



Bath and North East Somerset Local Plan Including Minerals and Waste Policies

Responses to Representations Made on Proposed Modifications November 2006

Part 1 – Chapters A1- B8, Pages 1-92

Part 2 – Chapter B9, GDS.1 + GDS.1/B1 – GDS.1/K1, Pages 92 - 171

Part 3 – Chapter B9, GDS.1/K2, Pages 171 - 388

Part 4 – Chapter B9, GDS.1/NR2 – GDS.1/V3, Pages 388 - 485

Part 5 – Chapter B9, GDS.1/V10, Pages 485 - 620

Part 6 – Chapters C1- D, Pages 620 - 739

Part 7 – Beechen Cliff School Playing Fields, Pages 739 - 897

- Farmborough

- Etc

Part 8 - St Martin's Garden Primary School + Hayesfield School Playing Field, Pages 901 - 933

**Bath & North East Somerset Local Plan
including minerals & waste policies
Representations on Proposed Modifications
(November 2006)**

Respondent Details	Summary of Comment	Proposed Response	Change
---------------------------	---------------------------	--------------------------	---------------

Chapter A1. Introduction

Modification: M/A1/12 - General comments on the Introduction

Ref: 3237/J11 /s	Support the increase in population of Peasedown St John.	Support noted.	No change.
Location (None) Peasedown St. John			

Chapter A2. Policy Context

Modification: M/A2/1 - Policy Context

Ref: 3126/J186	Remove "of economic growth" from last line. Reason: We support the Sustainable Development Commissions view that the concept of "economic growth" is highly problematic with in built unintended and unsustainable consequences.	Disagree. The maintenance of high and stable levels of growth and employment is one of the National Sustainability Development objectives.	No change.
Location (None)			

Modification: M/A2/8 - New para A2.12A describing Structure Plan locational strategy

Ref: 3446/J14 /s	Taylor Woodrow Developments Limited support the introduction of paragraph A2.12A. The text set out therein summarises the locational strategy of the Structure Plan and in particular recognises the role of Keynsham as the settlement at which residential development that cannot be accommodated within Bath should be directed towards. This accords with Policy 2 (I) of the Structure Plan. Moreover, the paragraph correctly describes the strategic policy requirement in respect of alterations to the Green Belt boundary in Bath and North East Somerset and Keynsham specifically. It is this locational strategy which has now been correctly implemented through the Proposed Modifications and in response to the Local Plan Inspector's Report. The Plan's strategy, for the reasons explained in the Inspector's Report of necessity	Support noted.	No change.
Location (None)			

requires the development of greenfield land, as previously developed land alone cannot provide sufficient new homes within the plan period. On this basis, the strategy for accommodating new development utilising land at Keynsham is wholly appropriate and the need for this cannot be denied.

In addition we note that point 3 refers to 6,200 new homes. Whilst this is factually correct in relation to the Structure Plan, a higher level of provision is required through this Local Plan. This is the subject of separate representations concerning Proposed Modifications M/A4/20 and M/B7/5.

Chapter A3. Vision & Strategy

Modification: M/A3/1 - Deletion of para A3.1

Ref: 120/J379	1. The removal does not substantially accord with R1.6 as it does not insert a clear succinct vision relevant to the task of the local plans. The inspector asks for that IF possible. I contend that it IS possible.	The Council has concluded that as a vision for the Local Plan cannot be expressed clearly or succinctly at this stage, paras A3.1 – A3.4 should be deleted accordingly.	No change.
Location (None)	2. Add a clear, succinct vision at this point.		
If the LA21 was subsumed into the community strategy in 2004, as suggested in the response to my Q to Nov 23 2006 council, then the inspector was not sure of that in 2005 (1.26). Whatever it is, explanation and more clarity in required.			

Modification: M/A3/2 - Deletion of para A3.2

Ref: 120/J380	1. The removal does not substantially accord with R1.6 as it does not insert a clear succinct vision relevant to the task of the local plans. The inspector asks for that IF possible. I contend that it IS possible.	The Council has concluded that as a vision for the Local Plan cannot be expressed clearly or succinctly at this stage, paras A3.1 – A3.4 should be deleted accordingly.	No change.
Location (None)	2. Add a clear, succinct vision at this point.		
If the LA21 was subsumed into the community strategy in 2004, as suggested in the response to my Q to Nov 23 2006 council, then the inspector was not sure of that in 2005 (1.26). Whatever it is, explanation and more clarity in required.			

Modification: M/A3/3 - Deletion of para A3.3

Ref: 120/J381	1. The removal does not substantially accord with R1.6 as it does not insert a clear succinct vision relevant to the task of the local plans. The inspector asks for that IF possible. I contend that it IS possible.	The Council has concluded that as a vision for the Local Plan cannot be expressed clearly or succinctly at this stage, paras A3.1 – A3.4 should be deleted accordingly.	No change.
Location (None)	2. Add a clear, succinct vision at this point.		
If the LA21 was subsumed into the community strategy in 2004, as suggested in the response to my Q to Nov 23 2006 council, then the inspector was not sure of that in 2005 (1.26). Whatever it is, explanation and more clarity in required.			

Modification: M/A3/4 - Deletion of para A3.4

Ref: 120/J382	1. The removal does not substantially accord with R1.6 as it does not insert a clear succinct vision relevant to the task of the local plans. The inspector asks for that IF possible. I contend that it IS possible.	The Council has concluded that as a vision for the Local Plan cannot be expressed clearly or succinctly at this stage, paras A3.1 – A3.4 should be deleted accordingly.	No change.
Location (None)	2. Add a clear, succinct vision at this point.		
	If the LA21 was subsumed into the community strategy in 2004, as suggested in the response to my Q to Nov 23 2006 council, then the inspector was not sure of that in 2005 (1.26). Whatever it is, explanation and more clarity in required.		

Modification: M/A3/7 - Vision and Strategy

Ref: 3126/J187	Clarify the status of local agenda 21 and reinstate the wording of Quick Guide 4 by including it as a paragraph: new A2.5 AA.	Bath & North East Somerset's local agenda 21 (LA21) is no longer a separate entity although the thrust of the agenda has been absorbed into the Community Strategy. The theme of sustainable development also will be developed through the Local Area Agreement. Therefore it is no longer appropriate to include the information from former Quick Guide 4 within the Local Plan text.	No change.
Location (None)			

Modification: M/A3/8 - Vision and Strategy

Ref: 686/J203 /s	The trust fully supports the key objectives agreed by the Council in Objectives E6.	Support noted.	No change.
Location (None)			

Modification: M/A3/12 - Amended para on strategy for Bath

Ref: 43/J3	We support the intent of this modification as it broadly aims to maintain the integrity of the green belt, but object to the linking of this statement to comment re the proposal to change the boundary in respect of the University of Bath, which works against the maintenance of this integrity. This response has therefore to be an objection.	Support noted.	No change.
Location University of Bath Bath			

Modification: M/A3/14 - New para A3.18 - locational advantages of Keynsham

Ref: 2554/J2	The proposed modification reinstates the apparent advantages of developing South West Keynsham from the DDLP, but these are not based on fact. Although there are links to Bristol and Bath via public transport, 700 dwellings on these sites would cause major traffic problems on Woollard Lane leading to the A37, Park Road, Albert Road, Coronation Road, West View Road and Chariton Road, as well as many of the smaller roads in the vicinity. None of these roads were designed or are suitable to carry such an increase in traffic. Chariton Road in particular is already	The Inspector considered the issues of housing supply again in detail at the Local Plan Inquiry and recommended that the Council should reinvestigate this site in order to meet the identified shortfall in housing in the District. The identification of sites reflects the locational sequence established in the Structure Plan: that is first Bath, then Keynsham,	No change.
Location SW Keynsham Keynsham			

hazardous for children, as well as other residents, due to the volume and speed of traffic entering or leaving Keynsham.
In addition, 700 new houses is not sustainable because of the different timescales between the Regional Spatial Strategy, which will introduce a link road to the area no earlier than 2016, and this Local Plan, which proposes to introduce an immediate increase in traffic but with no access support.
There cannot be safe, uncluttered access to the proposed development because of poor access to roads surrounding the area.
The Modification states that the development would contribute to social inclusion and "quality of life" for residents, which I do not believe to be true. Any new development would be a massive, isolated, additional community on the outskirts of Keynsham. This will place extra strain on already stretched resources.

then Norton-Radstock and then the larger villages. Account has already been taken of the Brownfield site redevelopment opportunities. In light of the Government's priority on deliverability, the Inspector has emphasized that the sites should be both suitable for development and able to deliver housing by 2011. These options have been investigated taking into account the inspector's reasoning and recommendations, site constraints, the local plan strategy, corporate objectives, sustainability criteria and national planning advice, demand for alternative uses etc.

The Inspector has assessed the various sites being put forward by objectors in and around Keynsham and recommended the land at South West Keynsham (SWK) should be investigated for re-allocation as mixed use scheme for up to 700 dwellings. This site was previously allocated in the 2002 version of the Local Plan for a mixed use including 500 dwellings but was deleted when it was considered that there were sufficient alternative brownfield sites to meet the housing requirement. In light of the housing shortfall, it is proposed that this allocation is re-instated. The site will be required even if more rapid progress is made on the Bath Western Riverside site in the Plan period than anticipated and housing completions are at the higher end of the 450 - 600 range by 2011. The Inspector concluded that the provision of a substantial level of residential development through the release of a Green Belt site in Keynsham accords with Policy 16 of the JRSP and the site at South West Keynsham provides the location that best meets the criteria for the release of Green Belt land in the JRSP.

A Master Plan will be prepared to guide the comprehensive development of the site which will be subject to public consultation. Any developer will be required to comply with the 17 development requirements stipulated in the Local Plan (Site GDS.1/K2) which include improvements to Castle Primary School to meet the demand arising from the development; provision of a community meeting place, two convenience shops and a children's playing space on each of the two parts of the site. The Woodland Trust woodland will be protected. The development requirements reflect the need to integrate with the existing urban fabric as well as mitigate the impact of the development.

Ref: 2556/J2	<p>The proposed modification reinstates the apparent advantages of developing South West Keynsham from the DDLP, but these are not based on fact. Although there are links to Bristol and Bath via public transport, 700 dwellings on these sites would cause major traffic problems on Woollard Lane leading to the A37, Park Road, Albert Road, Coronation Road, West View Road and Chariton Road, as well as many of the smaller roads in the vicinity. None of these roads were designed or are suitable to carry such an increase in traffic. Chariton Road in particular is already hazardous for children, as well as other residents, due to the volume and speed of traffic entering or leaving Keynsham.</p> <p>In addition, 700 new houses is not sustainable because of the different timescales between the Regional Spatial Strategy, which will introduce a link road to the area no earlier than 2016, and this Local Plan, which proposes to introduce an immediate increase in traffic but with no access support.</p> <p>There cannot be safe, uncluttered access to the proposed development because of poor access to roads surrounding the area.</p> <p>The Modification states that the development would contribute to social inclusion and "quality of life" for residents, which I do not believe to be true. Any new development would be a massive, isolated, additional community on the outskirts of Keynsham. This will place extra strain on already stretched resources.</p>	<p>A traffic Study was undertaken for the Council prior to the original allocation of land for housing at South West Keynsham in 2002. This examined the likely impact of development on the road network between the sites and the A4 and A37, and it was demonstrated that with reasonable mitigation works development could be accommodated satisfactorily. In preparation for the proposed reinstatement of this allocation the original study has been updated and its conclusion confirmed. Details of the necessary mitigation works will be included in detailed Transport Assessment which will have to accompany any future planning applications.</p> <p>Whilst the allocation of SWK entails a change to the Green Belt, it provides the opportunity to develop a new residential community which exemplifies high quality of design and sustainable development principles. It complements the objectives of the emerging Keynsham Vision in supporting local services and supplying affordable housing.</p> <p>The objection raises no new issues warranting a further modification.</p>	No change.
Location SW Keynsham Keynsham		<p>The Inspector considered the issues of housing supply again in detail at the Local Plan Inquiry and recommended that the Council should reinvestigate this site in order to meet the identified shortfall in housing in the District. The identification of sites reflects the locational sequence established in the Structure Plan: that is first Bath, then Keynsham, then Norton-Radstock and then the larger villages. Account has already been taken of the Brownfield site redevelopment opportunities. In light of the Government's priority on deliverability, the Inspector has emphasized that the sites should be both suitable for development and able to deliver housing by 2011. These options have been investigated taking into account the inspector's reasoning and recommendations, site constraints, the local plan strategy, corporate objectives, sustainability criteria and national planning advice, demand for alternative uses etc.</p> <p>The Inspector has assessed the various sites being put forward by objectors in and around Keynsham and recommended the land at South West Keynsham (SWK) should be investigated for re-allocation as mixed use scheme for up to 700 dwellings. This site was previously allocated in the</p>	

2002 version of the Local Plan for a mixed use including 500 dwellings but was deleted when it was considered that there were sufficient alternative brownfield sites to meet the housing requirement. In light of the housing shortfall, it is proposed that this allocation is re-instated. The site will be required even if more rapid progress is made on the Bath Western Riverside site in the Plan period than anticipated and housing completions are at the higher end of the 450 – 600 range by 2011. The Inspector concluded that the provision of a substantial level of residential development through the release of a Green Belt site in Keynsham accords with Policy 16 of the JRSP and the site at South West Keynsham provides the location that best meets the criteria for the release of Green Belt land in the JRSP.

A Master Plan will be prepared to guide the comprehensive development of the site which will be subject to public consultation. Any developer will be required to comply with the 17 development requirements stipulated in the Local Plan (Site GDS.1/K2) which include improvements to Castle Primary School to meet the demand arising from the development; provision of a community meeting place, two convenience shops and a children's playing space on each of the two parts of the site. The Woodland Trust woodland will be protected. The development requirements reflect the need to integrate with the existing urban fabric as well as mitigate the impact of the development.

A traffic Study was undertaken for the Council prior to the original allocation of land for housing at South West Keynsham in 2002. This examined the likely impact of development on the road network between the sites and the A4 and A37, and it was demonstrated that with reasonable mitigation works development could be accommodated satisfactorily. In preparation for the proposed reinstatement of this allocation the original study has been updated and its conclusion confirmed. Details of the necessary mitigation works will be included in detailed Transport Assessment which will have to accompany any future planning applications.

Whilst the allocation of SWK entails a change to the Green Belt, it provides the opportunity to develop a new residential community which exemplifies high quality of design and sustainable development

Respondent Details	Summary of Comment	Proposed Response	Change
<p>Ref: 2558/J2</p> <p>Location SW Keynsham Keynsham</p>	<p>The proposed modification reinstates the apparent advantages of developing South West Keynsham from the DDLP, but these are not based on fact. Although there are links to Bristol and Bath via public transport, 700 dwellings on these sites would cause major traffic problems on Woollard Lane leading to the A37, Park Road, Albert Road, Coronation Road, West View Road and Chariton Road, as well as many of the smaller roads in the vicinity. None of these roads were designed or are suitable to carry such an increase in traffic. Chariton Road in particular is already hazardous for children, as well as other residents, due to the volume and speed of traffic entering or leaving Keynsham.</p> <p>In addition, 700 new houses is not sustainable because of the different timescales between the Regional Spatial Strategy, which will introduce a link road to the area no earlier than 2016, and this Local Plan, which proposes to introduce an immediate increase in traffic but with no access support.</p> <p>There cannot be safe, uncluttered access to the proposed development because of poor access to roads surrounding the area.</p> <p>The Modification states that the development would contribute to social inclusion and "quality of life" for residents, which I do not believe to be true. Any new development would be a massive, isolated, additional community on the outskirts of Keynsham. This will place extra strain on already stretched resources.</p>	<p>principles. It complements the objectives of the emerging Keynsham Vision in supporting local services and supplying affordable housing.</p> <p>The objection raises no new issues warranting a further modification.</p> <p>The Inspector considered the issues of housing supply again in detail at the Local Plan Inquiry and recommended that the Council should reinvestigate this site in order to meet the identified shortfall in housing in the District. The identification of sites reflects the locational sequence established in the Structure Plan: that is first Bath, then Keynsham, then Norton-Radstock and then the larger villages. Account has already been taken of the Brownfield site redevelopment opportunities. In light of the Government's priority on deliverability, the Inspector has emphasized that the sites should be both suitable for development and able to deliver housing by 2011. These options have been investigated taking into account the inspector's reasoning and recommendations, site constraints, the local plan strategy, corporate objectives, sustainability criteria and national planning advice, demand for alternative uses etc.</p> <p>The Inspector has assessed the various sites being put forward by objectors in and around Keynsham and recommended the land at South West Keynsham (SWK) should be investigated for re-allocation as mixed use scheme for up to 700 dwellings. This site was previously allocated in the 2002 version of the Local Plan for a mixed use including 500 dwellings but was deleted when it was considered that there were sufficient alternative brownfield sites to meet the housing requirement. In light of the housing shortfall, it is proposed that this allocation is re-instated. The site will be required even if more rapid progress is made on the Bath Western Riverside site in the Plan period than anticipated and housing completions are at the higher end of the 450 – 600 range by 2011. The Inspector concluded that the provision of a substantial level of residential development through the release of a Green Belt site in Keynsham accords with Policy 16 of the JRSP and the site at South West Keynsham provides the location that best meets the criteria for the release of Green Belt land in the JRSP.</p> <p>A Master Plan will be prepared to guide the</p>	No change.

Respondent Details	Summary of Comment	Proposed Response	Change
<p>Ref: 3446/J15 /s</p> <p>Location SW Keynsham Keynsham</p>	<p>Taylor Woodrow Developments Limited support the proposed re-insertion of paragraph A3.18 from the Deposit Draft Local Plan. This is consistent with Recommendation R.12 of the Local Plan Inspector.</p> <p>Altering the Plan in this manner results from modifications to the Plan's strategy that are necessary to ensure that an adequate supply of new housing is provided within the Plan period. This accords with the importance afforded to new housebuilding as set out in PPS3 and referred to by the Local Plan Inspector at paragraphs 5.12, 5.14, 5.16, 5.32, 5.62 and 5.70.</p> <p>The provision of the housing allocation at South West Keynsham is wholly consistent with the requirements of the Structure Plan (Policies 9 and 16). There is a policy requirement for the Green Belt at Keynsham to be altered to accommodate new housing and mixed use development. In this regard the Local Plan Inspector concluded that, having assessed a number of opportunities on the edge of</p>	<p>comprehensive development of the site which will be subject to public consultation. Any developer will be required to comply with the 17 development requirements stipulated in the Local Plan (Site GDS.1/K2) which include improvements to Castle Primary School to meet the demand arising from the development; provision of a community meeting place, two convenience shops and a children's playing space on each of the two parts of the site. The Woodland Trust woodland will be protected. The development requirements reflect the need to integrate with the existing urban fabric as well as mitigate the impact of the development.</p> <p>A traffic Study was undertaken for the Council prior to the original allocation of land for housing at South West Keynsham in 2002. This examined the likely impact of development on the road network between the sites and the A4 and A37, and it was demonstrated that with reasonable mitigation works development could be accommodated satisfactorily. In preparation for the proposed reinstatement of this allocation the original study has been updated and its conclusion confirmed. Details of the necessary mitigation works will be included in detailed Transport Assessment which will have to accompany any future planning applications.</p> <p>Whilst the allocation of SWK entails a change to the Green Belt, it provides the opportunity to develop a new residential community which exemplifies high quality of design and sustainable development principles. It complements the objectives of the emerging Keynsham Vision in supporting local services and supplying affordable housing.</p> <p>The objection raises no new issues warranting a further modification.</p>	<p>No change.</p>

Keynsham, the South West Keynsham site best meets the Structure Plan's policy requirements.
Moreover, the allocation of South West Keynsham is genuinely available and deliverable. It can therefore contribute to meeting the strategic housing need within the plan period.

Ref: 3807/J1

Location SW Keynsham
Keynsham

The proposed modification reinstates the apparent advantages of developing South West Keynsham from the DDLP, but these are not based on fact. Although there are links to Bristol and Bath via public transport, 700 dwellings on these sites would cause major traffic problems on Woollard Lane leading to the A37, Park Road, Albert Road, Coronation Road, West View Road and Chariton Road, as well as many of the smaller roads in the vicinity. None of these roads were designed or are suitable to carry such an increase in traffic. Chariton Road in particular is already hazardous for children, as well as other residents, due to the volume and speed of traffic entering or leaving Keynsham.
In addition, 700 new houses is not sustainable because of the different timescales between the Regional Spatial Strategy, which will introduce a link road to the area no earlier than 2016, and this Local Plan, which proposes to introduce an immediate increase in traffic but with no access support.
There cannot be safe, uncluttered access to the proposed development because of poor access to roads surrounding the area.
The Modification states that the development would contribute to social inclusion and "quality of life" for residents, which I do not believe to be true. Any new development would be a massive, isolated, additional community on the outskirts of Keynsham. This will place extra strain on already stretched resources.

The Inspector considered the issues of housing supply again in detail at the Local Plan Inquiry and recommended that the Council should reinvestigate this site in order to meet the identified shortfall in housing in the District. The identification of sites reflects the locational sequence established in the Structure Plan: that is first Bath, then Keynsham, then Norton-Radstock and then the larger villages. Account has already been taken of the Brownfield site redevelopment opportunities. In light of the Government's priority on deliverability, the Inspector has emphasized that the sites should be both suitable for development and able to deliver housing by 2011. These options have been investigated taking into account the inspector's reasoning and recommendations, site constraints, the local plan strategy, corporate objectives, sustainability criteria and national planning advice, demand for alternative uses etc.

No change.

