

From: [REDACTED]
Sent: 08 January 2019 20:03
To: Local Plan
Subject: Local Plan Consultation Nov 18 - FoBRA comments
Categories: Green Category

Dear Planning Policy,

A small editing point: in FoBRA's comments, submitted 5th Jan, there should be a main heading "**4.21 Transport in Bath**" after the entry for 4.20.

Robin Kerr



Chairman, Federation of Bath Residents' Associations
3 Lansdown Place East
Bath BA1 5ET

[REDACTED]
www.bathresidents.org.uk
01225 311549, 07767 788366

-----Original Message-----

From: Local Plan <Local_Plan2@BATHNES.GOV.UK>
Sent: 05 January 2019 10:52
To: [REDACTED]
Subject: Automatic reply: Local Plan Consultation Nov 18 - FoBRA comments

Consultation on the Bath & North East Somerset Local Plan Options (Winter 2018)

Thank you for your representation (s) on the Local Plan Options. Please treat this email as acknowledging receipt of your representation(s).

All comments received during the consultation period, which ends on Monday 7 January 2019, will be published online in due course. Please note that names will also be published.

You can also respond on-line and keep up to date with process on the emerging Bath & North East Somerset Local Plan 2016 – 2036 by checking the webpage www.bathnes.gov.uk/localplan2016-2036 for the latest information.

Please email us at planning_policy@bathnes.gov.uk , if you would like to be included on the Planning Policy Mailing List and receive updates about future consultations on Planning Policy documents including the Local Plan. Please also be aware that you can unsubscribe at any time.

As part of the planning process we collect and publish personal information, please see our corporate privacy notice: www.bathnes.gov.uk/council-privacy-notice.

The contents of this email message, and any attachments, are confidential and intended solely for the use of the individual or entity to whom they are addressed. The message does not necessarily express the views of Bath & North East Somerset Council and should be considered personal unless there is a specific statement to the contrary.

If you have received this email in error you may not take any action based on it, nor should you copy or show this to anyone; please reply to it and highlight the error to the sender, then delete the message from your system.

The provision of links to Web sites which are not part of the Bath & North East Somerset Council domain are provided for convenient information sharing purposes. The Council is not responsible for the reliability of these links, or the information provided, and it is not intended to imply endorsement of the site.

Subscribe to Inform - the free weekly e-newsletter from Bath & North East Somerset Council

Click <http://www.bathnes.gov.uk/inform3>

Making Bath & North East Somerset – the place to live, work and visit.

Scanned by the Clearswift SECURE Email Gateway.

www.clearswift.com



FoBRA comments on Local Plan Options Consultation document November 2018

General

There are some encouraging signs that issues about student housing, HMOs, short-term lettings and hotel growth are recognised, but FoBRA believes the policy response generally is uneven and still inclines to accommodate the market rather than determining what is in the balanced interests of the city and its residents. The proposed overall approach is too strongly market driven, while noting the acute housing shortages and other stresses this causes. The continuing reduction of local authority funding no doubt contributes to this disappointing response.

Vision Statement

As discussed with Planning Officers on 20 November it was surprising to note that the document contains Vision statements for Keynsham (p59), North Keynsham (p71) and Somer Valley (p118), but there is no Vision for Bath, the most important urban centre in B&NES and a World Heritage Site. While this may not have been an oversight, and we were re-assured that the new Local Plan would indeed include an appropriate vision statement, we still believe that even the draft document should include one.

The Core Strategy and the PMP include what is called a Vision for Bath (para 10 of the consolidated PMP, July 2017 (copy at Annex)). However, this is less a vision statement than a series of policies comprising the Spatial Strategy, and it also makes no mention of transport as a key enabler of an improved public realm. We suggest a Vision statement on the following lines:

Vision for Bath

Bath's natural, historic and cultural assets, which combine to create a unique sense of place of international significance, will be conserved and enhanced to maintain the city's key competitive advantage and unique selling point as a high quality environment, to live, grow a business, visit and invest.

Bath will be a beautiful city in a green setting, with vibrant public spaces, a historic centre free of all but essential traffic, clean air, good mobility and excellent transport infrastructure.

4.3 Housing Provision

4.3.3 Key Challenges.

FoBRA agrees that there is a need to bring forward a suitable mix of housing types and sizes but would propose that the Local Authority introduces more robust policies within the Local Plan to encourage developers to adhere more closely to the MHCLG optional regulations and space standards. While it is accepted that the policy must be based on

evidence of local need and that viability is not compromised, Bath surely has this evidence, and viability must always be challenged assiduously. The introduction of stricter guidelines for room space standards similar to Parker Morris, as is achieved for example in London, Bristol and Southampton, should deter developers from building rabbit hutches. Although it is recognised that space standards are driven by central government, Local Authorities can strengthen these to suit. It defies logic that developers of affordable housing have to adhere to space standards but market housing does not.

The JSP requires 300 extra dwellings to be created in Bath. FoBRA's position, supported by the 2018 Visitor Accommodation Study, is that over 1000 properties have already been given over to short-term lets, which surely dwarfs the increase in dwellings that is required. However, Para 4.3.2 also acknowledges, without seeking to quantify it, that growth in HMOs and Short Term Lets is placing increased pressure on the housing stock. Para 4.3.3 which highlights the challenge of how to manage the growth in the use of dwellings as Short Term Lets, is a step forward, but is too weak: The Local Plan should emphasise stopping this growth or rolling it back rather than simply managing it.

Universities and Student Accommodation

4.4 University Growth & Student Accommodation

4.4.1 The current policy which seeks to steer additional student bed spaces to university campuses is patently not working.

4.4.2 It is agreed that the ongoing demand for HMOs is due to the fact that they generally provide cheaper accommodation than PBSA. It is also due to the fact that PBSA provision has not matched university expansion.

4.4.3 FoBRA agrees that a clear strategy is needed to accommodate university growth and has been calling - in vain - for a Student Housing Policy for years, if not decades.

4.4 Houses in Multiple Occupation (HMOs)

4.4.1 The B&NES HMO SPD is not fit for purpose in that the 10% threshold is flawed, being based on Census Output Areas rather than say a circle of 100m radius centred on an HMO application site. This has been the subject of inconclusive separate meetings and correspondence with the Cabinet Member for Development and Planning Department officers.

4.4.2 FoBRA welcomes additional HMO licensing from January 2019.

4.7 (and 4.15) - Visitor Accommodation

This understates the adverse impact of the rapid growth of short-term lettings, including large 'party' or 'group' houses. As FoBRA understands it, some 1000 properties in Bath are now operating as short-term rentals, which means that they have been removed from the domestic renting market. Thus has at least two important effects:

- It is far more difficult for B&NES to achieve its aim of increasing long-term housing availability. Para 4.3.3 states that the JSP calls for 300 additional homes to be provided in the city, but the Council is already starting 1000 down.
- The lack of housing in the city has a direct effect on transport. People who work in Bath but are unable to find accommodation in the city add to the already high levels of commuting, adding to the traffic congestion and air pollution in Bath.

Therefore, FoBRA believes that the Council needs to take a more robust approach and proposes:

para 4.7.2 second bullet, amend as follows:

- There has been rapid growth in the short-term letting of residential properties, which has reduced the existing housing stock. The shortage of accommodation for people working in Bath also adds to the already high levels of commuting, exacerbating the severe problems of traffic congestion and air pollution in Bath.

para 4.7.2 third bullet, amend as follows:

- Short-stay bookings through various booking platforms such as Air B&B are impacting on traditional B&B/Guest House sector and some short term let properties (particularly 'group houses') are causing issues including noise and nuisance to the neighbouring properties.

There really is no question that some of these party houses cause disturbance to the neighbouring residents.

para 4.7.3 third bullet, amend as follows:

- Control the number of short term residential letting properties. In the case of 'group houses', use planning control to close down properties that are established as being operated in contravention of residential (C3) use.

The Council has recently ordered one such property in Greenway Lane to close, based on evidence of the abuse of residential use.

Transport

Purpose and Scope of the Options Document

1.3.4, p5. This states that B&NES Council will be consulting on options for transport routes associated with the Strategic Development Locations; transport improvements related to the Somer Valley Enterprise Zone; and improvements to Keynsham High Street. The Bath Transport Strategy has yet to be implemented; why is there no reference to consultation on implementing the Bath Transport Strategy?

Proposed amendment: add at end of second sentence: "and the implementation of the Bath Transport Strategy."

FoBRA notes that there is detailed discussion of road and transport options for these the strategic location of Keynsham, Woodstock and the Somer Valley but, disappointingly, none for Bath.

Paragraph 4.8, p31. This fails to capture the scope of the current policy for transport in Bath, as set out in the adopted Core Strategy and supporting documents:

B&NES Core Strategy, 2014, page 51 paragraph 2.17b

"The intention is that *the centre should be predominantly car-free* by the end of the period covered by the Core Strategy, 2029."

Bath Transport Plan, 2014 – Vision statement

"Bath will enhance its unique status by adopting measures that promote sustainable transport and *reduce the intrusion of vehicles, particularly in the historic core*. This will enable more economic activity and growth, while enhancing its special character and environment and improving the quality of life for local people".

B&NES Placemaking Plan, 2017, page 26, paragraph 82

"The delivery of the [Bath transport] strategy is essential to enable the city to meet its growth objectives and to improve the quality of life within the city. Its delivery will work towards the creation of *a city centre that is free of all but essential traffic*, and which provides an environment that is attractive for businesses and visitors on which the city's economy relies, as well as for those who live and work in Bath".

B&NES Public Realm and Movement Strategy (PRMS), 2010, p4

"The strategy puts forward a series of measures to *address traffic movement within and around the centre of the city* in order to establish a network of beautiful new and reclaimed public spaces [and] successful streets."

If these statements no longer represent B&NES Council's policy, that would represent a major change to the current adopted Core Strategy, which should be made clear and the Council's reasons for proposing to change the strategy fully explained and justified. On the assumption, however, that Council policy on transport in Bath remains unchanged, we propose that the Local Plan should include a policy in the Sustainable Transport series drawing together these references, on the following lines:

BTH/ST Transport policy for Bath

Policy approach: To create a city centre free of all but essential traffic, which provides an environment that is attractive for the businesses and visitors on which the city's economy relies, as well as for those who live and work in Bath. Good access will be maintained by sustainable alternatives to the private car including improved facilities for walking and cycling, improved public transport and expanded and improved park-and-ride. The Bath Transport Strategy will be implemented, which will in turn enable the full implementation of the Bath Public Realm and Movement Strategy.

Paragraph 4.8.1 quotes selectively from the Bath Transport Strategy, omitting its main aim, and fails completely to capture the aspiration set out in adopted Council policies radically to reduce traffic in Bath and transform the city centre. Amend on the following lines:

"4.8.1 Current Policy:

- Our aim is to create a city centre that is free of all but essential traffic.
- This will be accomplished by implementing the Bath Transport Strategy, which in turn will enable the full implementation of the Bath Public Realm and Movement Strategy. The Bath Transport Strategy sets out a range of measures, including:
 - A walking/cycling strategy to make Bath the UK's most walkable city.
 - Improved accessibility for people with mobility impairments.
 - A parking strategy to support economic growth but at the same time reducing the amount of off-street spaces within the city centre.
 - A traffic management plan for the city.
 - More use of public transport to reduce the number of cars entering the city, including expanded and improved Park and Ride provision.
 - Better management of Heavy Goods Vehicles within the city.
- In parallel we will implement the Clean Air Plan for Bath."

Paragraph 4.8.3 Amend to read as follows:

"4.8.3 Key challenges:

- To implement the Bath Transport Strategy and reduce traffic in Bath, particularly in the historic core, while maintaining good connectivity and access for residents, businesses, people working in Bath, and visitors.
- To improve air quality.
- To undertake transport and access improvements and major capital infrastructure projects to facilitate growth in housing numbers and jobs, while minimising the adverse effect of traffic.
- To balance the need for new development with minimising traffic congestion and making places more accessible by sustainable modes of transport.

