvement with the work of the Planning Policy Team, it is inevitable that Combe Hay Parish Council supports many of the Proposed Changes to the Bath and North East Somerset Core Strategy - these are listed in the Annex to this letter, rather than on a multitude of Representation Forms.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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**Draft Core Strategy Plan Reference:** Policy B1: Bath Spatial Strategy

**Proposed Change Reference:** PC18

**LDF Consultee ID:** 264/PC/1

**Name:** Mr Brian Huggett

**Organisation:** Englishcombe Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Englishcombe Parish Council strongly supports the provision of homes on the Western Riverside and especially in the three redundant MOD sites, together with suburban infilling and redevelopment. We are strongly opposed to the previously proposed Urban Extension and development in the Green Belt.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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**Draft Core Strategy Plan Reference:** Policy B1: Bath Spatial Strategy

**Proposed Change Reference:** PC19

**LDF Consultee ID:** 264/PC/8

**Name:** Mr Brian Huggett

**Organisation:** Englishcombe Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Englishcombe Parish Council supports Policy B1(8) especially (b) the provision a new sports stadium, incorporating an improved and expanded stadium for Bath RFC.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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**Draft Core Strategy Plan Reference:** Policy B1: Bath Spatial Strategy

**Proposed Change Reference:** PC20

**LDF Consultee ID:** 264/PC/9

**Name:** Mr Brian Huggett

**Organisation:** Englishcombe Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Englishcombe Parish Council supports the changes made.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B1: Bath Spatial Strategy

**Proposed Change Reference:** PC19

**LDF Consultee ID:** 265/PC/2

**Name:** Mr Patrick Hutton

**Organisation:** Bath Heritage Watchdog

**Support:**  **Supporting Material:**

**Representation (soundness):**

The Statement “Manage the provision of 500-700 new hotel bedrooms to widen the accommodation on offer” is a very poor choice of words. B&NES cannot “manage” this unless it builds and owns the hotels. Otherwise it can only encourage. By restricting the policy to hotels, it rules out other visitor accommodation like self-catering flats, guest houses, caravans, a marina for floating accommodation, or camp sites. Whether there is currently any plans for these is irrelevant, the word “hotel” is specific and rules out other types which might be found to be desirable during the life of the policy.

The development of “a new sports stadium” within the Central Area is impractical, because there is no suitable land. The covenants on the Rec prevent such a construction on that land (and there are plenty waiting to use the courts to enforce those covenants) and there are no other level sites large enough within the Central Area except perhaps the Homebase site which Sainsbury’s have already identified as a location they wish to develop. So as drafted, this objective is undeliverable.

**Change sought to make sound:**

Replace “hotel bedrooms” with “visitor bed spaces”.

Replace “Central Area” with “City Boundary” to extend the options available.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B1: Bath Spatial Strategy

**Proposed Change Reference:** PC20

**LDF Consultee ID:** 265/PC/3

**Name:** Mr Patrick Hutton

**Organisation:** Bath Heritage Watchdog

**Support:**  **Supporting Material:**

**Representation (soundness):**

In 10a there is reference to “the Bath Package”. As this is currently an unknown quantity, having not yet been offered for public consultation nor a vote on adoption, it cannot be a commitment in a policy statement. Neither is it necessary because the rest of the policy statement without it does not rule out taking it into account when and if it is adopted.



10d is unworkable and undeliverable. See our comments on PC19.

10e is a meaningless set of words open to misinterpretation. There is no such thing as a Gas Holder Station. Unlike buses and trains, gasholders don't arrive at a station. It is difficult to see how a Gas Holder Station in the town of Windsor can be relevant to B&NES.

**Change sought to make sound:**

Delete the words "including the 'Bath Package'," from 10a

Delete 10d entirely

Refer to the "Windsor Bridge gas storage and supply installation" in 10e (the gasholder is in use, so the storage element needs to be recognised). There will nevertheless need to be facilities for gas distribution in Bath despite any decommissioning of the current site, so there needs to be a "to be replaced by" statement should accompany the commitment to remove.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B1: Bath Spatial Strategy

**Proposed Change Reference:** PC20

**LDF Consultee ID:** 275/PC/2

**Name:** Mr Keith Annis

**Organisation:** Redrow Homes (South West) Ltd

**Support:**  **Supporting Material:**

**Representation (soundness):**

Policy B1 as proposed states that the delivery of the spatial strategy for Bath is reliant on the implementation of actions in Section 2G which is on page 56 of the Core Strategy and is now summarised in the proposed changes to the policy.

However, it is not clear what the implications of the changes to the Bath Transport

Package are and how these will affect the delivery of the brownfield sites. It is noted in CD4/12 under the Transport Proposals for Bath that following the Comprehensive Spending Review, the Bath Transportation Package has been placed in the DfT development pool for transport schemes being considered for investment in future years.

However, the Government are asking all schemes in this pool to review their

costs following new Government Guidance. CD4/12 refers to Bath having congestion problems and the development of the BTP is important to the longer term sustainable growth of the city, however there are no contingencies identified.

CD6/S8 Topic Paper 8 paragraph 15 states that the most up to date information on the availability of public funding to assist with site preparation for key sites is the West of England Delivery and Infrastructure Investment Plan (CD4/14), however, this document was produced in May 2010, and includes £28 million of funding to support the delivery of affordable housing and supporting infrastructure at Bath City Riverside.

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completed. Yet in the risks section of the table it states that the project is subject to DfT funding and that developer contributions may not be forthcoming in the current economic climate.

It is assumed that this Update of May 2011 is now superseded by Annex D of the Council's Report on 13th September 2011 which sets out the changes to the Core Strategy arising from the changes to the Bath Transport Package. The Council's Report states that the Inspector has raised concerns as to whether and how the changes to the BTP affect the spatial strategy for Bath.

The Council acknowledges that the changes to the BTP will have implications for the transport strategy for Bath, but they believe that they are still able to demonstrate it has a coherent strategy to address the transport problems in the city in order to enable growth to be delivered. However, from the evidence base produced it is not clear what funding has been secured, and if so what it will be used for and consequently what is the funding gap i.e. schemes where funding is subject to bids.

**Change sought to make sound:**

The changes required to make the Core Strategy sound are that in order to fulfil the Government's key housing policy goal as set out in PPS 3 i.e. to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live, more housing should be included in the Core Strategy to provide a range a choice of sites on both brownfield and greenfield sites to ensure delivery to meet housing needs within the plan period. It is also important to deliver a flexible housing land supply as set out in PPS 3 paragraphs 52- 67.

The reliance on brownfield sites, the poor track record to date on housing delivery and the cost of infrastructure undermines the strategy. Unless changes are made to the Core Strategy is should be withdrawn as it is unsound.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B1: Bath Spatial Strategy

**Proposed Change Reference:** PC19

**LDF Consultee ID:** 276/PC/14

**Name:** Mr Matthew Macan

**Organisation:** Hignett Family Trust

**Support:**  **Supporting Material:**

**Representation (soundness):**

Amend Para 3.b. as referred to below.

Replace reference to housing associations ( now deleted ) with specific headline figures for affordable housing in Bath ( see other reps. and Tetlow King Rep.2011)

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B1: Bath Spatial Strategy

**Proposed Change Reference:** PC20

LDF Consultee ID: 276/PC/15

Name: Mr Matthew Macan

Organisation: Hignett Family Trust

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

Amend the text to para 10 Infrastructure and Delivery para 10 a is dependant upon the bid to DfT succeeding , no contingency has been planned if funding is not forth coming. There is a policy vacuum to address the reduced public transport provision and alternative arrangements are not set out other than improvements to walking and cycling. No details off what is meant by this and how some of the major strategic sites , such as MOD sites can be made more accessible by this policy.

10.b Implement a new Parking Strategy is meaningless, as there is no clear strategy and the proposed changes turn the parking strategy 'on its head'

10.c see comments elsewhere on AQMA but simply quoting such a plan is again meaningless.

10.d there is no upstream flood storage facility,delete this para .see other reps.

10.e The Council have atleast admitted, only through pressure from HFT, that this is a major obstacle to policy B1. Simply saying 'it must be addressed', demands the question; 'what if it is not addressed on time ' The Housing Trajectory assumes it will be addressed in the Five Year Housing Supply period, where is the evidence that this can be achieved ?

The presence of the Windsor House Holder Station, a major gas holder to the west of Midland Road, (but within the BWR Out), has meant that the development has been assessed by the Health and Safety Executive, as far back as 2006. The outcome of the assessment, which is available on the Council's website, is that no development on BWR Out, involving occupation of new buildings may take place within the Middle and Inner Zones, surrounding the designated hazardous installation. The details of this are shown on the plan above, which was attached to the BWR Out Planning Consent. The operators of the gas facility have no arrangements to remove the hazardous facility from this location nor do Crest or the Council and so there must be considerable uncertainty as to whether BWR Out can proceed. To find ourselves in this situation, may come as a surprise to many who have expected all these obstacles to have been resolved, however a recent letter\* from the Council to HSE may help cast some light (see below).

A substantive part of this Western Corridor lies within the Middle Zone of the Windsor Gas Holder Station. This could preclude redevelopment of both employment and residential unless resolved.

**Change sought to make sound:**

7b.6 Amend Policy B1 to include reference to the Windsor Gas Holder Station and the impact on the strategic areas 'Western Riverside' and 'Newbridge Western Corridor', making it explicit that development assumptions in the policy are based on removing or relocating the hazardous facility. Additional wording will be subject to further discussions with the Council and other policy amendments in the CS.

7b.7 Amend Policy B1 to include a clear statement that the assumptions for economic development and housing within and adjoining the city centre are based on a resolution of the flooding matters along the river corridor.

**Representation (legal compliance):**

There is no explanation why something so significant as this, should not have been addressed as part of the Local Plan process, In 2004. The Council have been fully aware of the hazardous facility at this location and as a competent authority, will have understood the land-use planning consequences of the European Directive 96/82/EC (Seveso 11), as explained in Annex B17 of PPS 12. It seems barely credible that having promoted this site through the Local Plan 2007, the BWR SPG, the BWR SPD, the SWRSS and now this CS, the Council have no certainty how to resolve the onsite hazardous facility and consequently how to deliver a key component of this policy B1. In the light of Seveso 11, to which all competent authorities are legally bound, the Council should review its policy on Western Riverside, including GDS1/B1, as this is now unsound and despite the issuing of a planning consent, carries no greater certainty of delivery than it did a decade ago. This situation calls into question whether the CS having failed to comply with PPS 12 Annex B17 and Seveso 11 is now legally non compliant. Section 19 (2)(I) of the Planning and Compulsory Purchase Act states that policies within the CS should have regard to

the resources necessary to bring them forward. This matter is further explained in Annex B of PPS12 where potential impediments to delivery of the CS, in terms of land or resources or necessary infrastructure must be explored and any assumptions set out in reasoned justification to that policy.

The current operators of the Windsor Gas Holder Station are not a signatory to the Section 106 Agreement, which was entered into by Crest and the Council, for BWR Out. There is no means by which the owners or operators of the Windsor Gas Holder Station are bound by any of the planning conditions nor can any reasonable assumptions be made that any part of the BWR site within the Middle Zone can be developed. This will have significant implications both for Policies B1 and B3.

In contrast, the layout to BWR Full has been amended so as to locate homes outside the Middle Zone but within the Outer Zone, on part of Phase 1. This severely restricts the layout and the number of homes to a maximum of 299, with little prospect of further residential development at BWR, until the hazardous facility is removed.

In terms of planning policy to control development near hazardous facilities, Article 12 of the Seveso II Directive requires the objectives of preventing major accidents and limiting the consequences of such accidents to be taken into account in land-use planning policies.

The Town and Country Planning (Regional Planning) (England) Regulations 2004 (SI 2004 No 2203) and the Town and Country Planning (Local Development)(England) Regulations 2004 (SI 2004 No 2204) therefore required planning authorities, when adopting their development plans, to have regard to these objectives.

To reflect a change in the scope of article 12 of the Directive, the revised wording included: ‘the need:

- (i) in the long term to maintain appropriate distances between establishments covered by this Directive and residential areas, buildings and areas of public use, major transport routes as far as possible, recreational areas and areas of particular natural sensitivity or interest; and
- (ii) in the case of existing establishments, for additional technical measures in accordance with Article 5 of the Directive so as not to increase the risk to people.’

To ensure compliance with Regulations and with PPS 12, the CS should include an appropriately worded land use policy in this location, thereby limiting the consequences of major accidents. (Include a land use policy to control development at or near the Windsor Gas Holder Station).

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B1: Bath Spatial Strategy

**Proposed Change Reference:** PC18

**LDF Consultee ID:** 276/PC/18

**Name:** Mr Matthew Macan

**Organisation:** Hignett Family Trust

**Support:**  **Supporting Material:**

**Representation (soundness):**

There is no sound evidence put forward by the Council to support the strategic allocation of a further 1000 homes in the Central Area and Western Corridor. (Amend the level of homes to be located in the Central Area and Western Corridor B1 3a).

**Economic Development and Flood Risk**

The strategic policy seeks to locate almost all new office premises (up to 100,000m2) in the Central/River Corridor area. Details of the locational strategy are set out in policy B2 and also in B3 which have been subject to a Sequential Test (Council’s Sequential Test) for housing only.

This area is also proposed to accommodate up to 1000 new homes.

The details of the flood plain status of these areas is set out in the Appendix A of the Sequential Test, pages 28/29. This indicates that most of the proposed development locations will be located in floodplain Zone 2 and 3a.

The recently published Flood Risk Management Strategy for B&NES has considered the means by which Bath can seek to accommodate the level of development set out in the

CS. The summary findings are:

“The Flood Risk Management Strategy has concluded that there is no strategic solution reducing peak flow through Bath which is either technically or economically viable. As such the Strategy proposes the provision of compensatory storage upstream combined with on-site flood defences. New development must provide storage to offset the volume of water that would be displaced in a flood event by the defences on-site. In order to meet this requirement, a maximum flood storage area of 345,000m<sup>3</sup> volume would be required as this is equivalent to the total combined volume of the footprint of the identified development sites. Provision of compensatory storage off-site is more cost-effective than providing it on-site and allows for greater flexibility in master planning sites”

This report, together with the Sequential Test and the FRAs show that resolving flooding problems within Bath Central Area and its River Corridor will be challenging. Diagram 5, the Bath Spatial Strategy, indicates the ‘Area of Search for the Flood Storage Facility’, upstream.

The significance of these findings suggests that without resolving and delivering this strategic flood storage facility within a reasonable timescale and upfront, the strategic policies B1, B2 and B3 which rely upon it, must be called into question due to uncertainty and are therefore unsound. This Flood Storage Facility proposal has not been tested for its soundness at present and does not exist in policy within the CS. Policy CP5 Flood Risk Management fails to make reference to it. Section 19 (2)(I) of the Planning and Compulsory Purchase Act and PPS12 makes clear that policies within LDDs must have regard to the resources that are required to deliver them, whether financial, land etc. PPS12 Annex B states: The reasoned justification should include an indication of the assumptions made about the resources likely to be available for carrying out the policies and proposals formulated, and for the associated infrastructure. It should have particular regard to the conservation of finite or non-renewable resources such as land and energy, the need for more sustainable development, and the implications for public sector capital expenditure.

The Council will need to demonstrate that the scale of economic development proposed in B1, B2 and B3 which lies within Flood Plain and occupies flood storage capacity can be delivered given the risk of flooding. At present, the policies are unsound due to uncertainty. Alternatively, the Council will need to show how more economic development may be delivered elsewhere in the City, in areas of low risk of flooding, (Zone 1) particularly on brown field sites i.e. MOD sites or within the New Neighbourhood, as part of the mixed use development. (Amend the wording to B1, 2 to recognize the need to resolve flooding issues, and to redirect economic development to strategic locations away from the River Corridor that will form part of a significant mixed use scheme).

The report from Baker Associates 2011 has reviewed all the evidence presented by the Council and considered various economic and population based forecasts. HFT will draw up the analysis in the BA Report 2011 as reasoned justification to propose significantly higher jobs growth for the City of Bath together with a larger number of homes.

The proposed levels which should be inserted into Policy B1 2 and 3 are:

- An overall net increase in jobs at Bath ( including at the New Neighbourhood ) from 5700 jobs to 8700 jobs between 2006 -2026.
- An overall net increase in the number of homes at Bath ( including at the New Neighbourhood) from 6000 homes to 10,000 homes 2006- 2026.

Given the overall planned increase in homes and jobs at Bath that are recommended by BA, the CS will need to review the overall strategy on location of homes and jobs in the City.

( Amend Policy B1 2 a and 3 a to take account of these higher levels).

**Change sought to make sound:**

7b.8 Amend policy B1 3a as follows: “Enable the development of 6,000 at least 10,000 new homes within and adjoining the City of Bath, including a New Neighbourhood at Odd Down increasing the overall stock of housing from 40,000 to 46,000. Of these new homes about 3,500\* will be delivered within the Central Area and Western Corridor, focused on ‘Western Riverside’ and about 2,500\*\* homes will come forward within Bath's neighbourhoods where surplus Ministry of Defence land will play a major role together with about 1500 homes at the New Neighbourhood at Odd Down

b Enable housing associations to upgrade/intensify their stock and allow small scale infilling within existing neighbourhoods.”

\* this figure depends on the outcome of further investigations as referred to in these Reps and analysis of the SHLAA but is likely to be less than 3000 homes, with uncertain delivery.

\*\* this figure should be at least 4000 homes but may need to increase depending on further investigations of the SHLAA

7.b.11 Amend Policy B1 3 a by the deletion of the 1st sentence and its replacement with the following . ' Enable the development of 10150 new homes within the city and the New Neighbourhood, increasing the overall stock of housing from 40,000 to 50150 in 2026 The report from Baker Associates 2011 has reviewed all the evidence presented by the Council and recommends higher economic and population based forecasts.

HFT will draw up the analysis in the BA Report 2011 as reasoned justification to propose significantly higher jobs growth for the City of Bath together with a larger number of homes.

The proposed levels which should be inserted into Policy B1 2 and 3 are:

- An overall net increase in jobs at Bath( including at the New Neighbourhood ) from 5700 jobs to 8700 jobs between 2006 -2026.
- An overall net increase in the number of homes at Bath ( including at the New Neighbourhood) from 6000 homes to 10,000 homes 2006- 2026.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B1: Bath Spatial Strategy

**Proposed Change Reference:** PC18

**LDF Consultee ID:** 292/PC/2

**Name:** Mr Edward Nash

**Organisation:** Bath Avon River Corridor Group

**Support:**  **Supporting Material:**

**Representation (soundness):**

The Group believes it is important for the Council to demonstrate to the Inspector that the accommodation of these housing numbers within the river corridor will not compromise the qualitative elements of landscape, low carbon connectivity, leisure, bio-diversity and economic diversity and human impact accountability that a successful regeneration of the river corridor requires. Without this, there are dangers the development will be over intensive and over engineered in its effect. If this can be suitably demonstrated the group would be objecting to the numbers – our point is it has not yet been demonstrated and the future prospects for securing synergic growth across several sectors of the economy is more important as a goal than a ‘numbers only’ approach to housing.

The failure of the proposed change to reflect the above and therefore meet the justified and effective elements of PPS12’s Tests of Soundness means the Core Strategy remains unsound.

**Change sought to make sound:**

Since making our original submissions the River Corridor Economy Group has produced its first report to the council and is being encouraged to change its status to a Trust that can, over at least two decades guide and initiate the changes to the evaluation and relevance of the River working with many established agencies and the wider community. We are submitting the report to the Inspector in hard copy form, but include the Executive Summary here. We believe it to be helpful to this process to be able to refer to the conceptual model for river led regeneration in the report explore its terms of reference and answer any questions the Inspector raises. The full report will be available on the Group’s website shortly. The Report provides a conceptual model to bring forward the significance of the river and is crucial to the next phase of the evolution of the Core Strategy.

Changes need to be made to the Core Strategy that reflect the observations above, therefore enabling the Core Strategy to meet PPS12’s Test of Soundness.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B1: Bath Spatial Strategy

**Proposed Change Reference:** PC20

**LDF Consultee ID:** 292/PC/3

**Name:** Mr Edward Nash

**Organisation:** Bath Avon River Corridor Group

**Support:**  **Supporting Material:**

**Representation (soundness):**

a) The Group believes it to be important to the regeneration needs of the urban centres of Bath and Keynsham that the river becomes tangibly active again as a waterway for commuting, mass travel to major events, walkway, cycling, leisure and sport. This needs to be reflected within this policy as a sound ambition.

b) The approach to technical flood mitigation within the urban areas should recognise the economic, social and cultural value of a river corridor that creates many waterside characters; allows waterside areas to get close to the water, allows landscape enhancement and improved bio-diversity and does not rely only on heavily engineered solutions.

The failure of the proposed change to reflect the above and therefore meet the justified and effective elements of PPS12's Tests of Soundness means the Core Strategy remains unsound.

**Change sought to make sound:**

Since making our original submissions the River Corridor Economy Group has produced its first report to the council and is being encouraged to change its status to a Trust that can, over at least two decades guide and initiate the changes to the evaluation and relevance of the River working with many established agencies and the wider community. We are submitting the report to the Inspector in hard copy form, but include the Executive Summary here. We believe it to be helpful to this process to be able to refer to the conceptual model for river led regeneration in the report, explore its terms of reference and answer any questions the Inspector raises. The full report will be available on the Group's website shortly. The Report provides a conceptual model to bring forward the significance of the river and is crucial to the next phase of the evolution of the Core Strategy.

Changes need to be made to the Core Strategy that reflect the observations above, therefore enabling the Core Strategy to meet PPS12's Test of Soundness.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B1: Bath Spatial Strategy

**Proposed Change Reference:** PC18

**LDF Consultee ID:** 318/PC/4

**Name:** Mr Rob Sanderson

**Organisation:** Ministry of Defence. Defence Infrastructure Organisation

**Support:**  **Supporting Material:**

**Representation (soundness):**

The suggested change to Section 3b of Policy B1 to read:



“Of these new homes, about 3500 will be delivered within the Central Area and Western Corridor, focussed on “Western Riverside”. About 2800 homes will come forward within Bath’s outer neighbourhoods where surplus Ministry of Defence land will play a major role alongside smaller scale suburban infilling and redevelopment.”

is supported, but in order to ensure consistency and compatibility with the remainder of the proposed changes (particularly the general intent of PC35 relating to paragraph 2.22 of the draft Core Strategy), there will need to be a change to section 5 of Policy B1 which presently reads “... potentially Ensleigh...”

**Change sought to make sound:**

In the context of the announcement by MOD on 10 March 2011, it is recommended that the word “potentially” is deleted from Section 5 of Policy B1.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B1: Bath Spatial Strategy

**Proposed Change Reference:** PC18

**LDF Consultee ID:** 1111/PC/1

**Name:** Mrs Sue

Bressington

**Organisation:** Compton Dando Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 2.11

**Proposed Change Reference:** PC21

**Draft Core Strategy Plan Reference:** Paragraph 2.11

**Proposed Change Reference:** PC21

**LDF Consultee ID:** 264/PC/10

**Name:** Mr Brian

Huggett

**Organisation:** Englishcombe Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Englishcombe Parish Council fully supports the changes made.

**Change sought to make sound:**



**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Diagram 7: General Extent of the Central Area

**Proposed Change Reference:** PC24

**Draft Core Strategy Plan Reference:** Diagram 7: General Extent of the Central Area

**Proposed Change Reference:** PC24

**LDF Consultee ID:** 228/PC/1

**Name:** Mr

Nigel

Websper

**Organisation:** Pulteney Estate Residents' Association

**Support:**  **Supporting Material:**

**Representation (soundness):**

BANES Council have sought to regard the Rec as “commercial” in the latest version of its Core Strategy, thereby giving further credence to the development of commercial activities on the Rec, and its direct impact on neighbouring residential areas.

As you know it is the 1956 conveyance that appears to govern how the Trust should be run. This conveyance refers to the Conveyance dated April 1922 which imposes on the parties to the 1956 conveyance an obligation "to observe and perform the covenants and conditions contained in the April 1922 conveyance"

The April 1922 conveyance contains a covenant binding on ANY future owner of these specific premises (the current Rec land) that "there will be no buildings for the purposes of trade or business which may be a nuisance, annoyance or disturbance or otherwise prejudicially affect the adjoining premises or neighbourhood." This seems to be clear that whoever owns the land, and regardless of any land-swap, that these conditions should be upheld.

I am concerned that the correct legal and planning justification for this has not been complied with. Rezoning land to benefit B&NES corporate requires more probity and planning/legal justification than has been provided

This rezoning if allowed to happen could have far reaching implications on any future licensing and planning applications for an area which is currently residential only and green open space. The financial gain of rezoning brings into question the impartiality of B&NES in their motives for rushing this through

This rezoning pre-empts the public consultation on uses of the Rec, it ignores the existing covenants which deny commercial development. It also pre-empts the Charity Commission decision regarding the Trusts’ uses of the Rec.

It also suggests that Johnstone street is an existing access to the Rec. This is not the case the street has existed as a cul de sac with no access to the Recreation Ground for 200 years

**Change sought to make sound:**

Compliance with existing covenants pursuant to the Recreation Ground.

Maintain current status of the Recreation Ground.