The Inspector has assessed the various sites being put forward by objectors in and around Keynsham and recommended the land at South West Keynsham (SWK) should be investigated for re-allocation as mixed use scheme for up to 700 dwellings. This site was previously allocated in the 2002 version of the Local Plan for a mixed use including 500 dwellings but was deleted when it was considered that there were sufficient alternative brownfield sites to meet the housing requirement. In light of the housing shortfall, it is proposed that this allocation is re-instated. The site will be required even if more rapid progress is made on the Bath Western Riverside site in the Plan period than anticipated and housing completions are at the higher end of the 450 – 600 range by 2011. The Inspector concluded that the provision of a substantial level of residential development through the release of a Green Belt site in Keynsham accords with Policy 16 of the JRSP and the site at South West Keynsham provides the location that best meets the criteria for the release of Green Belt land in the JRSP.

A Master Plan will be prepared to guide the comprehensive development of the site which will

		<p>be subject to public consultation. Any developer will be required to comply with the 17 development requirements stipulated in the Local Plan (Site GDS.1/K2) which include improvements to Castle Primary School to meet the demand arising from the development; provision of a community meeting place, two convenience shops and a children's playing space on each of the two parts of the site. The Woodland Trust woodland will be protected. The development requirements reflect the need to integrate with the existing urban fabric as well as mitigate the impact of the development.</p> <p>A traffic Study was undertaken for the Council prior to the original allocation of land for housing at South West Keynsham in 2002. This examined the likely impact of development on the road network between the sites and the A4 and A37, and it was demonstrated that with reasonable mitigation works development could be accommodated satisfactorily. In preparation for the proposed reinstatement of this allocation the original study has been updated and its conclusion confirmed. Details of the necessary mitigation works will be included in detailed Transport Assessment which will have to accompany any future planning applications.</p> <p>Whilst the allocation of SWK entails a change to the Green Belt, it provides the opportunity to develop a new residential community which exemplifies high quality of design and sustainable development principles. It complements the objectives of the emerging Keynsham Vision in supporting local services and supplying affordable housing.</p> <p>The objection raises no new issues warranting a further modification.</p>	
<p>Ref: 3808/J1</p> <p>Location SW Keynsham Keynsham</p>	<p>The proposed modification reinstates the apparent advantages of developing South West Keynsham from the DDLP, but these are not based on fact. Although there are links to Bristol and Bath via public transport, 700 dwellings on these sites would cause major traffic problems on Woollard Lane leading to the A37, Park Road, Albert Road, Coronation Road, West View Road and Chariton Road, as well as many of the smaller roads in the vicinity. None of these roads were designed or are suitable to carry such an increase in traffic. Chariton Road in particular is already hazardous for children, as well as other residents, due to the volume and speed of traffic entering or leaving Keynsham. In addition, 700 new houses is not sustainable because of the different timescales between the Regional Spatial Strategy, which will introduce a link road to the area no earlier than 2016, and this Local Plan, which proposes to introduce an immediate increase in traffic but with no access support. There cannot be safe, uncluttered access to the proposed development because of</p>	<p>The Inspector considered the issues of housing supply again in detail at the Local Plan Inquiry and recommended that the Council should reinvestigate this site in order to meet the identified shortfall in housing in the District. The identification of sites reflects the locational sequence established in the Structure Plan: that is first Bath, then Keynsham, then Norton-Radstock and then the larger villages. Account has already been taken of the Brownfield site redevelopment opportunities. In light of the Government's priority on deliverability, the Inspector has emphasized that the sites should be both suitable for development and able to deliver housing by 2011. These options have been</p>	<p>No change.</p>

poor access to roads surrounding the area. The Modification states that the development would contribute to social inclusion and "quality of life" for residents, which I do not believe to be true. Any new development would be a massive, isolated, additional community on the outskirts of Keynsham. This will place extra strain on already stretched resources.

investigated taking into account the inspector's reasoning and recommendations, site constraints, the local plan strategy, corporate objectives, sustainability criteria and national planning advice, demand for alternative uses etc.

The Inspector has assessed the various sites being put forward by objectors in and around Keynsham and recommended the land at South West Keynsham (SWK) should be investigated for re-allocation as mixed use scheme for up to 700 dwellings. This site was previously allocated in the 2002 version of the Local Plan for a mixed use including 500 dwellings but was deleted when it was considered that there were sufficient alternative brownfield sites to meet the housing requirement. In light of the housing shortfall, it is proposed that this allocation is re-instated. The site will be required even if more rapid progress is made on the Bath Western Riverside site in the Plan period than anticipated and housing completions are at the higher end of the 450 - 600 range by 2011. The Inspector concluded that the provision of a substantial level of residential development through the release of a Green Belt site in Keynsham accords with Policy 16 of the JRSP and the site at South West Keynsham provides the location that best meets the criteria for the release of Green Belt land in the JRSP.

A Master Plan will be prepared to guide the comprehensive development of the site which will be subject to public consultation. Any developer will be required to comply with the 17 development requirements stipulated in the Local Plan (Site GDS.1/K2) which include improvements to Castle Primary School to meet the demand arising from the development; provision of a community meeting place, two convenience shops and a children's playing space on each of the two parts of the site. The Woodland Trust woodland will be protected. The development requirements reflect the need to integrate with the existing urban fabric as well as mitigate the impact of the development.

A traffic Study was undertaken for the Council prior to the original allocation of land for housing at South West Keynsham in 2002. This examined the likely impact of development on the road network between the sites and the A4 and A37, and it was demonstrated that with reasonable mitigation works

Respondent Details	Summary of Comment	Proposed Response	Change
<p>Ref: 3948/J30</p> <p>Location SW Keynsham Keynsham</p>	<p>(1) Green Belt land is provided with statutory protection and the legislation provides strict controls on when development is permitted on Green Belt land. This, according to the Act, is done at the planning application stage and not as a matter of policy before the application is prepared. The Inspector's report should have objected to this statement of policy of building on Green Belt land, since neither the council nor the inspector has the authority to ignore the current legislation; nor do Government housing targets repeal extant legislation.</p> <p>In any case, this particular area is the wrong place for a major housing development, since it would reduce the buffer zone between Keynsham and Bristol, which is precisely the type of developments that the Act protecting Green Belts sought to prevent..</p> <p>(2) The inspector's recommendation should be rejected. A statement of intent along the lines of "If it proves necessary to consider using Green Belt land to meet the building targets in the JRSP, then this will be done only after all other options not involving Green Belt land have been taken up", might be acceptable, but the proposed wording in the Local Plan is unlawful.</p>	<p>development could be accommodated satisfactorily. In preparation for the proposed reinstatement of this allocation the original study has been updated and its conclusion confirmed. Details of the necessary mitigation works will be included in detailed Transport Assessment which will have to accompany any future planning applications.</p> <p>Whilst the allocation of SWK entails a change to the Green Belt, it provides the opportunity to develop a new residential community which exemplifies high quality of design and sustainable development principles. It complements the objectives of the emerging Keynsham Vision in supporting local services and supplying affordable housing.</p> <p>The objection raises no new issues warranting a further modification.</p>	<p>No change.</p>
		<p>The Inspector considered the issues of housing supply again in detail at the Local Plan Inquiry and recommended that the Council should reinvestigate this site in order to meet the identified shortfall in housing in the District. The identification of sites reflects the locational sequence established in the Structure Plan: that is first Bath, then Keynsham, then Norton-Radstock and then the larger villages. Account has already been taken of the Brownfield site redevelopment opportunities. In light of the Government's priority on deliverability, the Inspector has emphasized that the sites should be both suitable for development and able to deliver housing by 2011. These options have been investigated taking into account the inspector's reasoning and recommendations, site constraints, the local plan strategy, corporate objectives, sustainability criteria and national planning advice, demand for alternative uses etc.</p> <p>The Inspector has assessed the various sites being put forward by objectors in and around Keynsham and recommended the land at South West Keynsham (SWK) should be investigated for re-allocation as mixed use scheme for up to 700 dwellings. This site was previously allocated in the 2002 version of the Local Plan for a mixed use including 500 dwellings but was deleted when it was considered that there were sufficient alternative brownfield sites to meet the housing requirement. In light of the housing shortfall, it is proposed that this allocation is re-instated. The site will be required even if more rapid progress is made on the</p>	

Bath Western Riverside site in the Plan period than anticipated and housing completions are at the higher end of the 450 – 600 range by 2011. The Inspector concluded that the provision of a substantial level of residential development through the release of a Green Belt site in Keynsham accords with Policy 16 of the JRSP and the site at South West Keynsham provides the location that best meets the criteria for the release of Green Belt land in the JRSP.

A Master Plan will be prepared to guide the comprehensive development of the site which will be subject to public consultation. Any developer will be required to comply with the 17 development requirements stipulated in the Local Plan (Site GDS.1/K2) which include improvements to Castle Primary School to meet the demand arising from the development; provision of a community meeting place, two convenience shops and a children's playing space on each of the two parts of the site. The Woodland Trust woodland will be protected. The development requirements reflect the need to integrate with the existing urban fabric as well as mitigate the impact of the development.

A traffic Study was undertaken for the Council prior to the original allocation of land for housing at South West Keynsham in 2002. This examined the likely impact of development on the road network between the sites and the A4 and A37, and it was demonstrated that with reasonable mitigation works development could be accommodated satisfactorily. In preparation for the proposed reinstatement of this allocation the original study has been updated and its conclusion confirmed. Details of the necessary mitigation works will be included in detailed Transport Assessment which will have to accompany any future planning applications.

Whilst the allocation of SWK entails a change to the Green Belt, it provides the opportunity to develop a new residential community which exemplifies high quality of design and sustainable development principles. It complements the objectives of the emerging Keynsham Vision in supporting local services and supplying affordable housing.

The objection raises no new issues warranting a further modification.

Modification: M/A3/15 - Vision and Strategy

Ref:	2554/J3	The amendments I am seeking are to reinstate paragraph A3.1 8A, of the RDDLP, which places emphasis on regeneration of existing sites, thus reducing the need to travel. If the paragraph cannot be reinstated, the spirit of the statements should be maintained. Any development in Keynsham should be carried out in small pockets, keeping the sense of community and promoting social inclusion, as stated in the paragraph in the RDDLP. The proposed development should be deleted in favour of regeneration of brown field sites throughout B&NES, which could be achieved if the arbitrary timescale of 2011 were to be removed.	Disagree. Para A3.18A has been deleted in accordance with the Inspector's recommendation and reflects the reinstatement of the site at South West Keynsham which will contribute to meeting the shortfall in housing supply in the District. See also response to 2554/J3.	No change.
Location	SW Keynsham Keynsham			
Ref:	2556/J3	The amendments I am seeking are to reinstate paragraph A3.1 8A, of the RDDLP, which places emphasis on regeneration of existing sites, thus reducing the need to travel. If the paragraph cannot be reinstated, the spirit of the statements should be maintained. Any development in Keynsham should be carried out in small pockets, keeping the sense of community and promoting social inclusion, as stated in the paragraph in the RDDLP. The proposed development should be deleted in favour of regeneration of brown field sites throughout B&NES, which could be achieved if the arbitrary timescale of 2011 were to be removed.	Disagree. Para A3.18A has been deleted in accordance with the Inspector's recommendation and reflects the reinstatement of the site at South West Keynsham which will contribute to meeting the shortfall in housing supply in the District. See also response to 2556/J2.	No change.
Location	SW Keynsham Keynsham			
Ref:	2558/J3	The amendments I am seeking are to reinstate paragraph A3.1 8A, of the RDDLP, which places emphasis on regeneration of existing sites, thus reducing the need to travel. If the paragraph cannot be reinstated, the spirit of the statements should be maintained. Any development in Keynsham should be carried out in small pockets, keeping the sense of community and promoting social inclusion, as stated in the paragraph in the RDDLP. The proposed development should be deleted in favour of regeneration of brown field sites throughout B&NES, which could be achieved if the arbitrary timescale of 2011 were to be removed.	Disagree. Para A3.18A has been deleted in accordance with the Inspector's recommendation and reflects the reinstatement of the site at South West Keynsham which will contribute to meeting the shortfall in housing supply in the District. See also response to 2558/J2.	No change.
Location	SW Keynsham Keynsham			
Ref:	3807/J2	The amendments I am seeking are to reinstate paragraph A3.1 8A, of the RDDLP, which places emphasis on regeneration of existing sites, thus reducing the need to travel. If the paragraph cannot be reinstated, the spirit of the statements should be maintained. Any development in Keynsham should be carried out in small pockets, keeping the sense of community and promoting social inclusion, as stated in the paragraph in the RDDLP. The proposed development should be deleted in favour of regeneration of brown field sites throughout B&NES, which could be achieved if the arbitrary timescale of 2011 were to be removed.	Disagree. Para A3.18A has been deleted in accordance with the Inspector's recommendation and reflects the reinstatement of the site at South West Keynsham which will contribute to meeting the shortfall in housing supply in the District. See also response to 3807/J1.	No change.
Location	SW Keynsham Keynsham			
Ref:	3808/J2	The amendments I am seeking are to reinstate paragraph A3.1 8A, of the RDDLP, which places emphasis on regeneration of existing sites, thus reducing the need to travel. If the paragraph cannot be reinstated, the spirit of the statements should be maintained. Any development in Keynsham should be carried out in small pockets, keeping the sense of community and promoting social inclusion, as stated in the paragraph in the RDDLP. The proposed development should be deleted in favour of regeneration of brown field sites throughout B&NES, which could be achieved if the arbitrary timescale of 2011 were to be removed.	Disagree. Para A3.18A has been deleted in accordance with the Inspector's recommendation and reflects the reinstatement of the site at South West Keynsham which will contribute to meeting the shortfall in housing supply in the District. See also response to 3808/J1.	NO change.
Location	SW Keynsham Keynsham			

Modification: M/A3/16 - Development Strategy for Norton Radstock

Ref: 120/J383	1. Object to the phrase "Brownfield sites" in this context unless qualified to exclude the long gardens. The 'back road' between each house and its long garden remains in the public realm.	Disagree. Whilst long gardens fall within the current definition of previously developed land or Brownfield site set out in PPS3, the purpose of para A3.10 is to set the context for how future housing and employment provision can enable a sustainable pattern of development for Norton-Radstock. The issue of character is dealt with elsewhere in the Plan.	No change.
Location (None)	2. Rephrase "development will be mainly in Brownfield sites , excluding the long gardens that form part of the intrinsic character of the Norton Radstock and Paulton Areas and which form part of the public realm and will etc...." Reason: the inspector most likely overlooked the fact that the long gardens may be "Brownfield".		

Chapter A4. Implementation**Modification: M/A4/20 - Target 10**

Ref: 3446/J16 /s	Taylor Woodrow Developments Limited support the proposed modification to Target 10 to increase the overall level of housing to 6,855 new dwellings in the Plan period. This accords with recommendations R1.27 and R5.1 of the Local Plan Inspector's Report. The reasons set out in the Inspector's Report and both comprehensive, clear and cogent.	Support noted.	No change.
Location (None)	Moreover, since the Inspector's Report was published, the Draft Regional Spatial Strategy has been issued by the Regional Assembly. For the District, this increases the housing requirement to 15,500 additional dwellings over a twenty year period. This represents a per annum house building rate of 775 between 2006 and 2026 and compares with the Inspector's recommended rate of 457 dwellings per annum. More recently, the 2003 based household projections have been released (March 2006) which suggest that a yet higher level of housing will be required. This will be tested at the forthcoming Examination in Public. However, this serves to demonstrate that housing pressures will continue in the longer term and that it is right and proper for the Local Plan to attempt to begin the process of accelerating housing provision at an early stage. Such an approach supports the Government's housing objectives as defined in PPS3. Accordingly, there can be no sustainable argument to reduce the overall level of housing from that recommended by the Local Plan Inspector.		

Modification: M/A4/21 - Target 11

Ref: 3126/J189	To accord with objections at M/B7/80 - the threshold should be 10 dwellings not 15.	This objection does not strictly relate to this modification. However for information the thresholds in Target 11 correspond exactly with those in Policy HG.8.	No change.
Location (None)			
Ref: 3237/J12 /s	Support that 35% of affordable homes should be provided on sites exceeding 0.5Ha.	Support noted.	No change.
Location (None)			

Ref: 3237/J30	REASONS FOR OBJECTING: 35% of affordable housing.		No change.
Location Carlingcott Lane Peasedown St. John	<p>INTRODUCTION Representations for the proposed sites for inclusion in the B&NES Local Plan have previously been submitted by Healey and Baker, GVA Grimley, Hephher Dixon and ourselves. At the Public Local Inquiry held on the 5 April 2005, consideration was given to— > Whether the two sites should be allocated for housing within Policy GDS.1. > Whether the Housing Development Boundary should be amended to include both sites. > Wider housing issues concerning the adequacy of Brownfield Sites in the plan area. From the Public Inquiry it was understood — a. SETTLEMENT BOUNDARIES The drawn boundaries on plan did not take into account aspects such as recreation and leisure fields (cricket etc), which should be within the urban boundary, not on the outside of it; with the actual boundaries still being under consideration at that time. It was stated that the representation sites at Church Road and Carlingcott Lane should be part of the Village Envelope and not part of the Rural Hinterland.</p> <p>B. TRANSPORT The council agreed that the Public Transport and village shops were adequate to sustain the village life and that a bus stop exists on the edge of the sites, which would assist in parties travelling to work outside the village without the use of cars thereby assisting in reducing carbon dioxide emissions. The council admitted that the sites are 500m from the village centre, but most of the village is 500m from the village centre.</p> <p>C. HIGHWAYS The council stated that Church Road and the surrounding roads were too narrow; however, the site frontage could be widened; and the Inspector stated that could be dealt with at the planning stage. The Inspector also stated that at Carlingcott Lane, the complete lane did not require to be widened, just at the access point at one corner near the recreation ground where the lane had already been widened; and again it could be dealt with at the planning stage.</p> <p>D. ECOLOGY The Ecologists stated that the Sites should be of National Conservation Interest (SNCI). They had found Limestone Grass on both sites, and a Badger Set on the Church Road site, however; that would not stop development. The Church Road site was overgrown and had killed much of the Limestone Grass but Limestone Grass was growing well on the Carlingcott Site. The Ecologists requested that the site be grazed to encourage its growth and recommended that the Council should be content with some development on the Carlingcott site providing that an area of land was set aside for the grass to thrive; which was agreed.</p> <p>E. DEVELOPMENT The Council stated that Peasedown Belle Vue Farm was fully built out to 21 units and that there would be no more development in Peasedown until after the UDP period ending 2011. However, two other large sites had been forwarded as a consideration for development. The Council stated that Peasedown is an important R1 Settlement — a main area for habitation with infrastructure, public transport and shops to substantiate</p>	<p>The Inspector considered the issues of housing supply again in detail at the Local Plan Inquiry and recommended that the Council should reinvestigate a number of sites in order to meet the identified shortfall in housing in the District. In respect of the two sites at Peasedown St John the concluded that land between Church Road and New Buildings performs an important function in maintaining the separation of New Buildings as an independent group of houses rather than an extension of the larger built up area into the countryside. Land east of Carlingcott Lane forms part of the open countryside and that any development would be a harmful intrusion of the built up area into the countryside. In rejecting these sites the Inspector has identified sufficient sequentially preferable options for the Council to investigate to meet the strategic housing land requirement without the need for the allocation of Greenfield sites in such locations. The objection raises no new issues warranting a further modification.</p>	

residential expansion; and that it was Peasedown Policy to develop Brownfield sites first, but admitted there were none at that time. The Bus garage was mentioned as a possibility but if it were developed it would lead to loss jobs; and the Inspector agreed that the new proposed employment zone would warrant in-migration and new housing.

F. THE INSPECTOR

The Inspector summed up by enquiring of the Council a suitable development density. It was agreed 8 dwellings to the acre, 20 dwellings to the hectare could be constructed on the sites.

Ref: 3237/J31

Location Church Road
and New
Buildings
Peasedown St. John

REASONS FOR OBJECTING:
35% of affordable housing.

INTRODUCTION

Representations for the proposed sites for inclusion in the B&NES Local Plan have previously been submitted by Healey and Baker, GVA Grimley, Hephher Dixon and ourselves.

At the Public Local Inquiry held on the 5 April 2005, consideration was given to -> Whether the two sites should be allocated for housing within Policy GDS.1.

> Whether the Housing Development Boundary should be amended to include both sites.

> Wider housing issues concerning the adequacy of Brownfield Sites in the plan area.

From the Public Inquiry it was understood —

a. SETTLEMENT BOUNDARIES

The drawn boundaries on plan did not take into account aspects such as recreation and leisure fields (cricket etc), which should be within the urban boundary, not on the outside of it; with the actual boundaries still being under consideration at that time. It was stated that the representation sites at Church Road and Carlingcott Lane should be part of the Village Envelope and not part of the Rural Hinterland.

B. TRANSPORT

The council agreed that the Public Transport and village shops were adequate to sustain the village life and that a bus stop exists on the edge of the sites, which would assist in parties travelling to work outside the village without the use of cars thereby assisting in reducing carbon dioxide emissions. The council admitted that the sites are 500m from the village centre, but most of the village is 500m from the village centre.

C. HIGHWAYS

The council stated that Church Road and the surrounding roads were too narrow; however, the site frontage could be widened; and the Inspector stated that could be dealt with at the planning stage. The Inspector also stated that at Carlingcott Lane, the complete lane did not require to be widened, just at the access point at one corner near the recreation ground where the lane had already been widened; and again it could be dealt with at the planning stage.

D. ECOLOGY

The Ecologists stated that the Sites should be of National Conservation Interest (SNCI). They had found Limestone Grass on both sites, and a Badger Set on the Church Road site, however; that would not stop development.

The Church Road site was overgrown and had killed much of the Limestone Grass but Limestone Grass was growing well on the Carlingcott Site. The Ecologists requested that the site be grazed to encourage its growth and recommended that the Council should be content with some development on the Carlingcott site

The Inspector considered the issues of housing supply again in detail at the Local Plan Inquiry and recommended that the Council should reinvestigate a number of sites in order to meet the identified shortfall in housing in the District. In respect of the two sites at Peasedown St John the concluded that land between Church Road and New Buildings performs an important function in maintaining the separation of New Buildings as an independent group of houses rather than an extension of the larger built up area into the countryside. Land east of Carlingcott Lane forms part of the open countryside and that any development would be a harmful intrusion of the built up area into the countryside. In rejecting these sites the Inspector has identified sufficient sequentially preferable options for the Council to investigate to meet the strategic housing land requirement without the need for the allocation of Greenfield sites in such locations.