- To deliver phased expansion of the existing Park and Ride sites and new Park and Ride provision, firstly to the east of the city.
- To manage parking provision within the city. The PMP set parking standards for various uses but the standards for Residential, Purpose Built Student Accommodation and Houses in Multiple Occupation need to be reviewed. (Please see Chapter 8)
- The JSP requires the Local Plan to identify and allocate strategic development sites in North Keynsham and Whitchurch, an additional 300 homes in Bath, plus non-strategic sites to accommodate around 700 homes. The transport implications for the city will be carefully considered in assessing potential development sites."

paragraph 4.10.2 Add to start of list of key priorities:

- Reduce the volume of traffic, especially in the historic core.

4.15 Visitor Accommodation

While paragraph 4.7.3 also recognises that hotels aggravate the scarcity of land in the city. Para 4.15.2 suggests that the allocation of city centre sites for development for other higher priority uses such as residential and offices is a means by which further city centre hotel development can be managed. Policy BTH 3 (p35) proposes not to specify hotel bedroom growth targets in the Local Plan policy and not to identify or allocate sites for further hotel development. This is good in principle, but the hotel business is assiduous in seeking out sites and pursuing their development vigorously. There is no consideration of the fundamental question, how many visitors do we actually want, and do we wish to place a limit on the quantity of visitor accommodation?

4.15.1 states there is no short-term need for further hotel development but then refers to the Visitor Accommodation Study that says there is likely to be some limited 'market' capacity for budget hotels after 2021. 2021 is 'short-term' in FoBRA's view. This study also reflects the impact of recent hotel development on the existing Guest House businesses, not to mention AirBnBs, so is there truly a need for more budget hotels?

4.16 Bath's Universities

4.16.2 FoBRA agrees that further PBSAs should only be allowed on campus and should be affordable. It is generally accepted that communities become unbalanced when either HMOs represent 10% of households in the immediate area (e.g. within 100m) OR occupants of HMOs and/or PBSAs represent 20% of the local population. As such, PBSA (including existing) should certainly be included in the HMO cap (10% proportion) referred to.

FoBRA strongly agrees that a condition of permitting further university academic/research space must be that additional student accommodation is provided on-campus. An unsuccessful attempt to achieve this was made by FoBRA with the recent major planning application for the new University of Bath School of Management.

All further demand for student accommodation in Bath should be met by the universities on-campus. It is noted from Diagram 12 (p.45) that the University of Bath proposes to build between 744 and 930 additional campus bed spaces over the plan period while from Table 1 (p.40) it can be deduced that it expects student numbers to increase by more than this number. Increases in student numbers in any one year should be capped to the number of additional campus bedspaces provided beyond the current provision. The daily transportation of thousands of students from the city to the university campuses and back contributes very significantly to Bath's pollution and congestion problems.

FoBRA agrees that there should be no further release of Green Belt land.

4.16.4 Table 1 should be expanded to show the individual contributions to bedspace demand made by each of Bath's two universities. FoBRA notes that 124 student HMOs could be needed by 2025 if no further PBSAs are built and (from Table 1) that this number

would increase to 264 by the end of the plan period (but see 4.16.6 below). This simply emphasises the need to ensure that further university expansion is matched by the provision of new campus accommodation in parallel.

4.16.5 FoBRA is unaware of any recent 'Topic Paper on the Universities' and requests a copy.

4.16.6 FoBRA notes that UoB is forecasting up to 1.0% growth per annum beyond 2022/23 yet the draft Local Plan assumes that numbers are maintained at the 2022/23 level through to the end of the plan period. Based on previous actual vs forecast historical UoB student numbers, FoBRA strongly suggests that the Local Plan assumes the higher growth rate of 1.0% during this period. This would very significantly change the assumed 'Cumulative additional bedspaces needed from the 2018/19 baseline' (Table 1) from 1,054 to 3,422 or, in terms of HMO demand, from 264 to 855.

4.16.10 FoBRA is pleased to note that 'there may be sufficient capacity on the Claverton Campus to accommodate forecast further growth for both academic space and student accommodation'. As stated above, planning permission for future academic space must be conditional on providing campus accommodation for all additional student numbers in any given year. UoB Masterplans have traditionally been very much a snapshot of the maximum that might be built rather than what will be built. For example, the extant UoB Masterplan includes up to 2,500 bedspaces, of which only 1,000 have materialised to date.

4.16.12 As discussed above, fewer PBSAs are planned for the UoB Claverton Campus (between 744 and 930) than the projected increase in student numbers assuming zero UoB growth beyond 2022/23. If a more realistic 1% p.a. growth is assumed (as discussed above), this shortfall could be as high as 3,422 bedspaces by the end of the Plan period. It is therefore highly unlikely that enough additional PBSAs will be built on the Claverton campus to 'free-up' accommodation for occupation by BSU students as suggested.

4.16.13 For the reasons given above, FoBRA strongly agrees that it would be appropriate, indeed essential, to '*prioritise new student accommodation development on campus, rather than making provision elsewhere in the city*', as suggested here.

4.16.14 FoBRA strongly agrees with the statement that: '*where this would lead to increased numbers of students it is proposed that an application for new academic/teaching space must be supported by the provision of additional equivalent student accommodation on campus*'.

BTH4 Proposed Policy Options for student accommodation and University and academic & research space. For the reasons discussed above, FoBRA proposes that Option 3 should be deleted, and prefers Option 1 over Option 2.

4.17 Affordable Student Accommodation

FoBRA agrees with BTH5 Proposed Policy approach for affordable purpose built student accommodation. For the reasons given above, all such accommodation should be provided on campus.

4.18 Large-scale purpose-built shared living

The B&NES HMO SPD is not fit for purpose in that the 10% threshold is flawed, being based on Census Output Areas rather than say a circle of 100m radius centred on an HMO application site. Neither does it take into consideration the effect of nearby PBSA. FoBRA agrees with BTH6 Proposed policy approach: for large-scale purpose-built shared living.

4.19 University of Bath

4.19.4 FoBRA is broadly in agreement with Diagram 12 which indicates potential campus development areas. It particularly endorses the concept of decked parking (which it has long called for) and potential development areas being generally sited away from

neighbouring residential areas. However, the decked car park planned just north of The Avenue (centre of Diagram 12) will need to be carefully designed to minimise the effects of noise, light and pollution on residences to the south.

4.19.6 FoBRA considers that a definition of the 'appropriate capacity of the campus' is well overdue, not only in respect of the continued pressure on the Green Belt and Cotswolds AONB, but also in terms of the effect on pollution and traffic congestion of daily transporting thousands of students between city and campus, and the effect on Bath's housing availability, particularly demand for HMOs and PBSAs. This 'appropriate capacity' should be set urgently, and before UoB's upper forecast of long-term 1.0% p.a. growth (para.4.16.6) is agreed. Subject to these comments, FoBRA agrees with BTH7 Proposed policy approach for Bath University Claverton campus and considers itself to be one of the 'key stakeholders' referred to in this paragraph.

4.20 Bath Spa University

4.20.2/3 FoBRA agrees with the aspiration of consolidation, as far as possible, of BSU's existing estate onto its Newton Park campus to encourage more sustainable patterns of transport and allowing the possible release of other sites in the city for alternative uses. However, FoBRA does not support the suggestion that the campus should be removed from the Green Belt and therefore supports only Option 1 of BTH8 Policy Options for Bath Spa University Newton Park Campus.

4.21.1 Amend as follows:

"4.21.1 The Core Strategy and the Bath Transport Strategy emphasise the need to reduce traffic volumes, especially in the city centre. This will require reducing car dependency and promoting alternative, sustainable, modes of transport in order to make places more accessible and help create healthier environments for all. This is also necessary in order to mitigate and manage the transport implications of accommodating additional economic growth and housing in the City, as well as improving air quality."

4.21.2 Add at end:

"..., although the impact of the CAZ on congestion will dissipate rapidly as all but a few of the vehicles on the road become compliant."

4.21.3 Amend as follows:

"4.21.3 The B&NES Parking Strategy recognises that setting appropriate levels of parking provides an important policy control on the volume of traffic entering the city. The Bath Transport Strategy calls for reduced off-street public parking capacity in central areas. Parking control will be used to limit traffic generated by new development in the city, particularly those acting as trip attractors, in order to discourage additional vehicle trips being made into the congested central area."

8.6 Regeneration of Social Housing

The surrounding explanation to Development Management Policy DM4 titled 'Proposed Policy approach options for the regeneration of Social Housing' suggests that the Council proposes a tightening up of the existing policy to protect social housing from being lost through the argument of lack of viability. However, while Option 1 states:

'Where the redevelopment /regeneration of areas of social housing is supported it is required that there will be no net loss of affordable housing subject to social balance considerations.'

Option 2 concludes '...social balance and viability considerations. The consideration of viability must take into account the cost of repairing or refurbishment of the existing properties.'

It seems, therefore, that Option 2 would fail to achieve the objective of tightening up the policy. As it states in para 8.6.5 (see below), the revised NPPF promotes an approach of viability being tested at the plan-making stage to ensure Local Plan policies are deliverable – so viability should not need to be tested in determining individual planning applications. **'This would suggest that the Local Plan Policy itself should not explicitly reference viability testing.'**

FoBRA therefore concludes that Option 1 should be chosen.

R G Kerr, Chairman

Final, 5th Jan 19

"The Vision (see para 2 of these comments)

What the spatial strategy is seeking to achieve:

Bath's natural, historic and cultural assets, which combine to create a unique sense of place of international significance, will be conserved and enhanced to maintain the city's key competitive advantage and unique selling point as a high quality environment, to live, grow a business, visit and invest.

The scope further to improve Bath's environmental quality will form the foundation of efforts to boost the city's profile as a more competitive and economic centre. The realisation of a range of development opportunities within the Central Area and Enterprise Area will greatly improve the city aesthetically and also enable Bath to position itself as a more entrepreneurial, innovative, creative and business friendly place. Economic development and productivity will therefore be stimulated and facilitated, whilst simultaneously upgrading inherited townscape.

Where possible the built environment will evolve in a more energy and resource efficient manner and renewable and sustainable energy, appropriate to the Bath context will be introduced, alongside measures to mitigate and adapt to climate change and to pursue a reduced carbon economy. The delivery of new housing is a vital component of the vision and will help to create a sustainable relationship between the city's labour and job markets and support Bath's economic potential.

The need for more housing will enable the regeneration of many areas within the city. Where development is needed on the edge of Bath it will be positioned, master planned and designed to sustain the 'significance' of Bath's heritage assets and the integrity of its landscape setting. Parallel investment in public transport infrastructure and walking and cycling routes will keep the city moving and enable more sustainable travel choices to be made.

Bath's already strong identity as a therapeutic place will be enhanced by boosting its performance as an enjoyable city for leisure, recreation and shopping with a vivacious cultural scene and a highly valued green infrastructure network."

From: Sarah Hillberg [REDACTED]
Sent: 07 January 2019 20:46
To: Local Plan
Subject: Reference: Bath and North East Somerset Council Local Plan 2016-2036 /
Categories: Green Category

Planning. Policy January 7th 2019
B&NES, Lewis House,
Manvers Street,
BATH BA1 1JG

Reference: Bath and North East Somerset Council Local Plan 2016-2036 / www.bathnes.gov.uk/services/planning-and-building-control/planning-policy/local-plan-2016-2036

Dear Sir / Madam

Following on from your recent consultation meetings at Whitchurch Community Centre and St Augustines Church, I am writing to register my concerns and disapproval of the planned developments, with particular reference to the South Orbital Highway link and the proposed site of any link road with Whitchurch Lane.

I believe that this proposal will have a serious and long-lasting negative effect on the Green Belt south of Bristol and will lead to urban sprawl. This is clearly indicated in your own document entitled "Local Plan: Part 1 Green Belt Assessment: Whitchurch Strategic Development Location".

As a parent of 2 young pupils attending Bridge Farm Primary School, my primary concerns are centred around the proposed ring road route adjoining Half Acre Lane and Whitchurch Lane, which the school grounds back onto.