Change required to make the Proposed Change sound

Central area zoning to remain as current, and certainly exclude the Recreation Ground.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Diagram 7: General Extent of the Central Area

**Proposed Change Reference:** PC24

**LDF Consultee ID:** 302/PC/1

**Name:** Mr Paul Karakusevic

**Organisation:**

**Support:**  **Supporting Material:**

**Representation (soundness):**

The Recreation Ground is a green space used for outside sports in the heart of a residential neighbourhood.

The revised diagram 7 does not label clearly the green space of the recreation ground.

In the revised diagram 7 the whole of the Recreation Ground is now enclosed in a proposed new central area.

This central area also encloses a residential enclave - Gerard Buildings.

There has not been adequate consultation with local residents who have a stake in the area.

There was no justification for this area re-designation in earlier strategic reviews.

**Change sought to make sound:**

The Recreation Ground should not be included in the central area boundary.

The new central area should be redrawn to exclude the Recreation Ground.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Diagram 7: General Extent of the Central Area

**Proposed Change Reference:** PC24

**LDF Consultee ID:** 309/PC/1

**Name:** Mrs Rachael Hushon

**Organisation:**

**Support:**  **Supporting Material:**

**Representation (soundness):**

The Recreation Ground is a green space used for outside sports in the heart of a residential neighbourhood.

The revised diagram 7 does not label clearly the green space of the recreation ground.

In the revised diagram 7 the whole of the Recreation Ground is now enclosed in a proposed new central area.

This central also encloses a residential enclave - Gerard Buildings.

There has not been adequate consultation with local residents who have a stake in the area.

There was no justification for this area re-designation in earlier strategic reviews.

**Change sought to make sound:**

The Recreation Ground should not be included in the central area boundary.

The new central area should be redrawn to exclude the Recreation Ground.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B2: Central Area Strategic Policy

**Proposed Change Reference:** PC28

**Draft Core Strategy Plan Reference:** Policy B2: Central Area Strategic Policy

**Proposed Change Reference:** PC28

**LDF Consultee ID:** 227/PC/1

**Name:** Dr David Dunlop

**Organisation:** London Road Area Residents Association

**Support:**  **Supporting Material:**

**Representation (soundness):**

Re :- Policy B2 (4) para h

1) It is claimed that the reason for change is to clarify text in the draft Core Strategy.

This is not true.

2) This change by B&NES is in effect a development proposal beyond that of "a new sports stadium". It represents a business venture on land for which B&NES Councillors are Charitable Trustees. Is this not a conflict of interest? What will the Charity Commission have to say?

3) Furthermore, we question whether an extensive development as suggested, in a significant part of the Flood Plain is consistent both with the proposed CP 5 and with the as yet still existent PPS 25 ( and its practice notes) ?

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B2: Central Area Strategic Policy

**Proposed Change Reference:** PC26

**LDF Consultee ID:** 249/PC/1

**Name:**

**Organisation:** Royal Mail Group Ltd

**Support:**  **Supporting Material:**

**Representation (soundness):**

The proposed change to the wording of Policy B2 (3) in relation to Key Development Opportunities from “mixed use” development proposals to “economic development led mixed use” development proposals is considered unsound by Royal Mail Estates Limited.

Royal Mail Estates Limited considers that this change would be unduly prescriptive particularly as it would apply to nine Key Development Areas. To place the emphasis on economic development led mixed use development in all of these locations may be prejudicial to the ability of landowners and developers to bring them forward for beneficial development within the Core Strategy period. It may be the case that employment development should be concentrated on some of these areas, with others being led by residential or leisure uses.

There is a balance of uses to be achieved here. Keeping an open mixed use definition would give greater flexibility to achieve this balance without sites being delayed in coming forward for development in the challenging market conditions that prevail. The Council would still have appropriate control over development through the planning application process.

In particular regard to Key Development Opportunity b (Manvers Street Car Park, Avon & Somerset Police Station and Royal Mail Depot area), it may prove the case that the redevelopment of this area is best delivered through an economic development led scheme. However, Royal Mail Estates Limited is of the opinion that the Core Strategy policy context should be sufficiently flexible to let the market decide on the mix of uses having regard to other developments that are coming forward in Bath at the point in time when the development proposals for Key Development Opportunity b: are evolving.

**Change sought to make sound:**

Delete the proposed additional words “economic development led” from the wording of policy B2 (3).

This change would make the policy sound by providing maximum flexibility in terms of land uses for the identified Key Development Opportunities thereby not unduly fettering the ability of landowners and developers to bring these areas forward for beneficial development within the Core Strategy period.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B2: Central Area Strategic Policy

**Proposed Change Reference:**

**LDF Consultee ID:** 265/PC/5

**Name:** Mr Patrick Hutton

**Organisation:** Bath Heritage Watchdog

**Support:**  **Supporting Material:**

**Representation (soundness):**

The inclusion of the words “and active riverside frontage” limits the locations to a riverbank position. This may prove impractical unless the Homebase site is secured because the facilities described cannot be built on the Recreation Ground (see comment on PC26).

**Change sought to make sound:**

Delete the words “and active riverside frontage”.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B2: Central Area Strategic Policy

**Proposed Change Reference:** PC28

**LDF Consultee ID:** 266/PC/1

**Name:** Mr Brian Cassidy

**Organisation:** The Bath Society

**Support:**  **Supporting Material:**

**Representation (soundness):**

The Bath Society wishes to object to the changes to Policy B2 of the Planning Core Strategy which would allow a sports stadium complex on Bath Recreation Ground.

Careful legal provisions are in force to protect the Recreation Ground land as open space, to avoid undue preference for anyone use and to avoid any nuisance, annoyance, disturbance or other prejudicial effect on the adjoining premises or the neighbourhood.

The Recreation Ground, formerly known as Pulteney Meadows, was part of the Bathwick Estate formerly owned by Captain Francis Forester.

On 6 April 1922 The Bath and County Recreation Ground was conveyed by Captain Forester to the Bath and County Recreation Ground Company Limited. The Company for themselves and their successors in title entered into covenants with Captain Forester and his successors in title that nothing shall be hereafter erected, placed, built or done on the property which may be or grow to be a nuisance, annoyance or disturbance or otherwise prejudicially affect the adjoining premises or the neighbourhood. It was established that this covenant would run with the land into whosoever hands the land may come.

By the Conveyance of 1 February 1956 the Bath Recreation Ground was conveyed by the Company to the Bath Corporation upon trust that the Corporation forever hereafter shall not use the property hereby conveyed otherwise than as an open space and shall not show any undue preference to or in favour of any particular game or sport or any particular person club body or organisation.

By the Conveyance of 1 February 1956 the Corporation undertook by covenant with the Company to observe and perform the covenants and conditions contained in the 6 April 1956 Conveyance.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B2: Central Area Strategic Policy

**Proposed Change Reference:** PC28

**LDF Consultee ID:** 266/PC/2

**Name:** Mr Brian Cassidy

**Organisation:** The Bath Society

**Support:**  **Supporting Material:**

**Representation (soundness):**

Re :- Policy B2 (4) para h

1) It is claimed that the reason for change is "to clarify text in the draft Core Strategy".

This is not true.

2) This change by B&NES is in effect a development proposal beyond that of "a new sports stadium". It represents a business venture on land for which B&NES Councillors are Charitable Trustees. Is this not a conflict of interest? What will the Charity Commission have to say?

3) Furthermore, we question whether an extensive development as suggested, in a significant part of the Flood Plain is consistent both with the proposed CP 5 and with the as yet still existent PPS 25 (and its practice notes)?

**Change sought to make sound:**

Delete the proposed amendment.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B2: Central Area Strategic Policy

**Proposed Change Reference:** PC26

**LDF Consultee ID:** 2561/PC/1

**Name:**

**Organisation:** Southgate Limited Partnership (SLP)

**Support:**  **Supporting Material:**

**Representation (soundness):**

PC26 relates to Policy B2(3) in respect of key development opportunities in Bath. The proposed change references government guidance contained within Planning Policy Statement 4 and sets out that economic development led proposals will be welcomed in appropriate locations where they contribute to key activities to be accommodated within the Central Area. The exact wording of this amendment is provided below.

"Figure 7 illustrates the general extent of the city centre, identifies neighbouring areas with the most capacity for significant change and key regeneration opportunities. The precise extent of the city centre, including that of the primary shopping area is shown in the proposals map (see Appendix 3). Within the context of PPS4, economic development led mixed use development proposals at the following locations that accord with parts 1 and 2 of policy B2 and contribute to the scope and scale of change listed

in part '4' of this policy will be welcomed.”

Our Client supports this amendment in that it will help support the future of the retail core in the Central area, particularly the long term security and viability of the Southgate development.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Bath: Western Riverside

**Proposed Change Reference:** PC29

**Draft Core Strategy Plan Reference:** Bath: Western Riverside

**Proposed Change Reference:** PC29

**LDF Consultee ID:** 180/PC/3

**Name:** Ms Elaine Vashi

**Organisation:** J Seabloor Ltd

**Support:**  **Supporting Material:**

**Representation (soundness):**

It is noted that PC29 refers to the delivery of phase 1 of Western Riverside commencing in December 2010. According to the SHLAA full permission has been granted for 299 dwellings in the first phase and 299 are envisaged to be completed by 2015 /16 and 102 dwellings coming forward from the remainder of phase 1, BF I Waste Systems and Argos River Frontage.

The build rates for Western Riverside Core according to the SHLAA increase significantly from 2016/17 onwards e.g. 242 per year compared to 80- 100 in previous years. It is questionable whether this delivery will take place given that this is a substantial increase on the completion rate on the site; and when compared with the completion rate for Bath itself in recent years, which has varied from 218 in 2006/7 to 73 in 2009/10 and 96 in 2010/11.

The Proposed Change also states that in order to wholly deliver Bath Western Riverside, land remediation works to decommission and remove the Windsor Gas Holder Station will be needed. It is not clear when the decommissioning will take place, how long it will take for the remediation works to be completed and importantly the cost. All these factors will have an affect on the overall delivery of the site (which according to the SHLAA is to deliver 2,574 by the end of the plan period, the majority of which is to be completed in the latter years of the plan).

It is noted in CD6/S9 Topic Paper 8 Central Bath/River Corridor Site Capacities and Delivery that the Bath and North East Somerset’s Core Strategy- Representation Form Council have had initial discussions with the HCA on flood mitigation and the removal of the Windsor Gas Station and have been asked to submit an outline proposal for the latter. The flood mitigation is likely to cost £3-5 million and the removal and remediation of the gas station approximately £11million.

Paragraph 15 of CD6/S9 refers to CD4/14 Single Conversation: West of England Delivery and Infrastructure Investment Plan which includes £28 million of funding to support the delivery of affordable housing and supporting infrastructure at Bath City Riverside. This funding is to be accessed through specific bids and will be subject to availability of

finance at the time.

This funding is not yet secured and therefore must undermine the deliverability of Bath City Riverside. Whilst the Council indicate that the HCA will support Bath City Riverside as a priority, it will not be funding all the necessary works. It is not clear whether the HCA have provided any evidence to support BANES- there is no indication of the HCA funding any developments at Bath on their website.

CD6/S9 also indicates that the level of funding identified in the Single Conversation (CD4/14) is only an estimate- in which case the costs to enable development could be higher. Paragraph 18 states that it "was never envisaged that all of this funding would come from the HCA. Indeed most recent discussions have identified contributions to be made by other bodies such as the Council and Developers to meet these costs."

For developers this raises the issue of viability of the development proposals.

**Change sought to make sound:**

The changes required to make the Core Strategy sound are that in order to fulfil the Government's housing objectives as set out in PPS3 i.e. a wide choice of high quality homes, which people can afford, in a community where they want to live, needs to be provided using both brownfield and greenfield sites. It is also important to deliver a flexible housing land supply as set out in PPS 3 paragraphs 52- 67.

In order to ensure that housing supply meets housing requirements a balanced portfolio of sites needs to be put forward ( i.e. brownfield and greenfield), even to meet the Councils own assessment of the housing requirement for the plan period. The provision in the Core Strategy does not provide for any flexibility or contingency.

In order to meet the Government's planning for growth agenda an increase in the overall housing requirement is required. In order to make the plan sound further sites should be identified, failing that the Plan should be withdrawn.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Bath: Western Riverside

**Proposed Change Reference:** PC29

**LDF Consultee ID:** 222/PC/2

**Name:** Mr Nicholas Pollock

**Organisation:** Duchy of Cornwall

**Support:**  **Supporting Material:**

**Representation (soundness):**

Notwithstanding our observations concerning the planned level of housing growth to be met during the plan period, we have concerns over some of the Council's assumptions on delivery rates in relation to certain of the identified sites, noting in particular the suggestion of achieving some 3,500 completions within the Western Riverside. We are concerned that the Council is being over reliant on the ability of previously developed land to meet the demand for housing to the exclusion of employment need. To create sustainable communities, development on the MOD sites for example, need to be properly mixed use with substantial employment provision retained.

In making our observations, we note that the Inspector has raised concerns about the proposals for housing delivery on sites within Western Riverside as they are liable to flooding.



The evidence base to the Council's strategy includes the work undertaken by Atkins. Details are set out in the Bath and North East Somerset Flood Risk Management Strategy Report (June 2010).

The report states that the only option open to the Council in support of the urban intensification approach to the location of development within Bath (and Western Riverside in particular) is to provide a compensatory storage area(s) upstream of the centre of Bath.

The report states that the provision of an upstream storage area would need to offset the volume of water that would theoretically be displaced by the combined developed footprints of the development sites within Bath centre. In order to meet this requirement, a flood storage area of a minimum of circa 345,000m<sup>3</sup> volume would be required as this is said to be equivalent to the total combined volume of the developed footprint of the development sites.

We attach as Annex 2 a report prepared by PBA which identifies the issues in relying upon such a strategy to provide for the scale of flood mitigation proposed which would need to be in the form of a not insignificant storage area covering circa 15ha. The Council's approach introduces a whole range of practical, implementation and environmental issues, not least in relation to, inter alia, impact on the Green Belt, AONB and archaeology. Moreover, there is then the timing issue of designing such a scheme, purchasing the necessary land, undertaking a full EIA and then implementing the scheme all before any development takes place within the Western Riverside area.

Paragraph 4.94 of the Bath and North East Somerset Flood Risk Management Strategy Report (June 2010) concludes in relation to the likely flood mitigation strategy and viability of such an approach as follows:

"The only favoured option which is fully feasible in terms of the appraisal criteria is the installation of flood defence measures at the individual development sites. However, a number of sites present issues of development viability that are exacerbated by the additional marginal cost of the identified flood risk infrastructure, which may impact on viability and site delivery in the absence of supporting scheme funding. " (Our emphasis)

In the circumstances, it is difficult to see how the sites are achievable, at least in the short to medium term. This further emphasises the need to plan for a contingency in the form of a sustainably located urban extension.

(Annex 2 Flood Strategy Briefing available as a hard copy)

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Bath: Western Riverside

**Proposed Change Reference:** PC29

**LDf Consultee ID:** 275/PC/3

**Name:** Mr Keith Annis

**Organisation:** Redrow Homes (South West) Ltd

**Support:**  **Supporting Material:**

**Representation (soundness):**

It is noted that PC29 refers to the delivery of phase 1 of Western Riverside commencing in December 2010. According to the SHLAA full permission has been granted for 299 dwellings in the first phase and 299 are envisaged to be completed by 2015 /16 and 102 dwellings coming forward from the remainder of phase 1, BF I Waste Systems and Argos River Frontage.

The build rates for Western Riverside Core according to the SHLAA increase significantly from 2016/17 onwards e.g. 242 per year compared to 80- 100 in previous years. It is questionable whether this delivery will take place given that this is a substantial increase on the completion rate on the site; and when compared with the completion rate for Bath itself in recent years, which has varied from 218 in 2006/7 to 73 in 2009/10 and 96 in 2010/11.

The Proposed Change also states that in order to wholly deliver Bath Western Riverside, land remediation works to decommission and remove the Windsor Gas Holder Station will be needed. It is not clear when the decommissioning will take place, how long it will take for the remediation works to be completed and importantly the cost. All these factors will have an affect on the overall delivery of the site (which according to the SHLAA is to delivery 2,574 by the end of the plan period, the majority of which is to be completed in the latter years of the plan).

It is noted in CD6/S9 Topic Paper 8 Central Bath/River Corridor Site Capacities and Delivery that the Council have had initial discussions with the HCA on flood mitigation and the removal of the Windsor Gas Station and have been asked to submit an outline proposal for the latter. The flood mitigation is likely to cost £3-5 million and the removal and remediation of the gas station approximately £11million.

Paragraph 15 of CD6/S9 refers to CD4/14 Single Conversation: West of England Delivery and Infrastructure Investment Plan which includes £28 million of funding to support the delivery of affordable housing and supporting infrastructure at Bath City Riverside. This funding is to be accessed through specific bids and will be subject to availability of finance at the time.

This funding is not yet secured and therefore must undermine the deliverability of Bath City Riverside. Whilst the Council indicate that the HCA will support Bath City Riverside as a priority, it will not be funding all the necessary works. It is not clear whether the HCA have provided any evidence to support BANES- there is no indication of the HCA funding any developments at Bath on their website.

CD6/S9 also indicates that the level of funding identified in the Single Conversation (CD4/14) is only an estimate- in which case the costs to enable development could be higher. Paragraph 18 states that it "was never envisaged that all of this funding would come from the HCA. Indeed most recent discussions have identified contributions to be made by other bodies such as the Council and Developers to meet these costs." For developers this raises the issue of viability of the development proposals.

**Change sought to make sound:**

The changes required to make the Core Strategy sound are that in order to fulfil the Government's housing objectives as set out in PPS3 i.e. a wide choice of high quality homes, which people can afford, in a community where they want to live, needs to be provided using both brownfield and greenfield sites. It is also important to deliver a flexible housing land supply as set out in PPS 3 paragraphs 52- 67.

In order to ensure that housing supply meets housing requirements a balanced portfolio of sites needs to be put forward ( i.e. brownfield and greenfield), even to meet the Councils own assessment of the housing requirement for the plan period. The Provision in the Core Strategy does not provide for any flexibility or contingency.

In order to meet the Government's planning for growth agenda an increase in the overall housing requirement is required. In order to make the plan sound further sites should

be identified, failing that the Plan should be withdrawn.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Bath: Western Riverside

**Proposed Change Reference:** PC29

**LDF Consultee ID:** 276/PC/17

**Name:** Mr Matthew Macan

**Organisation:** Hignett Family Trust

**Support:**  **Supporting Material:**

**Representation (soundness):**

The presence of the Windsor House Holder Station, a major gas holder to the west of Midland Road, (but within the BWR Out), has meant that the development has been assessed by the Health and Safety Executive, as far back as 2006. The outcome of the assessment, which is available on the Council's website, is that no development on BWR Out, involving occupation of new buildings may take place within the Middle and Inner Zones, surrounding the designated hazardous installation. The details of this are shown on the plan above, which was attached to the BWR Out Planning Consent. The operators of the gas facility have no arrangements to remove the hazardous facility from this location nor do Crest or the Council and so there must be considerable uncertainty as to whether BWR Out can proceed. To find ourselves in this situation, may come as a surprise to many who have expected all these obstacles to have been resolved, however a recent letter\* from the Council to HSE may help cast some light (see below).

There is no explanation why something so significant as this, should not have been addressed as part of the Local Plan process, In 2004. The Council have been fully aware of the hazardous facility at this location and as a competent authority, will have understood the land-use planning consequences of the European Directive 96/82/EC (Seveso 11), as explained in Annex B17 of PPS 12. It seems barely credible that having promoted this site through the Local Plan 2007, the BWR SPG, the BWR SPD, the SWRSS and now this CS, the Council have no certainty how to resolve the onsite hazardous facility and consequently how to deliver a key component of this policy B1. In the light of Seveso 11, to which all competent authorities are legally bound, the Council should review its policy on Western Riverside, including GDS1/B1, as this is now unsound and despite the issuing of a planning consent, carries no greater certainty of delivery than it did a decade ago. This situation calls into question whether the CS having failed to comply with PPS 12 Annex B17 and Seveso 11 is now legally non compliant. Section 19 (2)(I) of the Planning and Compulsory Purchase Act states that policies within the CS should have regard to the resources necessary to bring them forward. This matter is further explained in Annex B of PPS12 where potential impediments to delivery of the CS, in terms of land or resources or necessary infrastructure must be explored and any assumptions set out in reasoned justification to that policy.

The current operators of the Windsor Gas Holder Station are not a signatory to the Section 106 Agreement, which was entered into by Crest and the Council, for BWR Out. There is no means by which the owners or operators of the Windsor Gas Holder Station are bound by any of the planning conditions nor can any reasonable assumptions be made that any part of the BWR site within the Middle Zone can be developed. This will have significant implications both for Policies B1 and B3.

In contrast, the layout to BWR Full has been amended so as to locate homes outside the Middle Zone but within the Outer Zone, on part of Phase 1. This severely restricts the layout and the number of homes to a maximum of 299, with little prospect of further residential development at BWR, until the hazardous facility is removed.

In terms of planning policy to control development near hazardous facilities, Article 12 of the Seveso II Directive requires the objectives of preventing major accidents and limiting the consequences of such accidents to be taken into account in land-use planning policies.

The Town and Country Planning (Regional Planning) (England) Regulations 2004 (SI 2004 No 2203) and the Town and Country Planning (Local Development)(England)

## Schedule of Representations on the Proposed Changes to the Draft Core Strategy (Duly Made): Sorted by Draft Core Strategy Plan Reference

Regulations 2004 (SI 2004 No 2204) therefore required planning authorities, when adopting their development plans, to have regard to these objectives.

To reflect a change in the scope of article 12 of the Directive, the revised wording included: 'the need:

(i) in the long term to maintain appropriate distances between establishments covered by this Directive and residential areas, buildings and areas of public use, major transport routes as far as possible, recreational areas and areas of particular natural sensitivity or interest; and

(ii) in the case of existing establishments, for additional technical measures in accordance with Article 5 of the Directive so as not to increase the risk to people.'

To ensure compliance with Regulations and with PPS 12, the CS should include an appropriately worded land use policy in this location, thereby limiting the consequences of major accidents. (Include a land use policy to control development at or near the Windsor Gas Holder Station).

A substantive part of this Western Corridor lies within the Middle Zone of the Windsor Gas Holder Station. This could preclude redevelopment of both employment and residential unless resolved.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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**Draft Core Strategy Plan Reference:** Bath: Western Riverside

**Proposed Change Reference:** PC29

**LDF Consultee ID:** 318/PC/1

**Name:** Mr Rob

Sanderson

**Organisation:** Ministry of Defence. Defence Infrastructure Organisation

**Support:**  **Supporting Material:**

**Representation (soundness):**

The use of the words "approved" and "permission" represent tautology in the context of the Western Riverside East planning permission references in the section on "Extent of Western Riverside".

**Change sought to make sound:**

Delete the word "approved" from this section.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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

**Proposed Change Reference:** PC31

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

**Proposed Change Reference:** PC31

**LDF Consultee ID:** 265/PC/7

**Name:** Mr Patrick

Hutton

**Organisation:** Bath Heritage Watchdog

**Support:**  **Supporting Material:**

**Representation (soundness):**

Whilst there is no objection to the use of Twerton Riverside for multi-use economic development, the implied assumption that industrial use will contract might be unwise. The current economic forecasts are that administrative and retail employment will remain static or reduce, and the only area of growth for the immediate future is in manufacturing. With the loss of over five acres of industrial premises at the Bath Press site, which far exceeds the target for reduction in the current Local Plan, the possibility that demand for industrial premises could increase must have an outlet in Bath. There is no point in building a large number of residences on the Western Riverside if there are no nearby employment opportunities, and the Core Strategy should not foreclose the possibility that employment expansion might require industrial premises. The cross reference to 4 (a iii) is partly acceptable but there is a problem with how that section is worded in this document. We would prefer the cross reference to be removed for style reasons though: having to find wording elsewhere in a document is bad drafting, and irritating for the reader.

**Change sought to make sound:**

Replace:  
 “Its already reduced role as a place for industrial activity will be allowed to contract further subject to the criterion at Part 4 (aiii) of this policy”

with  
 “Its currently reduced role as a place for industrial activity will be allowed to expand or contract as necessary to match current and future demand.”

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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

**Proposed Change Reference:** PC32

**LDF Consultee ID:** 265/PC/8

**Name:** Mr Patrick Hutton

**Organisation:** Bath Heritage Watchdog

**Support:**  **Supporting Material:**

**Representation (soundness):**

The wording “Western Riverside will experience a significant uplift in its environmental quality” is gobbledegook.

**Change sought to make sound:**

Rewrite it in plain English.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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

**Proposed Change Reference:**

**LDF Consultee ID:** 265/PC/9

**Name:** Mr Patrick Hutton

**Organisation:** Bath Heritage Watchdog

**Support:**  **Supporting Material:**

**Representation (soundness):**

(a iii) should not include a presumption that occupiers could or should be displaced. National policies are to reduce the jobless figure, not to put those already in work at risk

of becoming unemployed as a result of ill-conceived policies.

If a business is successful in the Twerton Riverside, then part of that success will be due to the location. Moving a business is expensive, and the cost might make the difference between profit and loss; and a different location may not suit the travel arrangement of all staff leading to the possible loss of expertise. There is also no guarantee that those assessing “suitable alternative provision” will have the skills or knowledge to understand the key drivers of any particular business that keep it viable, and the track record is that they won’t. At least one of the businesses that was asked to move from the Newark Works failed at its new location despite very healthy trade before the move, so it really does beg the question of whether any benefits of alternative uses can really justify the very real risk of the loss of viable businesses and their employment opportunities. Nobody in or near Twerton Riverside would say that it does.