The objection raises no new issues warranting a further modification.

No change.

providing that an area of land was set aside for the grass to thrive; which was agreed.

E. DEVELOPMENT

The Council stated that Peasedown Belle Vue Farm was fully built out to 21 units and that there would be no more development in Peasedown until after the UDP period ending 2011. However, two other large sites had been forwarded as a consideration for development.

The Council stated that Peasedown is an important R1 Settlement — a main area for habitation with infrastructure, public transport and shops to substantiate residential expansion; and that it was Peasedown Policy to develop Brownfield sites first, but admitted there were none at that time. The Bus garage was mentioned as a possibility but if it were developed it would lead to loss jobs; and the Inspector agreed that the new proposed employment zone would warrant in-migration and new housing.

F. THE INSPECTOR

The Inspector summed up by enquiring of the Council a suitable development density. It was agreed 8 dwellings to the acre, 20 dwellings to the hectare could be constructed on the sites.

Modification: M/A4/22 - Targets 13 & 14

Ref:	3126/J178	Though the 50% figure in target 14 looks impressive at first glance, we feel that the figure is too modest. Food waste is scheduled for next year and this step alone will bring BANES close to their target. Coupled with a reduction in waste collection, a target of 60% is achievable (as has been shown in South Somerset).	Disagree. Approximately 37% of household waste was recycled / composted during 2005/06 compared to a target of 36%. Therefore the target of 50% by 2009/10 would appear to be realistic.	No change.
Location	(None)			
Ref:	3126/J179	Though we understand that commercial waste is more difficult to monitor than residential, it must be a goal of every council to reduce landfill. BANES must discover methods to encourage re-use and recycling in the non-residential sector, whether or not this has a specific percentage goal.	Target 13 has been deleted as it refers to a date in the past.	No change.
Location	(None)			

Modification: M/A4/24 - Target 19

Ref:	3186/J12	We object to the removal of these important targets and their indicators. We believe that they are measurable, are necessary and important for the protection of high quality agricultural land and visually open spaces from development. It is our opinion that B&NES are taking the easy way out here instead of looking at improving their means of measuring these targets.	The Council has accepted the Inspector's view that Target 19 does not give an adequate indication of the success of Policy NE.16 because some loss of good agricultural land is permitted by that policy.	No change.
Location	(None)			

Modification: M/A4/27 - Target 23

Ref:	3186/J13	We object to the removal of these important targets and their indicators. We believe that they are measurable, are necessary and important for the protection of high quality agricultural land and visually open spaces from development. It is our opinion that B&NES are taking the easy way out here instead of looking at improving their means of measuring these targets.	The Council has accepted the Inspector's view that it would be inappropriate to retain Target 23 following changes to Policy BH.15.	No change.
Location	(None)			

Chapter A5. Design

Modification: M/A5/4 - Deletion of Policy 1 - General Design requirement

Ref: 120/J385	Object to deletion of Policy D1 at least for the city of Bath, as the landscape character appraisal for the city, which presumably was not available to the inspector significantly diminishes her main reason to object to it. Her other objection can be addressed through modified wording: "Policy D1 seeks to prevent development which does not enhance the character of an area".	The provisions of deleted Policy D.1 are already covered by Policies D.2 and D.4 making Policy D.1 effectively superfluous.	No change.
Location (None)			

Modification: M/A5/7 - Modifications to Policy D.2 - Design & the public realm

Ref: 120/J386	Support the retention of h) but propose two changes to the wording: 1. "The amenities of the proposed development and existing or potential development in the area is [are] not harmed." REASON - This is the inspectors recommendation. The modification rephrases as "significant harms" which hugely favours developers over residents.	Support noted. However clause (h) accords with the Inspector's recommendation and gives equal weight to safeguarding the amenities of both existing residents and proposed occupiers etc.	No change.
Location (None)	2. ...by reason of loss of light or shade....to accommodate the increased need for shade in hotter summers.		
Ref: 743/J48 /s	The proposed modification to Policy D.2 is considered to be significantly improved wording.	Support noted.	No change.
Location (None)			
Ref: 2468/J7	Support the retention of h) but propose two changes to the wording. 1. "The amenities of the proposed development and existing or potential development in the area is [are] not harmed." REASON - It is the inspectors recommendation. The modification rephrases as "significant harms" which hugely favours developers over residents.	Support noted. However clause (h) accords with the Inspector's recommendation and gives equal weight to safeguarding the amenities of both existing residents and proposed occupiers etc.	No change.
Location (None)	2. By reason of loss of light or shade....to accommodate the increased need for shade in hotter summers.		
Ref: 3004/J27	1 Whilst Renrod welcome the changes made to Policy D2 in respect of its rewording to remove inappropriate design criteria, it is considered that as a point of detail it is inappropriate to have a policy which requires provision of public art. 2 Policy guidance on public art suggest that the approach should be one of a negotiated contribution not a requirement. 3 The criteria relating to public art should be reworked.	Support noted. Clause (i) makes it clear that the provision of public art is an option in terms of enhancing the public realm and para A5.50 states that this is voluntary.	No change.
Location (None)			
Ref: 3948/J17 /s	1. I support the new wording of Criterion H. It will be helpful to have a list of those amenities that should not be significantly diminished.	Support noted.	No change.
Location (None)			

Modification: M/A5/12 - Modifications to para A5.62

Respondent Details	Summary of Comment	Proposed Response	Change
Ref: 120/J384 /s Location (None)	Support because it backs up my objection to the current modified wording of M/A3/16. It all adds weight to the need to retain the long gardens and will assist the retention of all the long gardens outside the Conservation Areas.	Support noted.	No change.
Modification: M/A5/17 - Modifications to Policy D.4			
Ref: 1427/J246 Location (None)	The Environment Agency recommends that this Policy be expanded to include explicit reference to the need for sustainability to be incorporated into the design of all proposals. The modifications made through this document now leave the Local Plan weak on this point. The Plan must provide a strong lead on this topic.	Policy D.4 seeks to ensure that a proposed development respects and compliments its physical surroundings. As the Local Plan is intended to be read as a whole any application for planning permission will be considered within the context of a range of policies which will seek to achieve sustainability through design, including Policy D.4.	No change.
Ref: 3948/J16 /s Location (None)	1. I support the new wording of Criteria A and B. It will be helpful to have specific guidance as to the appropriateness of infill developments.	Support noted.	No change.
Modification: M/A5/18 - Para A5.73			
Ref: 3446/J17 Location (None)	Taylor Woodrow Developments Limited suggest that for the sake of completeness and accuracy, the second sentence of paragraph A5.73 should be amended to refer to "Circular 01/2006" as opposed merely to "the circular".	Noted. This can be treated as a non-material change under Regulation 29 and the Local Plan updated accordingly prior to its adoption.	No change.
Ref: 3948/J13 Location (None)	1. I do not object to the intention of the proposed amendment but the words "The Circular" are too ambiguous. 2. The circular reference should be explicitly stated "Circular 01/2006, 'Guidance on changes to the Development Control System'".	Noted. This can be treated as a non-material change under Regulation 29 and the Local Plan updated accordingly prior to its adoption.	No change.
Modification: M/A5/22 - Para A5.74A			
Ref: 1427/J247 Location (None)	M/A5/22 - 24 Para A5.74A; Para A5.74B; Quick Guide 4B The removal of these paragraphs do not appear to be balanced elsewhere in the Plan. The subject of sustainability should be one of the main thrusts of the Plan. These deletions and those elsewhere in the Plan leave it weak on this topic. The Environment Agency recommend that a paragraph be included on this theme.	Disagree. Sustainability is a theme which underpins the objectives and detailed policies and proposals in the plan. The deletion of paras A5.74A, A5.74 B and Quick Guide 4B will not undermine the overarching objectives of achieving sustainability through design. This text did not explain or support a policy in the Plan but acted as a check list with reference to other policies and therefore considered superfluous.	No change.
Modification: M/A5/23 - Para A5.74B			

Respondent Details	Summary of Comment	Proposed Response	Change
Ref: 1427/J248 Location (None)	M/A5/22 - 24 Para A5.74A; Para A5.74B; Quick Guide 4B The removal of these paragraphs do not appear to be balanced elsewhere in the Plan. The subject of sustainability should be one of the main thrusts of the Plan. These deletions and those elsewhere in the Plan leave it weak on this topic. The Environment Agency recommend that a paragraph be included on this theme.	Disagree. Sustainability is a theme which underpins the objectives and detailed policies and proposals in the plan. The deletion of paras A5.74A, A5.74 B and Quick Guide 4B will not undermine the overarching objectives of achieving sustainability through design. This text did not explain or support a policy in the Plan but acted as a check list with reference to other policies and therefore considered superfluous.	No change.
Modification: M/A5/24 - Quick Guide 4B			
Ref: 1427/J249 Location (None)	M/A5/22 - 24 Para A5.74A; Para A5.74B; Quick Guide 4B The removal of these paragraphs do not appear to be balanced elsewhere in the Plan. The subject of sustainability should be one of the main thrusts of the Plan. These deletions and those elsewhere in the Plan leave it weak on this topic. The Environment Agency recommend that a paragraph be included on this theme.	Disagree. Sustainability is a theme which underpins the objectives and detailed policies and proposals in the plan. The deletion of paras A5.74A, A5.74 B and Quick Guide 4B will not undermine the overarching objectives of achieving sustainability through design. This text did not explain or support a policy in the Plan but acted as a check list with reference to other policies and therefore considered superfluous.	No change.

Chapter B1. Settlement Classification

Modification: M/B1/1 - Para B1.3			
Ref: 3237/J13 /s Location Bath Business Park	Not all development can be concentrated in Bath.	Support noted.	No change.
Ref: 3446/J18 /s Location (None)	Taylor Woodrow Developments Limited support the proposed modification to paragraph B1.3 and the inclusion of reference to Structure Plan policy 2(I). This accords with Recommendation R2.1 of the Local Plan Inspector and reflects the policy requirement in the Structure Plan to this effect.	Support noted.	No change.

Chapter B2. Economy & Tourism

Modification: M/B2/2 - Para B2.5			
Ref: 3126/J190 /s Location (None)	Support.	Support noted.	No change.

Modification: M/B2/4 - Para B2.6

Ref: 3948/J14	1. I do not object to the intention of the proposed amendment, but by omission it puts at risk one type of business - that which currently exists, is stable and is viable in the premises it currently occupies. This paragraph needs to commit to supporting existing viable businesses as well as promoting creation and growth. The inspector's commentary makes it clear that this is recognised, but the recommendation falls short of the full scope of the commentary.	This modification reproduces the 4 building blocks of the existing 10 year Economic Plan as background information.	No change.
Location (None)			
	2 After "creation and growth" in the first bullet, "Protecting existing businesses and supporting the creation of new...."		

Modification: M/B2/62 - Policy ET.1

Ref: 3948/J15	(1) I support the reasoning behind this suggested amendment, but find it far too prescriptive. For instance, if an industry wished to create a new operation in Bath to take advantage of the employment opportunities afforded by new housing developments, it would be entirely wrong to evaluate this against a target for reducing floorspace. Similarly, if an existing office employer chooses to relocate outside Bath for business reasons (like the MOD's transfer of Bath staff to Abbey Wood to co-locate similar work) it would be entirely wrong to pursue a policy of creating new office floorspace against a background of suitable redundant buildings.	The Council has accepted this wording as recommended by the Inspector following detailed discussion on the subject at the Local Plan inquiry. The Policy reflects the conclusions of the Bath & North East Somerset Business Land Requirements Study 2003. Proposals relating to then gain or loss of business development will be assessed not just against this policy but also policies ET.2 & 3 which allow for the consideration of the issues raised by the objector.	No change.
Location (None)	(2) The Policy ET.1 statement should be prefixed with the caveat "While the forecasts for the period 2001-2011 reflect the changing demand. . ."		

Modification: M/B2/63 - Economy, Tourism & Agriculture

Ref: 3446/J19	In addition to Policy GDS.1/K1 the Local Plan proposes for an element of employment development to be provided as part of the mixed use development at South West Keynsham (Policy GDS.1/K2) (Modification M/B9/33). Accordingly, paragraph B2.21 should be amended to refer also to this in addition to the Somerdale proposal.	Reason for amendment noted but does not warrant a further modification to the Plan. This could be included as a non-material change when the Plan is formally adopted.	No change.
Location SW Keynsham Keynsham	Taylor Woodrow Developments Limited suggest the following wording: "However, as a means of increasing the self-sufficiency of Keynsham, policy GDS.1/K1 makes provision for additional employment at the Somerdale site which will be considered as additional to the above. Employment provision is also to be provided as part of the South West Keynsham site to contribute to this aim."		

Modification: M/B2/68 - Economy, Tourism & Agriculture

Ref: 3446/J20	In addition to Policy GDS.1/K1 the Local Plan proposes for an element of employment development to be provided as part of the mixed use development at South West Keynsham (Policy GDS.1/K2) (Modification M/B9/33). Accordingly, paragraph B2.26 should be amended to refer also to this in addition to the Somerdale proposal.	Reason for amendment noted but does not warrant a further modification to the Plan. This could be included as a non-material change when the Plan is formally adopted.	No change.
Location SW Keynsham Keynsham	Taylor Woodrow Development Limited suggest the following wording: Keynsham has a high level of outcommuting with more than 63% of its employed residents travelling elsewhere to work in 2001. Therefore a key objective during the plan period will be to make the town more self-sustaining in terms of		

employment. Although demand for new office floorspace outside Bath is generally expected to be on a much smaller scale, the locational advantages of the allocated site at Somerdale in Keynsham (policy GDS.1/K1) present the opportunity for a campus of high profile and quality which could attract demand from a wider area, helping to increase local jobs and reduce the high level of commuting from the town. The plan therefore promotes this development as a specific addition to the floorspace forecasts in policy ET.1. Employment provision is also to be provided as part of the South West Keynsham site.

Modification: M/B2/70 - Economy, Tourism & Agriculture

Ref:	3237/J14 /s	Support 11ha of employment land at Peasedown St John.	Support noted.	No change.
Location	Bath Business Park Peasedown St. John			

Modification: M/B2/73 - Economy, Tourism & Agriculture

Ref:	3948/J1	(1) Reasons for objection: The list of core employment areas needs to include the Riverside Business Park. This area was specifically set up (and signed) as a business park, is fully occupied by viable businesses whose stock is not likely to be damaged by the risks of operating on the river flood plain, and whose clientele include those employed in the central area who find that this Business Park is the only one within convenient walking distance of their place of employment. Having read the remainder of the Local Plan, this business park is not redefined elsewhere, and therefore it must be an omission, and that must be corrected. M/B2/81 and M/B2/82 are also incomplete for the same reason (2) Amendments sought: "In Bath, land is identified for this purpose at Riverside Business Park, Locksbrook Road and Brassmill Lane. . . ."	This area already lies within the Core Office Employment area. This designation was endorsed by the Local Plan Inquiry inspector. Any proposals for development in this area will need to take account of the emerging policy framework, including Policy ET.2 & flood risk Policy NE.14 and take account of any other material circumstances. (NB there is a current planning application - Bath South Quays - as at January 2007 - 06/02857/OUT)	No change.
Location	Riverside Business Park Bath			

Modification: M/B2/81 - New Policy ET.3

Ref:	3004/J26	MODIFICATION M/B2/81 to POLICY ET.3 Whilst significant changes to the suite of employment land policies in the light of the Inspector's recommendations and, the significant criticism of Council's approach are to be welcomed, it is unclear how criteria related to managing a reduction of employment land is to be operated in practice. Whilst the policy now follows the advice set out in Government guidance, to protect core employment areas whilst effectively taking a more relaxed approach to the loss of land in other locations, it is unclear how criteria 3 of the policy is to operate. The policy makes reference to a "managed reduction" in floorspace to be judged in turn against the figures set out elsewhere in the Modifications. If the policy is to operate successfully there must be a commitment within the Plan to annual monitoring of employment land floorspace issues. It is unclear if the policy is to operate so that prospective applicants are to make the assessments or, whether this is to be done by the Council.	The Council undertakes an annual employment land survey, the results of which are published as part of the statutory Annual Monitoring Report. Clause (ii) allows for unacceptable environmental problems to be addressed. The policy wording is clear that the judgement on the need to retain a site for business uses will need to account of both the extent of business land loss as well as clauses 3 (i) to (ii) of Policy E.3. Para 2.35 of the the Inspector Report sets out why she recommends inclusion of the clause relating to small sites across the District. The policy unambiguously relates to whole of the District.	No change.
Location	(None)			
	It is unclear whether the policy has a sufficient degree of flexibility to allow			

instances where a genuine bad neighbour operator wishes to relocate or has already closed, offering a genuine environmental benefit and enhancement for redevelopment and whether this is still likely to receive approval notwithstanding the floorspace considerations.

It is considered unhelpful that the final paragraph of the policy has been added referring to smaller units. As a general point, it is frequently the smaller scale enterprises within the urban area which cause the most difficulties for neighbours and which have the greatest impact on the amenities of the area in terms of noise and disturbance, unrestricted working hours etc. It remains unclear as to why this provision has been added. Further, it is considered that if this criteria must remain it needs to be more tightly defined. As currently written, it can apply anywhere in the District without clear guidance.

In summary, whilst the Modification to the policy is welcomed, it requires further changes to work in practice.

Ref:	3948/J32	<p>(1) The list of core employment areas needs to include the Riverside Business Park. This area was specifically set up (and signed) as a business park, is fully occupied by viable businesses whose stock is not likely to be damaged by the risks of operating on the river flood plain, and whose clientele include those employed in the central area who find that this Business Park is the only one within convenient walking distance of their place of employment and the businesses benefit from this location because of that. Having read the remainder of the Local Plan, this business park is not redefined elsewhere, and therefore it must be an omission, and that must be corrected.</p> <p>(2) Add "Riverside Business Park" to the list of Bath locations; add "and in preserving viable businesses" to the end of the last paragraph.</p>	<p>This area already lies within the Core Office Employment area. This designation was endorsed by the Local Plan Inquiry inspector. Any proposals for development in this area will need to take account of the emerging policy framework, including Policy ET.2 & flood risk Policy NE.14 and take account of any other material circumstances. (NB there is a current planning application - Bath South Quays - as at January 2007 - 06/02857/OUT)</p>	No change.
Location	Riverside Business Park Bath			
Ref:	3231/J2	<p>1. Background to representations These representations relate solely to the Local Plan's proposals for the "Core Employment Area" at 'Norton Hill' in Midsomer Norton. As you may be aware, APL have significant land interests in this area comprising their existing packaging works off Nightingale Way. I have shown the extent of this site (highlighted in red) on Inset 19 to the PM (Appendix A refers). I have also enclosed a more detailed plan of the works itself (Appendix B refers). The site extends to some 4.9 hectares (12 acres) and includes over 23,225 square metres of floorspace (250,000 square feet) within the 'Main Production Hall', together with various other significant outbuildings, silos, car parking and a building used as a social club. As I have confirmed in recent discussions with the Council, my clients are presently in the process of closing down current operations on site. The closure of the packaging business was announced earlier this year and the works will formally close this December. However, there will be decommissioning works being undertaken and as the lease on the social club will continue for a further 6 months therefore, vacant possession of the site will not occur until around June 2007. In view of the imminent closure of the packaging works, APL have retained various advisors to advise on the disposal of the site and associated property matters. ADL Traffic Ltd have been instructed to advise on highway and access issues and this Practice has also been retained to advise on various planning issues, including responding to the current round of consultation on the Local Plan.</p> <p>2. Objections to Proposed Modifications</p>	<p>This site is part of Norton Radstock's core stock of industrial/employment land. Reflecting the 2003 Business Land Requirements Study, the Local Plan Inquiry Inspector acknowledged that industrial land would decline in the Norton Radstock area. However, the Inspector endorsed the rationale for protecting such sites in light of already high levels of outcommuting and the need to retain a stock of employment land. The Inspector specifically referred to the Norton Hill area (Report p.81) as an important employment area in Norton Radstock. This area is well located to provide opportunity to work locally & travel sustainably.</p> <p>Development will be determined in light of this emerging policy framework taking account of any other material circumstances such as the closure of the factory.</p>	No change.
Location	Alcan Packaging, Norton Hill Norton Radstock			

My clients' objections relate to various changes to Chapter 82 'Economy, Tourism & Agriculture' and specifically the modifications in relation to the 'Core Employment Areas' (CEA).

In relation to the 'List of Proposed Modifications' document my clients' specific objections relate to the changes to the Policy and text as detailed under the following references:

M/B2/72-77 (inc the allocation of the Alcan site as part of the 'Norton Hill' CEA and specifically new paragraph B2.34.

M/B2/80: the allocation of the Alcan site as part of a CEA and lack of flexibility in bringing forward non-employment uses on redundant and vacant sites.

M/B2/82 k): the inclusion of the whole Alcan site within the CEA as shown on Inset 19. In our view, the Council's proposed changes are unacceptable and unjustified in that:

The planning circumstances leading to the Inspectors Recommendations and PM have materially changed in that the Alcan site will shortly become surplus to requirements and will no longer form part of an area providing "significant employment at established companies". The reason for including the Alcan site within the CEA will soon no longer apply or be relevant, and as with a number of similar old industrial sites it will become surplus to requirements. Combined with the recognised and accepted decline in the industrial and manufacturing sectors, which will continue in the foreseeable future, there is no need or demand for such a large industrial site. In addition, the fact that the site is poorly located and has no direct access to the primary road network, indicates that it will be unable to compete with more modern, prestigious and accessible business parks and employment sites found elsewhere in the District.