At present, Whitchurch Lane and the adjacent roads all currently have a 20mph speed limit. These are enforced for the safety of the children and local residents. The roads are used for dropping off and picking up pupils as well as on weekends for those using the schools facilities for sporting and recreational activities. Increasing the speed limit to even 30mph as suggested, introducing more and varied traffic and restricting the amount of on-street parking in this area will have a major impact on road safety and the lives of the school's pupils. It will also have a major impact on all the surrounding side streets, this includes extra parking especially at school pick up/drop off. As the streets are not currently wide enough to double park, it will leave drivers no choice but to park upon the pavements, blocking views, damaging pavements, children in danger when crossing the roads and danger to children playing outside. These surrounding streets are very quite and family orientated which will change drastically if the opposed plans go ahead.

This is compounded by an increase in road noise and air pollution around the site of a 630 place primary school. Air pollution already exceeds the National guidelines and it is estimated that the proposal will add an additional 5000 cars to already congested roads, which yet you want to increase even further. This increase will bring along more health problems which over time will have a knock on effect on the already struggling NHS.

The school has two busy crossing points on Whitchurch Lane as well as a school entrance on Half Acre Lane. Traffic flow has already been identified by Bristol City Council as a cause for concern, especially at peak times. This will have further impact on these roads with the health and safety of the pupils/parents at Bridge Farm Primary School.

How do you expect parents with 1/2/3 young children to cross these roads safely when there will be massive increase in vehicles and increase in speed, this is beyond a joke and really baffles me into why you think this would be a great idea in surrounding a 630 pupil primary school with a ring road. It's infuriating, and angers me that i cannot express in words how my family and I feel.

In fact, Bristol City Councils own "South East Bristol and Whitchurch Transport Package Options Assessment Report" states that travel times heading along Whitchurch Lane will increase. Any proposal to funnel more varied traffic along this route will only compound matters further.

I strongly believe that the peaceful family Whitchurch area is not the place for the new ring road. The roads and streets are not wide enough, local enmities will be effected and the school will be ruined. It will be like putting a bomb into the area and blowing it all up. I also believe that there are better areas that the ring road could go, where there are already busier roads/dual carriage ways in place and industrial estates more green waste land to build upon. I don't think that the plans have been thought through well enough to realise what a major impact that this will have all round!

In conclusion, the Local Plan 2016-2036 illustrates how the proposals will have a major negative impact on the green belt, the existing local residents, wildlife (and habitat), ecology, eco system, local services, traffic volumes and pollution. It compromises the health and safety of pupils and parents of Bridge Farm primary School and as such, I am fiercely opposed to such a ridiculous proposal.

Yours faithfully,

Mr Lee Ford

Parent of Bridge Farm Primary School.

Sent from my iPhone

From: Lee Ford [REDACTED]
Sent: 07 January 2019 20:55
To: Local Plan
Subject: Reference: Bath and North East Somerset Council Local Plan 2016-2036 /
Categories: Green Category

Planning. Policy January 7th 2019

B&NES, Lewis House,
Manvers Street,
BATH BA1 1JG

Reference: Bath and North East Somerset Council Local Plan 2016-2036 / www.bathnes.gov.uk/services/planning-and-building-control/planning-policy/local-plan-2016-2036/

Dear Sir / Madam

Following on from your recent consultation meetings at Whitchurch Community Centre and St Augustines Church, I am writing to register my concerns and disapproval of the planned developments, with particular reference to the South Orbital Highway link and the proposed site of any link road with Whitchurch Lane.

I believe that this proposal will have a serious and long-lasting negative effect on the Green Belt south of Bristol and will lead to urban sprawl. This is clearly indicated in your own document entitled "Local Plan: Part 1 Green Belt Assessment: Whitchurch Strategic Development Location".

As a parent of 2 young pupils attending Bridge Farm Primary School, my primary concerns are centred around the proposed ring road route adjoining Half Acre Lane and Whitchurch Lane, which the school grounds back onto.

At present, Whitchurch Lane and the adjacent roads all currently have a 20mph speed limit. These are enforced for the safety of the children and local residents. The roads are used for dropping off and picking up pupils as well as on weekends for those using the schools facilities for sporting and recreational activities. Increasing the speed limit to even 30mph as suggested, introducing more and varied traffic and restricting the amount of on-street parking in this area will have a major impact on road safety and the lives of the school's pupils. It will also have a major impact on all the surrounding side streets, this includes extra parking especially at school pick up/drop off. As the streets are not currently wide enough to double park, it will leave drivers no choice but to park upon the pavements, blocking views, damaging pavements, children in danger when crossing the roads and danger to children playing outside. These surrounding streets are very quite and family orientated which will change drastically if the opposed plans go ahead.

This is compounded by an increase in road noise and air pollution around the site of a 630 place primary school. Air pollution already exceeds the National guidelines and it is estimated that the proposal will add an additional 5000 cars to already congested roads, which yet you want to increase even further. This increase will bring along more health problems which over time will have a knock on effect on the already struggling NHS.

The school has two busy crossing points on Whitchurch Lane as well as a school entrance on Half Acre Lane. Traffic flow has already been identified by Bristol City Council as a cause for concern, especially at peak times. This will have further impact on these roads with the health and safety of the pupils/parents at Bridge Farm Primary School.

How do you expect parents with 1/2/3 young children to cross these roads safely when there will be massive increase in vehicles and increase in speed, this is beyond a joke and really baffles me into why you think this would be a great idea in surrounding a 630 pupil primary school with a ring road. It's infuriating, and angers me that i cannot express in words how my family and I feel.

In fact, Bristol City Councils own "South East Bristol and Whitchurch Transport Package Options Assessment Report" states that travel times heading along Whitchurch Lane will increase. Any proposal to funnel more varied traffic along this route will only compound matters further.

I strongly believe that the peaceful family Whitchurch area is not the place for the new ring road. The roads and streets are not wide enough, local enmities will be effected and the school will be ruined. It will be like putting a bomb into the area and blowing it all up. I also believe that there are better areas that the ring road could go, where there are already busier roads/dual carriage ways in place and industrial estates more green waste land to build upon. I don't think that the plans have been thought through well enough to realise what a major impact that this will have all round!

In conclusion, the Local Plan 2016-2036 illustrates how the proposals will have a major negative impact on the green belt, the existing local residents, wildlife (and habitat), ecology, eco system, local services, traffic volumes and pollution. It compromises the health and safety of pupils and parents of Bridge Farm primary School and as such, I am fiercely opposed to such a ridiculous proposal.

Yours faithfully,

Mr Lee Ford

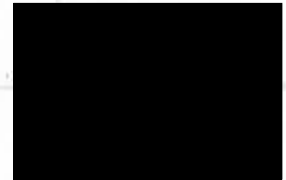
Parent of Bridge Farm Primary School.

Sent from my iPhone

From: Fay Foundling [REDACTED]
Sent: 29 December 2018 22:26
To: Local Plan
Subject: Bristol south ring road objection

Categories: Green Category

- >
- >
- > I STRONGLY OBJECT TO THE PLANS. Please register my objections.
- >
- > I write to you as a resident who lives within Bristol City Council but will be affected by the BANES/Bristol City Council decisions..
- > I understand that BANES have proposed a new link road that will link up with the Bath Road with an existing residential road in Whitchurch, to form part of the Orbital highway. The proposed road ends on the boundary between the two councils at Ridgeway Lane and Whitchurch Lane.
- > If this goes ahead, the increased traffic will spew into Whitchurch Lane.
- >
- > Whitchurch Lane has a primary school right next to it, the pollution will be horrendous! It has a 20 mile an hour speed restriction, a 7.5 ton weight restriction and traffic calming measures (speed humps). The road is not suitable to receive all this additional traffic from the new road that BANES would like to install. The reasons that all, of the above mentioned, were put in has NOT gone away, therefore are still very much needed. Whitchurch Lane is a residential area with houses on both sides.
- >
- > In addition, BANES want to build 2500 houses in Whitchurch village. There appears to be plans for houses without any consideration to the impact on the existing infrastructure or facilities of the area, in which I live.
- >
- > • There is very little employment, people will have to travel out of the area for work, that means using cars as the public transport is limited.
- > • There are NO shops in the village. Again more car use.
- > • There is no senior school within walking distance • No additional
- > doctors surgeries planned. BANES residents are already using Stockwood and Whitchurch Health Centres. These GP's are not coping with the patients that they have already, getting an appointment is already quite difficult!
- > • The area suggested for housing (and the road that leads to a residential area, is prone to flooding and has an abundance of wildlife on it.
- > I accept that Bristol needs a true ring road to take it to 2036 and indeed beyond. BUT that road has to be fit for purpose. I accept that people need homes to live in. BUT those homes need to be built primarily on brown field sites and have the roads, jobs, and support systems for the areas to flourish.
- > The new road and houses, as proposed, will NOT be of benefit to the majority residents in the area and will have a considerable negative impact on them, in very many ways.
- >
- > Please keep me updated with situation.
- >
- > Fay Foundling
- > Stockwood resident.



Planning Policy
B&NES, Lewis House,
Manvers Street,
BATH BA1 1JG

14th December 2018

Reference: Bath and North East Somerset Council Local Plan 2016-2036 /
www.bathnes.gov.uk/services/planning-and-building-control/planning-policy/local-plan-2016-2036

Dear Sir / Madam

Following on from your recent consultation meetings at Whitchurch Community Centre and St Augustine's Church, I am writing to register my concerns and disapproval of the planned developments, with particular reference to the South Orbital Highway link and the proposed site of any link road with Whitchurch Lane.

I believe that this proposal will have a serious and long-lasting negative effect on the Green Belt south of Bristol and will lead to urban sprawl. This is clearly indicated in your own document entitled "Local Plan: Part 1 Green Belt Assessment: Whitchurch Strategic Development Location".

As a parent of a pupil attending Bridge Farm Primary School, my primary concerns are centred around the proposed ring road route adjoining Half Acre Lane and Whitchurch Lane, which the school grounds back onto.

At present, Whitchurch Lane and the adjacent roads all currently have a 20mph speed limit. These are enforced for the safety of the children and local residents. The roads are used for dropping off and picking up pupils as well as on weekends for those using the schools facilities for sporting and recreational activities. Increasing the speed limit to even 30mph as suggested, introducing more and varied traffic and restricting the amount of on-street parking in this area will have a major impact on road safety and the lives of the school's pupils.

This is compounded by an increase in road noise and air pollution around the site of a 630 place primary school. Air pollution already exceeds the National guidelines and it is estimated that the proposal will add an additional 5000 cars to already congested roads.

The school has two busy crossing points on Whitchurch Lane as well as a school entrance on Half Acre Lane. Traffic flow has already been identified by Bristol City Council as a cause for concern, especially at peak times. In fact, Bristol City Councils own "South East Bristol and Whitchurch Transport Package Options Assessment Report" states that travel times heading along Whitchurch Lane will increase. Any proposal to funnel more varied traffic along this route will only compound matters further.

In conclusion, the Local Plan 2016-2036 illustrates how the proposals will have a major negative impact on the green belt, the existing local residents, wildlife (and habitat), ecology, eco system, local services, traffic volumes and pollution. It compromises the health and safety of pupils and parents of Bridge Farm primary School and as such, I am fiercely opposed to such a proposal.

Yours faithfully,

A solid black rectangular box used to redact the signature of the parent.

Parent of Bridge Farm Primary School.

Paul Rixon

From: Andrew Fox [REDACTED]
Sent: 04 January 2019 12:40
To: Alice Barnes; Local Plan
Subject: Housing Development Boundary-Little Aden East Harptree
Attachments: IMG_0515.jpg; IMG_0514.jpg; IMG_0512.jpg; IMG_0513.jpg
Categories: Green Category

Morning Alice,

Further to our telephone conversation yesterday afternoon I am as discussed formally requesting your consideration of strightening the Housing Development Boundary (HDB) alongside my property which at present cuts across my garden instead of continuing to follow the established hedgerow boundary of 50+ years.

My property address is :

Little Aden, West Harptree Road, East Harptree. BS40 6BQ - Westerly Boundary

The history is that Little Aden in conjunction with the 4 new house (1990) development directly on the east side, was originally one plot, a Renault garage and fuel station with the owners living at Little Aden. At the time of the 4 plot development for some reason the HDB (on the west side of the property) was set in a particularly unusual manner where it starts on West Harptree Rd running North down the established hedge and then cuts in at the rear of my property thus excluding the large garden. Please see attached photos which I hope will assist.