A minor issue, the conventional style of numbering sub-paragraphs would use the style 4 (a) iii. As a hierarchy.

**Change sought to make sound:**

(a iii) Proposals for the loss of industrial land and floorspace at Twerton Riverside will be assessed against evidence of current and future demand, with the presumption that existing business which wish to remain will be allowed to do so.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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

**Proposed Change Reference:**

**LDF Consultee ID:** 276/PC/16

**Name:** Mr Matthew Macan

**Organisation:** Hignett Family Trust

**Support:**  **Supporting Material:**

**Representation (soundness):**

Sadly, the Council’s most successful economic strategy ( in terms of achieving its target) continues to be the contraction of industrial, including manufacturing, floorspace. This strategy, which is set out in the Local Plan 2007, is recorded in the AMR. The City contains a multi-skilled workforce with many successful businesses with international markets, for example Rotork , Cross Engineering. The proposals in para. e of Policy B1 to plan to further run down industrial land by 40,000 m<sup>3</sup> over the period to 2026 seems perverse and will continue to discourage economic investment in this area. Not all new jobs will be office based in the future and therefore the CS should emphasize the desire for a mixed/balanced economy. The Policy wording, as amplified in Policy B3, suggests that retention of the Newbridge Riverside Area is the CS’s future response to industrial floor space. However this area has also been identified as ‘a contingency area’ (Policy DW1,B3 , see objections/rep) for non-economic development uses ie residential, mixed use, which will be ‘welcomed’ by the Council. This muddled approach, which is more about trying to prevent any urban extension to Bath, will serve only to undermine the economic base of this area in the future. This part of the policy serves only to continue to undermine employment investment and prospects contrary to the objectives of the Economic Strategy for B&NES 2010-2026, which seeks to ‘protect and retain manufacturing space within Bath’. The Action Plan from the Economic Strategy provides practical advice to the Council when drawing up the CS. This seems to have been ignored. At page 45, “ Improving the availability of business premises” the text states: “ Growth in the above targeted sectors will only occur on the scale required if businesses have the space to move into and grow.....This space must be appropriate for, and attractive to, those types of business we wish to grow locally. For example, space for arts and creative businesses can be more informal, industrial, or “second hand”. Industrial and workshop space will be essential for advanced engineering , high-value manufacturing and businesses developing new technologies”. Policy B1 and particularly para 2, fails to recognise the importance of this element of employment in the city, given the skills base that exists locally and the ignoring priorities set out in para 4 a &b of the same policy. That is “ Achieve better balance.....Economic diversification will reduce the need for a significant minority of resident workers to out-commute to other areas.”

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Such an approach undermines the Core Objectives of the CS, 1, 3 and 7 which will lead to more unsustainable patterns of commuting. The policy wording of para. e should be amended by the deletion of the strategy to contract the floorspace by 40,00m<sup>3</sup> and to try to retain industrial/ manufacturing space as part of the mixed economy including in areas such as Newbridge Riverside. (Amend the wording to Policy 2 e)

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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

**Proposed Change Reference:**

**LDF Consultee ID:** 2561/PC/3

**Name:**

**Organisation:** Southgate Limited Partnership (SLP)

**Support:**  **Supporting Material:**

**Representation (soundness):**

PC33 relates to Policy B2(4) in respect of the scope and scale of change. The change in policy for offices, other workspaces and other economic development uses removes the sentence "Proposals for the loss of office space will be rejected." Removal of this sentence is a positive change and will allow a greater degree of flexibility for town centre uses during times of economic uncertainty. It will support existing uses in the City Centre and create opportunities for appropriate changes to be made to office units in response to demands.

We support responsive, flexible policies which we consider essential to ensure that the City Centre remains vibrant and does not decline.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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**Draft Core Strategy Plan Reference:** Paragraph 2.21

**Proposed Change Reference:** PC34

**Draft Core Strategy Plan Reference:** Paragraph 2.21

**Proposed Change Reference:** PC34

**LDF Consultee ID:** 170/PC/5

**Name:** Mr

Phil

Hardwick

**Organisation:** Robert Hitchins Limited

**Support:**  **Supporting Material:**

**Representation (soundness):**

The Proposed Changes to paragraph 2.21 of the Core Strategy increases the expected yield from about 2,500 new homes to 2,800 new homes in suburban Bath. This increase is also referred to in PC 18. The Core Strategy is reliant upon brownfield sites, which the Council acknowledge in CD6/S3 Topic Paper 2 paragraph 4.20, that brownfield sites can be difficult and costly to develop, particularly due to the risks of land contamination and other issues such as the gas holders on the



Bath Western Riverside (BWR) site.

The Topic Paper states that realising the development potential of these sites is key to achieving a more productive and competitive economy in Bath and north east Somerset.

However, it is not clear what funding has been secured already, and what funding is subject to bids and therefore uncertain, and consequently what the funding gap is. Although the CD4/14 (March 2010) refers in paragraph 4.6 to £28million being needed to bring forward development at Bath City Riverside, it is not clear what the latest position is.

CD6/S9 Topic Paper 8 states that it was never anticipated that the HCA would fund the entire infrastructure and indicates that funding will be from other bodies such as the Council, and Developers. This raises the viability of these sites and the delivery of the strategy which is predicated on the Bath and North East Somerset's Core Strategy – Representation Form development of brownfield sites.

**Change sought to make sound:**

The changes that are required to make the Core Strategy sound are that additional strategic sites/locations should be allocated/identified in order to meet housing needs and in particular affordable housing needs. The Council has acknowledged in the Spatial Options Consultation of October 2009 in respect of the overall housing provision of 15,500 dwellings that, "If this level of housing is not provided then it will have serious implications, preventing some people having access to a decent home, making housing less affordable (to buy or rent) and in the longer term damaging the local economy by reducing labour supply and mobility." (paragraph 2.29)

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 2.21

**Proposed Change Reference:** PC34

**LDF Consultee ID:** 180/PC/5

**Name:** Ms Elaine Vashi

**Organisation:** J S Bloor Ltd

**Support:**  **Supporting Material:**

**Representation (soundness):**

The Proposed Changes to paragraph 2.21 of the Core Strategy increases the expected yield from about 2,500 new homes to 2,800 new homes in suburban Bath. This increase is also referred to in PC 18. The Core Strategy is reliant upon brownfield sites, which the Council acknowledge in CD6/S3 Topic Paper 2 paragraph 4.20, that brownfield sites can be difficult and costly to develop, particularly due to the risks of land contamination and other issues such as the gas holders on the Bath Western Riverside (BWR) site.

The Topic Paper states that realising the development potential of these sites is key to achieving a more productive and competitive economy in Bath and North East Somerset.

However, it is not clear what funding has been secured already, and what funding is subject to bids and therefore uncertain, and consequently what the funding gap is. Although the CD4/14 (March 2010) refers in paragraph 4.6 to £28 million being needed to bring forward development at Bath City Riverside, it is not clear what the latest position is.

CD6/S9 Topic Paper 8 states that it was never anticipated that the HCA would fund the entire infrastructure and indicates that funding will be from other bodies such as the



Council, and Developers. This raises the viability of these sites and the delivery of the strategy which is predicated on the Bath and North East Somerset's Core Strategy – Representation Form development of brownfield sites.

**Change sought to make sound:**

The changes that are required to make the Core Strategy sound are that additional strategic sites/locations should be allocated/identified in order to meet housing needs and in particular affordable housing needs. The Council has acknowledged in the Spatial Options Consultation of October 2009 in respect of the overall housing provision of 15,500 dwellings that, "If this level of housing is not provided then it will have serious implications, preventing some people having access to a decent home, making housing less affordable (to buy or rent) and in the longer term damaging the local economy by reducing labour supply and mobility." (paragraph 2.29)

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 2.21

**Proposed Change Reference:** PC34

**LDF Consultee ID:** 275/PC/4

**Name:** Mr Keith Annis

**Organisation:** Redrow Homes (South West) Ltd

**Support:**  **Supporting Material:**

**Representation (soundness):**

The Proposed Changes to paragraph 2.21 of the Core Strategy increases the expected yield from about 2,500 new homes to 2,800 new homes in suburban Bath. This increase is also referred to in PC 18. The Core Strategy is reliant upon brownfield sites, which the Council acknowledge in CD6/S3 Topic Paper 2 paragraph 4.20, that brownfield sites can be difficult and costly to develop, particularly due to the risks of land contamination and other issues such as the gas holders on the Bath Western Riverside (BWR) site.

The Topic Paper states that realising the development potential of these sites is key to achieving a more productive and competitive economy in Bath and north east Somerset.

However, it is not clear what funding has been secured already, and what funding is subject to bids and therefore uncertain, and consequently what the funding gap is. Although the CD4/14 (March 2010) refers in paragraph 4.6 to £28million being needed to bring forward development at Bath City Riverside, it is not clear what the latest position is.

CD6/S9 Topic Paper 8 states that it was never anticipated that the HCA would fund the entire infrastructure and indicates that funding will be from other bodies such as the Council, and Developers. This raises the viability of these sites and the delivery of the strategy which is predicated on the development of brownfield sites.

**Change sought to make sound:**

The changes that are required to make the Core Strategy sound are that additional strategic sites/locations should be allocated/identified in order to meet housing needs and in particular affordable housing needs. The Council has acknowledged in the Spatial Options Consultation of October 2009 in respect of the overall housing provision of 15,500 dwellings that, "If this level of housing is not provided then it will have serious implications, preventing some people having access to a decent home, making housing less affordable (to buy or rent) and in the longer term damaging the local economy by reducing labour supply and mobility." (paragraph 2.29)

In order to ensure that housing supply meets housing requirements a balanced portfolio of sites needs to be put forward ( i.e. brownfield and greenfield), even to meet the Councils own assessment of the housing requirement for the plan period. The Provision in the Core Strategy does not provide for any flexibility or contingency. In order to meet the Government's planning for growth agenda an increase in the overall housing requirement is required. Consequently in order to make the plan sound,

further sites should be identified, failing that the Plan should be withdrawn.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 2.22

**Proposed Change Reference:** PC35

**Draft Core Strategy Plan Reference:** Paragraph 2.22

**Proposed Change Reference:** PC35

**LDF Consultee ID:** 170/PC/6

**Name:** Mr

Phil

Hardwick

**Organisation:** Robert Hitchins Limited

**Support:**  **Supporting Material:**

**Representation (soundness):**

The Proposed Change PC 35 is unsound. The change to paragraph 2.22 states that it is likely that the majority, if not all of the MOD Ensleigh site will be vacated. The Core Strategy seems to be relying on the "Placemaking Plan" detail. The SHLAA indicates that the Ensleigh site will start to deliver dwellings in 2016/17 ie 35 dwellings per year and the same rate in subsequent years. However, CD 6/S9 states that the Ensleigh site will be required for operational reasons until 2018. Even if the site were to become available in 2018, there are long lead in times for the planning application, clearly dwellings will not be completed on the site for some years, rather than starting in 2016/17.

An article in Estate and Environment 7th July 2011 states that once the relocation to Abbey Wood is complete, the three sites will be offered for disposal, with Foxhill and Warminster Road becoming available first and Ensleigh being retained for a longer period until IT systems housed there drop out of service. In line with usual MOD estate procedures, priority will be given to other government departments to consider if they have a use for the sites before offering them for sale on the open market.

The disposal of the sites will result in the complete vacation of the MOD from Bath (approximately 2,600 jobs). Whilst it is noted in paragraph 2.22 that the prospects for the sites in terms of scope for business Bath and North East Somerset's Core Strategy – Representation Form space will be considered, there is nevertheless a significant loss of employment land.

There are questions about the deliverability of the MOD sites in the timescale envisaged in the SHLAA which need to be discussed at the Examination.

**Change sought to make sound:**

The changes required to make the Core Strategy sound are that in order to fulfil the Government's housing objectives as set out in PPS3 i.e. a wide choice of high quality homes, which people can afford, in a community where they want to live, needs to be provided using both brownfield and greenfield sites. It is also important to deliver a flexible housing land supply as set out in PPS 3 paragraphs 52- 67.

In order to ensure that housing supply meets housing requirements a balanced portfolio of sites needs to be put forward ( i.e. brownfield and greenfield), even to meet the Councils own assessment of the housing requirement for the plan period. The Provision in the Core Strategy does not provide for any flexibility or contingency.

In order to meet the Government's planning for growth agenda an increase in the overall housing requirement is required. In order to make the plan sound further sites should

be identified, failing that the Plan should be withdrawn.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 2.22

**Proposed Change Reference:** PC35

**LDF Consultee ID:** 180/PC/6

**Name:** Ms Elaine Vashi

**Organisation:** J S Bloor Ltd

**Support:**  **Supporting Material:**

**Representation (soundness):**

The Proposed Change PC 35 is unsound. The change to paragraph 2.22 states that it is likely that the majority, if not all of the MOD Ensleigh site will be vacated. The Core Strategy seems to be relying on the “Placemaking Plan” to refine the housing capacity and consider the prospects for these sites in more detail. The SHLAA indicates that the Ensleigh site will start to deliver dwellings in 2016/17 i.e. 5 dwellings per year and the same rate in subsequent years. However, CD 6/S9 states that the Ensleigh site will be required for operational reasons until 2018. Even if the site were to become available in 2018, there are long lead in times for the planning application, clearly dwellings will not be completed on the site for some years, rather than starting in 2016/17.

An article in Estate and Environment 7th July 2011 states that once the relocation to Abbey Wood is complete, the three sites will be offered for disposal, with Foxhill and Warminster Road becoming available first and Ensleigh being retained for a longer period until IT systems housed there drop out of service. In line with usual MOD estate procedures, priority will be given to other government departments to consider if they have a use for the sites before offering them for sale on the open market. Bath and North East Somerset’s Core Strategy – Representation Form

The disposal of the sites will result in the complete vacation of the MOD from Bath (approximately 2,600 jobs). Whilst it is noted in paragraph 2.22 that the prospects for the sites in terms of scope for business space will be considered, there is nevertheless a significant loss of employment land.

There are questions about the deliverability of the MOD sites in the timescale envisaged in the SHLAA which need to be discussed at the Examination.  
Continue

**Change sought to make sound:**

The changes required to make the Core Strategy sound are that in order to fulfil the Government’s housing objectives as set out in PPS3 i.e. a wide choice of high quality homes, which people can afford, in a community where they want to live, housing needs to be provided using both brownfield and greenfield sites. It is also important to deliver a flexible housing land supply as set out in PPS 3 paragraphs 52- 67.  
In order to ensure that housing supply meets housing requirements a balanced portfolio of sites needs to be put forward ( i.e. brownfield and greenfield), even to meet the Councils own assessment of the housing requirement for the plan period. The Provision in the Core Strategy does not provide for any flexibility or contingency.  
In order to meet the Government’s planning for growth agenda an increase in the overall housing requirement is required. In order to make the plan sound further sites should be identified, failing that the Plan should be withdrawn.

**Representation (legal compliance):**

**Change sought to make legally compliant:****Draft Core Strategy Plan Reference:** Paragraph 2.22**Proposed Change Reference:** PC35**LDF Consultee ID:** 275/PC/5**Name:** Mr Keith Annis**Organisation:** Redrow Homes (South West) Ltd**Support:**  **Supporting Material:** **Representation (soundness):**

The Proposed Change PC 35 is unsound. The change to paragraph 2.22 states that it is likely that the majority, if not all of the MOD Ensleigh site will be vacated. The Core Strategy seems to be relying on the "Placemaking Plan" to refine the housing capacity and consider the prospects for these sites in more detail. The SHLAA indicates that the Ensleigh site will start to deliver dwellings in 2016/17 i.e. 5 dwellings per year and the same rate in subsequent years. However, CD 6/S9 states that the Ensleigh site will be required for operational reasons until 2018. Even if the site were to become available in 2018, there are long lead in times for the planning application, clearly dwellings will not be completed on the site for some years, rather than starting in 2016/17.

An article in Estate and Environment 7th July 2011 states that once the relocation to Abbey Wood is complete, the three sites will be offered for disposal, with Foxhill and Warminster Road becoming available first and Ensleigh being retained for a longer period until IT systems housed there drop out of service. In line with usual MOD estate procedures, priority will be given to other Government departments to consider if they have a use for the sites before offering them for sale on the open market.

The disposal of the sites will result in the complete vacation of the MOD from Bath (approximately 2,600 jobs). Whilst it is noted in paragraph 2.22 that the prospects for the sites in terms of scope for business space will be considered, there is nevertheless a significant loss of employment land.

There are questions about the deliverability of the MOD sites in the timescale envisaged in the SHLAA which need to be discussed at the Examination.

**Change sought to make sound:**

The changes required to make the Core Strategy sound are that in order to fulfil the Government's housing objectives as set out in PPS3 i.e. a wide choice of high quality homes, which people can afford, in a community where they want to live, needs to be provided using both brownfield and greenfield sites. It is also important to deliver a flexible housing land supply as set out in PPS 3 paragraphs 52- 67.

In order to ensure that housing supply meets housing requirements a balanced portfolio of sites needs to be put forward ( i.e. brownfield and greenfield), even to meet the Councils own assessment of the housing requirement for the plan period. The Provision in the Core Strategy does not provide for any flexibility or contingency. In order to meet the Government's planning for growth agenda an increase in the overall housing requirement is required. In order to make the plan sound further sites should be identified, failing that the Plan should be withdrawn.

**Representation (legal compliance):****Change sought to make legally compliant:****Draft Core Strategy Plan Reference:** Paragraph 2.22**Proposed Change Reference:**

**LDF Consultee ID:** 318/PC/3 **Name:** Mr Rob Sanderson **Organisation:** Ministry of Defence\_ Defence Infrastructure Organisation

**Support:**  **Supporting Material:**

**Representation (soundness):**

The increase in housing numbers proposed to be delivered from outer neighbourhoods and particularly MOD sites, suggests that more certainty needs to be afforded to the available options and the vagueness of the references proposed for Paragraph 2.22 does not provide this degree of certainty. The situation regarding the availability of the Ensleigh site in particular has now been clarified: the site will be completely vacated in 2018. (E-block site and a proportion of the main site will be vacated imminently and sold during 2012).

The proposed reference to “including the scope for business space” is unsupported by land use rationale or evidence of business need.

**Change sought to make sound:**

Given that the MOD has now confirmed that all its land interests in Bath are to be vacated and disposed of, including the site at Ensleigh, it is recommended that following the words “It is anticipated that “, “Warminster Road and Foxhill” be replaced with “all three sites” and that the sentence which begins “It is also likely that...” be deleted in its entirety.

It is recommended that the reference to considering the prospects for the MOD sites “including the scope for business space” needs to be supported by references to a land use rationale and evidence of a defined and qualified business need.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 2.22

**Proposed Change Reference:**

**LDF Consultee ID:** 397/PC/1

**Name:**

**Organisation:** Stokefield Trust

**Support:**  **Supporting Material:**

**Representation (soundness):**

The proposed change is unsound on the grounds that it relies too heavily on three sites, at Foxhill, Ensleigh and Warminster Road, which are either ‘anticipated’ to come forward or, in the case of Ensleigh, ‘likely’ to come forward in part, to provide the majority of the 2,800 homes required in Bath’s outer neighbourhoods.

The Council gives as its reason for change an update based on a MoD announcement on 10 March 2011, which comprises a BBC News Release. The document provides little evidence as to the timing of the closure of the three sites, and appears not to have been followed up by direct correspondence with the MoD.

Accordingly the proposed change fails to comply with PPS12 in that it:

- is not justified on the grounds that the facts do not back it up.
- is not effective on the grounds that its delivery cannot be guaranteed. Nor is there any flexibility in the event that any or all of the sites cannot be delivered.
- is not consistent with PPS12.

**Change sought to make sound:**

## Schedule of Representations on the Proposed Changes to the Draft Core Strategy (Duly Made): Sorted by Draft Core Strategy Plan Reference

The Council need to identify alternative sites in the Core Strategy which could come forward in the event that some or all of the MoD sites cannot be delivered, and to consult on these before the examination. The act of identifying sites which are genuinely deliverable will provide the flexibility needed to ensure that the Core Strategy is sound.

### **Representation (legal compliance):**

#### **Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Table 4: District and Local Centres within Bath

**Proposed Change Reference:** PC37

**Draft Core Strategy Plan Reference:** Table 4: District and Local Centres within Bath

**Proposed Change Reference:** PC37

**LDF Consultee ID:** 265/PC/10

**Name:** Mr Patrick Hutton

**Organisation:** Bath Heritage Watchdog

**Support:**  **Supporting Material:**

### **Representation (soundness):**

There is no such address as Larkhall High Street. Nor are all the relevant premises in a single street. Table 4 and Policy CP12 are both wrong. The district centre commonly known as Moorland Road also includes Shaftesbury Road which contains the centre's largest supermarket and several other shops.

### **Change sought to make sound:**

Use the correct road names in Larkhall (St Saviours Road and Upper Lambridge Street). Use "Moorland Road and Shaftesbury Road" as the name of the District Centre.

### **Representation (legal compliance):**

#### **Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Table 4: District and Local Centres within Bath

**Proposed Change Reference:** PC37

**LDF Consultee ID:** 318/PC/2

**Name:** Mr Rob Sanderson

**Organisation:** Ministry of Defence, Defence Infrastructure Organisation

**Support:**  **Supporting Material:**

### **Representation (soundness):**

Diagram 10 "Baths Neighbourhoods" (page 50) does not represent the renumbering proposed under PC 37.

### **Change sought to make sound:**

The renumbering of local centres proposed under this change needs to be reflected on Diagram 10 (page 50) to ensure consistency.

### **Representation (legal compliance):**

#### **Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 2.33

**Proposed Change Reference:** PC43

**Draft Core Strategy Plan Reference:** Paragraph 2.33

**Proposed Change Reference:** PC43

**LDF Consultee ID:** 246/PC/3 **Name:** Mr Peter Duppa-Miller OBE **Organisation:** Combe Hay Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Consequent upon its frequent involvement with the work of the Planning Policy Team, it is inevitable that Combe Hay Parish Council supports many of the Proposed Changes to the Bath and North East Somerset Core Strategy – these are listed in the Annex to this letter, rather than on a multitude of Representation Forms.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 2.33

**Proposed Change Reference:** PC43

**LDF Consultee ID:** 265/PC/12 **Name:** Mr Patrick Hutton **Organisation:** Bath Heritage Watchdog

**Support:**  **Supporting Material:**

**Representation (soundness):**

Like PC42 it attempts to give a Local Authority the power to override Central Government commitments. It cannot be allowed. PC42 and PC43 seem to indicate that the Local Authority has not read and understood the commitments that the National Government signed up to.

**Change sought to make sound:**

Delete PC43 in its entirety.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 2.33

**Proposed Change Reference:** PC44

**LDF Consultee ID:** 265/PC/13 **Name:** Mr Patrick Hutton **Organisation:** Bath Heritage Watchdog

**Support:**  **Supporting Material:**

**Representation (soundness):**

The idea of enhancing the Outstanding Universal Value needs to be advanced with considerable caution, because the track record of this Local Authority is that their idea of enhancement differed so markedly from the views of the World Heritage Committee that the Committee found it necessary to send a Mission to Bath to investigate its plans. When the Mission recommended a major redesign of the later phases of the Western Riverside, planning decisions ignoring the Mission recommendations were made by the



## Schedule of Representations on the Proposed Changes to the Draft Core Strategy (Duly Made): Sorted by Draft Core Strategy Plan Reference

Local Authority. The emphasis must be on conservation rather than improvement, because the Local Authority has shown that it does not understand the Outstanding Universal Value sufficiently to know what would or wouldn't enhance it. The placemaking plan is incompatible with preserving the obligation to preserve the World Heritage Site and so cannot form part of this section.

### **Change sought to make sound:**

Delete the last sentence: (The preparation other local development documents, including the Placemaking Plan will ensure the achievement of high quality design.)

Amend the sentence before it to:

Design that fails to conserve, or enhance the Outstanding Universal Value World Heritage Site to the satisfaction of the World Heritage Committee or its UK agents ICOMOS-UK will be rejected.

### **Representation (legal compliance):**

### **Change sought to make legally compliant:**

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**Draft Core Strategy Plan Reference:** Paragraph 2.33

**Proposed Change Reference:** PC44

**LDF Consultee ID:** 2559/PC/1

**Name:** Mr

Clive

Narrainen

**Organisation:**

**Support:**  **Supporting Material:**

### **Representation (soundness):**

### **Change sought to make sound:**

### **Representation (legal compliance):**

### **Change sought to make legally compliant:**

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**Draft Core Strategy Plan Reference:** Policy B4: The World heritage Site and its Setting

**Proposed Change Reference:** PC42

**Draft Core Strategy Plan Reference:** Policy B4: The World heritage Site and its Setting

**Proposed Change Reference:** PC42

**LDF Consultee ID:** 246/PC/2

**Name:** Mr

Peter

Duppa-Miller OBE

**Organisation:** Combe Hay Parish Council

**Support:**  **Supporting Material:**

### **Representation (soundness):**

Consequent upon its frequent involvement with the work of the Planning Policy Team, it is inevitable that Combe Hay Parish Council supports many of the Proposed Changes to the Bath and North East Somerset Core Strategy - these are listed in the Annex to this letter, rather than on a multitude of Representation Forms.