- The site is not well located or accessible to meet modern industrial needs, in that it is situated within an extensive and densely populated modern residential estate, and not a modern or purpose built business park location. The site has no commercial visibility or direct access to the primary highway network and is subject to a number of planning (noise and servicing) constraints resulting from the fact that the majority of the site boundaries are to existing residential properties.

- The access too and servicing of the site would not meet the expectations of modern business operators, particularly non-office employment users (B1b & c, B2 and B8 users) which the site is presently allocated for as part of the CEA. With the present trend of manufacturing companies requiring larger lorries and continued access to the site to carry out their operations in order for the site to be effective it is apparent that these current restrictions and its general locality cannot accommodate a new manufacturing operation on site.

- The specialist and purpose built nature of the existing works buildings confirms that there would be little, if any, demand to re-use the site as existing. The extensive size of the site also suggests that redevelopment for small to medium sized employment units (as required by the Revised Deposit Plan) would not be feasible or viable, and may give rise to significant highway safety and amenity issues given the likelihood that traffic generation of smaller business users will be far more intensive than existing.

Given the above, we would request that the proposal to designate the Alcan site as part of a

CEA be deleted and the wording of Policy ET.3 and its supporting text amended accordingly.

In the absence of any formal proposals for the site at present, that the site be considered

under the heading of "other locations" and subject to Policy ET.3 (3) criteria (i) to (iii) (inclusive).

3. Conclusions

My clients strongly object to MOD No. M/B2/72-77, 80 and 82 and consider that these changes should be deleted insofar as they relate to the Alcan site, part of the 'Norton Hill' CEA. The CEA designation should be removed from the Alcan site, as it is now surplus to requirements and unlikely to be required as it does not meet modern industrial needs.

We look forward to receiving confirmation that the above changes are being actioned and addressed in Further Proposed Modifications.

Ref: 3971/J1

Location Alcan
Packaging,
Norton Hill
Norton Radstock

1. Background to representations

These representations relate solely to the Local Plan's proposals for the "Core Employment Area" at 'Norton Hill' in Midsomer Norton. As you may be aware, APL have significant land interests in this area comprising their existing packaging works off Nightingale Way. I have shown the extent of this site (highlighted in red) on Inset 19 to the Proposals Map (Appendix A refers). I have also enclosed a more detailed plan of the works itself (Appendix B refers).

The site extends to some 4.9 hectares (12 acres) and includes over 23,225 square metres of floorspace (250,000 square feet) within the 'Main Production Hall', together with various other significant outbuildings, silos, car parking and a building used as a social club.

As I have confirmed in recent discussions with the Major Projects Team and Planning Policy Section, my clients are presently in the process of closing down current operations on site. The closure of the packaging business was announced earlier this year and the works will formally close this December 2006. However, there will be decommissioning works being undertaken and as the lease on the social club will continue for a further 6 months therefore, vacant possession of the site will not occur until around June 2007.

In view of the imminent closure of the packaging works, APL have retained various advisors to advise on the disposal of the site and associated property matters. ADL Traffic Ltd have been instructed to advise on highway and access issues and this Practice has also been retained to advise on various planning issues, including responding to the current round of consultation on the Local Plan.

2. Objections to Proposed Modifications

My clients' objections relate to various changes to Chapter B2 'Economy, Tourism & Agriculture' and specifically the modifications in relation to the 'Core Employment Areas' (CEA). In relation to the 'List of Proposed Modifications' document my clients' specific objections relate to the changes to the Policy and text as detailed under the following references:

M/B2/72-77 (inc.): the allocation of the Alcan site as part of the 'Norton Hill' CEA and specifically new paragraph B2.34.

M/B2/80: the allocation of the Alcan site as part of a CEA and lack of flexibility in bringing forward non-employment uses on redundant and vacant sites.

M/B2/82 k): the inclusion of the whole Alcan site within the CEA as shown on Inset 19. In our view, the Council's proposed changes are unacceptable and unjustified in that:

The planning circumstances leading to the Inspectors Recommendations and PM have materially changed in that the Alcan site will shortly become surplus to requirements and will no longer form part of an area providing "significant employment at established companies". The reason for including the Alcan site

This site is part of Norton Radstock's core stock of industrial/employment land. Reflecting the 2003 Business Land Requirements Study, the Local Plan Inquiry Inspector acknowledged that industrial land would decline in the Norton Radstock area. However, the Inspector endorsed the rationale for protecting such sites in light of already high levels of outcommuting and the need to retain a stock of employment land. The Inspector specifically referred to the Norton Hill area (Report p.81) as an important employment area in Norton Radstock. This area is well located to provide opportunity to work locally & travel sustainably.

Development will be determined in light of this emerging policy framework taking account of any other material circumstances such as the closure of the factory.

No change.

within the CEA will soon no longer apply or be relevant, and as with a number of similar old industrial sites it will become surplus to requirements. Combined with the recognised and accepted decline in the industrial and manufacturing sectors, which will continue in the foreseeable future, there is no need or demand for such a large industrial site. In addition, the fact that the site is poorly located and has no direct access to the primary road network, indicates that it will be unable to compete with more modern, prestigious and accessible business parks and employment sites found elsewhere in the District.

- The site is not well located or accessible to meet modern industrial needs, in that it is situated within an extensive and densely populated modern residential estate, and not a modern or purpose built business park location. The site has no commercial visibility or direct access to the primary highway network and is subject to a number of planning (noise and servicing) constraints resulting from the fact that the majority of the site boundaries are to existing residential properties.

- The access too and servicing of the site would not meet the expectations of modern business operators, particularly non-office employment users (B1b & c, B2 and B8 users) which the site is presently allocated for as part of the CEA. With the present trend of manufacturing companies requiring larger lorries and continued access to the site to carry out their operations in order for the site to be effective it is apparent that these current restrictions and its general locality cannot accommodate a new manufacturing operation on site.

- The specialist and purpose built nature of the existing works buildings confirms that there would be little, if any, demand to re-use the site as existing. The extensive size of the site also suggests that redevelopment for small to medium sized employment units (as required by the Revised Deposit Plan) would not be feasible or viable, and may give rise to significant highway safety and amenity issues given the likelihood that traffic generation of smaller business users will be far more intensive than existing.

Given the above, we would request that the proposal to designate the Alcan site as part of a CEA be deleted and the wording of Policy ET.3 and its supporting text amended accordingly.

In the absence of any formal proposals for the site at present, that the site be considered under the heading of "other locations" and subject to Policy ET.3 (3) criteria (i) to (iii) (inclusive).

3. Conclusions

My clients strongly object to MOD No. M/B2/72-77, 80 and 82 and consider that these changes should be deleted insofar as they relate to the Alcan site, part of the 'Norton Hill' CEA. The CEA designation should be removed from the Alcan site, as it is now surplus to requirements and unlikely to be required as it does not meet modern industrial needs.

Supporting Maps attached.

Modification: M/B2/82 (a-q) - Core Employment Sites

Ref:	4035/J6	Riverside Business Park should remain as a business park and not be re-classified for educational or other purposes. Due to the flood risk classification, it is totally unsuitable for uses other than a business park.	This area already lies within the Core Office Employment area. This designation was endorsed by the Local Plan Inquiry inspector. Any proposals for development in this area will need to take account of the emerging policy framework, including Policy ET.2 & flood risk Policy NE.14. and take account of any other material circumstances. (NB	No change.
Location	Riverside Business Park			
Bath				

Respondent Details	Summary of Comment	Proposed Response	Change
<p>Ref: 241/J12</p> <p>Location Hallatrow High Littleton</p>	<p>This Council objects to the erroneous outline of Hallatrow Business Park indicated on page 14 of "Schedule of Proposed Modifications to the Local Plan Proposals Map". The western boundary of the business park in fact lies parallel to the west wall of the southern building, 2 metres to the west of the wall. The remaining land shown hatched is agricultural land. This council has demonstrated this fact repeatedly and successfully to B&NES' Planning Officers in connection with a succession of planning applications from Hallatrow Business Park, Woodpecker Pine and Bookbarn. We have provided the planning officers with evidence based on the plan of the site when the Ministry of Agriculture and Fisheries requested planning consent for a security fence around the site. There have been no subsequent changes of land usage on this site other than a limited change within the southern building itself. This evidence will be in B&NES' Planning section's files (if needed a copy can be provided). This Council has no objection to the allocation of a correctly delineated Hallatrow Business Park under Policy ET.3</p>	<p>there is a current planning application - Bath South Quays - as at January 2007 - 06/02857/OUT).</p> <p>Comments noted. This is a drafting error which can be rectified as a non-material change in the adopted version of the of the Local Plan. The site will be amended shown to accord with the existing factory curtilage.</p>	No change.
<p>Ref: 3231/J3</p> <p>Location Alcan Packaging, Norton Hill Norton Radstock</p>	<p>1. Background to representations These representations relate solely to the Local Plan's proposals for the "Core Employment Area" at 'Norton Hill' in Midsomer Norton. As you may be aware, APL have significant land interests in this area comprising their existing packaging works off Nightingale Way. I have shown the extent of this site (highlighted in red) on Inset 19 to the PM (Appendix A refers). I have also enclosed a more detailed plan of the works itself (Appendix B refers). The site extends to some 4.9 hectares (12 acres) and induces over 23,225 square metres of floorspace (250,000 square feet) within the 'Main Production Hall', together with various other significant outbuildings, silos, car parking and a building used as a social club. As I have confirmed in recent discussions with the Major Projects Team and Planning Policy Section. My clients are presently in the process of closing down current operations on site. The closure of the packaging business was announced earlier this year and the works will formally close this December. However, there will be decommissioning works being undertaken and as the lease on the social club will continue for a further 6 months therefore, vacant possession of the site will not occur until around June 2007. In view of the imminent closure of the packaging works, APL have retained various advisors to advise on the disposal of the site and associated property matters. ADL Traffic Ltd have been instructed to advise on highway and access issues and this Practice has also been retained to advise on various planning issues, including responding to the current round of consultation on the Local Plan.</p> <p>2. Objections to Proposed Modifications My clients' objections relate to various changes to Chapter 82 'Economy, Tourism & Agriculture' and specifically the modifications in relation to the 'Core Employment Areas' (CEA). In relation to the 'List of Proposed Modifications' document my clients' specific objections relate to the changes to the Policy and text as detailed under the following references: M/B2/72-77 (inc the allocation of the Alcan site as part of the 'Norton Hill' CEA and specifically new paragraph B2.34. M/B2/80: the allocation of the Alcan site as part of a CEA and lack of flexibility in bringing forward non-employment uses on redundant and vacant sites.</p>	<p>This site is part of Norton Radstock's core stock of industrial/employment land. Reflecting the 2003 Business Land Requirements Study, the Local Plan Inquiry Inspector acknowledged that industrial land would decline in the Norton Radstock area. However, the Inspector endorsed the rationale for protecting such sites in light of already high levels of outcommuting and the need to retain a stock of employment land. The Inspector specifically referred to the Norton Hill area (Report p.81) as an important employment area in Norton Radstock. This area is well located to provide opportunity to work locally & travel sustainably.</p> <p>Development will be determined in light of this emerging policy framework taking account of any other material circumstances such as the closure of the factory.</p>	No change.

M/B2/82 k): the inclusion of the whole Alcan site within the CEA as shown on Inset 19. In our view, the Council's proposed changes are unacceptable and unjustified in that:

The planning circumstances leading to the Inspectors Recommendations and PM have materially changed in that the Alcan site will shortly become surplus to requirements and will no longer form part of an area providing "significant employment at established companies". The reason for including the Alcan site within the CEA will soon no longer apply or be relevant, and as with a number of similar old industrial sites it will become surplus to requirements. Combined with the recognised and accepted decline in the industrial and manufacturing sectors, which will continue in the foreseeable future, there is no need or demand for such a large industrial site. In addition, the fact that the site is poorly located and has no direct access to the primary road network, indicates that it will be unable to compete with more modern, prestigious and accessible business parks and employment sites found elsewhere in the District.

- The site is not well located or accessible to meet modern industrial needs, in that it is situated within an extensive and densely populated modern residential estate, and not a modern or purpose built business park location. The site has no commercial visibility or direct access to the primary highway network and is subject to a number of planning (noise and servicing) constraints resulting from the fact that the majority of the site boundaries are to existing residential properties.

- The access to and servicing of the site would not meet the expectations of modern business operators, particularly non-office employment users (B1b & c, B2 and B8 users) which the site is presently allocated for as part of the CEA. With the present trend of manufacturing companies requiring larger lorries and continued access to the site to carry out their operations in order for the site to be effective it is apparent that these current restrictions and its general locality cannot accommodate a new manufacturing operation on site.

- The specialist and purpose built nature of the existing works buildings confirms that there would be little, if any, demand to re-use the site as existing. The extensive size of the site also suggests that redevelopment for small to medium sized employment units (as required by the Revised Deposit Plan) would not be feasible or viable, and may give rise to significant highway safety and amenity issues given the likelihood that traffic generation of smaller business users will be far more intensive than existing.

Given the above, we would request that the proposal to designate the Alcan site as part of a

CEA be deleted and the wording of Policy ET.3 and its supporting text amended accordingly.

In the absence of any formal proposals for the site at present, that the site be considered

under the heading of "other locations" and subject to Policy ET.3 (3) criteria (i) to (iii) (inclusive).

3. Conclusions

My clients strongly object to MOD No. M/B2/72-77, 80 and 82 and consider that these changes should be deleted insofar as they relate to the Alcan site, part of the 'Norton Hill' CEA. The CEA designation should be removed from the Alcan site, as it is now surplus to requirements and unlikely to be required as it does not meet modern industrial needs.

We look forward to receiving confirmation that the above changes are being actioned and addressed in Further Proposed Modifications.

Respondent Details	Summary of Comment	Proposed Response	Change
Ref: 3951/J1 Location Mill Lane, Land south of Norton Radstock	(Refer to map provided) Would like land adjoining Mill Lane Industrial Estate added to the Mill Road Core employment area and taken out of the Radstock Conservation area.	Designation and review of the Conservation Area boundary is beyond the remit of the Local Plan. The Conservation Area is shown on the Proposals Map for information and Policy BH.6 applies within it. Amendments to the Conservation Area boundary will need to be considered under the appropriate legislation. The request has been forwarded to the Council's Heritage Team but there are no proposals in the near future to review the Conservation Area boundary for Radstock.	No change.
Ref: 3237/J15 /s Location Bath Business Park Peasedown St. John	Non office business development at the Bath Business Park - Peasedown St John.	Support noted.	No change.
Modification: M/B2/88 - Modifications to Policy ET.4			
Ref: 43/J1 /s Location (None)	We support the restriction in ET4 (a) as it provides a degree of protection in R1/2/3 villages against visually poor quality developments both within and outside conservation areas.	Support noted.	No change.
Ref: 580/J15 Location (None)	<p>Reasons for objecting are as follows:</p> <p>The Inspector recommended the reinstatement of a) is appropriate in scale and character to its surroundings and offered her reasoning for this in para 2.57 of her report of May 2006. On the face of it, this criterion seems reasonable, but this amendment is now being applied to existing planning applications as an emerging policy with consequences which necessitate further precision and clarification. Normally "appropriate in scale and character" would be applied to the architecture and setting of the proposed development, but the Inspector has said in 2.57 that the criterion should be restored as "scale" in this context is not just a design related matter, and that policy ET.4 should refer more clearly to small scale enterprises, reflecting para B2.42. This begs the question as to how a "small scale enterprise" is to be defined in practice. As a direct consequence of 2.57 Planning Officers are now seeking to relate the scale of an enterprise to the current working population of the village. Thus the fact that a village is small, with a largely retired population apparently will remove the local farmer's ability to convert his substantially built redundant farm buildings, which must consequently be left to rot. If generally applied this will effectively preclude the development of the "Buoyant Rural Economy" sought under B2.42 in the Local Plan and National Advice in PPS7. The small village may also be very close to other areas of housing in neighbouring villages or towns which are quite capable of supplying a workforce who can walk or bicycle or take public transport or car-share to work. Why restrict such an appraisal to the village only? Sustainability implies the re-use of perfectly good buildings which are no longer usable for modern agriculture as well as minimising car use. If such an appraisal of the local population of employment age has to be done, what parameters are to be applied to establish whether the development will be suitable for a "small scale" enterprise? What percentage of the local workforce should the proposal be capable of employing? Equally, if there were local employment</p>	<p>The 'small-scale' reference relates only to new visitor accommodation. Other business development must be 'appropriate in scale'. It is necessary for the policy to relate to both new build & conversions as these are not covered by any other policy in the Local Plan.</p> <p>In terms of policy coverage, Policy ET.4 relates to SC.1 villages and Policy ET.5 relates to the rest of the countryside. Policies ET.8 & 9 provide the policy approach on specific issues: Policy ET.8 on development proposals for farm diversification in any location and Policy ET.9 explicitly relates to the conversion of existing buildings outside SC.1 settlements.</p> <p>The 'appropriate scale' wording (recommended by the Inspector) will depend on the particular circumstances of a proposal, both in terms of the nature of development and the location of the site. The Local Plan cannot pre-empt every circumstance but must set out a robust policy platform which will need to be interpreted in the light of particular circumstances.</p>	No change.

opportunities then more people of working age would move to live in the villages. As presently being interpreted by the Planning Officers Policy ET.4 is decidedly not the way to bring about a "buoyant rural economy". It is a recipe for stagnation. Further, B2.42 refers to "opportunities for small scale business and industrial developments", that is new build, and is carried into policy ET.4, while B2.43 refers only and specifically to the re-use of existing rural buildings and is carried into policies ET.8 and ET.9. Planning Officers are seeking to apply ET.4 to applications for the re-use of existing buildings. Clarification is required to make it clear that this is not the intention of the Local Plan. It is clear from the Inspector's Report paras 2.67 to 2.73 that ET.8 and ET.9 are the relevant policies. The buildings are already there, and ET.4 consequently does not apply unless they are proposed to be substantially extended.

My suggested amendment to the proposed modification, consequent upon the above argument, is that Policy ET.4 should be further amended to include reference to new build. This will make it clear that ET,4 does not apply to conversions of existing buildings. Thus my proposed amendment is:

POLICY ET.4

Development proposals for NEW BUILD office, industry or storage uses (Use Classes Bi, B2 and B8) and small scale purpose built visitor accommodation will be permitted at rural settlements (i.e. defined in Policy SC.1 as R1, R2 or R3 settlements) provided that such development:

- a) is appropriate in scale and character to its surroundings; and
- b) in the case of R1 and R2 villages, lies within or adjoining the settlement; or
- c) in the case of R3 villages, is infilling in line with Policy GB.1.

Such an amendment will clarify the issue for existing redundant substantially built farm buildings. It will not deal with the question of how to answer the Inspector's point re small scale enterprises, which she raised in 2.57 but did not carry with sufficient clarity into her recommendation for ET.4. I can only request that you refer this difficulty back to her for guidance. I believe that a further criterion will be required which will define a "small scale enterprise" in this context.

I trust that the above is clear, but please do not hesitate to contact me if you need further particulars. I would be most grateful for an acknowledgement of this representation.

Ref: 686/J204	The council accepted the deletion by the Inspector of the words "adjoining the". Both the Trust and CPR consider that the words used in the original Policy should be retained.	Objection does not relate to proposed modification. The inspector did not recommend the deletion of "adjoining the" in criterion b of Policy ET.4.	No change.
Location (None)			
Ref: 3952/J1	1) We are objecting to the proposed modifications to Policy ET.4 which propose the inclusion of the words "appropriate in scale and character to its surroundings". Whilst this seems a somewhat innocuous phrase, it has become apparent that it has resulted in confusion in the application of rural economic policy at development control level. i) Firstly, it has resulted in confusion about the relevant policy to be applied to rural economic developments, and whether new proposals for economic use should be considered against Policy ET.4 or ET.9. Although the supporting text appears very clear in this respect, we understand that there is not this clarity when applications are being determined. Paragraph B2.42 seeks to "encourage economic and social vitality" in the rural areas. We support this. Paragraph B2.42 is distinct from the following paragraph, B2.43, which refers,	New buildings for business use are covered by Policy ET.4 and conversions by Policy ET.9. The remit of these policies is clear in their wording. The 'appropriate scale' wording (recommended by the Inspector) will depend on the particular circumstances of a proposal, both in terms of the nature of development and the location of the site. The Local Plan cannot pre-empt every circumstance but must set out a robust policy which will need to be interpreted in the light of particular circumstances and proposals. There is no need to reproduce parts of national planning policy guidance	No change.
Location (None)			

specifically, to the re-use of rural buildings, and which is provided for under Policy ET.9. This paragraph also refers to the Council's support for re-use and, again, as with the previous paragraph, we would concur with that.

Given the clarity with which the policy is dealt with within the supporting text, it is therefore somewhat surprising that at development control level, there appears to be confusion. Unfortunately, we are aware of situations where such confusion has already arisen. In order to ensure that Council policy is properly interpreted, as intended, we are therefore proposing an amendment to Policy ET.4. This would ensure that it is clear that policy ET.4 applies to new economic developments, whilst Policy ET.9 applies to the re-use of buildings.

ii) Secondly, the insertion of the "appropriateness" test at part a) of policy ET.4 has resulted in uncertainty as to how this test should be assessed. The supporting text at paragraph B2.42 offers no guidance beyond noting that "there are opportunities for small-scale business and industrial developments". Furthermore, the inspector's report provides no indication as to how such developments will be assessed and consequently the policy has become open to interpretation lacking, as it does, the necessary associated guidance.

In practice, it appears that this new clause is already being interpreted restrictively. There is, however, no guidance to support this restrictive stance, and indeed, the only available guidance, that within PPS7, supports a contrary approach: we note that PPS7 supports a wide range of economic development throughout rural areas, and that even in the smallest settlements, business use is encouraged as this meets business and community needs and maintains the vitality of such communities. The national guidance also recognises that the provision of economic uses can help contribute to sustainability objectives as it can reduce the need to travel to larger centres. Reference to these principles would assist in the implementation of a policy which refers to the appropriateness of proposed development.