May I please request that you consider allowing the HDB to continue to run in a straight line down the established hedge on the westerly boundary of Little Aden. Therefore in summary from the 'West Harptree Rd' as mentioned, in a straight line (which coincidentally is also the property boundary) to the end where it meets the playing field at the most northerly point of the property. I hope this makes sense and please feel free to contact me if clarification/ further information is needed Tel: **07768 950678** or 01934 414142(office).

My objective is to seek appropriate guidance/permission for potential developments in contest and matching the 4 plots built in the early 1990's adjoining. This in my opinion as an East Harptree resident for 45 years and conscious of the beauty of the area and its surroundings, will provided a small expansion to this 1990 development that is completely 'in keeping' with the area. Further benefits are :

1. The existing (1990) 4 plot development will benefit from an improved/safer access onto West Harptree Rd, as the two entrances merged into one giving much better vision.
2. With an established entrance (from Little Aden) onto the 4 acre approx National Playing Field with it's £250k Pavilion, beautiful (mannicured) cricket pitch, recently £60k play area upgrade and tennis court, enables the safest access and a child's back yard dream.

3. Assist the new home objective whilst selectively and strictly in keeping with the beauty of East Harptree.

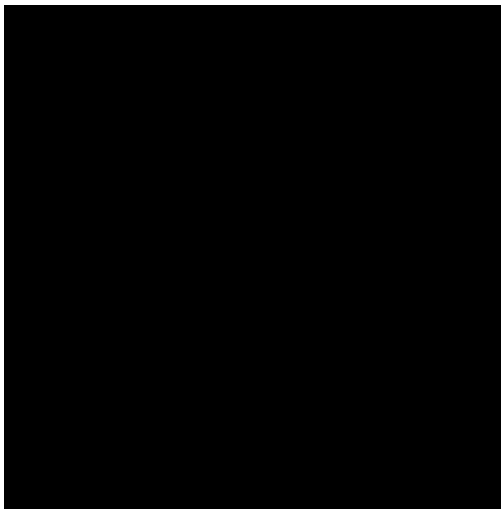
I hope you agree with the above and look forward to hearing from you in due course. Please do not hesitate to contact me should you require any further information.

Andrew Fox



-

Andrew Fox
Director











**Consultation on the B&NES Local Plan
Options Document (November 2018)**

**COMMENTS
FORM**

**You are strongly encouraged to make your comments on-line via the
Local Plan consultation portal www.bathnes.gov.uk/localplan2016-2036**

However, if you are using this form, please complete the form by filling in Part 1 with your contact details and use Part 2 for your response to the questions in the Options document.

Please complete a separate form for each **proposed policy approach/option** you are commenting on using the **unique reference numbers** as set out in Chapters 3 - 8.

Please send your completed form(s) using email to local_plan2@bathnes.gov.uk.
Alternatively you can post the form to Planning Policy, Bath & North East Somerset Council, Lewis House, Manvers Street, Bath BA1 1JG.

Your comments must be received by 7 January 2019

Your comments will be used to inform the next stage of the Local Plan preparation.

Part 1: Contact details			
Email is the Council's preferred method of communication and enables us to contact you quickly and efficiently. Please also provide a postcode with details of your address.			
Personal Details		Agent Details (if applicable)	
Title	Royal United Hospitals Bath NHS Foundation Trust c/o Agent	Title	Mrs
First Name		First Name	Cathy
Surname		Surname	Francis
Job Title <i>(only if applicable)</i>		Job Title	Director
Organisation <i>(only if applicable)</i>		Organisation	JLL
Email		Email	cathy.francis@eu.jll.com
Address		Address	31 Great George Street
			Bristol
Postcode		Postcode	BS1 5QD
Date		Date	04.01.19

Please tick

Please note that names and comments will be published

For official use only:

Received:

Acknowledged:

Respondent No.:

Agent No.:

Rep.:

I would like to be on the Planning Policy Mailing List and receive updates about future consultations on Planning Policy documents including the Local Plan. I am aware that I can unsubscribe at any time.



Part 2:

Which proposed policy approach/option in the Options document (November 2018) are you commenting on?

Please use the unique reference number by each policy approach/option.

Please make your comments as succinct as possible.

Please refer to covering letter dated 4th January 2019. The representations specifically make comment in respect of:

1. Draft Policy BTH11 – Review of Existing Bath Policies – the Trust supports retention of Policy SB18: RUH with amendments to include staff accommodation development proposals.

Proposed Amendment: Proposed that the principle of additional staff accommodation at the RUH site is incorporated within an updated Policy SB18.

2. Local Plan Infrastructure Policy to ensure the impact on new housing development upon health services is appropriately mitigated and funded by way of section 106 contributions of through the Community Infrastructure Levy.

Proposed Amendment: The Local Plan Review should therefore include a specific policy in respect of infrastructure planning and make reference to mitigation measures to support additional housing growth to ensure the health and well-being outcomes can be achieved through the planning system by way of financial contributions.

The Trust would welcome the opportunity to maintain ongoing dialogue with the Planning Policy team in providing relevant additional further supporting information and data as required.

See our website for more information and to make your comments on-line: www.bathnes.gov.uk/localplan

Please note that names and comments will be published

4 January 2019

Planning Policy
Bath and North East Somerset Council
Lewis House
Manvers Street
Bath BA1 1JG

Jones Lang LaSalle Ltd
31 Great George Street Bristol BS1 5QD
+44 (0)117 927 6691

jll.co.uk

By Email: local_plan2@bathnes.gov.uk

CF/hw

Dear Sir/Madam

Local Plan 2016-2036 - Options Consultation - Winter 2018

On behalf of The Royal United Hospitals Bath NHS Foundation Trust (the "Trust") we wish to make Representations in respect of the above consultation document.

Firstly the Trust welcomes the opportunity to formally engage in the formulation and plan preparation process of the B&NES Local Plan. At this stage of the process the Council are seeking views in respect of the proposed Options document including issues that need review or significant change within the new Local Plan.

These representations specifically make comment in respect of:

1. Draft Policy BTH11 – Review of Existing Bath Policies – the Trust supports retention of Policy SB18: RUH with amendments to include staff accommodation development proposals.
2. Local Plan Infrastructure Policy to ensure the impact on new housing development upon health services is appropriately mitigated and funded by way of section 106 contributions of through the Community Infrastructure Levy.

Draft Policy BTH11 – Review of Existing Bath Policies

The RUH has an existing dedicated policy within the adopted Placemaking Plan under Policy SB18 which provides a supportive policy framework for estate renewal and health infrastructure investment at the RUH whilst also promoting their surplus assets as development opportunities for alternative uses.

Under **BTH11 Review of existing Bath Policies of the Options Document** it is proposed to carry forward Policy SB18 into the new Local plan and states that *"no amendments are currently proposed and the policy remains relevant and fit for purpose"*.

The Trust support this approach and the retention of SB18, however it would also support the inclusion of additional text within the policy wording for new staff accommodation on-site which is currently being progressed for the Manor House site and adjoining land. The development proposals comprise:

- Refurbishment and modifications to existing staff residences creating an extra storey in the roof space (Buxton and Cheltenham House and Leamington and Gloucester House);

- Sensitively converting and bringing back into an active residential use the Manor House (currently vacant, unoccupied and in need of significant restoration) and Lodge;
- Demolishing the derelict John Apley Building and building new staff residences to the south and east of the Manor House; and
- Improving the landscape setting of the Manor House and connections to the rest of the hospital campus.

The above proposals have been subject to detailed pre-application discussions (plan app ref: 18/04550/PA05) and as stated in their pre-application advice letter (dated 12 November 2018), Officers confirmed:

“The Council supports the provision of additional staff accommodation at the RUH site and supports the principle of providing such accommodation within the restored Manor House building as well as by means of new purpose-built facilities nearby and through the alteration and refurbishment of the existing adjacent staff accommodation (including through the introduction of additional floor space within the roof voids)”.

The provision of additional staff housing on-site has considerable benefits for the Trust:

- Provision of staff accommodation which significantly supports the work of the hospital – attracting much needed nurses/therapists and doctors. The Trust is the largest employer in the District with over 5,000 employees.
- Provides a capital receipt from the land sale which the Trust can invest into the RUH North Redevelopment and specifically Phase 3 and the new Cancer Treatment Centre.
- Enables demolition of redundant poor quality building stock built in the war period.
- Provides the vehicle to refurbish the Manor House, returning it to housing.
- Uses 3rd party funds to build a new block and extend/refurbish the existing stock.
- Provides a partner for the on-going management of the accommodation
- Live-work on the hospital campus encourages more sustainable travel and reduced journey times for staff.

The provision of new staff housing on-site would deliver national and local planning policy objectives and key spatial priorities for Bath as identified within section 4.10 of the B&NES Options Report:

- Delivery of new housing at the RUH, Bath, specifically targeted at meeting employee’s housing needs and differing levels of income;
- As the biggest employer in the district and the main acute hospital in the sub-region (i.e. social health infrastructure) there is a need to attract and retain staff particularly nurses;
- On-site housing encourages more sustainable travel and reduced congestion;
- Optimising brownfield land opportunities within the urban area

The NPPF specifically states planning policies and decisions should consider the social, economic and environmental benefits of estate regeneration (paragraph 93) and should promote an effective use of land in meeting the need for homes (paragraph 117).

The NPPF also specifically defines essential local workers (in the context of housing) as public sector employees who provide frontline services in areas including health such as NHS staff. This demonstrates the importance of staff accommodation provision such as proposed at the RUH in national planning guidance.

Proposed Amendment: It is therefore proposed that the principle of additional staff accommodation at the RUH site is incorporated within an updated Policy SB18.

Housing Growth and Infrastructure Health Funding

With increased levels of housing and population growth, the Trust wish to explore with B&NES mechanisms to secure funding for essential health infrastructure through the planning process by the use of section 106 and CIL processes.

The B&NES Options Report identifies the targets for new housing and its broad distribution for the new Local Plan are largely set by the Joint Spatial Plan. For B&NES, the JSP proposes a requirement to plan for 14,500 new dwellings by 2036 (paragraph 4.13.1).

In allocating sites within the Draft Local Plan the Options Report recognises regard has to be had to the necessary infrastructure provision including addressing any shortfalls in, health facilities. The Trust are supportive of this approach.

Paragraph 7 of the NPPF confirms the purpose of the planning system is to contribute to the achievement of sustainable development and paragraph 8 goes on to explain that there are three overarching objectives: economic, social and environmental. The social objective of the planning system is to support strong, vibrant and healthy communities including their future health needs.

Future housing growth within the District will have a particular impact on strategic healthcare facilities required to support this population growth and securing the associated funding streams to deliver this essential infrastructure and mitigate the impact of new development.

The NPPF states plans should set out the contributions expected from development (paragraph 34). This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure).

Issues facing estate planning within the NHS include changing volumes of care, ensuring the estate is fit for purpose, meeting modern and legislative standards, accommodating additional service capacity to address population growth and change all whilst having limited financial resources and the need for efficiency savings.

We raise these concerns again to ensure planning for healthcare doesn't fall through the gap of strategic (JSP) and local planning policy making. There should be greater emphasis within the Local Plan to proactively plan for and consider health infrastructure and especially acute hospitals such as the RUH.

The Local Plan Review should therefore include an Infrastructure Policy to ensure the impact on new housing development upon infrastructure including upon health services is appropriately mitigated and funded by way of section 106 contributions or through the Community Infrastructure Levy. In respect of larger housing developments or the cumulative effect of a number of small developments LPA's should liaise with the Trust, CCG's and NHSE regarding;

1. Policy to deal with timely and effective resolution of infrastructure issues to support this growth. This has important implications for health. These parties should collaborate to make sure there is reasonable prospect that new or planned health infrastructure is delivered when required to avoid over-burdening existing health provision.

2. How contributions and Section 106 Agreements and Community Infrastructure Levy changes can be made available for healthcare facilities or other health promoting infrastructure in order to cope with demands for redevelopment.
3. New planned housing should therefore be aligned with health infrastructure planning and information should be exchanged on the scale of development and timeframe for delivery.