### **Change sought to make sound:**



**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B4: The World heritage Site and its Setting

**Proposed Change Reference:** PC42

**LDF Consultee ID:** 264/PC/12

**Name:** Mr Brian Huggett

**Organisation:** Englishcombe Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Englishcombe Parish Council fully supports the changes made, especially in respect of the setting of the World Heritage Site of the city of Bath, and would have liked to see a "Buffer Zone" established to re-enforce the setting of the WHS.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B4: The World heritage Site and its Setting

**Proposed Change Reference:** PC42

**LDF Consultee ID:** 265/PC/11

**Name:** Mr Patrick Hutton

**Organisation:** Bath Heritage Watchdog

**Support:**  **Supporting Material:**

**Representation (soundness):**

The Government has signed up to the World Heritage Convention and is thereby bound by it and the procedures for protecting World Heritage as defined in the Operational Guidelines. These quotations from the Operational Guidelines document emphasise the importance of World Heritage Sites:

- The cultural and natural heritage is among the priceless and irreplaceable assets, not only of each nation, but of humanity as a whole.
- The loss, through deterioration or disappearance, of any of these most prized assets constitutes an impoverishment of the heritage of all the peoples of the world.
- Parts of that heritage, because of their exceptional qualities, can be considered to be of "outstanding universal value" and as such worthy of special protection against the dangers which increasingly threaten them.

A Local Authority cannot have a policy which undermines the Central Government's international commitments. Specifically, a local assessment of public benefits cannot take precedence over the Outstanding Universal Value as defined by the World Heritage Committee. Developments which would harm the Outstanding Universal Value must have a strict presumption of refusal regardless of any claimed benefits, unless UNESCO's UK agents ICOMOS-UK give it their blessing. Bath is preserved for the world, and any public benefit which does not benefit all nations of the world cannot be weighed against preserving the Outstanding Universal Value.

**Change sought to make sound:**

Limit this to the first sentence, amended as follows:

“There is a strong presumption against development that would result in harm to the Outstanding Universal Value of the World Heritage Site, including its authenticity or integrity, or to the setting of the World Heritage Site, and unless the World Heritage Committee or its UK agents ICOMOS-UK accept that the harm has sufficient offsetting benefits, such developments will be refused.”

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B4: The World heritage Site and its Setting

**Proposed Change Reference:** PC42

**LDF Consultee ID:** 292/PC/4

**Name:** Mr Edward Nash

**Organisation:** Bath Avon River Corridor Group

**Support:**  **Supporting Material:**

**Representation (soundness):**

The Group believes that the importance of using the regeneration needs of the urban areas and especially Bath is such that this policy should expect positive enhancement of the setting of the World Heritage city along the river corridor and that this is especially necessary;

To give Keynsham a riverside dimension to its social, cultural, environmental and economic identity.

Along the eastern approaches to Bath

Along the western approaches to Bath

The failure of the proposed change to reflect the above and therefore meet the justified and effective elements of PPS12’s Tests of Soundness means the Core Strategy remains unsound.

**Change sought to make sound:**

Since making our original submissions the River Corridor Economy Group has produced its first report to the council and is being encouraged to change its status to a Trust that can, over at least two decades guide and initiate the changes to the evaluation and relevance of the River working with many established agencies and the wider community. We are submitting the report to the Inspector in hard copy form, but include the Executive Summary here. We believe it to be helpful to this process to be able to refer to the conceptual model for river led regeneration in the report explore its terms of reference and answer any questions the Inspector raises. The full report will be available on the Group’s website shortly. The Report provides a conceptual model to bring forward the significance of the river and is crucial to the next phase of the evolution of the Core Strategy.

Changes need to be made to the Core Strategy that reflect the observations above, therefore enabling the Core Strategy to meet PPS12’s Test of Soundness.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 2.41

**Proposed Change Reference:** PC47

**Draft Core Strategy Plan Reference:** Paragraph 2.41

**Proposed Change Reference:** PC47

**LDF Consultee ID:** 2562/PC/3

**Name:** Mr Jagdeep Bhogal

**Organisation:** Unite Group Plc

**Support:**  **Supporting Material:**

**Representation (soundness):**

(b) Locational preference of students

Given that the majority of HMOs within the City are located in the Oldfield Park and Westmoreland Areas, and that the significant majority of the total number of students within Bath live in these areas, it is clear that this represents the favoured destination for students. The proposed alterations to the Core Strategy will restrict delivery of student accommodation within established student locations such as these and therefore will not address the identified shortfall. In order to redress this, the proposed amendment, as outlined within the conclusion below is required.

It is believed that the additional text relating to off-campus student accommodation has been drafted mindful of the Council's objective to redress the conventional housing supply shortfall, however a proportionate response to this is required, mindful that the lack of historic housing delivery is largely reliant upon just two significant development sites. The proposed alterations to the Core Strategy are considered an over-prescriptive and unjustified response to ensuring conventional housing delivery is prioritised.

**Change sought to make sound:**

It is therefore suggested that a measured and imaginative response to resolving acute student and conventional housing need within Bath is required. The proposed alteration to the Core Strategy prejudices supply of off campus student accommodation, which if adequately managed can contribute to conventional housing need.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B5: Strategic Policy for Bath's Universities

**Proposed Change Reference:** PC47

**Draft Core Strategy Plan Reference:** Policy B5: Strategic Policy for Bath's Universities

**Proposed Change Reference:** PC47

**LDF Consultee ID:** 264/PC/11

**Name:** Mr Brian Huggett

**Organisation:** Englishcombe Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Englishcombe Parish Council supports the changes made to Policy B5 in respect of the expansion of the Universities and the provision of purpose built accommodation for students. As opposed to students taking up houses in Bath more appropriate to much needed family affordable and rented dwellings.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B5: Strategic Policy for Bath's Universities

**Proposed Change Reference:** PC47

**LDF Consultee ID:** 322/PC/1

**Name:** Ms Carolyn Puddicombe

**Organisation:** Bath Spa University

**Support:**  **Supporting Material:**

**Representation (soundness):**

We act on behalf of Bath Spa University and we would like to draw your attention to our previous representation to this policy.

We would welcome clarification in the form of an explanatory memorandum that there will be a presumption in favour of off-campus student accommodation elsewhere within the District.

As student accommodation falls within Use Class C3 we find it difficult to understand how this will be dealt with in relation to this policy.

**Change sought to make sound:**

We welcome clarification upon this point in the form of an explanatory memorandum.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy B5: Strategic Policy for Bath's Universities

**Proposed Change Reference:**

**LDF Consultee ID:** 2562/PC/2

**Name:** Mr Jagdeep Bhogal

**Organisation:** Unite Group Plc

**Support:**  **Supporting Material:**

**Representation (soundness):**

(a) Impact of projected growth numbers

The Draft Masterplan for the Claverton Campus demonstrates provision for an additional 2,358 bed spaces on campus to 2020. Utilising the student number growth figures provided by the Universities' demand for an additional 2,493 beds would be created at the University of Bath (based upon 2% annual growth). This clearly highlights that the additional bedspaces proposed at University of Bath are likely to be entirely taken up by the projected growth in student numbers. This results in no net increase in purpose built accommodation in this regard and the impact of students living within HMOs across the city would be neutral and the existing shortfall would not be addressed.

The additional 806 bed spaces at Bath Spa University would represent the only net increase in dedicated student accommodation in Bath to 2020. Based upon the Council's evidence that each HMO accommodates on average 4.5 students, this would result in the theoretical reduction of circa 180 HMOs across the city. However, this again fails to take account of the identified shortfall in student accommodation, as referred to above.

The Schedule of Significant Proposed Changes to the Core Strategy confirm the additional bed spaces are proposed for delivery at the Claverton and Newton Park Campuses. Mindful that both are established university camp uses, the proposed alterations to the Core Strategy will therefore prejudice the ability to meet off-campus student accommodation need and have a minimal impact upon reducing reliance on HMOs, contrary to PPS3 and the Ministerial Statement.

## Conclusion on Student Accommodation Need

It is thus demonstrated above that even if student numbers remain static and the additional bed space aspirations of each university are fully realised, there remains a significant shortfall of student accommodation in the city (circa 6,500 bed spaces), which requires addressing, in order to meet this identified housing need, and as required by PPS3. It is considered that this housing need can be met through managed provision of appropriate purpose built, off-campus accommodation. Furthermore, the proposed alterations to Policy BS5 specifically restrict off-campus accommodation and mindful of the identified shortfall, the additional bed spaces will not address this significant housing need.

The emerging Core Strategy prejudices the Council's ability to meet identified student accommodation need (both numerically and geographically) and therefore Policy B5 in particular cannot be considered 'sound' as it is not justified. i.e. it is not founded on a robust evidence base, nor does it reflect government guidance regarding meeting varying elements of housing need.

**Change sought to make sound:**

## Conclusion and Recommended Alterations to Core Strategy

It is clear that the proposed changes to the Core Strategy cannot be considered sound as those concerning Policy B5 do not reflect government guidance and are not justified, as per the PPS12 definition. There remains a requirement at national level to address all types of housing need and this is not currently reflected within Policy B5. The figures collated by the Council and as set out above demonstrate that even assuming no growth in student numbers and accounting for planned additional provision, a significant shortfall of purpose built student accommodation across Bath exists. This will therefore continue to place significant pressure on conventional housing supply, and thereby potentially undermining the Council's strategic objective in this regard. The development of well managed, purpose built student accommodation in appropriate accessible area of the City will clearly relieve the pressure on the HMO market and thus have a positive impact on the overall supply of housing.

Mindful of the representations above, the following alterations to the relevant part of Policy B5 are made

## Off-Campus Student Accommodation

Proposals for off-campus accommodation will be refused unless it is demonstrated that this is appropriately managed and purpose built and therefore assists in delivery of the vision and spatial strategy for the city in relation to housing and economic development.

I trust this is appropriate and would appreciate early dialogue with the relevant officer during consultation/examination of the Core Strategy. Please do not hesitate to contact either Matthew Roe or myself, both at this office should you have any queries.

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

**Draft Core Strategy Plan Reference:** Paragraph 2.44

**Proposed Change Reference:** PC51

**LDF Consultee ID:** 50/PC/1

**Name:** Ms Tricia Golinski

**Organisation:** Saltford Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

To be justified the proposed change reference PC51 as amended, plan reference para 2.44 requires the consideration of a statement by Saltford Parish Council.

**Change sought to make sound:**

Insertion in the proposed change reference PC51 as amended, plan reference para 2.44 of the wording: The statement on rail improvements is compatible with the support of Saltford Parish Council for the re-opening of Saltford railway station.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 2.44

**Proposed Change Reference:** PC50

**LDF Consultee ID:** 96/PC/2

**Name:** Ms Jo Swift

**Organisation:** Keynsham Town Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Sound in relation to rail improvements.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 2.44

**Proposed Change Reference:** PC50

**LDF Consultee ID:** 96/PC/3

**Name:** Ms Jo Swift

**Organisation:** Keynsham Town Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

'Creating a more pedestrian and cyclist-friendly city centre through the Introduction of access changes on a number of streets and expansion and enhancement of pedestrian areas'

- Other Improvements to walking and cycling infrastructure.....'

There is no mention of improvement to pavements in order to make them more accessible for disabled members of the public. Currently there is insufficient accessibility, lack

of drop kerbs and unsuitable paving materials to allow free movement for wheelchair users. This needs to be addressed across the whole of banes, especially in Keynsham.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 2.44

**Proposed Change Reference:** PC50

**LDF Consultee ID:** 96/PC/4

**Name:** Ms Jo Swift

**Organisation:** Keynsham Town Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Sound in relation to Park & Ride sites.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 2.44

**Proposed Change Reference:** PC51

**LDF Consultee ID:** 102/PC/2

**Name:** Mr Robin Kerr

**Organisation:** Federation of Bath Residents' Associations

**Support:**  **Supporting Material:**

**Representation (soundness):**

PC51, as amended. This comment has justification on both legal and soundness grounds: legal because of the requirement to reduce the measured pollution below the legal limit as soon as possible (see FPC31) (in fact the Council had been under legal obligation to do this by 2010) and soundness because the only known way to do this is by reducing the volume of traffic in the city powered by internal combustion engines (and more robust methods to ensure this are needed). Proposed deletions are shown in red and additions in blue. It is notable that the Council's Cabinet Member for Transport declared his support for the three additional bullet points below in a letter to the Bath Chronicle dated 13th Oct 11.

**Change sought to make sound:**

Amend para 2.44 to read:

The Council's Transport Strategy for Bath is to reduce traffic congestion and air pollution by reducing the number of cars and goods vehicle that travelling into, through and around the city, to progressing improvements to public transport and to make walking or cycling within the city the preferred option for short trips. This will be achieved through a variety of measures including:

## Schedule of Representations on the Proposed Changes to the Draft Core Strategy (Duly Made): Sorted by Draft Core Strategy Plan Reference

- Bath Transport Package – comprising a range of measures including three extended Park & Ride sites; upgrading nine bus routes to showcase standard including upgrades to bus stop infrastructure and variable message signs on key routes into the city displaying information about car parking availability
- Improvements to the bus network through the Greater Bristol Bus Network major scheme including key routes from Bristol and Midsomer Norton,
- Rail improvements, such as the electrification of Great Western Railway mainline by 2016; the new 15 year GWR franchise (including the Greater Bristol Metro Project); and increasing the capacity of local rail services travelling through Bath Spa rail station, improving ease of access to and attractiveness of rail travel to and from Bath
- The West of England authorities (including B&NES) have been awarded Local Sustainable Transport Fund key component funding for a number of measures and also been invited by the Department for Transport to submit a major bid to the Local Sustainable Transport Fund for £25.5 million
- Creating a more pedestrian and cyclist-friendly city centre through the introduction of access changes on a number of streets and expansion and enhancement of pedestrian areas.
- Other improvements to walking and cycling infrastructure through the Councils Integrated Transport annual settlement and the implementation of ‘Smarter Choices’ for transport e.g. through the development of travel plans for new and existing sites and the expansion of car clubs
- Reduction of heavy vehicle traffic across Cleveland Bridge by imposition of a weight limit on vehicles turning from Bathwick Street to Beckford Road and vice versa.
- Development of a freight delivery facility, with an out-of-city consolidation depot.
- Creation of one or more Park & Ride sites on the eastern side of the city to reduce commuter traffic from that direction.

### **Representation (legal compliance):**

### **Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 2.44

**Proposed Change Reference:** PC51

**LDF Consultee ID:** 162/PC/4

**Name:** Mr Mike Townley

**Organisation:** Batheaston Parish Council

**Support:**  **Supporting Material:**

### **Representation (soundness):**

The reference to 'Upgraded Bus Routes' is ironic.

The frequency of the First Bus Route no. 13 has recently been reduced.

### **Change sought to make sound:**

### **Representation (legal compliance):**

### **Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 2.44

**Proposed Change Reference:** PC51

**LDF Consultee ID:** 170/PC/7

**Name:** Mr Phil Hardwick

**Organisation:** Robert Hitchins Limited

**Support:**  **Supporting Material:**



**Representation (soundness):**

The Proposed Change to paragraph 2.44 is noted but whilst the transport strategy is supported in principle, the key concern is the implementation of the Transport Strategy and its affect on the deliverability of housing sites. It is noted in the Committee Report of 13th September 2011 Annex D: Changes to the Core Strategy arising from changes to the Bath Transport Strategy. The following elements no longer form part of the final bid for the BTP:

- the Bus Rapid Transit Segregated route,
- the A36 Lower Bristol Bus Lane,
- the A4 London road Lambridge Bus Lane,
- the New Eastern P&R (1,400 spaces) plus bus lane priority on the A4/A46 slip road
- Restrict the expansion of the 500 space Newbridge P & R site to 750 rather than 1,000 spaces

It is noted that Proposed Change PC 54 as amended, that the Bath Transport Package has been accepted into the development pool of schemes by DfT and that the final decision is anticipated in December 2011.

Whilst the CD4/12 Infrastructure Delivery Programme Update (April 2011) provides some indication eg Cost, Funding Sources and Phasing eg for DWL 13 Greater Bristol Bus Network Improvements and Other Transport Improvements for Bath, there is a list of costs, funding sources, but the risk is that the Bath and North East Somerset's Core Strategy Representation Form proposals are subject to DfT funding and developer contributions which may not be forth coming in the current economic climate. In which case how does this affect what can be delivered in terms of the components of the scheme and the timescale of delivery. It is noted in the Proposed Change 54 as amended that the final bid is to be submitted to the DfT in September 2011, and DfT anticipate a decision in December 2011.

In respect of the this scheme it states that there are no contingencies and that the project is largely complete, but the Bath Transport Package has been put in a pool of 22 schemes bidding into a fund of about £600M.

In announcing this fund of £600M the Transport Secretary indicated that whilst Local Authorities will be invited to bid for this funding over the next few months "Councils will be challenged to consider the cost, scope and possibility of local funding when bidding."

**Change sought to make sound:**

The changes required to the Core Strategy in order to make it sound are to justify the funding ( how much is already secured and how much is still to be confirmed through bids, how much is to be made available through Council funding or other sources). A clearer timescale for the implementation would support the delivery in the Core Strategy.

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

**Draft Core Strategy Plan Reference:** Paragraph 2.44

**Proposed Change Reference:** PC51

**LDF Consultee ID:** 180/PC/7

**Name:** Ms Elaine

Vashi

**Organisation:** J S Bloor Ltd

**Support:**  **Supporting Material:**

**Representation (soundness):**

The Proposed Change to paragraph 2.44 is noted but whilst the transport strategy is supported in principle, the key concern is the implementation of the Transport Strategy and its affect on the deliverability of housing sites. It is noted in the Committee Report of 13th September 2011 Annex D:

Changes to the Core Strategy arising from changes to the Bath Transport Strategy. the following elements no longer form part of the final bid for the BTP:

- the Bus Rapid Transit Segregated route,
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- the A4 London road Lambridge Bus Lane,
- the New Eastern P&R (1,400 spaces) plus bus lane priority on the A4/A46 slip road
- Restrict the expansion of the 500 space Newbridge P & R site to 750 rather than 1,000 spaces

It is noted that Proposed Change PC 54 as amended, that the Bath Transport Package has been accepted into the development pool of schemes by DfT and that the final decision is anticipated in December 2011.

Whilst the CD4/12 Infrastructure Delivery Programme Update (April 2011) provides some indication e.g. Bath and North East Somerset’s Core Strategy- Representation Form Cost, Funding Sources and Phasing e.g. for DWL 13 Greater Bristol Bus Network Improvements and Other Transport Improvements for Bath, there is a list of costs, funding sources, but the risk is that the proposals are subject to DfT funding and developer contributions which may not be forth coming in the current economic climate. In which case how does this affect what can be delivered in terms of the components of the scheme and the timescale of delivery. It is noted in the Proposed Change 54 as amended that the final bid is to be submitted to the DfT in September 2011, and DfT anticipate a decision in December 2011.

In respect of the this scheme it states that there are no contingencies and that the project is largely complete, but the Bath Transport Package has been put in a pool of 22 schemes bidding into a fund of about £600M.

In announcing this fund of £600M the Transport Secretary indicated that whilst Local Authorities will be invited to bid for this funding over the next few months “Councils will be challenged to consider the cost, scope and possibility of local funding when bidding.”

**Change sought to make sound:**

The changes required to the Core Strategy in order to make it sound are to justify the funding ( how much is already secured and how much is still to be confirmed through bids, how much is to be made available through Council funding or other sources). A clearer timescale for the implementation would support the delivery in the Core Strategy.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 2.44

**Proposed Change Reference:** PC51

**LDF Consultee ID:** 224/PC/4

**Name:** Ms

Joanna

Robinson

**Organisation:** Bath Preservation Trust

**Support:**  **Supporting Material:**

**Representation (soundness):**

Transport

The Trust supports the removal of Batheaston Park and Ride, but would still like to see more detail on an overall traffic management plan for Bath.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 2.44

**Proposed Change Reference:** PC51

**LDF Consultee ID:** 265/PC/14

**Name:** Mr Patrick Hutton

**Organisation:** Bath Heritage Watchdog

**Support:**  **Supporting Material:**

**Representation (soundness):**

These aspirations imply a capability which the Local Authority does not have. The Bath Transport Package as described here does not match the Package as consulted, and the revisions to the package have not yet been offered for public scrutiny, so any reference to the Package is misleading. There is a High Court judgement which rules that the council cannot cherry pick from the existing planning permissions, so a new Package will have to be consulted and new planning permissions sought. Improvements to the Greater Bristol Bus Network cannot be delivered unless Bristol proceeds with its part of it.

The Local Authority cannot improve the mainline railway, that is the remit of Network Rail.

The public knows nothing of Integrated Transport annual settlement nor Smarter Choices, so these cannot be quoted as though they are defined policies.

**Change sought to make sound:**

Reword to commit to cooperating with others and stating aspirations., thus:

The Council's Transport Strategy for Bath is one of reducing the use of cars for travelling to and within the city, by progressing improvements to public transport and making walking or cycling within the city an increasingly preferred option for short trips. This will be achieved through a variety of measures including:

- Increased Park & Ride provision and the upgrading of selected bus routes to showcase standard including upgrades to bus stop infrastructure and variable message signs on key routes into the city displaying information about car parking availability
- Co-operation with other authorities to achieve improvements to the bus network through the Greater Bristol Bus Network major scheme including key routes from Bristol and Midsomer Norton,
- Co-operation with Network Rail over improvements to Great Western Railway mainline;
- Co-operation with the operator of the new 15 year GWR franchise (including the Greater Bristol Metro Project) with the aim of increasing the capacity of local rail services travelling through Bath Spa Railway Station, and improving ease of access to and attractiveness of rail travel to and from Bath
- As part of the West of England authorities awarded Local Sustainable Transport Fund key component funding for a number of measures, to submit to the Department for Transport a major bid to the Local Sustainable Transport Fund for £25.5 million
- Creating a more pedestrian and cyclist-friendly city centre through the introduction of access changes on a number of streets and expansion and enhancement of pedestrian areas.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 2.44

**Proposed Change Reference:** PC51

**LDF Consultee ID:** 275/PC/6

**Name:** Mr Keith Annis

**Organisation:** Redrow Homes (South West) Ltd

**Support:**  **Supporting Material:**

**Representation (soundness):**

The Proposed Change to paragraph 2.44 is noted but whilst the transport strategy is supported in principle, the key concern is the implementation of the Transport Strategy and its affect on the deliverability of housing sites. It is noted in the Committee Report of 13th September 2011 Annex D:

Changes to the Core Strategy arising from changes to the Bath Transport Strategy. The following elements no longer form part of the final bid for the BTP:

- the Bus Rapid Transit Segregated route,
- the A36 Lower Bristol Bus Lane,
- the A4 London road Lambridge Bus Lane,
- the New Eastern P&R (1,400 spaces) plus bus lane priority on the A4/A46 slip road
- Restrict the expansion of the 500 space Newbridge P & R site to 750 rather than 1,000 spaces

It is noted that Proposed Change PC 54 as amended, that the Bath Transport Package has been accepted into the development pool of schemes by DfT and that the final decision is anticipated in December 2011.

Whilst the CD4/12 Infrastructure Delivery Programme Update (April 2011) provides some indication e.g. Cost, Funding Sources and Phasing e.g. for DWL 13 Greater Bristol Bus Network Improvements and Other Transport Improvements for Bath, there is a list of costs, funding sources, but the risk is that the proposals are subject to DfT funding and developer contributions which may not be forth coming in the current economic climate. In which case how does this affect what can be delivered in terms of the components of the scheme and the timescale of delivery. It is noted in the Proposed Change 54 as amended that the final bid is to be submitted to the DfT in September 2011, and DfT anticipate a decision in December 2011.

In respect of the this scheme it states that there are no contingencies and that the project is largely complete, but the Bath Transport Package has been put in a pool of 22 schemes bidding into a fund of about £600M.

In announcing this fund of £600M the Transport Secretary indicated that whilst Local Authorities will be invited to bid for this funding over the next few months "Councils will be challenged to consider the cost, scope and possibility of local funding when bidding."

**Change sought to make sound:**

The changes required to the Core Strategy in order to make it sound are to justify the funding ( how much is already secured and how much is still to be confirmed through bids, how much is to be made available through Council funding or other sources). A clearer timescale for the implementation would support the delivery in the Core Strategy.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 2.45

**Proposed Change Reference:** PC88

**Draft Core Strategy Plan Reference:** Paragraph 2.45

**Proposed Change Reference:** PC88

**LDF Consultee ID:** 102/PC/3

**Name:** Mr Robin Kerr

**Organisation:** Federation of Bath Residents' Associations

**Support:**  **Supporting Material:**

**Representation (soundness):**

This comment has justification on soundness grounds because of the requirement to reduce the measured pollution below the legal limit as soon as possible (see FPC31) (in fact the Council had been under legal obligation to do this by 2010) and because the only known way to do this is by reducing the volume of traffic in the city powered by internal combustion engines (and more robust methods to ensure this are needed). Parking is a key part of this and residents have to be included in that discussion. Proposed additions are shown in blue.

**Change sought to make sound:**

Amend para 2.45 to read:

'To complement these public transport and cycling/walking improvements the Council will update its Parking Strategy for Bath which will broadly maintain central area car parking at existing levels in the short term and continue to prioritise management of that parking for residents, short and medium stay users. This is necessary in order to discourage car use for commuting and provide sufficient parking to help maintain the vitality and viability of the city centre as a shopping and visitor destination. It will also result in a relative reduction in the amount of central area parking that is available as the economy grows, jobs are created and demand increases.'