2) We therefore propose the following amendments to Policy ET.4. We suggest that the words "new purpose built" be inserted in the first sentence of the policy, so that the policy then reads:

"Development proposals for new purpose built office, industry or storage uses....

Whilst it seems to us that the Plan makes it clear, notably within the supporting text, that there is this distinction in policy, and that proposals for re-use should, properly, be considered under Policy ET.9, our experience suggests that there is confusion on this point, and that clarification of the plan as proposed would remove ambiguity and provide certainty to all.

Secondly, we believe criterion a) should be clarified and that in interpreting this criterion, reference should be made to the guidance contained within PPS7 which supports a wide variety of developments and which recognises that economic development in rural locations can contribute to sustainability objectives. We propose that in the supporting text at B4.42 the following is inserted at the end of the fourth sentence, so that the policy therefore reads:

". . .appearance of its surroundings. PPS7 notes that the provision of such economic development can not only contribute towards business and community needs, and maintain the vitality of rural communities, but can also contribute towards sustainability objectives by reducing the need to travel to other centres. (Policy ETA)

"
We would therefore welcome amendments as suggested.

within the local plan policy as are 'taken as read'
see PPS12 para 2.30

Modification: M/B2/93 - Modifications to Policy ET.6

Ref: 686/J205	B&NES approved the deletion of the words "will only be permitted where". The trust and CPRE consider that the original words used should be reinstated.	Para 2.61 of the Inspector's report explains that the modified policy enables consideration of the need to facilitate change in the agricultural sector and to benefit the rural economy in line with national objectives as set out in PPS7. Other policies in the Local Plan continue to provide protection for rural character eg Policy NE.1 & Green Belt policy.	No change.
Location (None)			
Ref: 1427/J251	M/B2/93 Policy ET.6 This Policy is potentially weak. The Environment Agency offers the following wording:access roads 'will only be permitted where': i.impact 'can be acceptably be mitigated' (including..... ii. Adequate provision 'is made available' for the storage..... iii. 'the needs or benefits to the enterprise, or the rural economy can be demonstrated.'	The change in the emphasis of the policy is deliberate. Para 2.61 of the Inspector's report explains that the modified policy enables consideration of the need to facilitate change in the agricultural sector and to benefit the rural economy in line with national objectives as set out in PPS7. Other policies in the Local Plan continue to provide protection for rural character eg Policy NE.1 on landscape protection, Policy GB.1 on Green Belt , Policy ES.9 on prevention of pollution.	No change.
Location (None)			
Ref: 3186/J11	We believe that the words "will have regard to" and subsequent draft sub paragraphs are weak and that the policy should be written in a more positive way i.e. will only be permitted where: i) there is no adverse environmental impact ii) there is adequate provision for.... iii) there is no harm or conflict Surely this would be easier to make a decision on and enforce.	The change in the emphasis of the policy is deliberate. Para 2.61 of the Inspector's report explains that the modified policy enables consideration of the need to facilitate change in the agricultural sector and to benefit the rural economy in line with national objectives as set out in PPS7. Other policies in the Local Plan continue to provide protection for rural character eg Policy NE.1 on landscape protection, Policy GB.1 on Green Belt , Policy ES.9 on prevention of pollution.	No change.
Location (None)			
Ref: 3901/J5	CPRE would like to understand the rationale for the removal of presumption and would wish to see it restored unless there are valid reasons for the change. The revised wording appears to weaken considerably the control over inappropriate changes to agricultural buildings.	The change in the emphasis of the policy is deliberate. Para 2.61 of the Inspector's report explains that the modified policy enables consideration of the need to facilitate change in the agricultural sector and to benefit the rural economy in line with national objectives as set out in PPS7. Other policies in the Local Plan continue to provide protection for rural character eg Policy NE.1 on landscape protection, Policy GB.1 on Green Belt , Policy ES.9 on prevention of pollution.	No change.
Location (None)			

Modification: M/B2/94 - Modifications to Policy ET.7 (agricultural land)

Ref: 745/J45	South Stoke Parish Council objects to the proposal to delete part iv) of Policy ET.7 Part iv) should be re-instated as it would provide the only realistic protection against the Proliferation of buildings in the countryside, which might be detrimental to visual amenity. Policy ET9 does not fully cover this issue and without proper protection there will be a significant increase in the number of spurious 'agricultural buildings', which when they become redundant are in search of a 'new non-agricultural use'.	Para 2.66 of the Inspector's report explains that this issue is now covered by new clause 5A of Policy ET.9.	No change.
Location (None)			
Various*			

Modification: M/B2/97 - Economy, Tourism & Agriculture

Ref: 3186/J10	We support this paragraph but would like to know in the case of farm plans in what context "significant" diversification is judged. Is it within the surrounding locality or the B&NES area as a whole? We feel the last sentence is a little weak and unspecific. We would like to see farm diversification proposals for all but the most modest (with "modest" defined) schemes as they could impact on local traders and other existing local businesses. Parish Councils and local people are often better placed to judge and evaluate the likely impact of proposals and thus prevent those not properly thought out getting through planning.	Farm plans are not required in the policy but as para B2.58B explains may be requested by the Council and this will be in those circumstances where such information is needed to determine the planning application. Policy ET.8 sets out the clear criteria that will be used to determine planning applications.	No change.
Location (None)			

Modification: M/B2/103 - Economy, Tourism & Agriculture

Ref: 3186/J16	We have a concern that deletion of this policy could lead to retailing operation on farms that could have an adverse impact on the viability of existing shops in RI, R2, and R3 settlements. We seek reassurance that this protection can be provided with other policies of the Plan.	The Council accepts the Inspector's reasoning that Policy ET.10 should be deleted ie para 2.83 of the Inspector's Report explains that	No change.
Location (None)		"Policy ET.10 would not allow for unlimited retail development as part of a diversification scheme since criterion ii) would provide some check on excessive scale. Nonetheless, depending on local circumstances, a sizeable retail operation might be possible without harm to the viability of village shops, especially if there were none close by. In their response to this objection, the Council say that such proposals would also be subject o other policies, such as Policy S.4 which applies the sequential test in national advice. I find this confusing because the existence of this separate policy on farm shops would imply that the sequential test would not be applied. Farm shops are a common form of farm diversification and are included in the illustrative list in paragraph B2.57. Planning permission would not be required where the retail use was ancillary to the main use. Policy ET.10 does not indicate that the retail operation should be linked in anyway to the landholding or the produce of the farm. I see no good reason for a policy which, in effect, promotes general retail uses in the countryside, since this is contrary to sustainability principles. Policy ET.8 would enable the proper assessment of a farm shop along with the shopping policies of the plan."	

Modification: M/B2/111 - Deletion of Para B2.72

Respondent Details	Summary of Comment	Proposed Response	Change
Ref: 3922/J2 /s Location (None)	<p>The Theatres Trust is an Advisory Non-Departmental Public Body and a statutory consultee on planning applications that affect land on which there is a theatre and was established by The Theatres Trust Act 1976 'to promote the better protection of theatres'. This applies to all theatre buildings, old or new, and regardless of whether or not they are still in use as theatres, in other uses, or disused. Our main objective is to safeguard theatre use, or the potential for such use, but we also provide expert advice on design, conservation, property and planning matters to theatre operators, local authorities and official bodies.</p> <p>Due to the specific nature of the Trust's remit we are concerned with the protection and promotion of theatres and therefore are concerned only with the provision of cultural facilities.</p> <p>After reading through the Schedule of Proposed Modifications, the Statement of Decisions and (some) of the Inspector's Report, we support proposed modifications M/B3/26 and M/B2/111 in accordance with the Inspector's recommendations. We look forward to being consulted on the LDF documents especially the Core Strategy stages and any associated relevant SPDs, Site Allocations, Development Control policies and Area Action Plans.</p>	Support noted.	No change.
Modification: M/B2/95 - Para B2.57			
Ref: 686/J217 Location (None)	<p>The council has inserted the phrase "holiday accommodation" in preference to the Inspector's comment "and small scale purpose built accommodation". The trust considers that the council should adopt the Inspector's phraseology. The council's modification is far too general, and could allow considerable development to take place.</p>	<p>This modification was not specifically referred to by the Inspector but was one of the Pre-Inquiry change endorsed by the Inspector as confirmed by the letter appended to her report.</p>	No change.
Chapter B3. Community Facilities			
Modification: M/B3/7 - New para B3.11A - Examples of Communittee Facilities			
Ref: 3948/J2 Location (None)	<ol style="list-style-type: none"> 1. The inspector's recommendation is indicative rather than specific. The amendment to the Local Plan has omissions as a result. Community facilities must include the Public Conveniences. 2. After "surgeries", add "public conveniences". 	<p>Comments noted. This list is indicative and therefore not intended to be exhaustive.</p>	No change.
Modification: M/B3/9 - Policy CF.1 - Safeguarding Community Facilities			
Ref: 3116/J159 /s Location (None)	Support because agree with council.	Support noted.	No change.
Ref: 3948/J33 /s Location (None)	<p>I support the inspector's recommendation. However, there is conflict with M/B7/23 (based on recommendation R5.14) where I have lodged a description of the conflict.</p>	Support noted.	No change.

Modification: M/B3/10 - Policy CF.3

Ref: 3116/J160	Support because broader and stronger than before but add wording from page 49 (top) "it is important that pressure to find land for housing does not prejudice the objective of balanced communities."	Support noted. However the suggested wording is considered inappropriate to include in a policy which relates to meeting the community needs of the future resident of new development.	No change.
Location (None)			
Ref: 3186/J9 /s	Modification: No M/B3/10 Plan Reference: Policy CF3 Location: Support We welcome the strengthening of policy to ensure adequate provision of community facilities to meet the need of any new development.	Support noted.	No change.
Location (None)			

Modification: M/B3/26 - Para B3.35 Deletion of Community Arts Provision Policy

Ref: 3922/J1 /s	The Theatres Trust is an Advisory Non-Departmental Public Body and a statutory consultee on planning applications that affect land on which there is a theatre and was established by The Theatres Trust Act 1976 'to promote the better protection of theatres'. This applies to all theatre buildings, old or new, and regardless of whether or not they are still in use as theatres, in other uses, or disused. Our main objective is to safeguard theatre use, or the potential for such use, but we also provide expert advice on design, conservation, property and planning matters to theatre operators, local authorities and official bodies. Due to the specific nature of the Trust's remit we are concerned with the protection and promotion of theatres and therefore are concerned only with the provision of cultural facilities. After reading through the Schedule of Proposed Modifications, the Statement of Decisions and (some) of the Inspector's Report, we support proposed modifications M/B3/26 and M/B2/111 in accordance with the Inspector's recommendations. We look forward to being consulted on the LDF documents especially the Core Strategy stages and any associated relevant SPDs, Site Allocations, Development Control policies and Area Action Plans.	Support and comments noted.	No change.
Location (None)			

Modification: M/B3/39 - Para B3.54A - Masterplan for University of Bath

Ref: 3948/J3	(1) Green Belt land is provided with statutory protection and the legislation provides strict controls on when development is permitted on Green Belt land. This is done at the planning application stage and not as a matter of policy before the application is prepared. The Inspector's report should have objected to this statement of policy of building on Green Belt land, since neither the council nor the inspector has the authority to ignore the current legislation. I have provided a more complete explanation of this objection against M/C1/2 etc (2) A statement of intent along the lines of "If it proves necessary to consider using Green Belt land to meet the University's expansion plans, then this will be done only after all other options not involving Green Belt land have been taken up", might be acceptable, but the proposed wording in the Local Plan is unlawful.	Disagree. The issue of redefining the Green Belt boundary at the University of Bath to allow expansion to accommodate the University's estimated spatial requirements was discussed fully at the Local Plan Inquiry. The Inspector's overall conclusion was that circumstances are sufficiently exceptional to justify the removal of land from the Green Belt (north of The Avenue and west of Norwood Avenue). A full and detailed assessment of the appropriate development capacity of the campus, including the land to be excluded from the Green Belt, will be undertaken a part of a Masterplan which will developed within the scope of Policy GDS.1/B11.	No change.
Location University of Bath Bath			

Modification: M/B3/41 - Policy CF.5 - Educational allocations

Ref: 3126/J175	Delete the whole of paragraph 2 to accord with IC6 and the Inspector's R3.9.	The Council's response in the Statement of Decisions in response to the Inspector's recommendation R3.9 makes it clear the reasons for retaining the site at Oldfield Lane.	No change.
Location (None)			
Ref: 2600/J110	BANES has not accepted the Inspector's recommendations. Unfeasible. Deletion or complete deletion will leave a gap in the local plan policy framework. I do not accept this as stated above. This is not acceptable in my opinion. If BANES had listened to me with regard to Lymore playing fields, I told them that there was a covenant it would appear lost. £130,000 written off for a failed application. Councillor Crossley said Secretary of State could return to Lymore. I don't trust BANES.	The Council's response in the Statement of Decisions in response to the Inspector's recommendation R3.9 makes it clear the reasons for retaining the site at Oldfield Lane.	No change.
Location Lymore Avenue playing field Bath			

Modification: M/B3/55 - Policy CF.7 - Public Houses

Ref: 686/J206 /s	The trust fully supports the revised Policy CF.7 regarding planning permission for the redevelopment of public houses.	Support noted.	No change.
Location (None)			
Ref: 3186/J8 /s	Support Policy CF.7. The Policy is now clearer and stronger.	Support noted.	No change.
Location (None)			

Modification: M/B3/56 - Communittee Facilities & Services

Ref: 3116/J161 /s	Support the updated wording.	Support noted.	No change.
Location (None)			

Modification: M/B3/57 - Communittee Facilities & Services

Ref: 3116/J162 /s	Support the updated wording.	Support noted.	No change.
Location (None)			

Modification: M/B3/58 - Policy CF.8 - Allotments

<p>Ref: 2307/J4</p> <p>Location (None)</p>	<p>The Inspector in her reasoning (para 3.42) emphasised that in reaching her recommendation, she was not aware of the outcome of the long awaited Green Space Strategy which will better inform decisions about the retention of allotments. To date, this Study has still not been published in the public domain. Given the failure of Policy BH15, in the Inspector's opinion, to adequately justify a systematic approach towards protection of significant open space, it is wrong to seek to protect sites via Policy CF8 which may have formerly been in last use as allotments but which have not been used as such for a significant period, in excess of 5 years.</p> <p>One such example is the former allotments at Southbourne Gardens. Whereas at the Deposit Stage of the Local Plan, Policy BH15 specifically applied to this site as shown on the Proposals Map, this is no longer the case as a result of these Proposed Modifications. Therefore as the site is no longer the subject of another policy, it potentially now stands to be considered under Policy CF8.</p> <p>As Policy BH15 no longer applies, we are now required to lodge objection to the default application of Policy CF8 to sites such as Southbourne Gardens, which was not previously the case. Government housing policy does need to take precedence and deliberate stalling of otherwise perfectly acceptable housing development needs to be avoided, If a land owner simply turns allotment tenants off the site in order to redevelop the land then the LPA has a five year period (from last use) in which to say no to planning applications and then acquire by negotiation or CPO if a genuine need is demonstrated within that five year period. A more extensive retrospective application of the policy would place potentially valuable sources of housing land supply at risk of inappropriate and unnecessary sterilisation. Therefore, Policy CF8 should be further amended. The penultimate paragraph of the policy should be reworded to read: 'Development resulting in the loss of vacant land last used for allotments within the last 5 years will not be permitted unless.....'</p>	<p>Disagree. The para in Policy CF.8, as currently worded, allows for the loss of former allotment land providing foreseeable local demand for allotments can be met by existing suitable and accessible sites. The Councils' Green Space Strategy, once adopted, will indicate the areas where there are shortfalls in existing allotment provision. Although the Visually Important Open Spaces are no longer shown on the Proposals Map, Policy BH.15 will still apply to those sites which contribute to the character of the locality or settlement.</p>	<p>No change.</p>
<p>Ref: 3116/J163</p> <p>Location (None)</p>	<p>We support most of this Policy as it is much broader than the 1997 Adopted Local Plan Policy.</p> <p>We have a major concern, however, that the modification recommended by the inspector, that has been incorporated here, is not evidence based and does not reflect reality in Bath and N E Somerset.</p> <p>We object to the weakening of Policy CF.8 in respect of privately owned sites for the following reasons;</p> <ol style="list-style-type: none"> 1. The inspector's view is not evidence 2. Our proposed further modification supports the inspector's recommendation at the point where she says. "my recommendations will need to be reassessed if there is new evidence on demand and supply." We submit that there is new evidence. 3. Private sites have developed historically in response to local need in close proximity to their immediate neighbourhood. They help extend the choice of allotment gardeners and may be ideally located for families with young children and the elderly. 4. To better ensure that alternative provision of land is suited for crops for human consumption. <p>Our proposed modification is to reinstate more closely the RDDLP wording: Development resulting in the loss of land used or, if vacant, last used for allotments will not be permitted unless: (i) the importance of the development outweighs the community value of the site as allotments and suitable, equivalent and accessible alternative provision is made:</p>	<p>Support noted. Policy CF.8 is intended to apply to all allotments - both public and private - equally. Comments on 'distance' are not duly made as no modification as made to the final sentence of para B3.79. The allotment designation has been reinstated at the Lansdown View site (M/B3/59). Other comments noted.</p>	<p>No change.</p>

or

(ii) the site is allocated for another use in the Local Plan and suitable, equivalent and accessible alternative provision is made.

New allotments will be permitted provided that they are easily accessible to the area and people they are intended to serve and suitable for horticultural use.

1. The inspector's view is not evidence-based.

In 3.45 the inspector suggests that the policy recommends the DETR 2001 guidance on a reasonable distance from users for new allotments. Evidence from our members' survey 2004 was that most people regarded a 10 minutes maximum walking distance as reasonable, or about 650m. We submitted personal evidence from 20 members at the inquiry, and we maintain that this shorter MAXIMUM distance is more reasonable, and it better accords with the new draft green Spaces Strategy. Distance alone does not take hilly territory into account, nor the greater energy that women expend in negotiating hills, relative to men. But RPG 10 does allude to this and is a background document.

The inspector took no evidence from us about allotment land currently vacant. We broadly agree with her reasoning, that it is not in the public interest to prevent the development of vacant urban land if there is no need or demand for its use as allotments or other recreational needs, but she goes on to support her statement using her visual impression of the unused Lansdown View allot site. Had she asked for our evidence, we would have submitted as follows:

The currently unused nature of this site is not due to lack of local demand but is the outcome of an active eviction process. This is clear from representations 3569/C1, and 3264/C1 into the RDDLP stage; and from letters to the Association, as follows:

"I have lived at the above address for over 25 years. The land at the back of my house has been utilised as allotment until the last couple of years, when the new owner bought the land. He asked all people who currently had a plot to vacate it by a given time. These people did not want to leave their allotment site but did not have any choice. This is why it's become overgrown. I would dearly like to own an allotment along with many of my neighbours and friends.'

"I moved to the area about ten years ago, and at that time there were quite a lot of plots being used. When the site was sold a few years ago people were discouraged from using them, and last year notices were put up warning people to keep out"

"I can remember seeing a map of the area, dated around 1900. The land was described as 'allotment gardens'. Mrs D the pre owner had been left the land by her mother, but apparently the land was in trust I am not claiming the land has been well used in recent years, but several residents including ourselves have cultivated a plot until uncertainty over the land and the eventual banning of use by one of the present owners forced us to cease."

Uncertainty leads to decline of use, followed in this case by active process of evictions and threat notices. It is evident that the waiting list (of 4 years in August 2006) at the adjoining King Georges Road site demonstrates local paucity of supply. We could have presented all this evidence to the inspector had she asked for it.

There are a number of other sites in Bath where their present unused state is the outcome of an active eviction process. Others may have gradually ceased being used as an older generation gave up, leaving, remaining tenants to battle against weeds and lack of maintenance, while new residents stayed in ignorance of the site's existence. Such sites can be quite easily- regenerated using grant money from Allotments Regeneration Initiative to make, ready and to promote the site, as we

and the council have done very successfully at Moorfields Road, virtually derelict in 2003, and now full with a waiting list.

It is hard to think of any site that has become vacant for want of local demand, and the evidence of the Green Spaces Strategy demonstrates a shortage of allotments almost everywhere in the district. The persistent waiting list evidence collected by the Parks department supports this.

There are a few sites that may have become vacant in part, at least, due to their inaccessibility. These are, Trossachs Drive in Batheaston, where access was, we believe, destroyed by new development; Bathwick riverside where access appears to be at present through private land, or else by water; and at Coomb End in Radstock, where access is shared with a scrapyard. In each case it may be preferable to first ascertain what is achievable to improve access, rather than to assume unsuitability, as, in the Plan's words at paragraph B3.77 any erosion of this valuable resource should be resisted, as once lost, this land is unlikely to be replaced.

We respect the inspector's view that "although I know that allotment holders are very protective of their plot and sites, the policy should not exclude the possibility of the loss and replacement of sites." However, we have some new evidence that indicates this should only be a very last option.

Our 2006 members' survey asked a question addressed to those who had moved house. It brought the following responses:

Five people kept their plot even though they had moved further away from it (in two cases, not much further away); and three people moved home to be closer to their plot (or at least, that was one factor in their move decision). Only one person moved their plot. This seems to suggest that people will more readily move home than start up again on a new plot. This may be an indication of the reluctance to lose the investment of time and labour; and it might say that amid all life's turbulence, one's plot is a haven, a sacred space even. It is a small sample but is surely indicative of the depth of attachment people have to their plot. It may be added to a wealth of government commissioned and other, of the health and welfare benefits of allotment gardening.

The above presents an evidence-based case that the onus should be to demonstrate clearly that a former allotment site no longer has potential to remain or revive in that usage. Allotment sites and former allotment sites should thus be given equal status in CF. 8.