Proposed Amendment: The Local Plan Review should therefore include a specific policy in respect of infrastructure planning and make reference to mitigation measures to support additional housing growth to ensure the health and well-being outcomes can be achieved through the planning system by way of financial contributions.

Given the current stage of the Local Plan Review process there is an opportunity to work with the key stakeholders, as identified above identifying specific health infrastructure requirements needed to support growth by 2036 including costs and associated funding which can then inform estate planning and appropriate funding mechanisms.

The Trust would welcome the opportunity to maintain ongoing dialogue with the Planning Policy team in providing relevant additional further supporting information and data as required. Should you have any queries please do not hesitate to contact me.

We trust the comments made above will be fully considered by Officers.

Yours faithfully

A solid black rectangular box used to redact the signature of Cathy Francis.

Cathy Francis
Director

Direct line 0117 930 5794

Mobile 07968 778830

cathy.francis@eu.jll.com

Cc Howard Jones – Strategic Advisor, Royal United Hospitals Bath NHS Foundation Trust

From: Dean Freke [REDACTED]
Sent: 07 January 2019 20:25
To: Local Plan
Subject: Objection

Categories: Green Category

The proposal to build up to 5000 houses across the proposed link road in the form of approx. 2500 homes at Whitchurch village, 750 homes on the existing Park and Ride site at Brislington along with the additional homes reported on the Garden Centre site and surrounding fields. This figure is disproportionate to other areas giving the feeling of discrimination for our area.

Air pollution already exceeds the National guidelines and will only increase with a further minimum increase of 5000 cars on already congested roads.

The proposed residential and road development is to be all on Green Belt land. Residents were recently asked about the JSP and 98% of respondents wanted the Green Belt retained. The NPPF at paragraph 14 clearly states that housing targets should not override constraints. At Whitchurch Village two such constraints are the Green Belt and Flooding.

The proposed link road A4174 to Whitchurch Lane will in no way reduce the congestion of vehicles heading into Bristol as ultimately they will still end up on either the A4 or A37. With the additional homes the existing traffic issue will only be made worse. The road will however run the risk of becoming a short cut for travelling from Somerset and Devon onto the motorway network along with HGVs using the link road to avoid the M4 / M5 interchange.

Highways Officers have publicly stated that their plans will not improve the traffic situation which would seem then to be a complete waste of public money.

The only element of the proposal that works is to move the Park and Ride closer to Hicks Gate roundabout and to reopen both lanes into Bristol on the A4. However building 750 homes on the existing site would clearly make that road improvement pointless.

The green belt study here

http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/LP20162036/lp_201636_io_whitchurch_green_belt_assessment.pdf

makes it very clear that *"The assessment shows that all the cells make a MAJOR CONTRIBUTION to checking the unrestricted sprawl of large built up areas. The introduction of development into these cells would therefore have a highly negative impact on the Green Belt in relation to this purpose."*

The green belt is made up of pasture which is home to countless wild animals including deer, foxes, badgers, birds of prey including a number of beautiful owls. On a smaller scale but no less important we have a huge variety of wild birds both nesting and migratory, the hedgerows and pasture are home to millions of vital insects which are suffering from shrinking habitats, once these insects, birds and animals are gone they are gone for good.

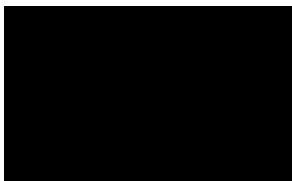
Beyond this is the emotional wellbeing element, the homes that are immediately affected by these proposals have been on the "edge" of Bristol since they were built. We live here not because it's convenient to get to the city centre but because we want a quality of life that this area has offered for many generations.

We are very lucky to have such a beautiful piece of unspoilt countryside on our doorstep and it should be protected at all cost, there are businesses, families, animals that will be destroyed as a result of this unworkable unsustainable proposal.

Therefore I want to state that I strongly object to these proposals and suggest more be done to improve public services, transport links, park and rides and school places near children's homes.

Yours Sincerely

Dean Freke



Sent from my Samsung Galaxy smartphone.

[REDACTED]

From: [REDACTED]
Sent: 07 January 2019 09:42
To: Local Plan
Subject: FW: Objection

Categories: Green Category

From: Simon De Beer
Sent: 07 January 2019 07:49
To: Kaoru Jacques
Cc: Stephen George
Subject: FW: Objection

LP Rep

Simon

Simon de Beer
Head of Planning
Bath & North East Somerset Council
01225 477616

As part of the planning process we collect and publish personal information, please see our corporate privacy notice: www.bathnes.gov.uk/council-privacy-notice.

From: Paul May (Cllr)
Sent: 06 January 2019 19:01
To: Simon De Beer
Subject: Fwd: Objection

Another one. Paul

Begin forwarded message:

From: Dean Freke [REDACTED]
Date: 6 January 2019 at 15:20:31 GMT
To: "paul_may@bathnes.gov.uk" <paul_may@bathnes.gov.uk>
Subject: **Objection**

The proposal to build up to 5000 houses across the proposed link road in the form of approx. 2500 homes at Whitchurch village, 750 homes on the existing Park and Ride site at Brislington along with the additional homes reported on the Garden Centre site and surrounding fields. This figure is disproportionate to other areas giving the feeling of discrimination for our area.

Air pollution already exceeds the National guidelines and will only increase with a further minimum increase of 5000 cars on already congested roads.

The proposed residential and road development is to be all on Green Belt land. Residents were recently asked about the JSP and 98% of respondents wanted the Green Belt retained. The NPPF at paragraph

14 clearly states that housing targets should not override constraints. At Whitchurch Village two such constraints are the Green Belt and Flooding.

The proposed link road A4174 to Whitchurch Lane will in no way reduce the congestion of vehicles heading into Bristol as ultimately they will still end up on either the A4 or A37. With the additional homes the existing traffic issue will only be made worse. The road will however run the risk of becoming a short cut for travelling from Somerset and Devon onto the motorway network along with HGVs using the link road to avoid the M4 / M5 interchange.

Highways Officers have publicly stated that their plans will not improve the traffic situation which would seem then to be a complete waste of public money.

The only element of the proposal that works is to move the Park and Ride closer to Hicks Gate roundabout and to reopen both lanes into Bristol on the A4. However building 750 homes on the existing site would clearly make that road improvement pointless.

The green belt study here

http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/LP20162036/lp_201636_io_whitchurch_green_belt_assessment.pdf

makes it very clear that *“The assessment shows that all the cells make a MAJOR CONTRIBUTION to checking the unrestricted sprawl of large built up areas. The introduction of development into these cells would therefore have a highly negative impact on the Green Belt in relation to this purpose.”*

The green belt is made up of pasture which is home to countless wild animals including deer, foxes, badgers, birds of prey including a number of beautiful owls. On a smaller scale but no less important we have a huge variety of wild birds both nesting and migratory, the hedgerows and pasture are home to millions of vital insects which are suffering from shrinking habitats, once these insects, birds and animals are gone they are gone for good.

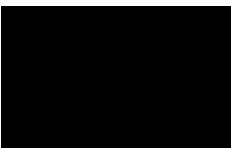
Beyond this is the emotional wellbeing element, the homes that are immediately affected by these proposals have been on the “edge” of Bristol since they were built We live here not because it’s convenient to get to the city centre but because we want a quality of life that this area has offered for many generations.

We are very lucky to have such a beautiful piece of unspoilt countryside on our doorstep and it should be protected at all cost, there are businesses, families, animals that will be destroyed as a result of this unworkable unsustainable proposal.

Therefore I want to state that I strongly object to these proposals and suggest more be done to improve public services, transport links, park and rides and school places near children’s homes.

Yours Sincerely

Dean Freke



[REDACTED]

From: Jane Roberts [REDACTED]
Sent: 26 February 2019 13:23
To: Planning Policy
Subject: Local Plan 2016 - 2036 - 89 - 123 Englishcombe Lane, Bath

Hello Team

Thank you for letting us submit a late application for challenging the status of the land at the rear of 89-123 Englishcombe Lane

We would like the status of the land to be changed when the 2016 - 2036 Local Plan is finalised, so that the field remains unchanged and maintains the biodiversity of the plant and animal life. Our rationale for this is follows:

1. Ecology

Given one of your key Spatial Priorities is

Protect and enhance the District's natural, built and cultural environment and provide green infrastructure- it seems counter-intuitive to allocate a site of nature conservation interest for development (SCNI). This, as BaNES' in house ecology officer has stated, is in NOT in accordance with the Local Plan Policy NE3. Moreover, the harm will include permanent loss of an area of SCNI - i.e. loss of habitats along with irreplaceable associated fauna and flora. The residents cannot understand how the council could even countenance the destruction of such a site.

Your other policies: CP6, NE1, NE3 NE5 and D8 support the Ecology officer's comments

2. Geology and Hydrology

The site has notoriously unstable geology and significant quantities of spring water and water run off from the hill on the south side - a combination of issues which have not been satisfactorily addressed in the current planning application.

We consider this lack of foresight to be dangerous (negligent even) for both current residents of existing properties and potential future residents of proposed properties.

In addition, the drainage issue will have a significant impact on the site's ecology.

3. Highways

The proposed single access point is woefully inadequate and would create more issues than it solves - around safety and congestion on an already busy and dangerous road. And we have yet to see a stage 1 road safety audit carried out.

4. Light Pollution

There are three elements to this. First, light spillage from the site - both from houses and street lights - will be visible from the city centre and the northern side of Bath, creating a greater visual impact. Second, the light pollution will especially impact bat flight paths and behaviour. And finally, lights from cars, entering and leaving the site, will have a seriously detrimental impact on residents from 92 - 98 Englishcombe Lane.

5. World Heritage Site

The development of the site is totally contrary to the BaNES policies which are aimed at protecting Bath's world heritage site status.

The above is a summary of well documented and detailed points made by a number of residents, in particular the submission made by Rachel and David Sartin, whose document can be found on the BaNES planning portal (Ref 18/101516/Reg04). Please also refer to the other residents' comments under the same application reference.

Kind Regards

Friends of Englishcombe Lane Field



Friends of the Recreation Ground, Bath

E mail: friendsofbathrec@gmail.com
www.friendsofbathrec.org

12 January 2018

Mr Richard Daone
Deputy Head of Planning (Policy)
Bath & NE Somerset Council
richard_daone@bathnes.gov.uk

Dear Mr Daone,

Thank you for your two letters 8 January to which the Association has asked me to respond because both are from the Deputy Head of Planning (Policy) for B&NES.

Objection to Local Plan

During the Placemaking Plan consultation, the Association submitted an Objection in order to draw attention to B&NES Obligation under the 1956 Conveyance of the **Recreation Ground** to the Mayor, Aldermen and Citizens of Bath, as **Guarantor in perpetuity** (para 12), of the **use conditions set out in Schedule 2** of that contract, a contract upheld by the High Court in 2002. This is a contractual Obligation under the Law of Property Act 1925 and has little to do with the Charity Commissions Governing Document for Charity 109519, now under the management of Bath Recreation Ltd.

The Association anticipated a formal Consideration of its Objection with openly stated reasons for acceptance or dismissal. Nevertheless your proposal went forward to the Local Plan adopted in July 2017 and if implemented will place the Council in breach of contract.

Application for Designation as a Local Green Space.

The Application was made following wide consultation, with a view to bypassing there prolonged and expensive perambulations of the Charity and its principle Tenant, the potential prolongation and cost to B&NES of a planning Application and likelihood of a call-in for Enquiry, the likelihood of a spate of expensive civil actions by immediate neighbours, together with a means of taking back control off problems arising from the series of temporary consents for which their is wide electorate objection. Again the protocol is formal Consideration and openly stated reasons for adoption or dismissal.

Should you feel it appropriate, I would be happy to discuss the matter further with you.

Yours sincerely,

Steve Osgood oc riba rtpi

pp

Friends of the Recreation Ground, Bath

In 1956 the Recreation ground was gifted to the Mayor, Aldermen & Citizens of Bath, conditional on it being used in perpetuity as a public open space for amateur recreation. Bath Council to act a Trustee to uphold the conditions of legacy.