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 2.48

**Proposed Change Reference:** PC52

**Draft Core Strategy Plan Reference:** Paragraph 2.48

**Proposed Change Reference:** PC52

**LDF Consultee ID:** 170/PC/8

**Name:** Mr Phil Hardwick

**Organisation:** Robert Hitchins Limited

**Support:**  **Supporting Material:**

**Representation (soundness):**

Proposed Change 52 proposes an additional paragraph regarding Land Remediation in the Central Area and Western Corridor. The paragraph states that the removal of the Windsor Gas Holder Station is an essential pre-requisite to the redevelopment of Bath Western Riverside and its environs.

Representation Form in respect of PC20 has already commented on the issue in respect of deliverability of the strategy.

**Change sought to make sound:**

The changes required to make the Core Strategy sound are that in order to fulfil the Government’s housing objectives as set out in PPS3 i.e. a wide choice of high quality homes, which people can afford, in a community where they want to live, needs to be provided using both brownfield and greenfield sites. It is also important to deliver a flexible housing land supply as set out in PPS 3 paragraphs 52- 67.

In order to ensure that housing supply meets housing requirements a balanced portfolio of sites needs to be put forward ( i.e. brownfield and greenfield), even to meet the Councils own assessment of the housing requirement for the plan period. The Provision in the Core Strategy does not provide for any flexibility or contingency.

In order to meet the Government’s planning for growth agenda an increase in the overall housing requirement is required. In order to make the plan sound further sites should be identified, failing that the Plan should be withdrawn.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 2.48

**Proposed Change Reference:** PC52

**LDF Consultee ID:** 180/PC/8

**Name:** Ms Elaine

Elaine

Vashi

**Organisation:** J S Bloor Ltd

**Support:**  **Supporting Material:**

**Representation (soundness):**

Proposed Change 52 proposes an additional paragraph regarding Land Remediation in the Central Area and Western Corridor. The paragraph states that the removal of the Windsor Gas Holder Station is an essential pre-requisite to the redevelopment of Bath Western Riverside and its environs.

Representation Form in respect of PC20 has already commented on the issue in respect of deliverability of the strategy.

**Change sought to make sound:**

The changes required to make the Core Strategy sound are that in order to fulfil the Government’s housing objectives as set out in PPS3 i.e. a wide choice of high quality homes, which people can afford, in a community where they want to live, needs to be provided using both brownfield and greenfield sites.

It is also important to deliver a flexible housing land supply as set out in PPS 3 paragraphs 52- 67.

In order to ensure that housing supply meets housing requirements a balanced portfolio of sites needs to be put forward ( i.e. brownfield and greenfield), even to meet the Councils own assessment of the housing requirement for the plan period. The Provision in the Core Strategy does not provide for any flexibility or contingency.

In order to meet the Government’s planning for growth agenda an increase in the overall housing requirement is required. In order to make the plan sound further sites should be identified, failing that the Plan should be withdrawn.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 2.48

**Proposed Change Reference:** PC52

**LDF Consultee ID:** 265/PC/15

**Name:** Mr Patrick Hutton

**Organisation:** Bath Heritage Watchdog

**Support:**  **Supporting Material:**

**Representation (soundness):**

Again reference to “Windsor Gas Holder Station”. See comments on PC20 for a description of why it is inappropriate.

**Change sought to make sound:**

Refer to the “Windsor Bridge gas storage and supply installation” in 10e (the gasholder is in use, so the storage element needs to be recognised). There will nevertheless need to be facilities for gas distribution in Bath despite any decommissioning of the current site, so there needs to be a “to be replaced by” statement should accompany the commitment to remove.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 2.48

**Proposed Change Reference:** PC52

**LDF Consultee ID:** 275/PC/7

**Name:** Mr Keith Annis

**Organisation:** Redrow Homes (South West) Ltd

**Support:**  **Supporting Material:**

**Representation (soundness):**

Proposed Change 52 proposes an additional paragraph regarding Land Remediation in the Central Area and Western Corridor. The paragraph states that the removal of the Windsor Gas Holder Station is an essential pre-requisite to the redevelopment of Bath Western Riverside and its environs. Representation Form in respect of PC20 has already commented on the issue in respect of deliverability of the strategy.

**Change sought to make sound:**

The changes required to make the Core Strategy sound are that in order to fulfil the Government’s housing objectives as set out in PPS3 i.e. a wide choice of high quality homes, which people can afford, in a community where they want to live, needs to be provided using both brownfield and greenfield sites. It is also important to deliver a flexible housing land supply as set out in PPS 3 paragraphs 52- 67.

In order to ensure that housing supply meets housing requirements a balanced portfolio of sites needs to be put forward (i.e. brownfield and greenfield), even to meet the Councils own assessment of the housing requirement for the plan period. The Provision in the Core Strategy does not provide for any flexibility or contingency.

In order to meet the Government’s planning for growth agenda an increase in the overall housing requirement is required. In order to make the plan sound further sites should be identified, failing that the Plan should be withdrawn.

**Representation (legal compliance):**



**Change sought to make legally compliant:****Draft Core Strategy Plan Reference:** Paragraph 2.49**Proposed Change Reference:** PC49**Draft Core Strategy Plan Reference:** Paragraph 2.49**Proposed Change Reference:** PC49**LDF Consultee ID:** 322/PC/2**Name:** Ms

Carolyn

Puddicombe

**Organisation:** Bath Spa University**Support:**  **Supporting Material:** **Representation (soundness):**

We act on behalf of Bath Spa University and we would like to draw your attention to our previous representations.

As previously advised we would welcome further capacity beyond 2020 and would suggest a review of MEDS boundaries within the Green Belt.

**Change sought to make sound:**

We would welcome a review of MEDS boundaries within the Green Belt.

**Representation (legal compliance):****Change sought to make legally compliant:****Draft Core Strategy Plan Reference:** Paragraph 2.53**Proposed Change Reference:** PC53**Draft Core Strategy Plan Reference:** Paragraph 2.53**Proposed Change Reference:** PC53**LDF Consultee ID:** 234/PC/2**Name:****Organisation:** Taylor Wimpey UK Ltd**Support:**  **Supporting Material:** **Representation (soundness):**

2.1 PC53 suggests changes to the 'delivery contingency' identified at Twerton Riverside clarifying elements of this policy that will allow housing in this area should 'delivery require additional land'. Taylor Wimpey UK Ltd consider that significant additional land for housing is required within the District during the plan period. In response to the Inspector's comments and questions the Council considered, but rejected, potential development in the Green Belt at Hicks Gate (on the edge of Bristol). Whilst relatively limited in its scale (and notwithstanding the actual merits or otherwise of this specific location) the response suggested by Council Officer's demonstrates the type of significant policy response that is required to address the genuine needs that exist in the area, and which will not be addressed in any material way through this (or any other) contingency option currently part of the DPD. In fact this option is likely to have associated disadvantages by reducing the availability/capacity of needed employment land within the City of Bath.

2.2 The Council's strategy needs to be fundamentally altered to respond to the genuine levels of need and demand for new housing that exist, and to positively respond to the economic growth challenges being set by national government (and which are desired locally). Within a sound revised strategy contingency measures will always be required to ensure shortfall, or the need for additional development, could be accommodated; even in its altered format this proposed contingency fails to ensure that the DPD meets



the current (as well as emerging) 'tests of soundness'.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference: Paragraph 5.14**

**Proposed Change Reference: FPC02**

**Draft Core Strategy Plan Reference:** Paragraph 5.14

**Proposed Change Reference:** FPC02

**LDF Consultee ID:** 49/PC/1

**Name:** Mr Stephen Barran

**Organisation:** Clutton Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

1. The Council has considered the amendments proposed by B&NES to the Core Strategy.

2. The Council wishes to reaffirm its support for the designation of Clutton as an RA2 settlement for all the reasons previously stated in submissions.

3. The Council is however concerned by proposed amendment FPC4, on Page 96, where it is proposed that at Paragraph 5.18 the text should include the words

'This indicative list of villages may be subject to change over the lifetime of

the Core Strategy. It will be formally reviewed as part of will be included in the review of the Core Strategy and consideration will be given to any demonstrated change of circumstances against the criteria in the interim.'

4. The Council is concerned that this wording is UNSOUND because it may be construed as meaning – worse still, may be intended to mean – that at any time ('in the interim') representations (whether from developers or from any other party) suggesting that circumstances have changed may induce the authority to amend the indicative list of villages, whether by excluding some which are already there or by including some which are not yet there.

5. The Council takes the view that, while it is entirely right that the B&NES should review the Strategy from time to time, the uncertainty given by this wording will make any local consideration of planning issues, and the review of parishes own local plans, extremely difficult.

6. The Council is also concerned at the possibility that temporary changes to circumstances, or changes which turn out to be temporary, might be used by interested parties to pressurise the authority to amend the list, or by Planning Inspectors effectively to oblige it to do so. For example, a shop may open, find it has insufficient custom to remain open, and close again after 18 months: in the meantime, its existence may be used to pressure the authority into accepting that 'circumstances' have changed and that it should amend the list.

7. We urge the authority to specify an indicator, or indicators, of permanence for this kind of 'change of circumstances' – for example, the persistence for at least 5 years of

any new facility which might be considered relevant when amendments to the list are being considered.

8. The Council is also concerned at the wording which follows the wording, set out above, in Paragraph 5.18, namely:

'Local community support for the principle of development is demonstrated by the views of the Parish Council as the locally elected representative of those communities or through alternative mechanisms introduced in the Localism Bill.'

9. The Council is concerned that there is wide scope in the Localism Bill for bodies

which are far from representative to present themselves as 'representing local views', and this wording would imply that the authority would consider the views of any such body as demonstrating 'local community support for development', irrespective of how far different those views might be from those of the Parish Council.

10. The Council welcomes the principle of localism. However, the way in which this the principle is evinced in this part of the Localism Bill gives rise to serious concerns, and the Council proposes that the last phrase be deleted, at least until the Localism Bill has passed into law in whatever its final form will be. In the alternative, and as a minimum, the Council proposes that the words 'is demonstrated by' should be replaced by the words 'may be demonstrated by'.

11. The Council is also puzzled by the reference at paragraph A5.3 of 'Annex E: Other changes to the Core Strategy arising from the inspector's issues.' This make reference to changes in the text of the Strategy apparently set out in a 'schedule attached as Annex G', which we cannot find. Annex E states that these changes will make it clear that the indicative list of RA1 villages ... could be subject to change during the lifetime of the plan..' and goes on to repeat the statements about how community support will be evidenced about which we have already expressed our concern. Again, without seeing the wording referred to above, we are concerned that 'during the lifetime of the plan' could imply 'at any time during the lifetime of the plan that any objector cared to call on B&NES to amend it: opening up the possibility of endless challenges, reviews, uncertainty etc. Unless there is clear provision for the times and ways in which these lists are to be reviewed, and for community input into the review process, we are concerned that these provisions of the Strategy will be continually vulnerable to challenge.'

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 5.18

**Proposed Change Reference:** FPC04

**Draft Core Strategy Plan Reference:** Paragraph 5.18

**Proposed Change Reference:** FPC04

**LDf Consultee ID:** 269/PC/1

**Name:**

**Organisation:** Barratt Homes Bristol

**Support:**  **Supporting Material:**

**Representation (soundness):**

We have considered the various proposed changes but none address the various objections that we have made in respect of the original Publication Version of the Core Strategy. The housing provision has still not been justified despite all of the evidence base indicating that it should be substantially increased to meet housing needs up to

## Schedule of Representations on the Proposed Changes to the Draft Core Strategy (Duly Made): Sorted by Draft Core Strategy Plan Reference

2026. Furthermore, the distribution of housing to the rural areas is insufficient and should be substantially increased. Finally, whilst we welcome the rural settlements identified to accommodate additional development we consider that the criteria for the selection of rural villages to accommodate additional development is unduly restrictive. In particular, Proposed Change FPC4 states that settlements have been selected due to support from Parish Council's or 'through alternative mechanisms' introduced in the Localism Bill. That Bill has not received Royal Assent and the Proposed Changes is silent on what is meant by 'alternative mechanisms'.

Accordingly the Proposed Changes do not make the Core Strategy sound. In fact they only demonstrate how unsound the document actually is.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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**Draft Core Strategy Plan Reference:** Paragraph 5.18

**Proposed Change Reference:** FPC04

**LDF Consultee ID:** 270/PC/1

**Name:**

**Organisation:** Blue Cedar Homes

**Support:**  **Supporting Material:**

**Representation (soundness):**

**Change sought to make sound:**

We have considered the various proposed changes but none address the various objections that we have made in respect of the original Publication Version of the Core Strategy. The housing provision has still not been justified despite all of the evidence base indicating that it should be substantially increased to meet housing needs up to 2026. Furthermore, the distribution of housing to the rural areas is insufficient and should be substantially increased.

Finally, whilst we welcome the rural settlements identified to accommodate additional development we consider that the criteria for the selection of rural villages to accommodate additional development is unduly restrictive. In particular, Proposed Change FPC4 states that settlements have been selected due to support from Parish Council's or 'through alternative mechanisms' introduced in the Localism Bill. That Bill has not received Royal Assent and the Proposed Changes is silent on what is meant by 'alternative mechanisms'.

Accordingly, the Proposed Changes do not make the Core Strategy sound. In fact they only demonstrate how unsound the document actually is.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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**Draft Core Strategy Plan Reference:** Paragraph 5.29

**Proposed Change Reference:** FPC05

Schedule of Representations on the Proposed Changes to the Draft Core Strategy (Duly Made): Sorted by Draft Core Strategy Plan Reference

**Draft Core Strategy Plan Reference:** Paragraph 5.29

**Proposed Change Reference:** FPC05

**LDF Consultee ID:** 246/PC/5

**Name:** Mr

Peter

Duppa-Miller OBE

**Organisation:** Combe Hay Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Consequent upon its frequent involvement with the work of the Planning Policy Team, it is inevitable that Combe Hay Parish Council supports many of the Proposed Changes to the Bath and North East Somerset Core Strategy – these are listed in the Annex to this letter, rather than on a multitude of Representation Forms.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy CP1: Retrofitting Existing Buildings

**Proposed Change Reference:** PC53

**Draft Core Strategy Plan Reference:** Policy CP1: Retrofitting Existing Buildings

**Proposed Change Reference:** PC53

**LDF Consultee ID:** 96/PC/6

**Name:** Ms

Jo

Swift

**Organisation:** Keynsham Town Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Sound in relation to retrofitting existing and historic buildings.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy CP1: Retrofitting Existing Buildings

**Proposed Change Reference:** PC80

**LDF Consultee ID:** 246/PC/6

**Name:** Mr

Peter

Duppa-Miller OBE

**Organisation:** Combe Hay Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Consequent upon its frequent involvement with the work of the Planning Policy Team, it is inevitable that Combe Hay Parish Council supports many of the Proposed Changes to the Bath and North East Somerset Core Strategy – these are listed in the Annex to this letter, rather than on a multitude of Representation Forms.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy CP1: Retrofitting Existing Buildings

**Proposed Change Reference:** PC80

**LDF Consultee ID:** 264/PC/13

**Name:** Mr Brian Huggett

**Organisation:** Englishcombe Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Englishcombe Parish Council supports the clarification of CP 1, in respect of retrofitting existing and Historic Buildings.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 6.13

**Proposed Change Reference:** All changes

**Draft Core Strategy Plan Reference:** Paragraph 6.13

**Proposed Change Reference:** All changes

**LDF Consultee ID:** 5/PC/1

**Name:**

**Organisation:** Barclays Bank plc

**Support:**  **Supporting Material:**

**Representation (soundness):**

We act as planning consultants for Barclays Bank plc (“the Bank”) in respect of the Local Development Framework (LDF) for the District and this letter forms the Bank’s response to the above proposed changes. On behalf of the Bank we have responded to all the consultation stages of the Core Strategy, the most recent being the Publication version in December 2010. All these responses raised the matter of frontage designations in the existing local plan and in particular the need to review local plan policies that seek to restrict A2 uses in designated frontages. We explained why it is important that Banks are not subject to outmoded restrictive controls on their location which fetter the important contribution that they make to the vitality and viability of town centres, particularly as such controls are not supported by Government policy or by any evidence. Indeed, we provided evidence in the form of footfall surveys that clearly demonstrates the beneficial effect of the Bank on the vitality and viability of town centres and that such financial service retailers have a key role in promoting town centre health. We were critical of the Council missing an important opportunity to address revisions to retail policy and commented that this risks the strategy being found unsound. We further stressed the need for a comprehensive up-to-date analysis of retail policy as part of the evidence base for all relevant DPDs but the Council has ignored several opportunities to address this matter. We note the Council has commissioned and published a ‘Retail Floorspace Quantitative Need Assessment Update (GVA August 2011)’ but even now, when the Core Strategy is about to be examined, no attempt has been made to address the matter of outdated retail policy. That is unacceptable.

In the light of the Bank’s representations on why Policy CP12 is not sound, FPC27 will not address the fundamental problem with that policy and therefore will not make it

## Schedule of Representations on the Proposed Changes to the Draft Core Strategy (Duly Made): Sorted by Draft Core Strategy Plan Reference

sound. The Council's Core Strategy objectives will require major commitment and substantial investment by the private sector. Pursuing restrictive policies to keep significant generators of footfall such as the Bank out of primary shopping frontages will actively work against the achievement of those objectives and is an outdated and discredited approach. It is imperative that the Council uses the Core Strategy to signal clearly a review of existing frontage policies as they are not supported by robust evidence and are neither consistent with National Policy nor Justified. A change to Policy CP12 is required to make it clear that uses such as shops, banks and building societies which contribute to the vitality, viability and diversity of the town centre will be encouraged and that such active ground floor uses will be appropriate in any designated primary frontages. Consequent changes to the Monitoring Framework will be required to take account of necessary regular footfall surveys. The Proposed Changes and Further Proposed Changes do not achieve this so will not make the Core Strategy sound.

We trust that these representations will be passed to the Inspector for his consideration. Please continue to notify us of the progress of the submitted document as well as details of any other emerging LDDs.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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**Draft Core Strategy Plan Reference: Policy CP4: Distric Heating**

**Proposed Change Reference: PC82**

**Draft Core Strategy Plan Reference:** Policy CP4: Distric Heating

**Proposed Change Reference:** PC82

**LDF Consultee ID:** 102/PC/1

**Name:** Mr Robin Kerr

**Organisation:** Federation of Bath Residents' Associations

**Support:**  **Supporting Material:**

**Representation (soundness):**

Simply typographical comments.

**Change sought to make sound:**

Reword para 6.41 as follows:

'Proposals for the reuse of redundant and underused historic buildings and areas will be encouraged where the proposed use does not compromise or threaten the historic asset or the integrity of a European wildlife site or species. Bath stone and other local traditional materials should whenever possible be re-used either on site or elsewhere in preference to newly won mineral products.'

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 6.28**Proposed Change Reference:** PC81**Draft Core Strategy Plan Reference:** Paragraph 6.28**Proposed Change Reference:** PC81**LDF Consultee ID:** 96/PC/7**Name:** Ms Jo Swift**Organisation:** Keynsham Town Council**Support:**  **Supporting Material:** **Representation (soundness):**

Sound in relation to new housing, employment and strategic development

**Change sought to make sound:****Representation (legal compliance):****Change sought to make legally compliant:****Draft Core Strategy Plan Reference:** Paragraph 6.28**Proposed Change Reference:** PC83**LDF Consultee ID:** 170/PC/2**Name:** Mr Phil Hardwick**Organisation:** Robert Hitchins Limited**Support:**  **Supporting Material:** **Representation (soundness):**

Proposed Change 83 suggests a new paragraph be added regarding the Flood Risk Management Strategy (June 2010). It is noted that the Strategy has concluded that there is no strategic solution to reducing the peak flow through Bath which is either technically or economically viable. The strategy proposes the provision of compensatory storage upstream combined with on site flood defences. New development must provide storage to offset the volume of water that would be displaced in a flood event by the defences on site. The concern is how this will affect the deliverability of sites. CD6/S9 indicates that flood mitigation will cost £3 - £5 million. CD4/14 Single Conversation: West of England Delivery and Infrastructure Investment Plan (March 2010) states that in order to bring forward development at Bath City Riverside, some £28 million is included in the Delivery and Infrastructure Investment Plan. CD4/14 states that over the next 5 years this will finance key infrastructure schemes including flood alleviation, land assembly and remediation and affordable housing.

n CD4/12 Infrastructure Delivery Programme Update April 2011 states the cost of this is £7.6M and that the funding sources are "Developer Contributions". The risk identified is that the creation of compensatory storage would require forward funding ahead of the receipt of developer contributions (this assumes that the sites are financially viable); government support is required to fund this. It is not clear where or how such government support would be secured.

It is noted that the strategic solution related only to flood compensation as on site defences will still be required irrespective of whether a strategic compensation area can be delivered.

Important to the Core Strategy is that if a strategic compensation area is not delivered the space required on as site by site basis would reduced the development capacity of river corridor sites, and affect the design of the river corridor development. CD4/14 notes on page 44 under the heading contingencies that "Costs of an on-site solution may also be prohibitive for some sites and will challenge"



their ability to be brought forward by the market.”

This confirms our concerns about the deliverability of the strategy even against a low housing requirement. There is a need for a choice of sites both brownfield and greenfield to ensure sufficient housing is built in the plan period to meet the overall housing requirement. There is a need for flexibility and choice of sites to maintain a 5 year land supply, the evidence of the previous Local Plan has demonstrated the poor track record of housing completions when the strategy was reliant on housing delivery of brownfield sites.

**Change sought to make sound:**

The changes required to make the Core Strategy sound are that in order to fulfil the Government’s housing objectives as set out in PPS3 i.e. wide choice of high quality homes, which people can afford, in a community where they want to live, needs to be provided using both brownfield and greenfield sites. It is also important to deliver a flexible housing land supply as set out in PPS 3 paragraphs 52- 67.

In order to ensure that housing supply meets housing requirements a balanced portfolio of sites needs to be put forward ( i.e. brownfield and greenfield), even to meet the Councils own assessment of the housing requirement for the plan period. The Provision in the Core Strategy does not provide for any flexibility or contingency.

In order to meet the Government’s planning for growth agenda an increase in the overall housing requirement is required. In order to make the plan sound further sites should be identified, failing that the Plan should be withdrawn.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 6.28

**Proposed Change Reference:**

**LDF Consultee ID:** 180/PC/4

**Name:** Ms Elaine Vashi

**Organisation:** J S Bloor Ltd

**Support:**  **Supporting Material:**

**Representation (soundness):**

Proposed Change 83 suggests a new paragraph be added regarding the Flood Risk Management Strategy (June 2010). It is noted that the Strategy has concluded that there is no strategic solution to reducing the peak flow through Bath which is either technically or economically viable. The strategy proposes the provision of compensatory storage upstream combined with on site flood defences. New development must provide storage to offset the volume of water that would be displaced in a flood event by the defences on site. The concern is how this will affect the deliverability of sites. CD6/S9 indicates that flood mitigation will cost £3 - £5 million. CD4/14 Single Conversation: West of England Delivery and Infrastructure Investment Plan (March 2010) states that in order to bring forward development at Bath City Riverside, some £28 million is included in the Delivery and Infrastructure Investment Plan. CD4/14 states that over the next 5 years this will finance key infrastructure schemes including flood alleviation, land assembly and remediation and affordable housing.

In CD4/12 Infrastructure Delivery Programme Update April 2011 states the cost of this is £7.6M and that the funding sources are “Developer Contributions”. The risk identified is that the creation of compensatory storage would require forward funding ahead of the receipt of developer contributions (this assumes that the sites are financially viable); government support is required to fund this. It is not clear where or how such government support would be secured. Bath and North East Somerset’s Core Strategy – Representation Form.



It is noted that the strategic solution related only to flood compensation as on site defences will still be required irrespective of whether a strategic compensation area can be delivered.

Important to the Core Strategy is that if a strategic compensation area is not delivered the space required on as site by site basis would reduced the development capacity of river corridor sites, and affect the design of the river corridor development. CD4/14 notes on page 44 under the heading contingencies that “Costs of an on-site solution may also be prohibitive for some sites and will challenge their ability to be brought forward by the market.”

This confirms our concerns about the deliverability of the strategy even against a low housing requirement. There is a need for a choice of sites both brownfield and greenfield to ensure sufficient housing is built in the plan period to meet the overall housing requirement. There is a need for flexibility and choice of sites to maintain a 5 year land supply, the evidence of the previous Local Plan has demonstrated the poor track record of housing completions when the strategy was reliant on housing delivery of brownfield sites.

**Change sought to make sound:**

The changes required to make the Core Strategy sound are that in order to fulfil the Government’s housing objectives as set out in PPS 3 i.e. a wide choice of high quality homes, which people can afford, in a community where they want to live, needs to be provided using both brownfield and greenfield sites. It is also important to deliver a flexible housing land supply as set out in PPS 3 paragraphs 52- 67.

In order to ensure that housing supply meets housing requirements a balanced portfolio of sites needs to be put forward ( i.e. brownfield and greenfield), even to meet the Councils own assessment of the housing requirement for the plan period. The Provision in the Core Strategy does not provide for any flexibility or contingency.