2. Our proposed further modification supports the inspector's recommendation at the point where she says, "my recommendations will need to be reassessed if there is new evidence on demand and supply." We submit that there is new evidence. Demand has risen since the inquiry 18 months ago. The Green Spaces Strategy acknowledges this by means of a higher provision standard, from 2.8 sq.m. per person to 3sqm per person standard in the initial draft of March 2006.

3. In better recognition of the needs of families with young children and the elderly. Families with young children need facilities close by. Nearly half of allotment holders are aged 60 or over; and we have a number of disabled and older members desirous to continue allotment gardening, or to take up allotment gardening through knowledge of the benefits of exercise. We are aware that there may be barriers to activity and are keen to encourage greater accessibility for all. The small proposed change of wording would encourage the council to better acknowledge its important role in this aspect. and to help ensure retention of remaining neighbourhood sites whether or not they are still in active use.

4. To better ensure that alternative provision of land is suited for crops for human consumption.

The inspector asked for no evidence at the inquiry about her proposed change in paragraph 3.46 regarding land quality. We submit that the retention of "land of horticultural value" better conveys that produce will be consumed, A lot of land is capable of productive use yet may be contaminated and its produce unfit for human consumption.

Modification: M/B3/59 - Policy CF.8 - Proposals Map - Lansdown View Allotments

Ref:	3116/J164 /s	Support the councils assessment that this site is needed for allotment use.	Support noted.	No change.
Location	Lansdown View Allotments Bath			

Modification: M/B3/60 - Policy CF.8 - Proposals Map - Bloomfield Drive

Ref:	3116/J165 /s	Support the councils reasoning that this site should revert to allotments use.	Support noted.	No change.
Location	Bloomfield Drive, R/O 46-64 Bath			

Chapter B4. Sport & Recreation

Modification: M/B4/8 - Sport & Recreation

Ref:	3126/J191	(2) Reinstate last sentence. (!) To accord with M/C3/30 (BH.15).	Disagree. Although Policy BH.15 still safeguards open spaces which contribute to the character of a settlement or locality, the last sentence has been deleted to reflect the deletion of the Visually Important Open Spaces from the Proposals Map.	No change.
Location	(None)			

Modification: M/B4/9 - Sport & Recreation

Ref:	3116/J166 /s	Support because agree with Council.	Support noted.	No change.
Location	(None)			
Ref:	3126/J192	Add "green corridors" to list. Reason - they are too important to omit and are a category in the green spaces strategy.	Comments noted. This list is indicative and therefore not intended to be exhaustive.	No change.
Location	(None)			

Modification: M/B4/10 - Sport & Recreation

Ref: 3116/J171 /s	Support because agree with Council.	Support noted.	No change.
Location (None)			

Ref: 3126/J193 /s	Support - agree with the Council.	Support noted.	No change.
Location (None)			

Modification: M/B4/11 - Sport & Recreation

Ref: 3116/J170 /s	Support because agree with Council.	Support noted.	No change.
Location (None)			

Ref: 3126/J194 /s	Support - agree with the Council.	Support noted.	No change.
Location (None)			

Modification: M/B4/12 - Sport & Recreation

Ref: 3116/J169 /s	Support because agree with Council.	Support noted.	No change.
Location (None)			

Ref: 3126/J195	Support except that "open space" will need defining in the glossary. Reason: "Open Space" as currently defined by planning officers does not preclude development. See planning officers proof of evidence on 05/00565/FUL Appeal (Southbourne Gardens) para 7.1 "the proposal (for 12 houses) does not undermine the site's designation as a visually important open space." We urge that open space be defined to preclude development other than that which is subsidiary and essential to the usage of the open space.	Support noted. Para B4.14 makes it clear that what is being referred in the context of this section is 'recreational open space'.	No change.
Location (None)			

Modification: M/B4/13 - Sport & Recreation

Ref: 3126/J196	Support but need to reinstate reference to BH15 to accord with M/C3/30.	Support noted. However although Policy BH.15 still safeguards open spaces which contribute to the character of a settlement or locality, reference to Visually Important Open Space has been deleted to reflect the deletion of the Visually Important Open Spaces from the Proposals Map.	No change.
Location (None)			

Modification: M/B4/14 - Policy SR.1A - Playing Fields and recreational open space

Ref: 3116/J168 /s Support because agree with Council. Support noted. No change.

Location (None)

Ref: 3186/J115 We object to the removal of removal of the word "community" and the redrafting to refer to "the development of sport". This changes the tone of the whole paragraph and will narrow the judgement of the benefit of the proposals from that to the general community to the more restrictive criteria of "development of sport", which we believe would be detrimental to the population as a whole because it is less inclusive of range of interests within a community. Disagree. Revised clause (iv) now more accurately reflects advice in para 15 (iv) of PPG17. No change.

Location (None)

Modification: M/B4/28 - Sport & Recreation

Ref: 120/J387 /s Support, but it needs a map. Support noted. As the Town Park is an allocated site under Policy SR.2 it is shown on the Proposals Map. There is no need to duplicate this information within the Written Statement. No change.

Location (None)

Modification: M/B4/42 - Sport & Recreation

Ref: 3116/J167 /s Support because agree with Council. Support noted. No change.

Location (None)

Ref: 3126/J197 /s Support modification. Support noted. No change.

Location (None)

Modification: M/B4/47 - Policy SR.3 - Provision of recreational open space

Ref: 3116/J180 We support the GSS in context of new development but object that the Policy may not achieve what is implied by the wording. The common sense interpretation of the last paragraph of Policy SR.3, in conjunction with paragraph B4.52 and Policy CF.8 is that allotments will normally be provided on-site for major developments, and only exceptionally off-site. Policy SR.3 and para 4.52 reflects the provision of Circular 05/05 'Planning Obligations'. The form of provision of recreational open space including allotments, if it needed to meet the need arising from new development, will depended on the size and nature of the proposed development. How the provision of open space and allotments will be accommodated on the BWR site will be articulated in the SPD. No change.

Location (None)

But the response to the Question at 23 November Council meeting tells differently, that even for the BWR, the largest of all proposed developments, off-site provision may be acceptable and not necessarily an exception.
Wording needs clarifying:
Propose ADD wording from p49 (top): "it is important that pressure to find land for housing does not prejudice the objective of balanced communities."
AND "GDS. I residential sites will normally he required to include on—site allotment provision."

Respondent Details	Summary of Comment	Proposed Response	Change
	Reason: proximity to home is a key factor in the uptake and enjoyment of the leisure facility, as the inspector acknowledged. Additionally, allotments would provide one means of helping to socially bond a raw community.		
Ref: 3126/J198 Location (None)	Object in as much as open space needs definition, to preclude development, as in our representation on M/B4/12. Otherwise support.	Support noted. Para B4.14 makes it clear that what is being referred in the context of this policy is 'recreational open space'.	No change.
Modification: M/B4/60 - Sport & Recreation			
Ref: 3126/J201 Location (None)	Add at end: This will include a link between Bath Western Riverside and the Linear Park. Reason: to accord with our representations into BWR, SPD and 'Vision for Bath'.	It is not the intension of para B4.65 to itemise all proposed recreational routes. It merely clarifies the current position regarding possible proposals for new bridges in Bath and Freshford and the longstanding proposal for the Riverside Walk in Bath raised by the Inspector in her Report.	No change.
Modification: M/B4/61 - Policy SR.9 - Public Rights of Way			
Ref: 686/J207 Location (None)	The Council has approved the deletion of this Policy. The Trust is very concerned over this change. If these routes are already legally established rights of way, they will remain protected. However, if they are only permissive routes, they could be lost to development. We consider that the Council's Rights of Way section brief the Joint Local Access Forum on the long-term implications of these changes.	Policy SR.9 safeguards both PROW and other publicly accessible routes from the adverse effects of development.	No change.
Ref: 3126/J202 /s Location (None)	Support.	Support noted.	No change.
Ref: 3186/J17 Location (None)	The Parish Council has always supported a recreational route around the Chew Valley and is concerned that the rewriting of policy SR9 removes protection that would allow for the possible completion of this route in the future. We would like the reinstatement of "or proposed" in Para B4.65 and SR9.	The previous version of Policy SR.9 did not list any of the proposed recreational routes around the Chew Valley although it did refer to existing routes. The purpose of the revised policy is safeguard existing public rights of way and other publicly accessible routes from the adverse effects of development. The extension of the existing network of pedestrian routes can be pursued through new Policy T.3.	No change.
Ref: 3901/J6 Location (None)	It is recognized that the omission of the various specific routes from the original plan is in line with the Inspector's recommendation R3.33. It is understood that the specific mention of the Riverside Walk is in the context that this is a new development rather than an existing one and does not diminish the commitment to all existing routes. Before supporting this change, CPRE would wish to have confirmation that there is a continuing commitment to all existing routes.	Policy SR.9 safeguards both PROW and other publicly accessible routes from the adverse effects of development.	No change.

Chapter B5. Shopping

Modification: M/B5/43 - Shopping

Ref: 3948/J36	1. I support the intention of the amendment, but it is incomplete. As well as the core shopping centre, the contribution of the established out-of-centre shopping districts (Chelsea Road, Moorland Road, Larkhall) should be recognised.	Support noted. However this paragraph is part of a section which discusses allocations for retail development in and around the centre of Bath.	No change.
Location (None) Bath	2. After "core shopping centre" add "the established out-of-centre shopping districts at Chelsea Road, Moorland Road and Larkhall".	There are no such allocations in the District and Local Centres.	

Modification: M/B5/45 - Shopping

Ref: 717/J9 /s	Support the recognition that a suitable time period will be required for Southgate to be developed, establish itself and accommodate changes to the Historic Core before further retail development is considered.	Support noted.	No change.
Location (None)			

Ref: 3950/J3 /s	Support the recognition that a suitable time period will be required for Southgate to be developed, establish itself and accommodate changes to the Historic Core before further retail development is considered.	Support noted.	No change.
Location Southgate Bath			

Modification: M/B5/46 - Shopping

Ref: 3126/J203	Add -...mix of other city centre uses, including green space. Reason - to accord with our representations at the Inquiry and into 'vision for Bath'.	Disagree The Podium/Cattlemarket site has been allocated for a comprehensive mixed use scheme for retail and other compatible city centre uses. The provision of green space to meet the needs of the site would be addressed at the planning application stage. Therefore it would be inappropriate to mention green space specifically in the context of this paragraph.	No change.
Location (None)			

Modification: M/B5/47 - Shopping

Ref: 1984/J18	Western Riverside has previously been identified as a suitable location for bulky goods retail uses in the centre of Bath. The provision of wide variety of uses is essential to ensure the viability, vitality and success of the Western Riverside Development. The removal of the allocation for such uses could ultimately threaten the delivery of the Western Riverside proposals.	The Local Plan Inquiry inspector considered the issue of bulky goods retail on the BWR site in some detail and concluded that the addition of a large area of warehouse sheds surrounded by car parking would not be an appropriate use for a site which has the potential to be a high quality urban development area enhancing the unique character and status of the WHS. She suggested that alternative opportunities are investigated. As a result The Council accepted her she recommended to delete the retail proposals for BWR. The forthcoming retail strategy will provide a basis for assessing the retail need in Bath and the most appropriate way of providing for that need.	No change.
Location Bath Western Riverside Bath	There can be few suitable locations for bulky goods retail in Bath city centre and not allowing such uses at Western Riverside only serves to push bulky goods retail uses further from the centre of the city.		

Modification: M/B5/48 - Shopping

Ref: 717/J7	Support the intention to produce a Retail Strategy as part of the Local Development Framework, but consider that it is premature to state what its likely content will be. This is something which should be determined as part of the process of developing the Local Development Framework. The Plan should also provide more clarity on the type of document the Retail Strategy should be to avoid confusion, if this is not yet known then it should be indicated that this is the case. Request that references to the content of the Retail Strategy are deleted.	Para B5.30 merely indicates the scope of the proposed retail strategy. It is considered sufficient to state that strategy will form part of the LDF at this stage and premature to stipulate the type of document.	No change.
Location (None)			
Ref: 3950/J1	Support the intention to produce a Retail Strategy as part of the Local Development Framework, but consider that it is premature to state what its likely content will be. This is something which should be determined as part of the process of developing the Local Development Framework. The plan should also provide more clarity on the type of document the Retail Strategy should be to avoid confusion, if this is not yet known then it should be indicated that this is the case. Request that references to the content of the Retail Strategy are deleted.	The description in para B5.30 is broad and does not pre-empt the results of the strategy. A brief for the Strategy has already been agreed which sets the parameters of the strategy, reflecting national planning guidance in PPS6. The requirements spelt out in para B5.30 are necessary to provide the necessary evidence to guide policy formulation in the LDF. The existing wording of para B5.30, which is based on that recommended by the Inspector, is therefore considered appropriate. RD to check	No change.
Location (None)			

Modification: M/B5/51 - New para B5.32A on convenience shopping

Ref: 3126/J199	Object. It does not accord with Inspector's R4.2. BFOE may subject to assessment that the playing field is surplus to recreational requirements, support a mixed-use development that is supported by local residents and is designated for local residents. In particular we would support provision of a local shop designed specifically for those walking or cycling to it and not wasting travel by car. It would be more appropriate to relocate this paragraph in the Community Facilities chapter to emphasise the community nature of the proposals. Any reference to redevelopment of St Martins Garden Primary School should be removed.	The development requirements fully accord with the emerging Green Space Strategy which concluded that the shortfall in recreational open space in this part of Bath should be provided as part of the redevelopment of the site. The Policy requires the retention of a primary school, autistic unit and Sure Start children's Centre as well as provision of recreational open space to meet the standards set out in the emerging Green Spaces Strategy. The development requirements also require that convenience floorspace to meet local needs is provided by small retail outlets in accordance with the emerging retail strategy. A development brief will be prepared in order to provide detailed guidance and an implementation strategy for the site. The brief would be prepared in consultation and engagement with local communities and stakeholders, and the production of environmental and transport assessments.	No change.
Location (None)			
Ref: 3126/J227	This modification accords neither with PPG17 (paras 10-14) nor with the Inspectors recommendation R4.2, nor with the Green Spaces Strategy. R4.2 suggests the land is allocated for retail development 'subject to detailed assessment by the council, especially of local recreational needs.' While BFOE is more supportive of mixed use development than of retail development, an R4.2 assessment must be done and the Inspector's words and emphasis must be added at the top of the bullet points. We also support the retention of Avon St Car Park, so that the Hilton hotel may relocate there, as in our	Support for mixed-use development noted. The development requirements fully accord with the emerging Green Space Strategy which concluded that the shortfall in recreational open space in this part of Bath should be provided as part of the redevelopment of the site. The Policy requires the provision of recreational open space to meet the standards set out in the emerging Green Spaces	No change.
Location (None)			

FPIC representations. See also M/B9/28.

Strategy. A development brief will be prepared in order to provide detailed guidance and an implementation strategy for the site. The brief would be prepared in consultation and engagement with local communities and stakeholders, and the production of environmental and transport assessments.

Modification: M/B5/53 - Shopping

Ref: 717/J8 /s	Support the deletion of out-of-centre locations for retail purposes , particularly Bath Western Riverside.	Support noted.	No change.
Location (None)			
Ref: 3126/J176	While Bath FOE is more supporting of mixed use development than of retail development, an R4.2 assessment must be done and the Inspectors words and emphasis must be added at the top of the bullet points. We also support the retention of Avon St Car Park, so that the Hilton hotel may relocate there, as in our FPIC representations. See also M/B9/28	Support noted. The development requirements accord with the emerging Green Space Strategy which concluded that the shortfall in recreational open space in this part of Bath should be provided as part of the redevelopment of the site. The Policy requires the provision of recreational open space to meet the standards set out in the emerging Green Spaces Strategy. A development brief will be prepared in order to provide detailed guidance and an implementation strategy for the site. The brief would be prepared in consultation and engagement with local communities and stakeholders, and the production of environmental and transport assessments.	No change.
Location (None)			
Ref: 3126/J200	Add at end: and non-commercial leisure facilities. Reason: to ensure some green space here., to accord with our representation into "vision for both".	Disagree. The provision of green open space and any other non-commercial leisure facilities associated with the development of the site will be considered at the planning application stage.	No change.
Location (None)			
Ref: 3950/J2 /s	Support the deletion of out-of-centre locations for retail purposes, particularly Bath Western Riverside.	Support for modification M/B5/53 noted in relation to BWR noted.	No change.
Location Bath Western Riverside Bath			

Modification: M/B5/54 - Shopping

Ref: 3126/J204	Delete Para B5.33A Modify Para B5.34 back to original wording. Reason: BFOE supports local shopping policies (S.8 & S.9) and the original wording was more in accordance with these.	Disagree. The Inspector has endorsed the Council's revisions to paras B5.33A and B5.34 in her Report. This text provides the reasoned justification for Policy S.4.	No change.
Location (None)			

Modification: M/B5/55 - Shopping

Respondent Details	Summary of Comment	Proposed Response	Change
Ref: 3126/J205 Location (None)	Delete Para B5.33A Modify Para B5.34 back to original wording. Reason: BFOE supports local shopping policies (58&59) and the original wording was more in accordance with these.	Disagree. The Inspector has endorsed the Council's revisions to paras B5.33A and B5.34 in her Report. This text provides the reasoned justification for Policy S.4.	No change.
Modification: M/B5/57 - Modifications to Policy S.4 - Retail development outside shopping centres			
Ref: 1427/J250 /s Location (None)	The Environment Agency offers its support for the inclusion of Point v) of the Policy. This approach will assist in considering site accessibility in a more sustainable manner.	Support noted.	No change.
Ref: 2965/J30 Location (None)	(1) Bullet point (iv) of the revised text seeks to ensure that edge or out of centre development does not lead to any unacceptable impact on allocated centres. The current drafting , however, refers to "other" centres rather than all centres and it is not considered that this is appropriate in relation to edge or out of centre retail development that should only be permitted if it will not lead to any unacceptable impact on ANY allocated centre. (2) Bullet point (iv) of the revised text should be amended to read: "(iv) in the case of proposed development within the edge-of-centre and out-of-centre locations, there would be no unacceptable impact on the vitality and viability of ALLOCATED centres."	The error in the wording of criterion (iv) which means that it no longer accords with PPS6 or the reasoned justification of the Local Plan (para B5.34) is noted. Therefore, a minor change replacing the word 'other' with the word 'existing' will be made for clarification. This will ensure that the policy accords with PPS6 and will clarify and reaffirms the relationship with policy S.1 (which identifies the hierarchy of existing centres in the District).	No change.
Ref: 3126/J206 Location (None)	iv) remove "unacceptable" - it is too big a loophole. Define "other centres". ADD vi) subject in all cases to green spaces strategy and PPG17 assessment.	Proposals for retail development in edge or out of centre locations will have an impact on the vitality and viability of existing shopping centres - this impact could be either positive or negative and in accordance with PPS6 needs to be assessed. Clause (iv) appropriately seeks to prevent only that development which would cause an unacceptable impact on existing shopping centres. PPS6, para 3.22 sets out those factors that should be assessed and that will be addressed in the process of determining an application. With regard to 'other' centres a minor change will be made to the policy to clarify that proposals must not unacceptably impact on the vitality and viability of 'existing' shopping centres (which are defined under policy S.1). This clarification is necessary to ensure that policy S4 accords with PPS6. The provision of open space in association with new development is addressed elsewhere in the Local Plan and as the Plan is intended to be read as a whole it is not necessary to repeat the provisions of other policies here.	No change.

Modification: M/B5/58 - Shopping

Respondent Details	Summary of Comment	Proposed Response	Change
Ref: 2965/J31 Location (None)	<p>(1) Para B5.41 has been amended to refer to use Class A4 in addition to A3 following recent alterations to the Use Classes Order. This is supported however it is felt that there are circumstances in which uses in Class A5 can also add to all day activity and increase the attractiveness of centres.</p> <p>This should be acknowledged within the policy.</p> <p>(2) Sentence 2 of Para B5.41 should be amended to read: "Uses that are complementary to shopping, such as banks, building societies, restaurants, cafes, pubs and take-aways (A2, A3, A4 and A5 Use Classes) can reinforce all day activity and increase attractiveness."</p>	Support for the modification noted. However the second sentence is merely providing examples of uses that are complementary to shopping and is not intended to be exhaustive.	No change.