Friends of the Recreation Ground, Bath

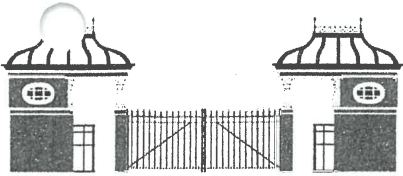
E mail: friendsofbathrec@gmail.com

www.friendsofbathrec.org

In 1956 the Recreation ground was gifted to the Mayor, Aldermen & Citizens of Bath, conditional on it being used in perpetuity as a public open space for amateur recreation. Bath Council to act a Trustee to uphold the conditions of legacy.

→ Lisa BARKER

cc M. S. HILLS, M. Bishop
M. HILLS



Friends of the Recreation Ground, Bath

E mail: friendsofbathrec@gmail.com
www.friendsofbathrec.org

21 December 2018

Ms Melanie Dawes
Permanent Secretary
Min Housing, Communities and Local Government
2 Marsham Street
London W1

Bath & North East Somerset Council
Chief Executive's Office

04 JAN 2019

RECEIVED

Dear Ms Dawes,

The Recreation Ground, Bath

Following the advice of Rt Hon Michael Ellis MP, Under Secretary of State for Arts, Heritage and Tourism in October last, this Association is applying to your Department for designation of the above property as a **Local Green Space**, under NPPG sect 76/77.

The 16 acre property at the centre of Bath, itself a World Heritage Site, was conveyed to Citizens in 1956, conditional upon it remaining *open space for sport and recreation, with the Council as Guarantor, in perpetuity*. The June 2017 Planning Inspector's report on the 2016 Local Plan para 88, indicated this course Community action as making a contribution to the emerging Local Plan.

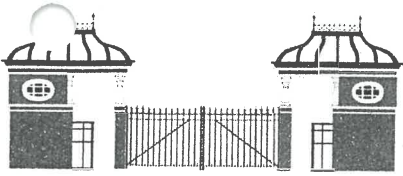
The Association would appreciate your acknowledgement of the enclosed Application to the above e-address following which we would welcome your advice as to further information you need to progress the Application. It is understood that a planning application for development will be registered early in the new year.

[Redacted]
Steve Osgood on
behalf of Friends the Recreation Ground, Bath

cc
Rt.Hon. James Brokenshire MP Secretary of State for Housing, Communities and Local Govt.
The Planning Inspectorate, Bristol ref PINS/F0114/429/6
West of England Joint Authority, Bristol
Mr Ashley Ayre, Chief Executive, Bath & North East Somerset Council

181212

In 1956 the Recreation ground was gifted to the Mayor, Aldermen & Citizens of Bath, conditional on it being used in perpetuity as a public open space for amateur recreation. Bath Council to act a Trustee to uphold the conditions of legacy.



Friends of the Recreation Ground, Bath

E mail: friendsofbathrec@gmail.com
www.friendsofbathrec.org

Application to **Department of Housing, Communities and Local Government** under paragraph 76 of National Planning Policy Framework (2018) for the **Recreation Ground, Bath** to be designated as a **Local Green Space** in the emergent Bath & North East Somerset Local Plan.

Need arising

The Planning Inspector's report on the Bath and North East Somerset Place-making Plan / Local Plan dated 28 June 2017 (Planning Inspectorate ref PINS/F0114/429/6) approved five sites within the plan area as justifying **Local Green Space** designation; the subject property was omitted from the policies map because it is understood that at the time protection was already given under the Governing Document of its charity status (Charity 1094519), upheld in the High Court in 2002.

This protection is now under threat by the present occupier of the site intending to challenge its legal Covenant in the High Court, followed by a planning Application in January 2019. Objectors are unlikely to be able to fund an adequate response and Friends consider the case for ongoing use as a local green space is still valid and must form part of that scrutiny process.

To accord with para 77 of NPPG 2018 the following Appraisal sets out why the subject site is *demonstrably special to the local community and holds particular local significance*. In the event the Department recognises the need, a detail evidence base can be forwarded .

Location

The approx 16 acre property is shown on the attached plan at attachment 1. The site is separated from the city centre by Spring Gardens Road and the river Avon, is bounded by North Parade Road and North Parade Bridge to its south, the back of Great Pulteney Street to the north, and Pulteney Road (A4) to the east. The site forms a green lung to the city centre, valued by resident and visitor alike, and today the riverside walk continues its traditional ambulatory function and is an integral part of the Council's objective of connecting the city with greenery along the bank of the Avon.

Historic significance

Bathwick Fields, itself a floodplain for the Avon, has served the old city since medieval times as an 'out of town' recreational area for jousting and public games, being a short row across the river from the roman city of Aqua Sulis.

Bath's Tudor abbey sits at the bottom of the bowl formed by Bathwick Hill, Beechen Cliff and Lansdown, and is the very focus of the city's World Heritage Site. The Avon itself and open space of Parade Gardens and the **Recreation Ground** on Bathwick Fields to the east, re-inforce the abbey's visual dominance of the city, even more so when the tower is lit at night within the policy of a 'dimmed down' context.

In 1956 the Recreation ground was gifted to the Mayor, Aldermen & Citizens of Bath, conditional on it being used in perpetuity as a public open space for amateur recreation. Bath Council to act a Trustee to uphold the conditions of legacy.

In 1770 the Pulteney Estate to the north of the subject site built a bridge to the design of Robert Adam, thus opening up land for the construction of a residential quarter of which Great Pulteney Street and Sydney House (now the Holburne museum) are listed with Grade 1 status. (refer to Elliott & Menner **Bath 2004** - ISBN 0711222665 as the authentic reference).

Legal Status

The site was assembled by Capt Francis Forester and others as beneficial owners and in 1922 conveyed the property as a single Title to The Bath and County Recreation Ground Company Limited subject to the condition that *no workshops, warehouses, factories or other buildings for the purpose of any trade or business which may grow or be a nuisance, annoyance or disturbance or otherwise prejudicially affecting the adjoining premises or the neighbourhood etc.* (copy per attachment 2)

In 1956 the property was sold to the Mayor, Aldermen and Citizens of the City of Bath subject to a condition that the *Corporation for ever thereafter shall manage let or allow the use with or without charge of the whole or any part or parts thereof for the purpose of or in connection with games and sport of all kinds, tournaments, fetes, shows, exhibitions, displays, entertainments or other activities of a like character and for no other purpose and shall maintain, equip or layout the same for or in connection with the purposes aforesaid.* The First Schedule following describes the property and the second states that *the Corporation will not use the Recreation Ground otherwise than as an open space and will so manage and let or allow the use of the ground for the purpose hereinafter mentioned as shall secure its use principally with the carrying out of games and sport of all kinds and will not show any undue preference to or in favour of any particular games or sport or any particular person, club body or organisation.* (copy per attachment 2)

In 1974 the Corporation, at the time considering the property within its own domain, built a community Leisure Centre on the site with a car park below accessed off North Parade. That building was upgraded in 2016

In 2002 BNES challenged the Covenants attaching to the Title in the High Court. Justice Hart upheld the 1922 Title and the 1956 Conveyance together with the Decision that the property was never a part of the Corporation Estate, but always a Charity, to which status it must be returned. Charity 1094519 was set up to this end with a board of 8 private citizens.

In 2016, the Board appealed to a First Tier Tribunal for clarification of its role and confirmed its Object as maintaining the *open space of the property* (ref para 2 of the Order and Scheme) and the power of absolute Owner to achieve these ends.

In 2018, the Charity Commission again confirmed the role of the Charity being to *maintain the property as open space.* (copy per attachment 2)

The Community

The Pulteney Estate Residents Association (PERA) together with the Bathwick Estate and the late Georgian / Edwardian residential area continuing to Cleveland Bridge, is a long-standing integrated community within walking distance of the town centre ; its social activities together with adjacent resident associations, make a significant contribution to the city's UNESCO World Heritage Site status cited as Attribute 13 of Bath's World Heritage Site status. (ref records of Federation of Bath Resident Associations).

Local significance

Attribute 15 of the adopted WHS management plan 2016 refers to *the design of the Georgian city to facilitate outdoor social interaction and activity, including walks, promenades, colonnades to afford weather protection, and pleasure gardens* and arising from its location within the Georgian area of Bath the subject site is deemed to have great local significance in shaping its surrounds.

Recreational Value

The subject property is the focus of the annual *Bath Half Marathon* and extensive bookings for fetes, shows and games held by Bath Recreation Limited, a company set up by the Trustees to manage the site shows that demand for recreational use remains unabated. With so much housing in walking distance of the site, with Widcombe infant & junior school on its south side and with extensive high density student housing being built adjacent, future demand appears assured.

Tranquillity

Because the property is to the rear of buildings lining Great Pulteney Street to the north, Pulteney Road to the east North Parade to the south and the river on the west, the area offers a certain tranquillity from city traffic and the bustle of the town centre as well as a space for amateur recreation.

Green area Local in character

Georgian town planning in Bath is characterised by facades built either from the back of pavement or with a very shallow dropped forecourt for servicing and lighting the basement and making for a rather hard stone streetscape. The formality of high density terraces, crescents, circuses and square is relieved by local areas of communal green which complement the architecture in a purposeful, designed manner. The subject site is one such green area which is essentially local in character.

Maintenance

The 2002 Order confirming the charitable status of the property also awarded "damages" and ongoing rental for the Corporation's 1974 construction of the Leisure Centre and Car Park. This provides Bath Recreation Ltd with more than adequate capital and cash flow to maintain the subject property, together with other sites in which the company claims an interest.

Application

This application for Designation as a **Local Green Space** is being made by the *Friends of the Recreation Ground, Bath*, an association of citizens set up in 1996 when Bath & North East Somerset Council then as Trustee for the property under its 1956 Title, issued a lease for commercial activity which the Association considered contrary to its Title.