In order to meet the Government’s planning for growth agenda an increase in the overall housing requirement is required. In order to make the plan sound further sites should be identified, failing that the Plan should be withdrawn.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 6.28

**Proposed Change Reference:** PC83

**LDF Consultee ID:** 275/PC/8

**Name:** Mr Keith Annis

**Organisation:** Redrow Homes (South West) Ltd

**Support:**  **Supporting Material:**

**Representation (soundness):**

Proposed Change 83 suggests a new paragraph be added regarding the Flood Risk Management Strategy (June 2010). It is noted that the Strategy has concluded that there is no strategic solution to reducing the peak flow through Bath which is either technically or economically viable. The strategy proposes the provision of compensatory storage upstream combined with on site flood defences. New development must provide storage to offset the volume of water that would be displaced in a flood event by the defences on site. The concern is how this will affect the deliverability of sites. CD6/S9 indicates that flood mitigation will cost £3 - £5 million. CD4/14 Single Conversation: West of England Delivery and Infrastructure Investment Plan (March 2010) states that in order to bring forward development at Bath City Riverside, some £28 million is included in the Delivery and Infrastructure Investment Plan. CD4/14

states that over the next 5 years this will finance key infrastructure schemes including flood alleviation, land assembly and remediation and affordable housing.

In CD4/12 Infrastructure Delivery Programme Update April 2011 states the cost of this is £7.6M and that the funding sources are “Developer Contributions”. The risk identified is that the creation of compensatory storage would require forward funding ahead of the receipt of developer contributions (this assumes that the sites are financially viable); Government support is required to fund this. It is not clear where or how such government support would be secured.

The changes required to make the Core Strategy sound are that in order to fulfil the Government’s housing objectives as set out in PPS3 i.e. a wide choice of high quality homes, which people can afford, in a community where they want to live, needs to be provided using both brownfield and greenfield sites. It is also important to deliver a flexible housing land supply as set out in PPS 3 paragraphs 52- 67.

In order to ensure that housing supply meets housing requirements a balanced portfolio of sites needs to be put forward ( i.e. brownfield and greenfield), even to meet the Council’s own assessment of the housing requirement for the plan period. The Provision in the Core Strategy does not provide for any flexibility or contingency.

In order to meet the Government’s planning for growth agenda an increase in the overall housing requirement is required. In order to make the plan sound further sites should be identified, failing that the Plan should be withdrawn.

**Change sought to make sound:**

The changes required to make the Core Strategy sound are that in order to fulfil the Government’s housing objectives as set out in PPS3 i.e. a wide choice of high quality homes, which people can afford, in a community where they want to live, needs to be provided using both brownfield and greenfield sites. It is also important to deliver a flexible housing land supply as set out in PPS 3 paragraphs 52- 67.

In order to ensure that housing supply meets housing requirements a balanced portfolio of sites needs to be put forward ( i.e. brownfield and greenfield), even to meet the Councils own assessment of the housing requirement for the plan period. The Provision in the Core Strategy does not provide for any flexibility or contingency.

In order to meet the Government’s planning for growth agenda an increase in the overall housing requirement is required. In order make the plan sound further sites should be identified, failing that the Plan should be withdrawn.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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

**Proposed Change Reference:** PC83

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

**Proposed Change Reference:** PC83

**LDF Consultee ID:** 276/PC/7

**Name:** Mr Matthew Macan

**Organisation:** Hignett Family Trust

**Support:**  **Supporting Material:**

**Representation (soundness):**

The PC contains a new paragraph 6.28a describing the problems associated with flooding particularly in Bath where there is no technical solution to reducing peak flow through Bath which is either technically or economically viable.

The proposed solution of providing compensatory storage upstream is considered in the FRMS (2010) however no solution that is technically or economically viable has been

identified in that report or in any other study, to accommodate c.350,000m<sup>3</sup> of storage capacity.

The Bath Spatial Strategy B1, dCS and PCdCS is entirely dependant on the assumption this can be achieved, without any evidence to support it.

As such, the evidence base does not support the fundamental proposition that this solution is technically or economically viable. This means that the development upon which it is dependant is not deliverable or developable, as defined. Therefore unsound and not legally compliant.

The assessment of the impact of the spatial policy in the numerous SAs accompanying the dCS and the PCdCS ( SA April 2011, SA September 2011) assume that this provision of upstream storage is provided ie it is technically and economically viable. This is not sound and is not legally compliant under SEA Regulations. The SAs have also failed to make a proper assessment of the environmental impact/effects of the so called "upstream storage compensation scheme" or to consider these effects against the 20 objectives set out in the SA's. This is an omission that calls into question the soundness of the proposals and even perhaps the legal compliance of the SAs. The environmental impact of excavating 350,000m<sup>3</sup> of river valley land, if indeed it was physically possible, depositing the material to a landfill and the engineering structures to control and maintain flow have not been assessed. The on going maintenance of such a structure including siltation and erosion will be a large burden, for this can not be left as some interesting 'wild fowl' habitat or indeed a water body/ reservoir. Its function is to store a specific volume of water at peak flood events. Any degradation of that primary function will undermine its strategic purpose. That obligation to maintain such volume of storage will be in perpetuity and therefore be a burden upon the owners of the land. This solution, even if it was technically and economically viable , does not appear to be a sustainable solution or follow the risk based approach in PPS25.

The Sequential Test Report referred to in para 6.28b is said to be prepared and agreed in partnership with the Environment Agency. The lack of a technically or economically viable solution cannot mean that the EA are in support of these proposals. This paragraph is therefore misleading and should be amended.

The EA have expressed their support for a strategy that seeks to achieve regeneration of Bath however the weight to be given to locating development, employment and housing, in flood zones 2/3 in the centre of Bath, as opposed to 'greenfield sites' in flood zone 1, the EA have left to the Inspector to assess. HFT do not consider this is the proper risk based approach to flooding and development advocated in PPS25 since it is predicated upon the assumption that no greenfield development should take place around Bath. This policy position is supported by the SA Nov 2010 accompanying the dCS, which in turn gives justification to the Sequential Test Report Nov 2010.

The assessment of alternative locations at Bath in Flood Zone 1 ie the urban extensions was prepared in Annex E to the SA. The assessment of these alternatives was simply based around the assumption that the policy requirement for 6000 new homes did no require any urban extension. Therefore the assessment of the positive and negative effects with or without urban extensions was based upon the assumption that the sites within the City would be capable of delivering the 6000 homes during the plan. This was a flawed approach and as it was reliant upon development within Flood Zones 2 and 3, it has made the judgements in the Sequential Test Nov. 2010 flawed.

The proper sustainability assessment of the urban extensions in the dCS SA Nov 2010 should have considered the alternatives against the option of accommodating 1096 homes in Flood Zone 3a and 156 homes in Flood Zone 2. ( page 12 Sequential Test Nov 2011). That test would then properly consider and balance the accommodation of between 1100 and 1250 homes at an urban extension, with all the positive and negative impacts associated with it, against development in flood plain in the centre of Bath with an associated upstream compensatory storage of 350,000m<sup>3</sup>. This assessment has not so far been carried out and as no technical or economic solution has been provided, Climate Change Risks require a precautionary approach to be applied in this instance.

Whilst subsequent SA studies for the dCS and PCdCS have been published, (SA April 2011 and SA September 2011), the latter takes the form of assessment of contingency sites to provide upto 1000 new homes that may be unable to come forward in Bath. ( No specific reasons given) Despite the Council not accepting the findings and recommendations of the officers to provide a contingency site in the PCdCS, ( Report to Council 15/09/11), the SA provides a helpful and up to date assessment of those locations considered in the former RSS process and subsequently identified in the CSSO.

The representation HFT PC B6 will show how the proposals at Odd Down, as amended, will address any negative effects identified in the SA September 2011.

The SHLAA May 2011 provides an up to date assessment of the constraints and the potential capacity of the Odd Down Site. Taking the Council's own conservative assessment of capacity, having regard to the constraints criteria, the SHLAA identifies a net 20 hectares of housing land, equivalent to 1000units.

To conclude, the PCdCS proposes to accommodate over 1000 homes in Flood Zone 3a without a feasible solution to address upstream flood storage compensation. The alternative location to accommodate such housing is Odd Down Plateau, Flood Zone 1. The Council should review its SA (including Nov. 2010, April 2011, September 2011) to conduct a proper consideration of alternatives to Policy B1, having regard to all the impacts especially flooding, as require by SEA Regulations. The Council should review its

Sequential Test Nov 2010 in the light of a review of the SA and the feasibility of achieving technical and economic viability of upstream compensatory storage.

**Change sought to make sound:**

Amend the following text :

6.28 The Core Strategy sets out the broad locations for new housing, employment and other strategic development in Bath, Keynsham, Midsomer Norton and Radstock (Policies B1, B2, B3, B4, KM1, KM2, SV1, SV2 and SV3).

6.28a The Flood Risk Management Strategy (June 2010) has identified and assessed a range of flood risk management options to enable development in vulnerable areas without increasing the flood risk elsewhere. The Strategy has concluded that there is no strategic solution to reducing peak flow through Bath which is either technically or economically viable. An alternative solution which proposes the provision of compensatory storage upstream combined with on site flood defences has not been proven. New development must provide storage to offset the volume of water that would be displaced in a flood event by the defences on site.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 6.37

**Proposed Change Reference:** FPC06

**Draft Core Strategy Plan Reference:** Paragraph 6.37

**Proposed Change Reference:** FPC06

**LDF Consultee ID:** 96/PC/8

**Name:** Ms

Jo

Swift

**Organisation:** Keynsham Town Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Reference to residential Schemes to be assessed using the Building for Life methodology is sound.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 6.41

**Proposed Change Reference:** PC84

**Draft Core Strategy Plan Reference:** Paragraph 6.41

**Proposed Change Reference:** PC84

**LDF Consultee ID:** 246/PC/7

**Name:** Mr

Peter

Duppa-Miller OBE

**Organisation:** Combe Hay Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Consequent upon its frequent involvement with the work of the Planning Policy Team, it is inevitable that Combe Hay Parish Council supports many of the Proposed Changes

to the Bath and North East Somerset Core Strategy<sup>2</sup> these are listed in the Annex to this letter, rather than on a multitude of Representation Forms.<sup>2</sup>

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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**Draft Core Strategy Plan Reference:** Paragraph 6.41

**Proposed Change Reference:** PC84

**LDF Consultee ID:** 264/PC/2<sup>2</sup>

**Name:** Mr

Brian<sup>2</sup>

Huggett<sup>2</sup>

**Organisation:** Englishcombe<sup>2</sup> Parish Council<sup>2</sup>

**Support:**  **Supporting Material:**

**Representation (soundness):**

Englishcombe Parish Council supports the clarification in Para 6.41a, in protecting redundant and underused historic buildings from inappropriate redevelopment, yet enabling<sup>2</sup> energy efficiency measures.<sup>2</sup>

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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**Draft Core Strategy Plan Reference:** Paragraph 6.41

**Proposed Change Reference:** PC84

**LDF Consultee ID:** 322/PC/3<sup>2</sup>

**Name:** Ms

Carolyn<sup>2</sup>

Puddicombe<sup>2</sup>

**Organisation:** Bath<sup>2</sup> Spa<sup>2</sup> University<sup>2</sup>

**Support:**  **Supporting Material:**

**Representation (soundness):**

We act on behalf of Bath Spa University and we would like to draw your attention to our previous representations.<sup>2</sup>

We would welcome the Supplementary Planning Document as this may assist this major educational<sup>2</sup> institution in meeting its exacting sustainability objectives in the future.<sup>2</sup>

**Change sought to make sound:**

We would welcome the Supplementary Planning Document.<sup>2</sup>

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy CP6: Environmental Quality

**Proposed Change Reference:** PC84

**Draft Core Strategy Plan Reference:** Policy CP6: Environmental Quality

**Proposed Change Reference:** PC84

**LDF Consultee ID:** 96/PC/9

**Name:** Ms Jo Swift

**Organisation:** Keynsham Town Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Sound in relation to nature conservation.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy CP6: Environmental Quality

**Proposed Change Reference:** FPC09

**LDF Consultee ID:** 246/PC/8

**Name:** Mr Peter Duppa-Miller OBE

**Organisation:** Combe Hay Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Consequent upon its frequent involvement with the work of the Planning Policy Team, it is inevitable that Combe Hay Parish Council supports many of the Proposed Changes to the Bath and North East Somerset Core Strategy - these are listed in the Annex to this letter, rather than on a multitude of Representation Forms.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy CP6: Environmental Quality

**Proposed Change Reference:** PC86

**LDF Consultee ID:** 246/PC/9

**Name:** Mr Peter Duppa-Miller OBE

**Organisation:** Combe Hay Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Consequent upon its frequent involvement with the work of the Planning Policy Team, it is inevitable that Combe Hay Parish Council supports many of the Proposed Changes to the Bath and North East Somerset Core Strategy - these are listed in the Annex to this letter, rather than on a multitude of Representation Forms.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy CP6: Environmental Quality

**Proposed Change Reference:** PC88

**LDF Consultee ID:** 246/PC/10

**Name:** Mr Peter

Duppa-Miller OBE **Organisation:** Combe Hay Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Consequent upon its frequent involvement with the work of the Planning Policy Team, it is inevitable that Combe Hay Parish Council supports many of the Proposed Changes to the Bath and North East Somerset Core Strategy - these are listed in the Annex to this letter, rather than on a multitude of Representation Forms.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy CP6: Environmental Quality

**Proposed Change Reference:** PC88

**LDF Consultee ID:** 1111/PC/2

**Name:** Mrs Sue

Bressington **Organisation:** Compton Dando Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 6.66

**Proposed Change Reference:** FPC09

**Draft Core Strategy Plan Reference:** Paragraph 6.66

**Proposed Change Reference:** FPC09

**LDF Consultee ID:** 95/PC/1

**Name:** Miss Rachael Bust

**Organisation:** The Coal Authority

**Support:**  **Supporting Material:**

**Representation (soundness):**

Thank you for consulting The Coal Authority on the above. Having reviewed your document, The Coal Authority is pleased to confirm its support for the following proposed changes which fully respond to the representations we made previously, and we consider they fully address the Inspector's initial queries. We welcome the positive engagement the Council has had with The Coal Authority in seeking to resolve these issues.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 6.67

**Proposed Change Reference:** FPC10

**Draft Core Strategy Plan Reference:** Paragraph 6.67

**Proposed Change Reference:** FPC10

**LDF Consultee ID:** 95/PC/2

**Name:** Miss Rachael Bust

**Organisation:** The Coal Authority

**Support:**  **Supporting Material:**

**Representation (soundness):**

Thank you for consulting The Coal Authority on the above. Having reviewed your document, The Coal Authority is pleased to confirm its support for the following proposed changes which fully respond to the representations we made previously, and we consider they fully address the Inspector's initial queries. We welcome the positive engagement the Council has had with The Coal Authority in seeking to resolve these issues.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 6.68

**Proposed Change Reference:** FPC11

**Draft Core Strategy Plan Reference:** Paragraph 6.68

**Proposed Change Reference:** FPC11

**LDF Consultee ID:** 95/PC/3

**Name:** Miss Rachael Bust

**Organisation:** The Coal Authority

**Support:**  **Supporting Material:**

**Representation (soundness):**

Thank you for consulting The Coal Authority on the above. Having reviewed your document, The Coal Authority is pleased to confirm its support for the following proposed changes which fully respond to the representations we made previously, and we consider they fully address the Inspector's initial queries. We welcome the positive engagement the Council has had with The Coal Authority in seeking to resolve these issues.



**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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**Draft Core Strategy Plan Reference:** Paragraph 6.68

**Proposed Change Reference:** FPC13

**LDF Consultee ID:** 246/PC/11

**Name:** Mr

Peter

Duppa-Miller OBE

**Organisation:** Combe Hay Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Consequent upon its frequent involvement with the work of the Planning Policy Team, it is inevitable that Combe Hay Parish Council supports many of the Proposed Changes to the Bath and North East Somerset Core Strategy - these are listed in the Annex to this letter, rather than on a multitude of Representation Forms.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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**Draft Core Strategy Plan Reference:** Paragraph 6.69

**Proposed Change Reference:** FPC12

**Draft Core Strategy Plan Reference:** Paragraph 6.69

**Proposed Change Reference:** FPC12

**LDF Consultee ID:** 95/PC/4

**Name:** Miss

Rachael

Bust

**Organisation:** The Coal Authority

**Support:**  **Supporting Material:**

**Representation (soundness):**

Thank you for consulting The Coal Authority on the above. Having reviewed your document, The Coal Authority is pleased to confirm its support for the following proposed changes which fully respond to the representations we made previously, and we consider they fully address the Inspector's initial queries. We welcome the positive engagement the Council has had with The Coal Authority in seeking to resolve these issues.

Whilst writing however FPC14 includes a footnote reference to the 'BGS Guide to Mineral Safeguarding in England 2007', this has in fact very recently been replaced by the 'BGS/Coal Authority Guide to Mineral Safeguarding in England 2011' and as such the reference may be best updated.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 6.69

**Proposed Change Reference:** FPC13

**LDF Consultee ID:** 95/PC/5

**Name:** Miss Rachael Bust

**Organisation:** The Coal Authority

**Support:**  **Supporting Material:**

**Representation (soundness):**

Thank you for consulting The Coal Authority on the above. Having reviewed your document, The Coal Authority is pleased to confirm its support for the following proposed changes which fully respond to the representations we made previously, and we consider they fully address the Inspector's initial queries. We welcome the positive engagement the Council has had with The Coal Authority in seeking to resolve these issues.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 6.69

**Proposed Change Reference:** FPC14

**LDF Consultee ID:** 95/PC/6

**Name:** Miss Rachael Bust

**Organisation:** The Coal Authority

**Support:**  **Supporting Material:**

**Representation (soundness):**

Thank you for consulting The Coal Authority on the above. Having reviewed your document, The Coal Authority is pleased to confirm its support for the following proposed changes which fully respond to the representations we made previously, and we consider they fully address the Inspector's initial queries. We welcome the positive engagement the Council has had with The Coal Authority in seeking to resolve these issues.

Whilst writing however FPC14 includes a footnote reference to the 'BGS Guide to Mineral Safeguarding in England 2007', this has in fact very recently been replaced by the 'BGS/Coal Authority Guide to Mineral Safeguarding in England 2011' and as such the reference may be best updated.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 6.69

**Proposed Change Reference:** FPC15

**LDF Consultee ID:** 95/PC/7

**Name:** Miss Rachael Bust

**Organisation:** The Coal Authority

**Support:**  **Supporting Material:**

**Representation (soundness):**

Thank you for consulting The Coal Authority on the above. Having reviewed your document, The Coal Authority is pleased to confirm its support for the following proposed changes which fully respond to the representations we made previously, and we consider they fully address the Inspector's initial queries. We welcome the positive engagement the Council has had with The Coal Authority in seeking to resolve these issues.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy CP9: Affordable Housing

**Proposed Change Reference:** PC86

**Draft Core Strategy Plan Reference:** Policy CP9: Affordable Housing

**Proposed Change Reference:** PC86

**LDF Consultee ID:** 96/PC/11

**Name:** Ms Jo Swift

**Organisation:** Keynsham Town Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Sound in relation to affordable housing.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy CP9: Affordable Housing

**Proposed Change Reference:** PC91

**LDF Consultee ID:** 246/PC/12

**Name:** Mr Peter Duppa-Miller OBE

**Organisation:** Combe Hay Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Consequent upon its frequent involvement with the work of the Planning Policy Team, it is inevitable that Combe Hay Parish Council supports many of the Proposed Changes to the Bath and North East Somerset Core Strategy - these are listed in the Annex to this letter, rather than on a multitude of Representation Forms.

**Change sought to make sound:**

**Representation (legal compliance):****Change sought to make legally compliant:****Draft Core Strategy Plan Reference:** Policy CP9: Affordable Housing**Proposed Change Reference:** PC91**LDF Consultee ID:** 276/PC/4**Name:** Mr Matthew Macan**Organisation:** Hignett Family Trust**Support:**  **Supporting Material:** **Representation (soundness):**

We mostly object to the changes because they fail to address the fundamental defects of Policy CP9.

- The Policy should include a clear overall District wide target for affordable housing provision prioritising affordable housing provision within a total housing provision which adequately addresses total market demand across the District.
  - The Sustainable Community Strategy 2009-2026 asserts that the Council “will make sure that.. an appropriate level of contemporary affordable housing is planned for” (page 14). Policy CP9 is still not an “appropriate” response to the escalating crisis identified by our own recent research.
  - The target should be set out in numeric and percentage terms.
  - The numerical target should be expressed and monitored as an annual figure; so that “social progress” in this regard can be properly weighed in any review of the Core Strategy.
  - The actual numeric target the Council is seeking to achieve is unclear. Although Policy DWP1 and FCP29 refer to a target of 3,400 dwellings over the Plan period the Council’s response to questions from the Inspector apparently reduces this figure to 3,000 dwellings. Such a reduction would have a very significant and detrimental social impact. The 3,400 target is already insufficient to a degree that merits an increase to the overall housing requirement.
  - Whatever the level of the overall target in our opinion this must be translated to an annual figure of 200 -250 per annum at least.
  - Policy CP9 should be showing a geographical split to ensure that provision is prioritised to areas such as the city of Bath where the need is greatest.
  - Whilst we welcome any attempt by the Council to maximise the delivery of affordable housing, the aspiration to achieve 45% affordable housing on some sites appears to have very little substance. Rather than ambitious gestures we would much prefer a clear and unequivocal commitment to achieving a 35% target across all qualifying sites subject to viability. This would provide greater certainty to landowners, developers and registered providers.
  - The Council’s Viability Study appears not to support the detail of Policy CP9 as currently worded.
- Bath and North East Somerset’s Core Strategy- Representation Form
- We welcome the insertion of policy guidance on “affordable rent”, given the importance the Government places on this product. We are generally supportive of the wording proposed.

However, it should be made clear that viability will only be an issue on schemes where no public subsidy is provided. Housing associations have already agreed affordable rent on schemes with the Homes and Communities Agency in some instances and, notwithstanding the viability position, the Government has made it clear that it expects HCA funding to go towards affordable rent products. For Section 106 agreement sites, where there is no grant provided, this approach is generally acceptable, although there may be individual cases where the provision of affordable rent could improve the tenure mix of a wider community. We therefore propose the following amendment:

‘Where no public subsidy is provided for a scheme, the Council will consider the provision of affordable rent or other affordable housing products in lieu of social rent when it is proven necessary to improve viability in order to achieve policy position levels of affordable housing and where the housing need for affordable rent can be demonstrated. Alternatively, the provision of affordable rent products will be considered acceptable, where the provision of affordable rent properties would contribute to the creation of

mixed and balanced communities.’

- We understand the Council’s position of wanting the need for affordable rent to be proven, however they will have to set out in the supporting text how this will be done. We are concerned that there could be an undue burden on developers and housing associations to prove the need for affordable rent on every scheme. Currently, the West of England SHMA, does not provide this information and this policy could lead to a housing needs survey being carried out for every scheme. This would be an undue burden on development and would not pass the tests of soundness.

Unresolved Questions Arising from the Council’s Additional Evidence

Inter alia the following points remain unclear:

- The weight the Council has given to affordable housing needs in setting the overall housing requirement and how this fits with the Sustainable Community Strategy, given the “serious implications” of not meeting such needs previously expressed.
- The weight the Council has given to “the major positive effects” the possible ‘contingency’ sites, particularly Odd Down, could have, particularly in the light of the recent Sustainability Assessment of Contingency Sites.
- Why the Council continues to underestimate the DCLG demographic projections, particularly relative to the growth in the over 65 population and the resultant special housing and care needs. The most up-to-date household projections from DCLG show that between 2008 and 2033 over 50% of household growth comes from the over 65 age group. Of the 20,000 additional households expected by 2033 approximately 5,000 households will be aged 85 and over. This age group has the highest level of care needs. Given the scale of need for older person care accommodation this demographic change is likely to create, we consider it extremely important that the Council seeks to deliver the full range of care and accommodation options for this age group.

Taking a positive approach to planning for the care and accommodation needs of older people is one of the Government’s objectives which are set out in the draft NPPF. The introductory section by Greg Clark MP states that; ‘We must house a rising population, which is living longer and wants to make new choices.’ The main body of the draft NPPF makes clear that assessing and meeting the needs of different groups, including older people is an important duty for local authorities. Paragraph 28 requires local authorities to use Strategic Housing Market Assessments to:

‘identify the scale and mix of housing and the range of tenures that the local population is likely to require over the plan period and...the need for all types of housing, including...older people’.

- Why the geographical variance in both affordable housing needs and the ability to deliver affordable housing across the District have been so inadequately reflected in the policies of the Core Strategy.
- Why the affordable housing targets contained in the Core Strategy are so vaguely and equivocally expressed.
- There remain inconsistencies between the Council’s approaches to economic development and housing provision.

**Change sought to make sound:**

‘Where no public subsidy is provided for a scheme, the Council will consider the provision of affordable rent or other affordable housing products in lieu of social rent when it is proven necessary to improve viability in order to achieve policy position levels of affordable housing and where the housing need for affordable rent can be demonstrated. Alternatively, the provision of affordable rent products will be considered acceptable, where the provision of affordable rent properties would contribute to the creation of mixed and balanced communities.’