Modification: M/B5/70 - Shopping

Ref: 3948/J27 /s Location (None)	I support this change. It is important to protect such areas from business erosion. However, this paragraph affords no protection against unnatural competition from planning decisions, and I have proposed an amendment to M/B5.43 to rectify this.	Support noted.	No change.
---	---	----------------	------------

Modification: M/B5/71 - Policy S.9 - Shops outside the defined shopping centres

Ref: 3948/J28 /s Location (None)	I support this change. It is important to protect such areas from business erosion. However, this paragraph affords no protection against unnatural competition from planning decisions, and I have proposed an amendment to M/B5.43 to rectify this.	Support noted.	No change.
---	---	----------------	------------

Chapter B6. Energy, Utilities and Health & Safety

Modification: M/B6/1 - Energy, Utilities, Health & Safety

Ref: 3126/J183 Location (None)	PP622 does not rule out wind turbines in AONB's or conservation areas (or solar panels on PV's). The deleted passage implied this. With the mountain of planning documents that refer to renewables, it might be that developers favouring these sources read the amended passage as denying development. Some encouragement should be added back in.	The Inspector recommended deletion of this sentence to avoid duplication with her suggested additional wording in the following paragraph (M/B6/2).	No change.
---	---	---	------------

Modification: M/B6/3 - Policy ES.1 - renewable energy provisions

Ref: 743/J49 /s Location (None)	The proposed modification to Policy E5.1 is considered to be significantly improved wording and would appear to be entirely consistent with PPG 22.	Support noted.	No change.
--	---	----------------	------------

Respondent Details	Summary of Comment	Proposed Response	Change
Ref: 3948/J35 Location (None)	1. This policy as rewritten is incomplete. It should also consider conflict with AONB WHS SSSI and VIOS policies. 2. Add to i) "or with policies controlling AONB WHS SSSI and VIOS".	The Local Plan is intended to be read as a whole. There are policies in the Plan which specifically relate to the AONB (Policy NE.2), WHS (Policy BH.1), SSSIs (Policy NE.8) and VIOS (Policy BH.16) and other environmental considerations. It is not necessary to repeat them in Policy ES.1.	No change.
Modification: M/B6/4 - Energy, Utilities, Health & Safety			
Ref: 3126/J180 /s Location (None)	It is our understanding that the Local Plan unlike the anticipated LDF cannot embed "eco-standards" and renewable quotas into new building requirement. If these are to be included in the "design guide SPD" we would ask to be consulted.	Comments and support noted.	No change.
Modification: M/B6/5 - Policy ES.2 - Energy reducing new developments			
Ref: 3126/J184 Location (None)	Inserting a BREEAM or Eco Home rating as a minimum for all new development (i.e. "eco homes excellent") would be appropriate here. It is unclear whether the proposed "design guide SPD" might incorporate this kind of minimum rating.	The Inspector's view is that detailed standards of sustainable construction should be dealt with in an Supplementary Planning Document.	No change.
Modification: M/B6/8 - Energy, Utilities, Health & Safety			
Ref: 1427/J243 /s Location (None)	The Environment Agency are supportive of the description of SuDs.	Support noted.	No change.
Modification: M/B6/11 - Energy, Utilities, Health & Safety			
Ref: 3948/J29 Location (None)	1. By deleting the catch-all "range of policies" there is a risk that Bath's World Heritage Site status cannot be used for controlling development rights. Therefore "World Heritage Sites" should be added to the list of sensitive areas. 2. Add after ".....such as" the words "World Heritage Sites".	The reference in para B6.23 to palming applications being determined in accordance with a range of policies is being deleted because it is not necessary to repeat this throughout the Plan, not because it is not true. World Heritage Sites are not afforded any special status in the General Permitted Development Order, so mention in para B6.23 would not be appropriate.	No change.
Modification: M/B6/15 - Policy ES.7 - Telecommunication development			
Ref: 3126/J182 Location (None)	"iv" reads as though the applicant will be allowed to develop as long as he has demonstrated that no available alternatives are possible even when the development might cause "harm or conflict with other policies". It must be clear that the "harm/conflict" can result in refusal. It now reads as if telecommunication masts are automatically approved.	Comments noted but other environmental protection policies in the Local Plan will be afforded equal weight to Policy ES.7 in the consideration of telecommunications proposals and these will no doubt be used to justify refusals.	No change.

Respondent Details	Summary of Comment	Proposed Response	Change
Ref: 3948/J38 Location (None)	(1) This amendment treats each development in isolation, which does not reflect the real world. It needs a new condition to reflect the cumulative result of locating several transmitters close together. "When sited close to other transmitters, the installation must ensure that the cumulative emissions meet the emission guidelines". (2) Add after ii) a new condition: "When sited close to other transmitters, the installation must ensure that the cumulative emissions meet the emission guidelines". Renumber iii) and iv).	The statement that applicants are required to submit (see para B6.25B) will have to address the issue of cumulative radiation in demonstrating that the new proposals will not result in a breach of guidelines.	No change.

Chapter B7. Housing

Modification: M/B7/4 - Housing

Ref: 3237/J17 /s Location (None)	Extra dwellings are required to cater for expansion.	Support noted.	No change.
---	--	----------------	------------

Modification: M/B7/5 - Policy HG.1 - Housing Provisions 1996-2011

Ref: 3446/J21 /s Location (None)	Taylor Woodrow Developments Limited support the proposed modification to Policy HG.1 to increase the overall level of housing from 6,200 to 6,855 new dwellings. This accords with Recommendations R5.1 and R5.13 of the Local Plan Inspector's Report. The reasons set out in the Inspector's Report for this increase are comprehensive, clear and cogent. Moreover, since the Inspector's Report was published, the Draft Regional Spatial Strategy has been issued by the Regional Assembly. For the District, this increases the housing requirement to 15,500 additional dwellings over a twenty year period. This represents a per annum housebuilding rate of 775 between 2006 and 2026 and compares with the Inspector's recommended rate of 457 dwellings per annum. More recently, the 2003 based household projections have been released (March 2006) which suggest that a yet higher level of housing will be required. This will be tested at the forthcoming Examination in Public. However, this serves to demonstrate that housing pressures will continue in the longer term and that it is right and proper for the Local Plan to attempt to begin the process of accelerating housing provision at an early stage. Such an approach supports the Government's housing objectives as defined in PPS3. Accordingly, there can be no sustainable argument to reduce the overall level of housing from that recommended by the Local Plan Inspector.	Support noted.	No change.
Ref: 4195/J1 /s Location (None)	1.1 My clients CG Fry and Son wish to support the alterations to policy HG.1 and HG.4 contained in the Proposed Modifications to the Bath and North East Somerset Local Plan. They have an interest in sites within the built limits of Bath. They hope to progress with these towards obtaining planning permission for residential development. The Local Plan is obviously of great interest to them given its statutory status. 1.2 Alteration to the wording of the new paragraph M/B7/40 is proposed. 1.3 Their particular interest is the attitude and approach of the plan to residential "windfall" developments within the existing built limits of Bath. However it is the	Support noted.	No change.

Council's future approach to the implementation of the revised HG.4 that is of most interest. The removal of the reference to only previously developed land in Bath being acceptable for such development is welcomed. The alterations to HG.1 are of course more related to the flowing down of planning policy from governmental and regional level planning documents. However the increase in numbers in HG1 is welcomed and supported.

1.4 Bath has its own nationally unique set of planning constraints because of its international/national historical heritage and landscape designations. It has a unique topography with many parts of the city having an undulating character with built development on relatively steep sites. It is argued that it has its own particular difficulties accommodating built development within its boundaries that are unique to it and which do not occur as often in other cities in the south west or even nationally.

1.5 These constraints are borne out by the housing supply figures supplied in the Council's own monitoring reports and also development control statistics. The Development Control Statistics 2005/2006 published by the government indicate that Bath and North East Somerset (BANES) has the lowest rate of approval of residential development, both major and minor, of any Authority in the former Avon area (Table 1.9). Yet it has fewer applications for residential development than those Authorities. The rate of approval of residential proposals is also lower than every Authority in Gloucestershire. BANES approved 50% of the applications it received for all types of residential development whereas the national average is 66%. In a crude way it confirms the difficulty of accommodating new residential development within Bath's unique constraints

1.6 The Inspector during the Local Plan Inquiry considered the supply of housing sites at length but we of course now know more information on the supply and delivery of housing. We also have the draft Regional Spatial Strategy that seeks to set levels of development towards 2026. We also now have the very recent and relevant Planning Policy Statement 3 on housing development.

1.7 The purpose of making these supporting comments is really to make the Council aware that there is concern over the supply of housing and that this is an issue that has become more problematic since the Inspector's Report. There were only 225 completions in 2004/2005 and 245 in 2005/2006 in the whole area. Yet the housing figures in HG.1 have been increased and there is only a relatively short time until the end of the plan period in 2011.

1.8 In making the Council aware of these supply issues our clients would hope to see a proactive approach to negotiations and the determination of windfall sites in Bath under the revised HG4. While changing the policy in line with the Inspector's representation is welcome it is only really in the implementation of that policy that the Council will avoid serious supply issues. This is particularly the case if important sites in Bath, most notably the Riverside development, are delayed in any way.

1.9 In this situation it is a truism that every new windfall dwelling in Bath reduces the potential to lose Green Belt land around the city in the future, or to at least limit the scale of such a loss. This is particularly the case beyond the current plan period. The loss of Green Belt would appear inevitable because of the existing supply situation and there is potential for this to increase in scale given Bath's status high the hierarchy of settlements. When these matters are combined with the contents in the recent Barker review on Green Belt boundaries it becomes the case that any shortfall in the supply of new housing, be it now or in the future, will place pressure on the Green Belt around Bath. It is surely the case that those who own land or options on land around the outskirts of Bath, and who wish to develop

it, benefit from the low rate of approval of residential developments within the city.
1.10 The importance of windfalls needs to be given a prominence that reflects the supply situation. This needs to do done without compromising the things that make Bath special namely its setting, historic heritage, access to public open space and the built form of the city. The Inspector changed the wording to allow development of sites within Bath on both greenfield and brownfield sites and this recommendation was made because this is what government policy dictates through PPG3 and now PPS3.

Reasons for Support

In paragraph 1.9 above we gave a list of matters that we believe impact upon the need and importance of BANES to be proactive in promoting and finding a way to approve housing development proposals of the type that are defined under policy HG4. The important and most critical issues of these reasons are briefly outlined below.

The Problems of Housing Supply

- The target of Policy HG1 is now 6855 until the end of 2011. BANES Residential Land Survey 2006 informs us that as of April 2006 3718 dwellings were completed. This leaves 3137 completions needed by the end of 2011.
- The survey goes onto say that as of April 2006 the total capacity identified by BANES is 2267 dwellings leaving a shortfall of 870 to come forward as windfalls by 2011. That would be a delivery of just over 170 dwellings per year purely coming from windfall sites under policy HG4.
- To meet the target there needs to be an average of 627 completions pa in BANES up to 2011 from all sources both windfall and allocated sites.
- 2004-2005 saw just 225 completions, with a further 245 in 2005-2006.
- We consider it unlikely that there will be an average of 627 completions pa, and we note that the 650 completions in 1998-1 999 is the most the district has ever achieved.
- The Western Riverside site is central to the delivery of homes in Bath in the plan period. The Inspectors commented that 450 dwellings (para 5.70) is the most that can be realistically expected before 2011 and did not expect to see development being commenced until the Spring of 2008 (para 5.71).
- To our knowledge no application, either outlines or full, has yet been approved at the Riverside. There seems an acceptance even under the most optimistic assessments that this site will not commence before the end of 2007.
- In that same paragraph 5.71 the Inspector said "I advise the Council not to take risks with the supply of housing land during the period of this plan. To rely on the delivery of a significant level of housing at eastern Riverside by 2011 would in my view be to take such a risk".
- It appears however that BANES is taking that risk. The residential land survey now proposes a delivery of 800 by 2011 and yet the Inspector, as noted above, thought 450.
- Table 3 to Chapter B7 — Housing, of this current modification document lists the Riverside site as 450 to 600, not the more prudent number of no more that 450 the Inspector stated and not 800 as in the BANES residential land survey from April 2006. Status of Bath in RSS and Other Policy
- Bath is named among the 21 Strategically Significant Cities and Towns in the southwest in the draft Regional Spatial Strategy published in June 2006. It is these settlements where the strategy concentrates growth.
- Policy SR2 places a requirement on planning authorities to maximise the use of PDL and significant urban extensions into the green belt where necessary.

- Paragraph 4.2.14 says that 'the key strategic development issue for Bath is how best to accommodate sufficient housing to help meet future needs, within and close to the City'.
- SR5 says 'development at Bath will focus on the reuse of previously developed land and buildings within the urban area, maximising densities, reflecting the impact on the historic environment and its setting'.
- Bath is expected to deliver 375 homes pa (SR5) and BANES is to provide 775 pa (table 4.1) (both 2006-2026).
- Bath is in the highest rank of settlements in the hierarchy in both this current proposed Local Plan and the Structure Plan. Impacts of Housing Supply Shortfall
- As things stand, the district and Bath in particular has a strong potential to see housing supply falling short of the housing targets. This will give rise to serious consequences, not just socio-economically but also to the meeting of the RSS targets in the future beyond this Local Plan to 2026. It has the potential to impact on funding in the new Planning Delivery Grant system.
- A more open approach to windfall development by BANES combined with an attitude amongst applicants to be more inventive, open to innovation and respond to the need for quality developments to meet the aspirations of BANES and the community on design within the City is required. The Draft RSS and the Local Plan itself encourage this but the housing supply situation makes it essential.
- It will take some time before major sites will start to deliver new homes (Western Riverside). There is still a high potential to have Section 106 matters, infrastructure, flood defence and ownership issues all impacting on the deliver of the numbers of units at this site before 2011. Delays in commencement at this site and delivery could see non-allocated sites in the green belt being promoted and their chances of success will be increased
- The more development which can be accommodated on land within the settlement boundary, the less green field sites will be released.
- Maximising windfall housing in Bath over the period of the plan is necessary before and while major regeneration projects take place.

Proposed Amendments

3.1 In proposed alteration M/B7/40 a new paragraph is proposed to reflect the changes in HG4 that land that has not been previously developed can contribute to the levels of windfalls. The wording goes onto state that other policies of the plan seek to protect greenfield sites that are used as allotments or other recreation.

3.2 It is requested that because of developments since the Inspector's report such as the Barker Review, PPS3, the low rate of completions and the continued delay at the Riverside site that a simple and short addition is made to the wording. This would recognise the importance of windfall development in Bath and establish the link in preserving the Green Belt. It is therefore requested that the following changes be made. The paragraph would now read, with our added text underlined: "The allowance for windfall development to meet the strategic housing requirement is based on the redevelopment of previously developed land in accordance with Government advice. However, windfalls may also occur on sites which were not previously developed, subject to the other policies of the plan which seek to protect green field sites which are, for example, needed for recreational uses, or which are of townscape or nature conservation importance. Windfall sites play a vital part in contributing to the supply of housing and preventing the loss of green field sites outside the boundaries of settlements. They will be particularly important if any delays occurs in the delivery of the of the allocated sites Large site opportunities are most likely to emerge in Bath but some may also arise in Keynsham and Norton

Radstock and the 13 R.1 villages identified in policy SC. 1. Opportunities are likely to be more limited in the 8 villages identified as R.2 settlements"

Conclusions

4.1 It is considered that the amendment we have proposed is important. It would help to establish in the public and also potential developer's minds the importance of windfalls and the link to the justification for the take up of greenfield and Green Belt land outside the development limits of settlements. Too often the link between windfalls and the take up of greenfield land outside a settlement is lost. It is argued that this is particularly the case within a settlement like Bath with its important and potentially constraining historic designations and topography. There can be a tendency to see the City as a museum, which should not be altered, when in truth it has always evolved as time has passed. It is this evolution that makes it so special and thus a settlement that stands above many other settlements of a similar size in the quality of its built form.

Modification: M/B7/12 - Housing

Ref:	3237/J18 /s	Provision of affordable housing.	Support noted.	No change.
Location	(None)			
Ref:	3237/J32	Provision of affordable housing.	The Inspector considered the issues of housing supply again in detail at the Local Plan Inquiry and recommended that the Council should reinvestigate a number of sites in order to meet the identified shortfall in housing in the District. In respect of the two sites at Peasedown St John the concluded that land between Church Road and New Buildings performs an important function in maintaining the separation of New Buildings as an independent group of houses rather than an extension of the larger built up area into the countryside. Land east of Carlingcott Lane forms part of the open countryside and that any development would be a harmful intrusion of the built up area into the countryside. In rejecting these sites the Inspector has identified sufficient sequentially preferable options for the Council to investigate to meet the strategic housing land requirement without the need for the allocation of Greenfield sites in such locations. The objection raises no new issues warranting a further modification.	No change.
Location	Church Road and New Buildings Peasedown St. John	<p>INTRODUCTION Representations for the proposed sites for inclusion in the B&NES Local Plan have previously been submitted by Healey and Baker, GVA Grimley, Hephher Dixon and ourselves. At the Public Local Inquiry held on the 5 April 2005, consideration was given to-</p> <ul style="list-style-type: none"> > Whether the two sites should be allocated for housing within Policy GDS.1. > Whether the Housing Development Boundary should be amended to include both sites. > Wider housing issues concerning the adequacy of Brownfield Sites in the plan area. <p>From the Public Inquiry it was understood –</p> <p>a. SETTLEMENT BOUNDARIES The drawn boundaries on plan did not take into account aspects such as recreation and leisure fields (cricket etc), which should be within the urban boundary, not on the outside of it; with the actual boundaries still being under consideration at that time. It was stated that the representation sites at Church Road and Carlingcott Lane should be part of the Village Envelope and not part of the Rural Hinterland.</p> <p>b. TRANSPORT The council agreed that the Public Transport and village shops were adequate to sustain the village life and that a bus stop exists on the edge of the sites, which would assist in parties travelling to work outside the village without the use of cars thereby assisting in reducing carbon dioxide emissions. The council admitted that the sites are 500m from the village centre, but most of the village is 500m from the village centre.</p> <p>c. HIGHWAYS The council stated that Church Road and the surrounding roads were too narrow; however, the site frontage could be widened; and the Inspector stated that could</p>		

be dealt with at the planning stage. The Inspector also stated that at Carlingcott Lane, the complete lane did not require to be widened, just at the access point at one corner near the recreation ground where the lane had already been widened; and again it could be dealt with at the planning stage.

D. ECOLOGY

The Ecologists stated that the Sites should be of National Conservation Interest (SNCI). They had found Limestone Grass on both sites, and a Badger Set on the Church Road site, however; that would not stop development. The Church Road site was overgrown and had killed much of the Limestone Grass but Limestone Grass was growing well on the Carlingcott Site. The Ecologists requested that the site be grazed to encourage its growth and recommended that the Council should be content with some development on the Carlingcott site providing that an area of land was set aside for the grass to thrive; which was agreed.

E. DEVELOPMENT

The Council stated that Peasedown Belle Vue Farm was fully built out to 21 units and that there would be no more development in Peasedown until after the UDP period ending 2011. However, two other large sites had been forwarded as a consideration for development.

The Council stated that Peasedown is an important R1 Settlement — a main area for habitation with infrastructure, public transport and shops to substantiate residential expansion; and that it was Peasedown Policy to develop Brownfield sites first, but admitted there were none at that time. The Bus garage was mentioned as a possibility but if it were developed it would lead to loss jobs; and the Inspector agreed that the new proposed employment zone would warrant in-migration and new housing.

F. THE INSPECTOR

The Inspector summed up by enquiring of the Council a suitable development density. It was agreed 8 dwellings to the acre, 20 dwellings to the hectare could be constructed on the sites.

Ref: 3237/J33

Provision of affordable housing.

The Inspector considered the issues of housing supply again in detail at the Local Plan Inquiry and recommended that the Council should reinvestigate a number of sites in order to meet the identified shortfall in housing in the District. In respect of the two sites at Peasedown St John the concluded that land between Church Road and New Buildings performs an important function in maintaining the separation of New Buildings as an independent group of houses rather than an extension of the larger built up area into the countryside. Land east of Carlingcott Lane forms part of the open countryside and that any development would be a harmful intrusion of the built up area into the countryside. In rejecting these sites the Inspector has identified sufficient sequentially preferable options for the Council to investigate to meet the strategic housing land requirement without the need for the allocation of Greenfield sites in such locations.
The objection raises no new issues warranting a

No change.

Location Carlingcott Lane
Peasedown St. John

INTRODUCTION

Representations for the proposed sites for inclusion in the B&NES Local Plan have previously been submitted by Healey and Baker, GVA Grimley, Hephher Dixon and ourselves.

At the Public Local Inquiry held on the 5 April 2005, consideration was given to -> Whether the two sites should be allocated for housing within Policy GDS.1.

> Whether the Housing Development Boundary should be amended to include both sites.

> Wider housing issues concerning the adequacy of Brownfield Sites in the plan area.

From the Public Inquiry it was understood —

a. SETTLEMENT BOUNDARIES

The drawn boundaries on plan did not take into account aspects such as recreation and leisure fields (cricket etc), which should be within the urban boundary, not on the outside of it; with the actual boundaries still being under consideration at that time. It was stated that the representation sites at Church Road and Carlingcott Lane should be part of the Village Envelope and not part of the Rural Hinterland.

B. TRANSPORT

The council agreed that the Public Transport and village shops were adequate to

sustain the village life and that a bus stop exists on the edge of the sites, which would assist in parties travelling to work outside the village without the use of cars thereby assisting in reducing carbon dioxide emissions. The council admitted that the sites are 500m from the village centre, but most of the village is 500m from the village centre.

C. HIGHWAYS

The council stated that Church Road and the surrounding roads were too narrow; however, the site frontage could be widened; and the Inspector stated that could be dealt with at the planning stage. The Inspector also stated that at Carlingcott Lane, the complete lane did not require to be widened, just at the access point at one corner near the recreation ground where the lane had already been widened; and again it could be dealt with at the planning stage.

D. ECOLOGY

The Ecologists stated that the Sites should be of National Conservation Interest (SNCI). They had found Limestone Grass on both sites, and a Badger Set on the Church Road site, however; that would not stop development.

The Church Road site was overgrown and had killed much of the Limestone Grass but Limestone Grass was growing well on the Carlingcott Site. The Ecologists requested that the site be grazed to encourage its growth and recommended that the Council should be content with some development on the Carlingcott site providing that an area of land was set aside for the grass to thrive; which was agreed.

E. DEVELOPMENT

The Council stated that Peasedown Belle Vue Farm was fully built out to 21 units and that there would be no more development in Peasedown until after the UDP period ending 2011. However, two other large sites had been forwarded as a consideration for development.

The Council stated that Peasedown is an important R1 Settlement — a main area for habitation with infrastructure, public transport and shops to substantiate residential expansion; and that it was Peasedown Policy to develop Brownfield sites first, but admitted there were none at that time. The Bus garage was mentioned as a possibility but if it were developed it would lead to loss jobs; and the Inspector agreed that the new proposed employment zone would warrant in-migration and new housing.

F. THE INSPECTOR

The Inspector summed up by enquiring of the Council a suitable development density. It was agreed 8 dwellings to the acre, 20 dwellings to the hectare could be constructed on the sites.

further modification.