Steve Osgood oc riba rtpi
Eleanor Ellington BSc, MA, PGDipTP

attachment 1



WYNN CRESCENT
TOO BECKYFOODS
TOO WEER

PORTLAND PLACE

HILL GREEN ROAD
PARK

LONDON ROAD
CLEVELAND BRIDGE

HILWERTS STREET

THE PARAGON

RAILWAY STATION

THE CIRCULARS

ASSEMBLY ROOMS
ALIFFIELD STREET

WALCOT STREET

HENRIETTA PARK

BATHWICK STREET

BECKYFOOD ROAD

SYDNEY PLACE

SYDNEY GARDENS

GEORGE STREET

NILSON STREET

GREEN STREET

GRONE STREET

HENRIETTA STREET

FRUITENERY STREET

CHARLOTTE STREET

QUEEN SQUARE

JOHN STREET

QUEEN STREET

GREEN STREET

BOUNDS STREET

RAILWAY BRIDGE

LAALFRA PLACE

ST MARK'S CHURCH

NEW KING STREET

UNION STREET

HIGH STREET

GROUNDNALL

FIELDHEAD GARDENS

CHARLES STREET

ABBAY

CHANCEY COYDAGE

BATHWICK HILL

KINGSMEAD SQUARE

CROSS BATH

BATH ST

PURRI ROOM
BATHWICK

PARRADE GARDENS

NORTH PARRADE ROAD

GREEN PARK

AVON STREET

SOUTH PARRADE

MANVERS STREET

QUEEN ROAD

CHEVER BRISTOL ROAD

LEITCH STREET

RAILWAY STATION

TO BEAR FLAT

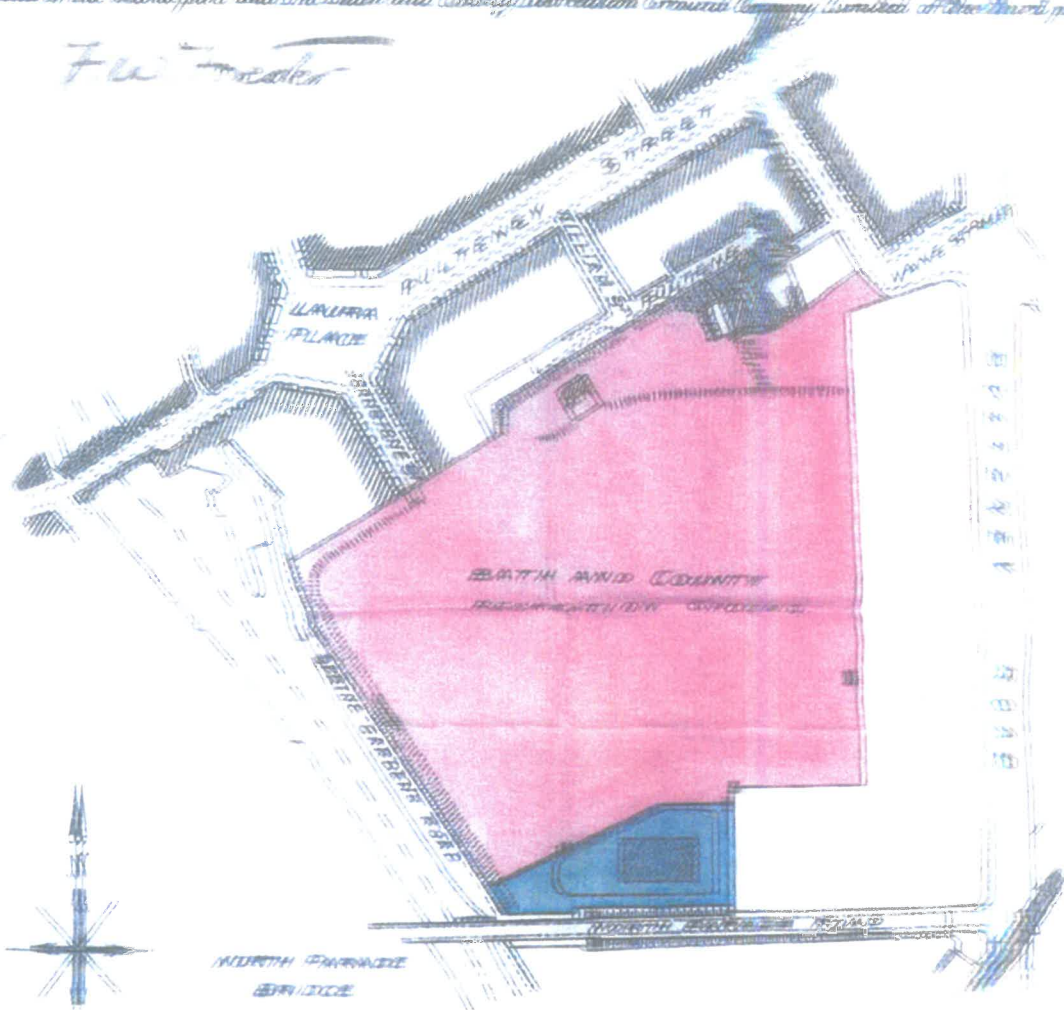
TO WOODCOMBE

TO WOODCOMBE
TO FIELDHEAD PARK

RETINE & SUSINGAL

*Please see introduction to the plan of the Bristol and Glastonbury (Green) canals in the 6th Report of the
 Will and made in 1850. Francis William Foster of the first part by John Hamilton, Edg. Beville, and Arthur Foster, Bristol
 City Council of the second part and the Bath and County Brewehous Company Limited of the third part*

F.W. Foster



NORTH PARADE
BRIDGE

attachment 2

THIS AGREEMENT is made the second day of January 1956 BETWEEN THE BATH AND COUNTY RECREATION GROUND COMPANY LIMITED whose Registered Office is situate at 24 Queen Square in the City of Bath (hereinafter called "the Company") by KEITH CLARRENMOORE their Secretary and Agent of the one part and the MAYOR ALDERMEN AND CITIZENS OF THE CITY OF BATH (hereinafter called "the Corporation") by JARED HEART DIXON their Town Clerk and Agent of the other part whereby IT IS AGREED as follows:-

1. THE Company will sell and the Corporation will buy the property first and secondly described in the First Schedule hereto.
2. THE purchase price shall be for the property first described in the said First Schedule the sum of £11,155 and for the property secondly described in the said First Schedule the sum of \$500.
3. THE Corporation shall also pay to the Company on completion the sum of \$500 being the sum agreed so to be paid in consideration of the rebuilding by the Company in accordance with the Corporation's requirements of the West Stand on the Recreation Ground.
4. THE property will be sold subject to the Law Society's Conditions of Sale 1955 so far as the same are not varied by or inconsistent with the conditions hereinafter contained.
5. THE Company's Solicitors are Messrs. Stone, King and Wardle whose Offices are at 15 Queen Square Bath.
6. THE date fixed for completion shall be the first day of February 1956.
7. THE Company will sell as Beneficial Owners.
8. THE Title shall commence with a Conveyance on Sale dated the 6th day of April 1922 and made between Francis William Forester of the first part Brinsley John Hamilton Fitzgerald and Arthur Henry Brinsley FitzGerald of the second part and the Company of the third part.
9. THE property will be sold subject to and with the benefit of the existing tenancies full particulars whereof and of any existing leases shall be supplied to the Corporation prior to the signing of this Agreement and the Corporation shall be deemed to buy with full knowledge thereof and shall make no objection or requisition in regard thereto.
10. THE property will be sold subject to and with the benefit of an Agreement dated the 19th day of October 1950 and made between the Company of the first part Margaret Bawry Margaret Mary Glynn Mary Lane Catherine McGuire and Cathline Mary Rodgers of the other part relative to the opening of a doorway from the Pulteney Road Convent to the Recreation Ground.
11. IN consequence of the extension of the official Rugby football season the Company have each year given permission to their lessees the Bath Football Club to make use of that portion of the Recreation Ground which is comprised in and demised by a Lease dated the 17th day of October 1955 and made between the Company of the one part and Charles Christopher Wills and others of the other part for a period in excess of that prescribed by the said Lease without any extra payment other than that provided for in the said Lease and the Corporation agree that so long as the Bath Football Club shall remain their lessees under the said Lease they will permit the Club to have the full use each year subject (so far as the same are applicable) to the covenants and conditions in the said Lease contained of the said portion of the Recreation Ground for a period commencing three weeks prior to the beginning and continuing until the end of the official Rugby Football season as prescribed from time to time by the Rugby Football Union.
12. THE property will be conveyed to the Corporation upon trust that the Corporation for ever thereafter shall manage let or allow the use with or without charge of the whole or any part or parts thereof for the purpose of or in connection with games and sports of all kinds tournaments fetes shows exhibitions displays amusements entertainments or other activities of a like character and for no other purpose and shall maintain equip or lay out the same for or in connection with the purposes aforesaid as they shall think fit but subject nevertheless to the restrictions conditions and stipulations hereinafter contained.
13. THE Corporation shall in the Conveyance enter into the following covenants with the Company or their assigns.
 - (1) THAT the Corporation will observe and perform the covenants and conditions contained in the said Conveyance to the Company dated the 6th day of April 1922 so far as the same are still subsisting and capable of being enforced and will indemnify the Company and their assigns against any breach or non observance thereof so far as aforesaid.

(2) THAT the Corporation will observe and perform the restrictions covenants and stipulations specified in the Second Schedule hereto.

14. THE Corporation shall on completion of the purchase pay to the Company in addition to the several sums hereinbefore mentioned the sum of £112.10.0. towards the Company's legal costs in connection with the preparation of this Agreement the deduction of the Company's title and the completion of the conveyance. The Conveyance to the Corporation shall be executed in duplicate. The duplicate to be prepared and stamped at the expense of the Corporation and handed to the Company on completion.

15. THE Directors of the Company shall immediately after completion of the purchase use their best endeavours to secure the passing of a Special Resolution for the voluntary winding up of the Company.

AS WITNESS the hands of the said KEITH CLARENCE MOORE and the said JARED EWART DIXON the day and year first before written.

THE FIRST SCHEDULE before referred to

Particulars of property

FIRST ALL THAT piece or parcel of ground situate in the City of Bath containing an area of 15 acres or thereabouts and known as the Bath and County Recreation Ground as the same is for the purpose of identification only shown on the plan annexed hereto and thereon coloured pink together with the stands pavilions and buildings thereon so far as the same are the property of the Company. The property first described is freehold subject to an exception and reservation as to drainage and to the covenants and conditions contained in the said Conveyance to the Company dated the 6th day of April 1922.

SECONDLY the following items of equipment:-

- 1 5 ton "Automower" motor roller
- 2 "Automower" motor mowers.
- 1 Trailer Aireator.
- 3 Tennis Court markers.
- 1 Hand lawn mower.
- 1 Pair Edging shears.
- 1 Shovel.
- 1 Fork.
- 1 Spring rake.
- 1 Trailer.

THE SECOND SCHEDULE before referred to

Restrictions conditions and stipulations

THE Corporation will not use the Recreation Ground otherwise than as an open space and will so manage let or allow the use of the ground for the purposes hereinbefore mentioned as shall secure its use principally for or in connection with the carrying on of games and sports of all kinds and will show any undue preference to or in favour of any particular game or sport or any particular person club body or organisation.

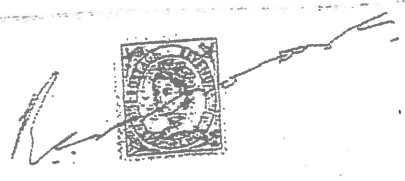
SIGNED by the said KEITH CLARENCE MOORE in the presence of



11, Horsesteeple Walk.

Bath.

Chartered Accountant's Clerk.



Date	Parties	Nature of Document
19th October 1950	The Company (1) and Margaret Barry Margaret Mary Glynn Mary Lane Catherine McGuire and Cathline Mary Rodgers(2)	Agreement as to the opening of a doorway the wall between the property hereby con and the Convent, of Sainte Union des Sa Coeurs
16th August 1954	The Company (1) Paul Broadhurst (2) and Robert Scott Reid Stanley Long Amor and Bertram Charles Barber Trustees of the Bath Football Club(3)	Agreement in regard the erection of a recreational hut and club room and Assignment of the L hereinbefore mentio
15th October 1954	The Company (1) and James Colmar Limited (2)	Lease of land and pavilion

THE COMMON SEAL of the BATH AND COUNTY RECREATION GROUNDS COMPANY LIMITED was herewith affixed in the presence of



Archie
James

THE COMMON SEAL of the MAYOR ALDERMEN AND CITIZENS OF THE CITY OF BATH was hereunto affixed in the presence of



Town Clerk

H. + 290/155

COPY.