**Representation (legal compliance):**

**Change sought to make legally compliant:****Draft Core Strategy Plan Reference:** Policy CP9: Affordable Housing**Proposed Change Reference:** PC91**LDF Consultee ID:** 301/PC/1**Name:****Organisation:** South West HARP Planning Consortium**Support:**  **Supporting Material:** **Representation (soundness):**

We note the changes to make the provision to seek up to 45% affordable housing on certain sites, Whilst we welcome attempts to maximise the delivery of affordable housing in BANES, the proposed changes do not provide developers with certainty as to level of affordable housing they will be required to provide, This has very serious implications for the delivery land as it will make it extremely difficult for developers to value a site if they are uncertain of the level of affordable housing they will be expected to provide, We urge the Council to adopt a simpler system, based on a geographic split, as advised by the viability assessment. The proposed policy is likely to lead to more appeals and slow the delivery of housing, It is therefore not

considered sound as it is not an effective or justified policy as required by the tests of

soundness, Furthermore, the uncertainty this creates appears to be an undue burden on development and so is contrary to the Ministerial Statement issued by Greg Clark in March 2011

- Planning for Growth and does not accord with national policy,

We welcome the insertion of policy guidance on Affordable Rent, given the importance the Government places on this product. We are generally happy with the wording as proposed, however it should be made clear that viability should only be an issue on schemes where no public subsidy is provided. In many cases, housing associations have agreed affordable rent on schemes with the Homes and Communities Agency. In these cases, notwithstanding the viability position, the Government has made it clear, that it expects HCA funding to go towards affordable rent products. On Section 106 agreements, where there is no grant provided, this approach is generally acceptable, although there may be individual cases where the provision of affordable rent could improve the tenure mix of the whole area. We therefore propose the following amendment:

'Where no public subsidy is provided for a scheme, +the Council will consider the provision of Affordable Rent or other affordable housing products in lieu of social rent when it is proven necessary to improve viability in order to achieve policy position levels of affordable housing and where the housing need for affordable rent can be demonstrated. Alternatively. the provision of affordable rent products will be considered acceptable, where the provision of affordable rent properties would contribute to the creation of mixed and balanced communities.'

We understand the Council's position of wanting the need for affordable rent to be proven, however they will have to set out in the supporting text how this will be done. We are concerned that there could be an undue burden on developers and housing associations to prove the need for affordable rent on every scheme. Currently, the West of England SHMA, does not provide this information and this policy could lead to a housing needs survey being carried out for every scheme. This would be an undue burden on development and would not pass the tests of soundness.

**Change sought to make sound:****Representation (legal compliance):**

**Change sought to make legally compliant:****Draft Core Strategy Plan Reference:** Policy CP9: Affordable Housing**Proposed Change Reference:** PC91**LDF Consultee ID:** 2563/PC/4**Name:****Organisation:** Guinness Trust**Support:**  **Supporting Material:** **Representation (soundness):**

We mostly object to the changes because they fail to address the fundamental defects of Policy CP9.

- The Policy should include a clear overall District wide target for affordable housing provision prioritising affordable housing provision within a total housing provision which adequately addresses total market demand across the District.
- The Sustainable Community Strategy 2009-2026 asserts that the Council “will make sure that an appropriate level of contemporary affordable housing is planned for” (page 14). Policy CP9 is still not an “appropriate” response to the escalating crisis identified by our own recent research.
- The target should be set out in numeric and percentage terms.
- The numerical target should be expressed and monitored as an annual figure; so that “social progress” in this regard can be properly weighed in any review of the Core Strategy.
- The actual numeric target the Council is seeking to achieve is unclear. Although Policy DWP1 and FCP29 refer to a target of 3,400 dwellings over the Plan period the Council’s response to questions from the Inspector apparently reduces this figure to 3,000 dwellings. Such a reduction would have a very significant and detrimental social impact. The 3,400 target is already insufficient to a degree that merits an increase to the overall housing requirement.
- Whatever the level of the overall target in our opinion this must be translated to an annual figure of 200 -250 per annum at least.
- Policy CP9 should be showing a geographical split to ensure that provision is prioritised to areas such as the city of Bath where the need is greatest.
- Whilst we welcome any attempt by the Council to maximise the delivery of affordable housing, the aspiration to achieve 45% affordable housing on some sites appears to have very little substance. Rather than ambitious gestures we would much prefer a clear and unequivocal commitment to achieving a 35% target across all qualifying sites subject to viability. This would provide greater certainty to landowners, developers and registered providers.
- The Council’s Viability Study appears not to support the detail of Policy CP9 as currently worded.
- We welcome the insertion of policy guidance on “affordable rent”, given the importance the Government places on this product. We are generally supportive of the wording proposed. However, it should be made clear that viability will only be an issue on schemes where no public subsidy is provided. Housing associations have already agreed affordable rent on schemes with the Homes and Communities Agency in some instances and, notwithstanding the viability position, the Government has made it clear that it expects HCA funding to go towards affordable rent products. For Section 106 agreement sites, where there is no grant provided, this approach is generally acceptable, although there may be individual cases where the provision of affordable rent could improve the tenure mix of a wider community. We therefore propose the following amendment:
 

‘Where no public subsidy is provided for a scheme, The Council will consider the provision of affordable rent or other affordable housing products in lieu of social rent when it is proven necessary to improve viability in order to achieve policy position levels of affordable housing and where the housing need for affordable rent can be demonstrated. Alternatively, the provision of affordable rent products will be considered acceptable, where the provision of affordable rent properties would contribute to the creation of mixed and balanced communities.’
- We understand the Council’s position of wanting the need for affordable rent to be proven, however they will have to set out in the supporting text how this will be done. We are concerned that there could be an undue burden on developers and housing associations to prove the need for affordable rent on every scheme. Currently, the West of England SHMA, does not provide this information and this policy could lead to a housing needs survey being carried out for every scheme. This would be an undue burden on development and would not pass the tests of soundness.



Unresolved Questions Arising from the Council’s Additional Evidence

Inter alia the following points remain unclear:

- The weight the Council has given to affordable housing needs in setting the overall housing requirement and how this fits with the Sustainable Community Strategy, given the “serious implications” of not meeting such needs previously expressed.
- The weight the Council has given to “the major positive effects” the possible ‘contingency’ sites, particularly Odd Down, could have, particularly in the light of the recent Sustainability Assessment of Contingency Sites.

• Why the Council continues to underestimate the DCLG demographic projections, particularly relative to the growth in the over 65 population and the resultant special housing and care needs. The most up-to-date household projections from DCLG show that between 2008 and 2033 over 50% of household growth comes from the over 65 age group. Of the 20,000 additional households expected by 2033 approximately 5,000 households will be aged 85 and over. This age group has the highest level of care needs. Given the scale of need for older person care accommodation this demographic change is likely to create, we consider it extremely important that the Council seeks to deliver the full range of care and accommodation options for this age group.

Taking a positive approach to planning for the care and accommodation needs of older people is one of the Government’s objectives which are set out in the draft NPPF. The introductory section by Greg Clark MP states that; ‘We must house a rising population, which is living longer and wants to make new choices.’ The main body of the draft NPPF makes clear that assessing and meeting the needs of different groups, including older people is an important duty for local authorities. Paragraph 28 requires local authorities to use Strategic Housing Market Assessments to:

‘identify the scale and mix of housing and the range of tenures that the local population is likely to require over the plan period and...the need for all types of housing, including...older people’.

- Why the geographical variance in both affordable housing needs and the ability to deliver affordable housing across the District have been so inadequately reflected in the policies of the Core Strategy.
- Why the affordable housing targets contained in the Core Strategy are so vaguely and equivocally expressed.
- There remain inconsistencies between the Council’s approaches to economic development and housing provision.

**Change sought to make sound:**

‘Where no public subsidy is provided for a scheme, the Council will consider the provision of affordable rent or other affordable housing products in lieu of social rent when it is proven necessary to improve viability in order to achieve policy position levels of affordable housing and where the housing need for affordable rent can be demonstrated. Alternatively, the provision of affordable rent products will be considered acceptable, where the provision of affordable rent properties would contribute to the creation of mixed and balanced communities.’

**Representation (legal compliance):**

**Change sought to make legally compliant:**

Draft Core Strategy Plan Reference: Paragraph 6.81

Proposed Change Reference: FPC18

Draft Core Strategy Plan Reference: Paragraph 6.81

Proposed Change Reference: FPC18

LDF Consultee ID: 246/PC/13

Name: Mr

Peter

Duppa-Miller OBE

Organisation: Combe Hay Parish Council

Support:  Supporting Material:



**Representation (soundness):**

Consequent upon its frequent involvement with the work of the Planning Policy Team, it is inevitable that Combe Hay Parish Council supports many of the Proposed Changes to the Bath and North East Somerset Core Strategy - these are listed in the Annex to this letter, rather than on a multitude of Representation Forms.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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**Draft Core Strategy Plan Reference:** Paragraph 6.81

**Proposed Change Reference:** FPC19

**LDF Consultee ID:** 246/PC/14

**Name:** Mr Peter

**Organisation:** Combe Hay Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Consequent upon its frequent involvement with the work of the Planning Policy Team, it is inevitable that Combe Hay Parish Council supports many of the Proposed Changes to the Bath and North East Somerset Core Strategy - these are listed in the Annex to this letter, rather than on a multitude of Representation Forms.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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**Draft Core Strategy Plan Reference:** Paragraph 6.81

**Proposed Change Reference:** FPC27

**LDF Consultee ID:** 384/PC/2

**Name:** Ms Georgina Clampitt-Dix

**Organisation:** Wiltshire Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

• The change FPC20 removes the dates of the assessment. For clarity these should be re-inserted.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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**Draft Core Strategy Plan Reference:** Paragraph 6.81

**Proposed Change Reference:** FPC18

Schedule of Representations on the Proposed Changes to the Draft Core Strategy (Duly Made): Sorted by Draft Core Strategy Plan Reference

**LDF Consultee ID:** 1111/PC/3 **Name:** Mrs Sue Bressington **Organisation:** Compton Dando Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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**Draft Core Strategy Plan Reference:** Paragraph 6.82

**Proposed Change Reference:** FPC19

**Draft Core Strategy Plan Reference:** Paragraph 6.82

**Proposed Change Reference:** FPC19

**LDF Consultee ID:** 96/PC/12 **Name:** Ms Jo Swift **Organisation:** Keynsham Town Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Reference to identifying suitable/deliverable Sites for gypsies, travellers and travelling showpeople is sound.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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**Draft Core Strategy Plan Reference:** Paragraph 6.82

**Proposed Change Reference:** FPC21

**LDF Consultee ID:** 246/PC/16 **Name:** Mr Peter Duppa-Miller OBE **Organisation:** Combe Hay Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Consequent upon its frequent involvement with the work of the Planning Policy Team, it is inevitable that Combe Hay Parish Council supports many of the Proposed Changes to the Bath and North East Somerset Core Strategy - these are listed in the Annex to this letter, rather than on a multitude of Representation Forms.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 6.82

**Proposed Change Reference:** FPC20

**LDF Consultee ID:** 384/PC/1

**Name:** Ms Georgina Clampitt-Dix

**Organisation:** Wiltshire Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

The text identifies that the accommodation needs of Gypsies and Travellers will be established for the period to 2011. This cannot be effective as the period of the plan has already elapsed.

**Change sought to make sound:**

Revise LDS so that the DPD covers a future period.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Policy CP11: Gypsies, Travellers and Travelling Showpeople

**Proposed Change Reference:** FPC22

**Draft Core Strategy Plan Reference:** Policy CP11: Gypsies, Travellers and Travelling Showpeople

**Proposed Change Reference:** FPC22

**LDF Consultee ID:** 246/PC/17

**Name:** Mr Peter Duppa-Miller OBE

**Organisation:** Combe Hay Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Consequent upon its frequent involvement with the work of the Planning Policy Team, it is inevitable that Combe Hay Parish Council supports many of the Proposed Changes to the Bath and North East Somerset Core Strategy - these are listed in the Annex to this letter, rather than on a multitude of Representation Forms.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 7.04

**Proposed Change Reference:** FPC23

**Draft Core Strategy Plan Reference:** Paragraph 7.04

**Proposed Change Reference:** FPC23

**LDF Consultee ID:** 246/PC/18

**Name:** Mr Peter Duppa-Miller OBE

**Organisation:** Combe Hay Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Consequent upon its frequent involvement with the work of the Planning Policy Team, it is inevitable that Combe Hay Parish Council supports many of the Proposed Changes to the Bath and North East Somerset Core Strategy<sup>2</sup> these are listed in the Annex to this letter, rather than on a multitude of Representation Forms.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Paragraph 7.04

**Proposed Change Reference:** FPC23

**LDF Consultee ID:** 264/PC/3<sup>2</sup>

**Name:** Mr Brian<sup>2</sup> Huggett<sup>2</sup>

**Organisation:** Englishcombe<sup>2</sup> Parish Council<sup>2</sup>

**Support:**  **Supporting Material:**

**Representation (soundness):**

Englishcombe Parish Council fully and enthusiastically supports the revised provisions for the Annual Monitoring Report as a vital element in the “Plan-Monitor-Manage”<sup>2</sup> principle B&NES are committed to follow.<sup>2</sup>

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:** FPC27

**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:** FPC27

**LDF Consultee ID:** 5/PC/2<sup>2</sup>

**Name:**

**Organisation:** Barclays Bank plc<sup>2</sup>

**Support:**  **Supporting Material:**

**Representation (soundness):**

The Council has responded to the Inspector’s questions and concerns about future<sup>2</sup> monitoring of the effectiveness of the Core Strategy in some of the Proposed Changes currently out for consultation but in respect of the Bank’s concerns about out-of-date<sup>2</sup> frontage policies, it seems that the Council is still having difficulty understanding the fundamental issue. Further Proposed Change PC27 suggests that the ‘Indicator Column’<sup>2</sup> for Strategic Objective 4 and Policy CP12 should read “Health of the centres as indicated by retail floorspace losses, vacancy rates and land use mix changes<sup>2</sup>.....” but if the<sup>2</sup> Council defines “retail floorspace losses” as any changes from A1 use it will compound the problems of out-of-date policy that has no basis in evidence, as identified by the<sup>2</sup> Bank.<sup>2</sup>

The Bank's representations on the Publication Core Strategy provide compelling evidence in support of its case for rewriting out-dated and outmoded frontage policies. That evidence also supports the Bank's contention that the changes set out in PC27 will be inadequate and ineffective for monitoring the effectiveness of the Core Strategy. More sophisticated monitoring techniques will be required to reflect the changing nature of the financial retail industry, for example the use of regular footfall surveys to guide policy and development management.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:** FPC11

**LDF Consultee ID:** 96/PC/13

**Name:** Ms Jo Swift

**Organisation:** Keynsham Town Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Reference to target AQMA NO2 levels for Keynsham is sound.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:** FPC28

**LDF Consultee ID:** 170/PC/1

**Name:** Mr Phil Hardwick

**Organisation:** Robert Hitchins Limited

**Support:**  **Supporting Material:**

**Representation (soundness):**

It is noted that PC29 refers to the delivery of phase 1 of Western Riverside commencing in December 2010. According to the SHLAA full permission has been granted for 299 dwellings in the first phase and 299 are envisaged to be completed by 2015 /16 and 102 dwellings coming forward from the remainder of phase 1, BF I Waste Systems and Argos River Frontage.

The build rates for Western Riverside Core according to the SHLAA increase significantly from 2016/17 onwards e.g. 242 per year compared to 80- 100 in previous years. It is questionable whether this delivery will take place given that this is a substantial increase on the completion rate on the site; and when compared with the completion rate for Bath itself in recent years, which has varied from 218 in 2006/7 to 73 in 2009/10 and 96 in 2010/11.

The Proposed Change also states that in order to wholly deliver Bath Western Riverside, land remediation works to decommission and remove the Windsor Gas Holder Station will be needed. It is not clear when the decommissioning will take place, how long it will take for the remediation works to be completed and importantly the cost. All these factors will have an affect on the overall delivery of the site (which according to the SHLAA is to delivery 2,574 by the end of the plan period, the majority of which is to be completed in the latter years of the plan).

It is noted in CD6/S9 Topic Paper 8 Central Bath/River Corridor Site Capacities and Delivery that the Bath and North East Somerset's Core Strategy Representation Form Council have had initial discussions with the HCA on flood mitigation and the removal of the Windsor Gas Station and have been asked to submit an outline proposal for the latter. The flood mitigation is likely to cost £3-5 million and the removal and remediation of the gas station approximately £11million.

Paragraph 15 of CD6/S9 refers to CD4/14 Single Conversation: West of England Delivery and Infrastructure Investment Plan which includes £28 million of funding to support the delivery of affordable housing and supporting infrastructure at Bath City Riverside. This funding is to be accessed through specific bids and will be subject to availability of finance at the time.

This funding is not yet secured and therefore must undermine the deliverability of Bath City Riverside. Whilst the Council indicate that the HCA will support Bath City Riverside as a priority, it will not be funding all the necessary works. It is not clear whether the HCA have provided any evidence to support BANES- there is no indication of the HCA funding any developments at Bath on their website.

CD6/S9 also indicates that the level of funding identified in the Single Conversation (CD4/14) is only an estimate in which case the costs to enable development could be higher. Paragraph 18 states that it "was never envisaged that all of this funding would come from the HCA. Indeed most recent discussions have identified contributions to be made by other bodies such as the Council and Developers to meet these costs."

For developers this raises the issue of viability of the development proposals.

**Change sought to make sound:**

The changes required to make the Core Strategy sound are that in order to fulfil the Government's housing objectives as set out in PPS3 i.e. a wide choice of high quality homes, which people can afford, in a community where they want to live, needs to be provided using both brownfield and greenfield sites. It is also important to deliver a flexible housing land supply as set out in PPS 3 paragraphs 52- 67.

In order to ensure that housing supply meets housing requirements a balanced portfolio of sites needs to be put forward ( i.e. brownfield and greenfield), even to meet the Councils own assessment of the housing requirement for the plan period. The provision in the Core Strategy does not provide for any flexibility or contingency. In order to meet the Government's planning for growth agenda an increase in the overall housing requirement is required. In order to make the plan sound further sites should be identified, failing that the Plan should be withdrawn.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**LDF Consultee ID:** 170/PC/9

**Name:** Mr Phil Hardwick

**Organisation:** Robert Hitchins Limited

**Support:**  **Supporting Material:**

**Representation (soundness):**

The Proposed Change to Table (in respect of Policy DW1) to change from the national target of 60% is not justified and consistent with national policy PPS 3 para 41. The national target is at least 60% of new housing should be provided on previously developed land. The Proposed Change is for at least 80% of new housing to be provided during the plan period on previously developed land.

PPS 3 states that: “There is no presumption that land that is previously developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.”

There are several reasons to object to this further proposed change:

- i. not consistent with national guidance in PPS 3 i.e. the target should be at least 80% on previously developed land.
- ii. Increasing the percent of PDL to at least 20% above that in PPS 3 is a real concern given the Council's reliance on PDL and its acknowledged poor track record of housing delivery through the Local Plan period and also through the Core Strategy to date.
- iii. The loss of employment land – how does this affect the West of England LEP proposals for 95,000 jobs to be delivered in the West of England by 2030? There are concerns that the loss of the MOD sites in Bath and North East Somerset's Core Strategy – Representation Form the main the provision of housing, also the loss of the Somerdale at Keynsham will reduce employment opportunities and lead to further out commuting.

**Change sought to make sound:**

The changes required to make the Core Strategy sound are that in order to fulfil the Government's housing objectives as set out in PPS3 i.e. a wide choice of high quality homes, which people can afford, in a community where they want to live, needs to be provided using both brownfield and greenfield sites. It is also important to deliver a flexible housing land supply as set out in PPS 3 paragraphs 52- 67.

In order to ensure that housing supply meets housing requirements a balanced portfolio of sites needs to be put forward ( i.e. brownfield and greenfield), even to meet the Council's own assessment of the housing requirement for the plan period. The Provision in the Core Strategy does not provide for any flexibility or contingency.

In order to meet the Government's planning for growth agenda an increase in the overall housing requirement is required. In order to make the plan sound further sites should be identified, failing that the Plan should be withdrawn.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:**

**LDF Consultee ID:** 180/PC/9

**Name:** Ms Elaine Vashi

**Organisation:** J S Bloor Ltd

**Support:**  **Supporting Material:**

**Representation (soundness):**

The Proposed Change to the Table (in respect of Policy DW1) to change from the national target of 60% is not justified and consistent with national policy PPS 3 para 41. The

national target is at least 60% of new housing should be provided on previously developed land. The Proposed Change is for at least 80% of new housing to be provided during the plan period on previously developed land.

PPS 3 states that: “There is no presumption that land that is previously developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.”

There are several reasons to object to this further proposed change:

- i. it is not consistent with national guidance in PPS 3 i.e. the target should be at least 60% whereas the FPC is for at least 80% on previously developed land.
- ii. Increasing the percent of PDL to at least 20% above that in PPS 3 is a real concern given the Council’s reliance on PDL and its acknowledged poor track record of housing delivery through the Local Plan period and also through the Core Strategy to date.
- iii. the loss of employment land – how does this affect the West of England LEP proposals for 95,000 jobs to be delivered in the West of England by 2030? There are concerns that the loss of the MOD sites to Bath and North East Somerset’s Core Strategy – Representation Form in the main the provision of housing, and also the loss of the Somerdale at Keynsham will reduce employment opportunities and lead to further out commuting.

**Change sought to make sound:**

The changes required to make the Core Strategy sound are that in order to fulfil the Government’s housing objectives as set out in PPS3 i.e. a wide choice of high quality homes, which people can afford, in a community where they want to live, housing needs to be provided using both brownfield and greenfield sites. It is also important to deliver a flexible housing land supply as set out in PPS 3 paragraphs 52- 67.

In order to ensure that housing supply meets the housing requirement a balanced portfolio of sites needs to be put forward ( i.e. brownfield and greenfield), even to meet the Council’s own assessment of the housing requirement for the plan period. The Provision in the Core Strategy does not provide for any flexibility or contingency.

In order to meet the Government’s planning for growth agenda an increase in the overall housing requirement is required and in order to make the plan sound, further sites should be identified, failing that the Plan should be withdrawn.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:** FPC28

**LDF Consultee ID:** 222/PC/3

**Name:** Mr Nicholas Pollock

**Organisation:** Duchy of Cornwall

**Support:**  **Supporting Material:**

**Representation (soundness):**

Notwithstanding our observations concerning the planned level of housing growth to be met during the plan period, we have concerns over some of the Council's assumptions on delivery rates in relation to certain of the identified sites, noting in particular the suggestion of achieving some 3,500 completions within the Western Riverside. We are concerned that the Council is being over reliant on the ability of previously developed land to meet the demand for housing to the exclusion of employment need. To create sustainable communities, development on the MOD sites for example, need to be properly mixed use with substantial employment provision retained.



In making our observations, we note that the Inspector has raised concerns about the proposals for housing delivery on sites within Western Riverside as they are liable to flooding.

The evidence base to the Council's strategy includes the work undertaken by Atkins. Details are set out in the Bath and North East Somerset Flood Risk Management Strategy Report (June 2010).

The report states that the only option open to the Council in support of the urban intensification approach to the location of development within Bath (and Western Riverside in particular) is to provide a compensatory storage area(s) upstream of the centre of Bath.

The report states that the provision of an upstream storage area would need to offset the volume of water that would theoretically be displaced by the combined developed footprints of the development sites within Bath centre. In order to meet this requirement, a flood storage area of a minimum of circa 345,000m<sup>3</sup> volume would be required as this is said to be equivalent to the total combined volume of the developed footprint of the development sites.

We attach as Annex 2 a report prepared by PBA which identifies the issues in relying upon such a strategy to provide for the scale of flood mitigation proposed which would need to be in the form of a not insignificant storage area covering circa 15ha. The Council's approach introduces a whole range of practical, implementation and environmental issues, not least in relation to, inter alia, impact on the Green Belt, AONB and archaeology. Moreover, there is then the timing issue of designing such a scheme, purchasing the necessary land, undertaking a full EIA and then implementing the scheme all before any development takes place within the Western Riverside area.

Paragraph 4.94 of the Bath and North East Somerset Flood Risk Management Strategy Report (June 2010) concludes in relation to the likely flood mitigation strategy and viability of such an approach as follows:

"The only favoured option which is fully feasible in terms of the appraisal criteria is the installation of flood defence measures at the individual development sites. However, a number of sites present issues of development viability that are exacerbated by the additional marginal cost of the identified flood risk infrastructure, which may impact on viability and site delivery in the absence of supporting scheme funding. (Our emphasis)

In the circumstances, it is difficult to see how the sites are achievable, at least in the short to medium term. This further emphasises the need to plan for a contingency in the form of a sustainably located urban extension.