Dated 6th April 1922
 Captain Francis W. Forester

-to-

*The Bath and County
 Recreation Ground
 Company Limited*

Conveyance

-OF-

*The Bath and County
 Recreation Ground, Bath.*

This Indenture made the Sixth day of April, One thousand nine hundred and twenty-two **Between Francis William Forester** of Saxelbye Park, Melton Mowbray in the County of Leicester formerly a Captain in Her late Majesty's Army (hereinafter called "the Vendor") of the first part **Brinsley John Hamilton FitzGerald** of 63 Duke Street, Grosvenor Square in the County of London Esquire a Companion of the Most Honourable Order of the Bath and **Arthur Henry Brinsley Fitz Gerald** of Thorpe Satchville, Melton Mowbray in the County of Leicester Esquire (hereinafter called "the Trustees") of the second part and **The Bath and County Recreation Ground Company Limited** whose registered Office is at 22 Milsom Street in the City of Bath (hereinafter called "the Purchasers") of the third part. **Whereas** under an Indenture of Settlement (hereinafter called "the Settlement") dated the Nineteenth day of July One thousand nine hundred and twenty and made between the Vendor and Henry William Forester of the one part and the Trustees of the other part the Bathwick Estate in the County of Somerset of which the hereditaments hereinafter described form part was assured subject to certain family charges affecting part of the said estate (but which part did not include any of the said hereditaments hereinafter described) to uses under which the Vendor is tenant for life in possession thereof And by the Settlement Trustees were appointed to be the Trustees thereof for the purposes of the Settled Land Acts 1882 to 1890. **And whereas** the joint power of appointment given by the Settlement to the said Francis William Forester and Henry William Forester has never been exercised so far as concerns the hereditaments hereinafter described. **And whereas** the Vendor as tenant for life in possession under the Settlement has agreed with the Purchasers for the sale to the Purchasers of the said hereditaments hereinafter described and the fee simple thereof in possession free from incumbrances at the price of Six thousand and fifty pounds. **Now this Indenture** made in pursuance of the said agreement and in consideration of the sum of Six thousand and fifty pounds paid by the Purchasers by the direction of the Vendor to the Trustees as such Trustees as aforesaid (the receipt whereof the Trustees hereby acknowledge) **witnesseth and it is hereby agreed and declared** as follows that is to say :-

1. **The Vendor** in exercise of the power of this purpose conferred by the Settled Land Acts 1882 to 1890 and of every other power enabling him and as beneficial owner hereby conveys unto the Purchasers **All that** piece or parcel of ground situate in the City of Bath and containing an area of Sixteen acres two roods and eleven perches or thereabouts and known as **The Bath and County Recreation Ground Together** with the building erected thereon near the North Parade Road formerly used as a Skating Rink and now in the occupation of Aircraft Limited and The Pavilion near to

the Pulteney Mews now in the occupation of the Purchasers as Lessees thereof under an Indenture of Lease dated the Twenty fifth day of March One thousand and eight and made between the Vendor of of (sic) the one part and Charles Henry Simpson and others of the other part and also the two buildings formerly used as two Cottages adjoining and on the South side of Pulteney Mews now in the occupation of the Purchasers and The Bath and County Croquet Club respectively *Except and reserving* unto the Vendor and his successors in title and his and their heirs and assigns the free and uninterrupted passage and running of water and soil from the other buildings and hereinbefore described through the sewers drains and water courses which are now or may hereafter be in or under the said premises To hold unto and to the use of the Purchasers their successors and assigns in fee simple discharged from all the limitations trusts powers and provisions of the said Settlement and from all the interests and charges subsisting or to arise thereunder Subject to and with the benefit of an Indenture of Lease dated the Twenty fifth day of March One thousand nine hundred and eight and made between the Vendor of the one part and Charles Henry Simpson, James Edward Henshaw, Egbert Lewis, Alfred George Derwent Moger, William Morgan, and William Frederick Cooling of the other part Whereby the said hereditaments hereinbefore described were demised for a term of Twenty one years from the Twenty fifth day of March One thousand nine hundred and eight at the yearly rent of One hundred pounds.

2. The Purchasers for themselves their successors and assigns hereby covenant with the Vendor his successors in title and assigns and to the intent and so that this covenant shall run with and be binding on such portions of the hereditaments and premises hereby conveyed as are respectively affected thereby into whosoever hands the same may come but so that the Purchasers shall not be personally liable in damages for any breach thereof after they shall have parted with the same hereditaments and premises that no workshops warehouses factories or other buildings for the purpose of any trade or business which may be or grow to be a nuisance annoyance or disturbance or otherwise prejudicially affect the adjoining premises or the neighbourhood shall at any time hereinafter be erected upon the said hereditaments and premises including such part thereof as last aforesaid which may be or grow to be a nuisance annoyance or disturbance or otherwise prejudicially affect the adjoining premises or the neighbourhood **Provided** always that no factory chimney shall be erected on the portion of the said hereditaments now in the occupation of Aircraft Limited.

3. **Provided always** that so far as regards the reversion or remainder expectant on the life estate of the Vendor in the premises hereby conveyed and the title thereto and further assurance thereof after his death the statutory covenant by him implied in these presents shall not extend to the acts or defaults of any person other than and besides himself and persons deriving title under him.

4. The Vendor hereby acknowledges the right of the Purchasers to production of the documents mentioned in the Schedule hereto and delivery of copies thereof and hereby undertakes for the safe custody thereof.

the Pulteney Mews now in the occupation of the Purchasers as Lessees in and under an Indenture of Lease dated the Twenty fifth day of March One thousand and eight and made between the Vendor of of (sic) the one part and Charles Henry Simpson and others of the other part and also the two buildings formerly used as two Cottages adjoining and on the South side of Pulteney Mews now in the occupation of the Purchasers and The Bath and County Croquet Club respectively *Except* and reserving unto the Vendor and his successors in title and his and their heirs and assigns the free and uninterrupted passage and running of water and soil from the other buildings and land of the Vendor and his tenants adjoining or near to the said hereditaments hereinbefore described through the sewers drains and water courses which are now or may hereafter be in or under the said premises To hold unto and to the use of the Purchasers their successors and assigns in fee simple discharged from all the limitations trusts powers and provisions of the said Settlement and from all estates interests and charges subsisting or to arise thereunder Subject to and with the benefit of an Indenture of Lease dated the Twenty fifth day of March One thousand nine hundred and eight and made between the Vendor of the one part and Charles Henry Simpson, James Edward Henshaw, Egbert Lewis, Alfred George Derwent Moger, William Morgan, and William Frederick Cooling of the other part Whereby the said hereditaments hereinbefore described were demised for a term of Twenty one years from the Twenty fifth day of March One thousand nine hundred and eight at the yearly rent of One hundred pounds.

2. The Purchasers for themselves their successors and assigns hereby covenant with the Vendor his successors in title and assigns and to the intent and so that this covenant shall run with and be binding on such portions of the hereditaments and premises hereby conveyed as are respectively affected thereby into whosoever hands the same may come but so that the Purchasers shall not be personally liable in damages for any breach thereof after they shall have parted with the same hereditaments and premises that no workshops warehouses factories or other buildings for the purpose of any trade or business which may be or grow to be a nuisance annoyance or disturbance or otherwise prejudicially affect the adjoining premises or the neighbourhood shall at any time hereinafter be erected upon the said hereditaments except the part thereof now in the occupation of Aircraft Limited and that nothing shall be hereafter erected placed built or done upon the said hereditaments and premises including such part thereof as last aforesaid which may be or grow to be a nuisance annoyance or disturbance or otherwise prejudicially affect the adjoining premises or the neighbourhood Provided always that no factory chimney shall be erected on the portion of the said hereditaments now in the occupation of Aircraft Limited.

3. Provided always that so far as regards the reversion or remainder expectant on the life estate of the Vendor in the premises hereby conveyed and the title thereto and further assurance thereof after his death the statutory covenant by him implied in these presents shall not extend to the acts or defaults of any person other than and besides himself and persons deriving title under him.

4. The Vendor hereby acknowledges the right of the Purchasers to production of the documents mentioned in the Schedule hereto and delivery of copies thereof and hereby undertakes for the safe custody thereof.

In witness whereof the Vendor and the Trustees have here unto set their hands and seals and the Purchasers have caused their Common Seal to be hereunto affixed the day and year first before written.

-The Schedule above referred to -
1920 July 19th *Disentailing Assurance* made between the Vendor of the first part Henry William Forester of the second part and Edward Harrow Ryde of the third part.
1920 July 19th *Re-settlement* made between the Vendor and the said Henry William Forester of the one part and Brinsley John Hamilton Fitz Gerald and Arthur Henry Brinsley Fitz Gerald of the other part.

Signed sealed and delivered by the before named Francis William Forester in the presence of

Witness' name *H. W. Forester*
Address *Saxelbye Park, Melton Mowbray*
Leics
Occupation *Army*

Signed sealed and delivered by the before named Brinsley John Hamilton Fitz Gerald in the presence of

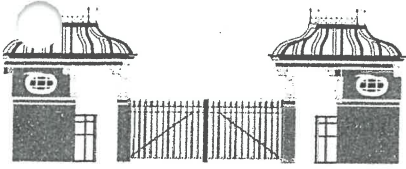
Witness' name *William J. Bowden*
Address *63 Dukes St., Grosvenor Sqre., London W1*
Occupation *Valet*

Signed sealed and delivered by the before named Arthur Henry Brinsley Fitz Gerald in the presence of

Witness' name *George Thos. Hollingshead*
Address *Thorpe Satchville*
Melton Mowbray Leics
Occupation *Butler*

The Common Seal of The Bath and Country Recreation Ground Company Limited was affixed hereto in the presence of
Directors [none shown]
Secretary [none shown]

[signatures and seals of Francis W. Forester, Brinsley J. H. Fitz Gerald, Arthur H. B. FitzGerald shown attached]



Friends of the Recreation Ground, Bath

E mail: friendsofbathrec@gmail.com
www.friendsofbathrec.org

12 December 2018

Mr Ashleigh Gibbons
Case Manager - Regulatory Compliance
The Charity Commission

Dear Mr Gibbons,

Thank you for your helpful letter 14 November about Bath Recreation Ground (Charity 1094519) confirming our understanding that:

- the covenants are contractual per the Law of Property Act 1925
- the 2016 Tribunal upheld the charitable purpose as being to preserve the land in specie as open space (this is set out in the Objectives of the charity's subsequent Governing Document).
- Trustees have the power of absolute owner to achieve this end.

As you know, one of the charity's current tenants, Bath Rugby Ltd which is a commercial business, is about to apply for planning consent to build an 18,000 seater stadium on its leased area. The charity Trustees are inaccessible to Beneficiaries of the title, will only accept written questions at annual general meetings which they decline to answer, with at present 32 questions outstanding.

We do understand that with the legal position established by the Court, the Charity Commission considers it has no further role. However, the Friends association would very much appreciate the Commissions advice on the way forward, in order to circumvent a confrontation.

Friends wish you the Compliments of the Season and would welcome your considered response.

Yours sincerely,

PP for
Friends of the Recreation Ground, Bath

181219

In 1956 the Recreation ground was gifted to the Mayor, Aldermen & Citizens of Bath, conditional on it being used in perpetuity as a public open space for amateur recreation. Bath Council to act a Trustee to uphold the conditions of legacy.

Dear Friends of Bath Recreation Ground

Thank you for your letters of 3 November. I have detailed our response below;

Although the original 1922 conveyance contained land covenants, these are not charitable trusts and are essentially a contractual arrangement: Covenants are generally only enforceable by those who enjoy the benefit of them, whom we believe to be owners of property on the original Forester Estate surrounding the ground (if successive owners are entitled to the benefit). This is a land law issue and these are privately enjoyed by the property owners (not enjoyed by the public at large - the beneficiaries of the Charity) and the Commission has no jurisdiction in this area.

The scheme of 21 April 2014 as amended by Schemes of 4 December 2016 and 3 November 2017 are the governing documents of the Charity. The Schemes replaces the existing trusts of the Charity and sets out the trusts on which the property is now held. This acknowledges that the trustees have all of the powers of an absolute owner. The Upper Tribunal found in October 2015 that the true charitable purpose is to preserve the land in specie as open space and that the trustees have all the powers of an owner of land in relation to the recreation ground. The Upper Tribunal has the equivalent status of the High Court. This decision can therefore essentially be taken to be a decision of the High Court.

Now that the legal position has been established by the Courts, we do not consider that the Commission has any role in the matter. The trustees can use the powers that they have, but must act only in the best interests of the Charity.

Yours Sincerely,

Ashleigh Gibbons

Ashleigh Gibbons
Case Manager - Regulatory Compliance

W: <https://www.gov.uk/charity-commission>

 Follow us on Twitter | @ChtyCommission



CHARITY COMMISSION
FOR ENGLAND AND WALES

On track to meet your filing deadline? Charities have ten months from their financial year end to file their Annual Return and Accounts. Find out more at www.charitycommission.gov.uk. Remember to file on time and use our online services.

Want to know more about how we handle your data? See the Charity Commission's Personal information charter

<https://www.gov.uk/government/organisations/charity-commission/about/personal-information-charter>

Consider the environment. Please don't print this e-mail unless you really need to.

MEMO

To: Lisa Bartlett, Director – Development & Public Protection

Cc: Martin Shields, Corporate Director
Mandy Bishop, Director of Environment
Maria Lucas, Director of Legal & Democratic Services and
Monitoring Officer

Date: 8th January 2019

Subject: The Recreation Ground – Application for designation as
'Local Green Space'

Please see attached a copy of letter and application submitted to MHCLG by the Friends of the Recreation Ground, Bath to have the Rec designated as Local Green Space in the Local Plan.

Can your team liaise with Legal Services and Environmental Services as necessary please?

Best wishes

Ashley Ayre
Chief Executive
Bath & North East Somerset Council