(Annex 2 Flood Strategy Briefing available as a hard copy)

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

## Schedule of Representations on the Proposed Changes to the Draft Core Strategy (Duly Made): Sorted by Draft Core Strategy Plan Reference

**LDF Consultee ID:** 224/PC/6

**Name:** Ms Joanna Robinson

**Organisation:** Bath Preservation Trust

**Support:**  **Supporting Material:**

**Representation (soundness):**

PC1's target refers only to Photovoltaic cells. Presumably this is because PV is easy to count. However it is a wholly inadequate target in terms of measuring steps taken to mitigate against climate change as a whole. It also risks council resources being focused on meeting this target, rather than on the energy efficiency and behavioural change needed to accompany, and preferably precede, energy micro-generation.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:** FPC26

**LDF Consultee ID:** 224/PC/7

**Name:** Ms Joanna Robinson

**Organisation:** Bath Preservation Trust

**Support:**  **Supporting Material:**

**Representation (soundness):**

Management Plans in place. This gives no sense of priority. The most important conservation area in B&NES is by definition the WHS, and the Conservation Area within that which constitutes 66% of the City. A compliant and enforceable conservation area appraisal for Bath should be drawn up with a target deadline well within the life of the plan, otherwise we may continue to see small village appraisals continuing to proceed ahead of the Bath one. This document is a necessary evidence base for policies for protecting & enhancing local heritage and natural environment.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:** FPC24

**LDF Consultee ID:** 246/PC/19

**Name:** Mr Peter Duppa-Miller OBE

**Organisation:** Combe Hay Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Consequent upon its frequent involvement with the work of the Planning Policy Team, it is inevitable that Combe Hay Parish Council supports many of the Proposed Changes to the Bath and North East Somerset Core Strategy - these are listed in the Annex to this letter, rather than on a multitude of Representation Forms.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:** FPC25

**LDF Consultee ID:** 246/PC/20

**Name:** Mr Peter

**Duppa-Miller OBE Organisation:** Combe Hay Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Consequent upon its frequent involvement with the work of the Planning Policy Team, it is inevitable that Combe Hay Parish Council supports many of the Proposed Changes to the Bath and North East Somerset Core Strategy - these are listed in the Annex to this letter, rather than on a multitude of Representation Forms.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:** FPC28

**LDF Consultee ID:** 246/PC/21

**Name:** Mr Peter

**Duppa-Miller OBE Organisation:** Combe Hay Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Consequent upon its frequent involvement with the work of the Planning Policy Team, it is inevitable that Combe Hay Parish Council supports many of the Proposed Changes to the Bath and North East Somerset Core Strategy - these are listed in the Annex to this letter, rather than on a multitude of Representation Forms.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:** FPC29

**LDF Consultee ID:** 246/PC/22

**Name:** Mr Peter

**Duppa-Miller OBE Organisation:** Combe Hay Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Consequent upon its frequent involvement with the work of the Planning Policy Team, it is inevitable that Combe Hay Parish Council supports many of the Proposed Changes to the Bath and North East Somerset Core Strategy - these are listed in the Annex to this letter, rather than on a multitude of Representation Forms.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:** FPC29

**LDF Consultee ID:** 246/PC/23

**Name:** Mr Peter

**Duppa-Miller OBE Organisation:** Combe Hay Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Consequent upon its frequent involvement with the work of the Planning Policy Team, it is inevitable that Combe Hay Parish Council supports many of the Proposed Changes to the Bath and North East Somerset Core Strategy - these are listed in the Annex to this letter, rather than on a multitude of Representation Forms.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

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**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:** FPC30

**LDF Consultee ID:** 246/PC/24

**Name:** Mr Peter

**Duppa-Miller OBE Organisation:** Combe Hay Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Consequent upon its frequent involvement with the work of the Planning Policy Team, it is inevitable that Combe Hay Parish Council supports many of the Proposed Changes to the Bath and North East Somerset Core Strategy - these are listed in the Annex to this letter, rather than on a multitude of Representation Forms.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

Schedule of Representations on the Proposed Changes to the Draft Core Strategy (Duly Made): Sorted by Draft Core Strategy Plan Reference

**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:** FPC25

**LDF Consultee ID:** 264/PC/4

**Name:** Mr Brian Huggett

**Organisation:** Englishcombe Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Englishcombe Parish Council supports the change in Table 9, in respect of the numbers of properties having the benefit of photovoltaic cells.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:** FPC26

**LDF Consultee ID:** 264/PC/5

**Name:** Mr Brian Huggett

**Organisation:** Englishcombe Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Englishcombe Parish Council supports the changes to Table 9 in respect of area of priority habitats and (in our view) most importantly increase in the proportion of assessed housing schemes that meet (and hopefully, exceed) the Building for Life “good” standard.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:** FPC28

**LDF Consultee ID:** 264/PC/6

**Name:** Mr Brian Huggett

**Organisation:** Englishcombe Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Englishcombe Parish Council fully supports the increase from 60% to 80% in the new housing provided between 2006 & 2026 being on previously developed land. The balance needs to come from measures outlined in PC18, and not used as a justification for major building projects on the previously mooted Greenfield, Urban Extension sites at Newton St Loe and South Stoke; specifically excluded from the current Core Strategy.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:** FPC09

**LDF Consultee ID:** 264/PC/7

**Name:** Mr Brian Huggett

**Organisation:** Englishcombe Parish Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Englishcombe Parish Council supports and welcomes the adoption of Building for Life “good” standard, as a minimum.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:** FPC28

**LDF Consultee ID:** 275/PC/9

**Name:** Mr Keith Annis

**Organisation:** Redrow Homes (South West) Ltd

**Support:**  **Supporting Material:**

**Representation (soundness):**

The Proposed Change to Table 9 (in respect of Policy DW1) to change from the national target of 60% is not justified and consistent with national policy PPS 3 para 41. The national target is at least 60% of new housing should be provided on previously developed land. The Proposed Change is for at least 80% of new housing to be provided during the plan period on previously developed land.

PPS 3 states that: “There is no presumption that land that is previously developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.”

There are several reasons to object to this further proposed change:

- i not consistent with national guidance in PPS 3 i.e. the target should be “at least 60%”, whereas the FPC is for at least 80% on previously developed land.
- ii Increasing the percent of PDL to at least 20% above that in PPS 3 is a real concern given the Council’s reliance on PDL and its acknowledged poor track record of housing delivery through the Local Plan period, and also delivery through the Core Strategy to date.
- iii the loss of employment land - how does this affect the West of England LEP proposals for 95,000 jobs to be delivered in the West of England by 2030. There are concerns that the loss of the MOD sites, to in the main the provision of housing, also the loss of the Somerdale at Keynsham will reduce employment opportunities and lead to further out commuting.

**Change sought to make sound:**

The changes required to make the Core Strategy sound are that in order to fulfil the Government’s housing objectives as set out in PPS3 i.e. a wide choice of high quality homes, which people can afford, in a community where they want to live, needs to be provided using both brownfield and greenfield sites. It is also important to deliver a flexible housing land supply as set out in PPS 3 paragraphs 52- 67.

In order to ensure that housing supply meets housing requirements a balanced portfolio of sites needs to be put forward ( i.e. brownfield and greenfield), even to meet the Councils own assessment of the housing requirement for the plan period. The Provision in the Core Strategy does not provide for any flexibility or contingency. In order to meet the Government’s planning for growth agenda an increase in the overall housing requirement is required. In order make the plan sound further sites should be identified, failing that the Plan should be withdrawn.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:** FPC29

**LDF Consultee ID:** 276/PC/5

**Name:** Mr Matthew Macan

**Organisation:** Hignett Family Trust

**Support:**  **Supporting Material:**

**Representation (soundness):**

We object to these targets because they are poorly expressed. They are neither capable of being meaningfully monitored nor triggering policy reviews if they are not achieved as the Plan period progresses.

We also object to the target of achieving an average of 35% affordable housing across all housing on large sites across the District should be on the basis that the Council’s updated Viability Validation Study does not underpin this. To the contrary the Ark Consultancy Viability Assessment indicates that this will be extremely challenging in many areas, even with the introduction of the affordable rent product -

‘...ironically, the introduction of affordable rents and the new grant funding regime has worsened the outlook for viability and/or delivery of policy level affordable housing provision in the most challenging areas.’

This raises further questions about the appropriateness of the absence of a geographic breakdown of the affordable housing target.

We would support:

- A District-wide annual affordable housing target expressed as a number.
- A target percentage for affordable housing as a percentage of all homes across the District and broken down into geographical sub-areas, with Bath City duly prioritised.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**



**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives**Proposed Change Reference:** FPC31**LDF Consultee ID:** 276/PC/11**Name:** Mr Matthew Macan**Organisation:** Hignett Family Trust**Support:**  **Supporting Material:** **Representation (soundness):**

The PC dCS includes monitoring and target setting of NO<sub>2</sub> in Chapter 7 , Monitoring and Review. This Rep. HFT PC CP13 1 deals with proposed change re. air quality target alone.

The air quality in Bath is a significant problem as witnessed by the most recent AQMA Report (in Core Library). The problems are also highlighted in the most recent SA September 2011 Annex D page 79. where air quality is seen as a major negative effect which could worsen as a result of the increased activity within the river corridor and scaling down of the Bath Package.

Policy B1 seeks to address this through para 10 Infrastructure and Delivery, sub para. "Implementing the Air Quality Management Plan for Bath".

Overall the setting of a key air quality target is therefore vital to the health and well being of the residents of Bath, ( Objective 2), economic growth and residential provision in the River Corridor (Policy B1). It is therefore surprising that the setting of a hugely challenging target of annual average NO<sub>2</sub> not to exceed 40 Micr/m<sup>3</sup> by 2016 is not linked to key policy initiatives other than CP13, Infrastructure Delivery. There is no specific Infrastructure Delivery that seeks to reduce air quality , indeed the amount of development proposed within the already worsening AQMA will make the situation worse. No sustainability assessment is deemed necessary as a result of introducing the target ( Annex J). It is true that the Council's AQMA sets a target of 40 Micr/gr /m<sup>3</sup> NO<sub>2</sub> by 2016 with a trajectory on figure 8.1 ( AQMA 2011) to meet this. However this trajectory, like the Council's housing trajectory is not based on reality, but simply a modelled forecast from Defra that takes no account of the level of growth in Bath River Corridor or the conditions. Moreover the improvement in air quality as shown on the Table 8.1 2006-2008 is not a real improvement in air quality, indeed the actual readings show a worsening of air quality over the period, but an expansion of the AQMA in 2008, the effect of which is to dilute the overall annual average air quality reading for Bath, is indicated by a 'dip' in the graph. The report says that in 2008 approximately 3500 households lived in the AQMA ie 8500 residents, (almost 10% of Bath's population). The mean annual average NO<sub>2</sub> was said to be 50 Micr/gr/m<sup>3</sup>.

A further expansion of the AQMA is now considered, the report says, as illustrated by figure 3.2. to include further residential areas. At this stage, it is not clear whether the introduction of this new expanded area will further reduce annual average NO<sub>2</sub> across the AQMA, however it is certainly not addressing air quality improvement. Therefore its use as a meaningful target against Objective 2 , improving health and well being is not sound. It does not relate in any direct way to policy CP13 Infrastructure and Delivery. The impact of Policy B1 on the AQMA or on air quality within it is not tested even though the SA September 2011 raises this concern as a major negative effect. The impact upon existing residents in the AQMA, perhaps upto 10% of Bath's population, of Policy B1 is not assessed. The potential impact of locating a further 3500 new households, 100,000 m<sup>2</sup> of office space and a net increase of 5700 new jobs within the area of the River Corridor ( which is loosely aligned with the AQMA) is bound to have adverse impacts on air quality. See the extract below from the AQMA on air quality in 2009.

Coupled with the reduction in the Bath Transport Package and the retaining of 2000+ car parking spaces in the centre of Bath, this will only add to the pressure. It is acknowledged that the AQMA demonstrates that DEFRA modelling to 2016 will show an improvement in air quality in response to better vehicle engine emission rates however this is considered to be optimistic.

The Council should therefore review the impact on air quality of policy B1 and the impact of other proposed changes. Consider contingency plans if air quality standards are not being met and not wait until 2016.

It should be noted that the Council's latest assessment of the closure of MOD sites and the relocation of jobs to north Bristol will result in an extra 2300 commuting trips per day. Many of the staff are resident in Bath which will itself increase pressure on air quality in Bath. The SA September 2011 notes the poor connectivity of the Foxhill and Enleigh Sites, therefore any proposals for residential development in these locations needs to consider the impact of travel journeys into and through the AQMA.

Finally The Core Strategy Transport Modelling Technical Note 2011 indicates that the contribution that an urban extension at Odd Down would make to increased traffic flow



and congestion is minimal being approx. 10.1 % of the of the total number of trips assigned to the highway network AM peak. This also reflects the higher proportion of public transport trips that the Odd Down site will generate because of better connectivity to Bath. Locating employment space at Odd Down will also reduce the need for travel into and through the AQMA.

**Change sought to make sound:**

The introduction of the AQMA target for 2016 in the CS is meaningless and conceals a more significant problem that has been highlighted in the SA September 2011.

The actions in the AQMA are outside the policy area of the CS except with the exception of the Bath Package. The PCdCS will make the situation worse.

The concentration of development in the AQMA is only likely to make the matter worse and therefore the Council should seek to have a more balanced spatial plan that

distributes housing and employment as mixed use schemes across the city, at the MOD sites and at the Odd Down New neighbourhood. The monitoring of this Policy CP13

against objective 2 should therefore seek to set targets for housing and employment in outer Bath ( including Odd Down) at 5 yearly intervals together with access to regular

public transport provision into the centre of Bath.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:**

**LDF Consultee ID:** 301/PC/2

**Name:**

**Organisation:** South West HARP Planning Consortium

**Support:**  **Supporting Material:**

**Representation (soundness):**

Further Proposed Change 29

We note the proposed changes that an average of 35% of all homes will be affordable, according to this change. We also note the Council has produced an updated viability assessment, which notes that achieving a 35% affordable housing target will be extremely challenging in many areas, even with the introduction of the affordable rent product. The Ark Consultancy Viability Assessment states that:

'...ironically, the introduction of affordable rents and the new grant funding regime has worsened the outlook for viability and/or delivery of policy level affordable housing provision in the most challenging areas.'

This raises further questions about the appropriateness of the absence of a geographic split for the affordable housing target.

We also note that according to the Council's response to the Inspector's questions that the number of affordable homes to be delivered will be 3,000 and not 3,400 as stated here. This will have a very significant and detrimental impact on the affordable housing waiting list. As previously stated, we consider that 3,400 affordable homes was insufficient and merited an increase to the overall housing requirement.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:** FPC24

**LDF Consultee ID:** 318/PC/6

**Name:** Mr Rob Sanderson

**Organisation:** Ministry of Defence\_ Defence Infrastructure Organisation

**Support:**  **Supporting Material:**

**Representation (soundness):**

The proposed change to the title of column 4 of table 9 would benefit from additional clarity in order to present a more accurate description of the intent.

**Change sought to make sound:**

It is recommended that column 4 be amended to read "Performance Target" and that to align appropriately with this intent, column 3 be amended to read "Performance Indicator" which will add consistency and clarity to this table.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:** FPC25

**LDF Consultee ID:** 384/PC/3

**Name:** Ms Georgina Clampitt-Dix

**Organisation:** Wiltshire Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

FPC27 last point suggests that household surveys will be undertaken about once every five years. This could be put in more positive words such that 'household surveys will be undertaken regularly and as required to maintain the evidence base'.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:** FPC26

**LDF Consultee ID:** 821/PC/2

**Name:** Mrs Deborah Porter

**Organisation:** Cam Valley Wildlife Group

**Support:**  **Supporting Material:**

**Representation (soundness):**

Subject: Table 9 changes

Re Strategic objective, "Protect and enhance the District's natural, built and cultural assets and provide green infrastructure", Policy CP6, Environment\_ addition of an indicator

Cam Valley Wildlife Group's opinion is as follows

1. The addition of this indicator does not go far enough towards achieving the objective
2. Further indicators are necessary if the objective is to be realised
3. The additional indicator should be modified, as it is too conservative

Point 2

Additional indicators are needed, including

- the number and area of nature conservation sites and the area under good nature conservation management are increased
- the amount of high and good quality publicly accessible green space is increased in areas where there is insufficient access to spaces of this quality
- the number of new sites that have made an additional significant contribution to the coherence and function of the District's ecological network and to the coherence and/or function of ecological links extending beyond its boundaries

Point 3

Maintaining the area of priority habitat is not sufficient. There is a need to address a long-term decline in both the area and quality of priority habitat in the District, and a need to reverse biodiversity loss and the quantity of the biological resource of the District. Reversal of decline can only be achieved by positive steps to increase the present supply.

**Change sought to make sound:**

Suggested action: removal of the words, "maintained or" from the suggested additional indicator.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:** FPC28

**LDF Consultee ID:** 821/PC/3

**Name:** Mrs Deborah Porter

**Organisation:** Cam Valley Wildlife Group

**Support:**  **Supporting Material:**

**Representation (soundness):**

Cam Valley Wildlife Group's opinion is as follows

The addition of a percentage-specific indicator regarding development on previously developed land is not in itself an indicator of economic development, diversification and prosperity; such specification may cause a clash with delivery of priority habitat areas since the priority habitat, Open Mosaic on previously developed land, by description, occurs on such land. It is now well documented that such habitat can be of extremely high biodiversity value and even of equal biodiversity value to ancient forest. The best of these sites have been described as "Britain's rainforest" due to this biodiversity value.

We think that it is worth considering that there is a danger in too large a percentage of previously developed land being developed in order to meet a quota. The result of an unrealistically high percentage of development on such land could lead to increased pressure to develop this type of land in otherwise unsustainable locations and loss of sites of moderate biodiversity value that is rising. Previously developed land on its way to high quality UK BAP habitat, Open Mosaic on previously developed land, could prevent

this high biodiversity habitat in coming forward in the future. Given that this valuable resource can be of strategic value to the biodiversity network, including with regard to location and relation to the landscape, and given that it can occur in otherwise unsustainable locations, such as edge-of-town, it is important that B&NES is able to show that the figure of 80% is realistic in this Authority, and it has failed to do so because of its undervaluation of biodiversity and wildlife importance in the District. This was the case with the Draft Strategy and remains the case now.

Former industrial land may be found on the edges of towns and cities, as well as within them, in locations that could be considered unsustainable for other reasons.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:** FPC28

**LDF Consultee ID:** 1449/PC/1

**Name:** Mrs Dominique Russell SILCM

**Organisation:** Radstock Town Council

**Support:**  **Supporting Material:**

**Representation (soundness):**

Whilst the Council supports Bath and North East Somerset Council in prioritising brownfield sites first, the Council also recognises the biodiversity of some of those sites. The target of 80% should be carefully considered by the public enquiry. This refers to Pages 135-136, Table 9.

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Table 9: Monitoring of Strategic Objectives

**Proposed Change Reference:** FPC29

**LDF Consultee ID:** 2563/PC/5

**Name:**

**Organisation:** Guinness Trust

**Support:**  **Supporting Material:**

**Representation (soundness):**

We object to these targets because they are poorly expressed. They are neither capable of being meaningfully monitored nor triggering policy reviews if they are not achieved as the Plan period progresses.

We also object to the target of achieving an average of 35% affordable housing across all housing on large sites across the District should be on the basis that the Council's updated Viability Validation Study does not underpin this. To the contrary the Ark Consultancy Viability Assessment indicates that this will be extremely challenging in many areas, even with the introduction of the affordable rent product -

‘...ironically, the introduction of affordable rents and the new grant funding regime has worsened the outlook for viability and/or delivery of policy level affordable housing provision in the most challenging areas.’

This raises further questions about the appropriateness of the absence of a geographic breakdown of the affordable housing target.

We would support:

- A District-wide annual affordable housing target expressed as a number.
- A target percentage for affordable housing as a percentage of all homes across the District and broken down into geographical sub-areas, with Bath City duly prioritised

**Change sought to make sound:**

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference: Sustainability Appraisal**

**Proposed Change Reference: All changes**

**Draft Core Strategy Plan Reference:** Sustainability Appraisal

**Proposed Change Reference:** All changes

**LDF Consultee ID:** 276/PC/10

**Name:** Mr Matthew Macan

**Organisation:** Hignett Family Trust

**Support:**  **Supporting Material:**

**Representation (soundness):**

The Council have produced revised Sustainability Assessments September 2011 in support of Contingency Planning and the PCdCS. The findings of the SA are inconsistent and do not now support the policies in the dCS or the PCdCS.

Transport Assessment.

The HFT will contest the findings of the SA September 2011 as inaccurate and inconsistent in its judgement of Council’s policy in the dCS and PCdCS as compared to proposals for a New Neighbourhood and for ‘contingency plans’.

For example, the SA identified the Odd Down site as potentially having a major negative impact on Objective 15 ‘Reduce land, water, air, light and noise pollution’ and Minor negative impact on Objective 11 ‘Reduce the need and desire to travel by car’.

The SA cited the impact alone and in combination with MOD Foxhill on the A3062 and the A367 would cause additional pressure on the network and further that this would cause greater air and noise pollution from increased vehicles on this route.

In practice there is no evidence of this, indeed the Council’s own Transport Assessment entitled “ Core Strategy Transport Modelling Technical Note January 2011” contradicts these findings. The modelling included the dCS development plans ie Foxhill, and considered the range of 2000 homes or a lower figure of 750 homes at Odd Down New Neighbourhood. Extracts from page 4 and 5 of that study are set out below:

For Bath, an urban extension at Odd Down produced a greater proportion of public transport trips, reflecting the increased connectivity to the existing public transport

network serving Bath. ....

The reduction in trips on the highway network associated with reducing the level of development at the Odd Down site in Bath, is only around 0.1% of the total trips assigned to the highway network in the AM peak hour 2031 forecast year. As such, the relative impacts of the less-developed site tested are similar to those effects experienced for the full development.....

Table 3 indicates that reducing an urban extension at Odd Down from 2,000 to 750 dwelling has little effect on the overall highway and public transport network performance. This is because an urban extension represents a very small proportion of total trips in the AM peak period (0.1-0.25% of trips in GBATH)....

Therefore, the effect of not planning for an urban extension to Bath is minimal, but the reduction in job growth is more significant, with approximately 3,050 fewer commuting trips.....

This study finds that the Odd Down New Neighbourhood actually improved public transport take up and despite Foxhill and an enlarged scheme of upto 2000 homes at Odd Down, the study found no significant impact on the network ,including the A3062 or the A367 .

No detailed assessment or modelling has been carried out on the impact of Foxhill changes however we know from the SA that the connectivity of this location does not score well ,with the SA identifying minor negative scores against Objective 1 ,10 and 11. In contrast Odd Down New Neighbourhood scored major positive against Objectives 1 and 10 and minor negative against Objective 11, with no basis in evidence other than 'additional pressure o the network'. Indeed odd down should score major positive against this Objective.

Turning to air quality objectives, these are confirmed in the setting of new targets in the PCdCS for air quality. A separate representation HFT PC CP13 will address this, however the A367 and the A3062 lie outside the AQMA, which encompasses the central Bath area and river corridor. There is no evidence that air quality problems will be encountered at these locations as a result of the Odd Down New Neighbourhood, indeed they may improve as a result of increased public transport patronage , localised employment accessible by foot and bicycle and by decreased in-commuting into Bath from outside communities.

The SA September 2011 does however highlight air quality in the AQMA as significant problem for the City of Bath and a problem that will worsen as a result of the proposed changes in PCdCS. This includes Foxhill and the other MOD sites. The response by the Council is to include a new target of annual average concentration across the AQMA of Nitrogen Dioxide not to exceed 40 microgrammes/m3 by 2016.

This is a hugely ambitious target and contains no details of how the Council will achieve it or how policy in Bath ( B1) has been developed to support it. What is surprising is that the SA concludes that the introduction of this target has no material effect on sustainability and have therefore not been assessed.

**Change sought to make sound:**

The SA September 2011 must be objective and therefore needs to be amended to be consistent with the evidence that is forthcoming and not seek to support Council policy for its own sake.

The SA should take account of the evidence of Odd Down New Neighbourhood so it can properly address alternatives.

**Representation (legal compliance):**

**Change sought to make legally compliant:**

**Draft Core Strategy Plan Reference:** Sustainability Appraisal

**Proposed Change Reference:** All changes

**LDF Consultee ID:** 276/PC/23

**Name:** Mr Matthew Macan

**Organisation:** Hignett Family Trust

**Support:**  **Supporting Material:**

**Representation (soundness):**

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."

Transport Assessment.

The HFT will contest the findings of the SA September 2011 as inaccurate and inconsistent in its judgement of Council's policy in the dCS and PCdCS as compared to proposals for a New Neighbourhood and for 'contingency plans'.

For example, the SA identified the Odd Down site as potentially having a major negative impact on Objective 15 'Reduce land water air light and noise pollution' and Minor negative impact on Objective 11 'Reduce the need and desire to travel by car'.

The SA cited the impact alone and in combination with MOD Foxhill on the A3062 and the A367 would cause additional pressure on the network and further that this would cause greater air and noise pollution from increased vehicles on this route.

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This study finds that the Odd Down New Neighbourhood actually improved public transport take up and despite Foxhill and an enlarged scheme of up to 2000 homes at Odd Down, the study found no significant impact on the network, including the A3062 or the A367.

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This is a hugely ambitious target and contains no details of how the Council will achieve it or how policy in Bath (B1) has been developed to support it. What is surprising is that the SA concludes that the introduction of this target has no material effect on sustainability and have therefore not been assessed. We will address this in other representations as well.

The most SA September 2011 identifies the potential risks to the SAC and the need for an Appropriate Assessment (AA) to be carried out before going ahead. The HFT have corresponded with the Council requesting the carrying out of an AA ahead of any inquiry sessions (attached). It has been agreed to bring this before the Inspector following this consultation. The proposed Strategic Policy for the New Neighbourhood set out below includes appropriate safeguards for the SAC.

***Change sought to make sound:***

***Representation (legal compliance):***

***Change sought to make legally compliant:***

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