Modification: M/B7/23 - Housing

Ref: 2307/J2

Location (None)

It is clear that there is a substantial shortfall in housing supply contained in the Deposit version of the Local Plan which, when coupled with the significant need for the delivery of housing within the Authority's area, means that additional housing sites should be sought within the Principal Urban Area of Bath in the first instance to accord with RPG10, Structure Plan and Local Plan policies. A number of omission sites have been considered (and rejected) within the Bath PUA in the preparation of these Proposed Modifications, but the former allotments site at Southbourne Gardens within Bath was not expressly considered. Further, the sources of housing supply identified within Table 3A, as referred to in Proposed Modification M1B7/23, are unable to raise their completion rates to

Table 3A reflects the discussions that the Council has had with developers concerning the deliverability of housing numbers on individual sites. The strategic housing requirement to 2011 can be met without allocating Southbourne Gardens. The site is 0.46ha in size it falls below the 0.5ha threshold for allocating sites in a local plan. The Council does not oppose the development of the site in principal subject to any proposal being in accordance with the other policies in the Local Plan.

No change.

compensate for the major allocations and the significant lead-in times that will be required at South West Keynsham, for instance. There is a period of less than 5 years to be able to deliver the required housing and the reliance on the large sites at Western Riverside and South West Keynsham runs a significant risk that the housing requirement will fail to be met.

The former allotments at Southbourne Gardens, Bath should be identified as a housing site allocation for up to 12 dwellings in conjunction with the retention of a significant landscape and ecological area which will retain the badger sett present on part of the site. It located in a highly sustainable situation, and is deliverable within the plan period to 2011.

Ref:	3948/J24	(1) List entry 3 refers to Table 3 A which includes "RIO 89-123 Englishcombe Lane. This inclusion is in direct conflict with Policy CF.1 as amended by M/B3/9, which I think should provide precedence as there is no other convenient community land in this densely built up area. The inspector's recommendation R7.16 only asks the council to CONSIDER this land, and the conflict with other parts of the councils' policy statements is therefore telling. List entry 5 should not restrict itself to subdividing residential properties; residential accommodation above shops and offices could also be brought into use and contribute to the requirement. (2) Add to the end of item 5 "and residential accommodation above shops and offices brought into use". Delete Englishcombe Lane from Table 3A.	Policy GDS.1/B7 does not fall within the scope of Policy CF.1 The reoccupation of vacant residential accommodation above shops and offices does not constitute a net addition to the total dwelling stock.	No change.
Location	Englishcombe Lane (land rear of 89-123) Bath			

Modification: M/B7/ 25 - Housing

Ref:	3446/J22	Taylor Woodrow Developments Limited object to the capacity listed in Table 3A for South West Keynsham of 500 dwellings in the period to 2011. Our objection in this regard also applies to Criterion A of Policy GDS.1/K2 (M/B9/33). The Local Plan Inspector's assessment of the site and its contribution to the housing requirement was based on 700 dwellings. The site is genuinely available and there are no constraints to the immediate implementation of the scheme once planning permission is granted. Since the Inspector's Report was issued in May 2006, Taylor Woodrow Developments Limited, who control a substantial element of the site have been working in conjunction with the Council as part landowner and Local Planning Authority to develop a masterplan document to guide the submission of an application. Good progress is already being made in bringing forward the site. It is anticipated that an application(s) will be submitted by mid 2007 with planning permission being granted shortly thereafter. As there are no physical or environmental constraints to the implementation of the scheme, in contrast to Bath Western Riverside for example, the developer's anticipated build rate will comfortably exceed 500 dwellings by 2011. In the circumstance where higher housing requirements are set to emerge from the RSS process, there is an unprecedented pressure on achieving accelerated house building rates. However, the effect of the Table 3A is to artificially constrain the contribution of South West Keynsham to 500 dwellings by 2011. So as to remove this constraint, Taylor Woodrow Developments Limited request that Table 3A be altered to refer to 500 — 700 dwellings. This would be consistent with the Plan's approach to Bath Western Riverside and would provide a safeguard against the non — implementation of other sites and add certainty that the specified housing requirement of 6,855 dwellings is met through completions. By providing this flexibility, the Plan would accord with guidance in PPS3 and the	500 dwellings is not an upper limit for development during the plan period, rather a prudent assessment of likely delivery. The Local Plan allows for as many dwellings as can be built during the plan period, up to around 700. Policy GDS.1/K2 makes it clear that the site is allocated for 700 dwellings.	No change.
Location	SW Keynsham Keynsham			

Respondent Details	Summary of Comment	Proposed Response	Change
<p>Ref: 3237/J25 /s</p> <p>Location Paulton Printing Factory Paulton</p>	<p>importance afforded to housing supply.</p> <p>INTRODUCTION Representations for the proposed sites for inclusion in the B&NES Local Plan have previously been submitted by Healey and Baker, GVA Grimley, Hephher Dixon and ourselves. At the Public Local Inquiry held on the 5 April 2005, consideration was given to- > Whether the two sites should be allocated for housing within Policy GDS.1. > Whether the Housing Development Boundary should be amended to include both sites. > Wider housing issues concerning the adequacy of Brownfield Sites in the plan area. From the Public Inquiry it was understood – a. SETTLEMENT BOUNDARIES The drawn boundaries on plan did not take into account aspects such as recreation and leisure fields (cricket etc), which should be within the urban boundary, not on the outside of it; with the actual boundaries still being under consideration at that time. It was stated that the representation sites at Church Road and Carlingcott Lane should be part of the Village Envelope and not part of the Rural Hinterland. B. TRANSPORT The council agreed that the Public Transport and village shops were adequate to sustain the village life and that a bus stop exists on the edge of the sites, which would assist in parties travelling to work outside the village without the use of cars thereby assisting in reducing carbon dioxide emissions. The council admitted that the sites are 500m from the village centre, but most of the village is 500m from the village centre. C. HIGHWAYS The council stated that Church Road and the surrounding roads were too narrow; however, the site frontage could be widened; and the Inspector stated that could be dealt with at the planning stage. The Inspector also stated that at Carlingcott Lane, the complete lane did not require to be widened, just at the access point at one corner near the recreation ground where the lane had already been widened; and again it could be dealt with at the planning stage. D. ECOLOGY The Ecologists stated that the Sites should be of National Conservation Interest (SNCI). They had found Limestone Grass on both sites, and a Badger Set on the Church Road site, however; that would not stop development. The Church Road site was overgrown and had killed much of the Limestone Grass but Limestone Grass was growing well on the Carlingcott Site. The Ecologists requested that the site be grazed to encourage its growth and recommended that the Council should be content with some development on the Carlingcott site providing that an area of land was set aside for the grass to thrive; which was agreed. E. DEVELOPMENT The Council stated that Peasedown Belle Vue Farm was fully built out to 21 units and that there would be no more development in Peasedown until after the UDP period ending 2011. However, two other large sites had been forwarded as a consideration for development. The Council stated that Peasedown is an important R1 Settlement – a main area for habitation with infrastructure, public transport and shops to substantiate residential expansion; and that it was Peasedown Policy to develop Brownfield sites first, but admitted there were none at that time. The Bus garage was mentioned as</p>	Support noted.	No change.

Respondent Details	Summary of Comment	Proposed Response	Change
	<p>a possibility but if it were developed it would lead to loss jobs; and the Inspector agreed that the new proposed employment zone would warrant in-migration and new housing.</p> <p>F. THE INSPECTOR</p> <p>The Inspector summed up by enquiring of the Council a suitable development density. It was agreed 8 dwellings to the acre, 20 dwellings to the hectare could be constructed on the sites.</p> <p>REASON FOR SUPPORTING: Allocation of dwellings to be built at Paulton printing factory and Wellow Lane.</p>		
<p>Ref: 3237/J26 /s</p>	<p>INTRODUCTION</p>	<p>Support Noted.</p>	<p>No change.</p>
<p>Location Wellow Lane and By-pass, Land between Peasedown St. John</p>	<p>Representations for the proposed sites for inclusion in the B&NES Local Plan have previously been submitted by Healey and Baker, GVA Grimley, Hephher Dixon and ourselves.</p> <p>At the Public Local Inquiry held on the 5 April 2005, consideration was given to-</p> <ul style="list-style-type: none"> > Whether the two sites should be allocated for housing within Policy GDS.1. > Whether the Housing Development Boundary should be amended to include both sites. > Wider housing issues concerning the adequacy of Brownfield Sites in the plan area. <p>From the Public Inquiry it was understood –</p> <p>a. SETTLEMENT BOUNDARIES</p> <p>The drawn boundaries on plan did not take into account aspects such as recreation and leisure fields (cricket etc), which should be within the urban boundary, not on the outside of it; with the actual boundaries still being under consideration at that time. It was stated that the representation sites at Church Road and Carlingcott Lane should be part of the Village Envelope and not part of the Rural Hinterland.</p> <p>B. TRANSPORT</p> <p>The council agreed that the Public Transport and village shops were adequate to sustain the village life and that a bus stop exists on the edge of the sites, which would assist in parties travelling to work outside the village without the use of cars thereby assisting in reducing carbon dioxide emissions. The council admitted that the sites are 500m from the village centre, but most of the village is 500m from the village centre.</p> <p>C. HIGHWAYS</p> <p>The council stated that Church Road and the surrounding roads were too narrow; however, the site frontage could be widened; and the Inspector stated that could be dealt with at the planning stage. The Inspector also stated that at Carlingcott Lane, the complete lane did not require to be widened, just at the access point at one corner near the recreation ground where the lane had already been widened; and again it could be dealt with at the planning stage.</p> <p>D. ECOLOGY</p> <p>The Ecologists stated that the Sites should be of National Conservation Interest (SNCI). They had found Limestone Grass on both sites, and a Badger Set on the Church Road site, however; that would not stop development.</p> <p>The Church Road site was overgrown and had killed much of the Limestone Grass but Limestone Grass was growing well on the Carlingcott Site. The Ecologists requested that the site be grazed to encourage its growth and recommended that the Council should be content with some development on the Carlingcott site providing that an area of land was set aside for the grass to thrive; which was agreed.</p> <p>E. DEVELOPMENT</p>		

The Council stated that Peasedown Belle Vue Farm was fully built out to 21 units and that there would be no more development in Peasedown until after the UDP period ending 2011. However, two other large sites had been forwarded as a consideration for development.

The Council stated that Peasedown is an important R1 Settlement — a main area for habitation with infrastructure, public transport and shops to substantiate residential expansion; and that it was Peasedown Policy to develop Brownfield sites first, but admitted there were none at that time. The Bus garage was mentioned as a possibility but if it were developed it would lead to loss jobs; and the Inspector agreed that the new proposed employment zone would warrant in-migration and new housing.

F. THE INSPECTOR

The Inspector summed up by enquiring of the Council a suitable development density. It was agreed 8 dwellings to the acre, 20 dwellings to the hectare could be constructed on the sites.

REASON FOR SUPPORTING: Allocation of dwellings to be built at Paulton Printing factory and Wellow Lane.

Modification: M/B7/26 - Housing

Ref: 3126/J174

Delete.

Reason: The text is not in accordance with Inspector's reasoning, that the site is Greenfield.

We support Somer Valley FOE's representation.

Location (None)

The Council disagrees with the inspector's recommendation that the site is, in effect, no longer brownfield. However, the Council agrees that site contributes to nature conservation objectives.

No change.

As PPS9 [Biodiversity and Geological Conservation] states in paragraph 13

The re-use of previously developed land for new development makes a major contribution to sustainable development by reducing the amount of countryside and undeveloped land that needs to be used. However, where such sites have significant biodiversity or geological interest of recognised local importance, local planning authorities, together with developers, should aim to retain this interest or incorporate it into any development of the site.

The Council agrees with the inspector's assessment that 50 dwellings is not an absolute limit on development capacity. The ultimate capacity of the site will depend, inter alia, resolution of nature conservation issues.

Modification: M/B7/37 - Housing

Respondent Details	Summary of Comment	Proposed Response	Change
<p>Ref: 3126/J208</p> <p>Location (None)</p>	<p>Reason - to be more in line with inspectors R5.16 to R5.19. NR2 Radstock Railway Land, substitute 50+ with 50 and change PDL to greenfield. K2 SW Keynsham, substitute 500 with 500+. We do not support green field development in this location but if there is development it should be of highest environmental quality which will permit higher density.</p>	<p>The Council disagrees with the inspector's recommendation that the site is, in effect, no longer brownfield. However, the Council agrees that site contributes to nature conservation objectives.</p> <p>As PPS9 [Biodiversity and Geological Conservation] states in paragraph 13</p> <p>The re-use of previously developed land for new development makes a major contribution to sustainable development by reducing the amount of countryside and undeveloped land that needs to be used. However, where such sites have significant biodiversity or geological interest of recognised local importance, local planning authorities, together with developers, should aim to retain this interest or incorporate it into any development of the site.</p> <p>The Council agrees with the inspector's assessment that 50 dwellings is not an absolute limit on development capacity. The ultimate capacity of the site will depend, inter alia, resolution of nature conservation issues.</p> <p>500 dwellings is not an upper limit for development at South West Keynsham during the plan period, rather a prudent assessment of likely delivery. The Local Plan allows for as many dwellings as can be built during the plan period, up to around 700. Policy GDS.1/K2 makes it clear that the site is allocated for 700 dwellings.</p>	<p>No change.</p>
Modification: M/B7/40 - Housing			
<p>Ref: 3116/J179</p> <p>Location (None)</p>	<p>Support the Inspector's wording. The Council's change critically weakens the protection for land last used for allotments. The wording must revert to For example, needed for recreational uses.... This is in line with the Inspector's desire that the Local Plan should aim to meet demand for allotments and with our proposed re-strengthening of CF 8, and in line with our supporting statement at CF8.</p>	<p>The modification is merely a statement of fact, that, proposals for residential windfall development on greenfield sites (including allotments) will be considered against to the appropriate policies in Plan.</p>	<p>No change.</p>
<p>Ref: 4195/J2 /s</p> <p>Location (None)</p>	<p>1.1 My clients CG Fry and Son wish to support the alterations to policy HG.1 and HG4 contained in the Proposed Modifications to the Bath and North East Somerset Local Plan. They have an interest in sites within the built limits of Bath. They hope to progress with these towards obtaining planning permission for residential development. The Local Plan is obviously of great interest to them given its statutory status.</p> <p>1.2 Alteration to the wording of the new paragraph M/B7/40 is proposed.</p> <p>1.3 Their particular interest is the attitude and approach of the plan to residential "windfall" developments within the existing built limits of Bath. However it is the</p>	<p>Support Noted</p>	<p>No change.</p>

Council's future approach to the implementation of the revised HG4 that is of most interest. The removal of the reference to only previously developed land in Bath being acceptable for such development is welcomed. The alterations to HG.1 are of course more related to the flowing down of planning policy from governmental and regional level planning documents. However the increase in numbers in HG1 is welcomed and supported.

1.4 Bath has its own nationally unique set of planning constraints because of its international/national historical heritage and landscape designations. It has a unique topography with many parts of the city having an undulating character with built development on relatively steep sites. It is argued that it has its own particular difficulties accommodating built development within its boundaries that are unique to it and which do not occur as often in other cities in the south west or even nationally.

1.5 These constraints are borne out by the housing supply figures supplied in the Council's own monitoring reports and also development control statistics. The Development Control Statistics 2005/2006 published by the government indicate that Bath and North East Somerset (BANES) has the lowest rate of approval of residential development, both major and minor, of any Authority in the former Avon area (Table 1.9). Yet it has fewer applications for residential development than those Authorities. The rate of approval of residential proposals is also lower than every Authority in Gloucestershire. BANES approved 50% of the applications it received for all types of residential development whereas the national average is 66%. In a crude way it confirms the difficulty of accommodating new residential development within Bath's unique constraints

1.6 The Inspector during the Local Plan Inquiry considered the supply of housing sites at length but we of course now know more information on the supply and delivery of housing. We also have the draft Regional Spatial Strategy that seeks to set levels of development towards 2026. We also now have the very recent and relevant Planning Policy Statement 3 on housing development.

1.7 The purpose of making these supporting comments is really to make the Council aware that there is concern over the supply of housing and that this is an issue that has become more problematic since the Inspector's Report. There were only 225 completions in 2004/2005 and 245 in 2005/2006 in the whole area. Yet the housing figures in HG.1 have been increased and there is only a relatively short time until the end of the plan period in 2011.

1.8 In making the Council aware of these supply issues our clients would hope to see a proactive approach to negotiations and the determination of windfall sites in Bath under the revised HG4. While changing the policy in line with the Inspector's representation is welcome it is only really in the implementation of that policy that the Council will avoid serious supply issues. This is particularly the case if important sites in Bath, most notably the Riverside development, are delayed in any way.

1.9 In this situation it is a truism that every new windfall dwelling in Bath reduces the potential to lose Green Belt land around the city in the future, or to at least limit the scale of such a loss. This is particularly the case beyond the current plan period. The loss of Green Belt would appear inevitable because of the existing supply situation and there is potential for this to increase in scale given Bath's status high the hierarchy of settlements. When these matters are combined with the contents in the recent Barker review on Green Belt boundaries it becomes the case that any shortfall in the supply of new housing, be it now or in the future, will place pressure on the Green Belt around Bath. It is surely the case that those who own land or options on land around the outskirts of Bath, and who wish to develop

it, benefit from the low rate of approval of residential developments within the city.
1.10 The importance of windfalls needs to be given a prominence that reflects the supply situation. This needs to do done without compromising the things that make Bath special namely its setting, historic heritage, access to public open space and the built form of the city. The Inspector changed the wording to allow development of sites within Bath on both greenfield and brownfield sites and this recommendation was made because this is what government policy dictates through PPG3 and now PPS3.

Reasons for Support

In paragraph 1.9 above we gave a list of matters that we believe impact upon the need and importance of BANES to be proactive in promoting and finding a way to approve housing development proposals of the type that are defined under policy HG4. The important and most critical issues of these reasons are briefly outlined below.

The Problems of Housing Supply

- The target of Policy HG1 is now 6855 until the end of 2011. BANES Residential Land Survey 2006 informs us that as of April 2006 3718 dwellings were completed. This leaves 3137 completions needed by the end of 2011.
- The survey goes onto say that as of April 2006 the total capacity identified by BANES is 2267 dwellings leaving a shortfall of 870 to come forward as windfalls by 2011. That would be a delivery of just over 170 dwellings per year purely coming from windfall sites under policy HG4.
- To meet the target there needs to be an average of 627 completions pa in BANES up to 2011 from all sources both windfall and allocated sites.
- 2004-2005 saw just 225 completions, with a further 245 in 2005-2006.
- We consider it unlikely that there will be an average of 627 completions pa, and we note that the 650 completions in 1998-1 999 is the most the district has ever achieved.
- The Western Riverside site is central to the delivery of homes in Bath in the plan period. The Inspectors commented that 450 dwellings (para 5.70) is the most that can be realistically expected before 2011 and did not expect to see development being commenced until the Spring of 2008 (para 5.71).
- To our knowledge no application, either outlines or full, has yet been approved at the Riverside. There seems an acceptance even under the most optimistic assessments that this site will not commence before the end of 2007.
- In that same paragraph 5.71 the Inspector said "I advise the Council not to take risks with the supply of housing land during the period of this plan. To rely on the delivery of a significant level of housing at eastern Riverside by 2011 would in my view be to take such a risk".
- It appears however that BANES is taking that risk. The residential land survey now proposes a delivery of 800 by 2011 and yet the Inspector, as noted above, thought 450.
- Table 3 to Chapter B7 — Housing, of this current modification document lists the Riverside site as 450 to 600, not the more prudent number of no more that 450 the Inspector stated and not 800 as in the BANES residential land survey from April 2006. Status of Bath in RSS and Other Policy
- Bath is named among the 21 Strategically Significant Cities and Towns in the southwest in the draft Regional Spatial Strategy published in June 2006. It is these settlements where the strategy concentrates growth.
- Policy SR2 places a requirement on planning authorities to maximise the use of PDL and significant urban extensions into the green belt where necessary.

- Paragraph 4.2.14 says that 'the key strategic development issue for Bath is how best to accommodate sufficient housing to help meet future needs, within and close to the City'.
- SR5 says 'development at Bath will focus on the reuse of previously developed land and buildings within the urban area, maximising densities, reflecting the impact on the historic environment and its setting'.
- Bath is expected to deliver 375 homes pa (SR5) and BANES is to provide 775 pa (table 4.1) (both 2006-2026).
- Bath is in the highest rank of settlements in the hierarchy in both this current proposed Local Plan and the Structure Plan. Impacts of Housing Supply Shortfall
- As things stand, the district and Bath in particular has a strong potential to see housing supply falling short of the housing targets. This will give rise to serious consequences, not just socio-economically but also to the meeting of the RSS targets in the future beyond this Local Plan to 2026. It has the potential to impact on funding in the new Planning Delivery Grant system.
- A more open approach to windfall development by BANES combined with an attitude amongst applicants to be more inventive, open to innovation and respond to the need for quality developments to meet the aspirations of BANES and the community on design within the City is required. The Draft RSS and the Local Plan itself encourage this but the housing supply situation makes it essential.
- It will take some time before major sites will start to deliver new homes (Western Riverside). There is still a high potential to have Section 106 matters, infrastructure, flood defence and ownership issues all impacting on the deliver of the numbers of units at this site before 2011. Delays in commencement at this site and delivery could see non-allocated sites in the green belt being promoted and their chances of success will be increased
- The more development which can be accommodated on land within the settlement boundary, the less green field sites will be released.
- Maximising windfall housing in Bath over the period of the plan is necessary before and while major regeneration projects take place.

Proposed Amendments

3.1 In proposed alteration M/B7/40 a new paragraph is proposed to reflect the changes in HG4 that land that has not been previously developed can contribute to the levels of windfalls. The wording goes onto state that other policies of the plan seek to protect greenfield sites that are used as allotments or other recreation.

3.2 It is requested that because of developments since the Inspector's report such as the Barker Review, PPS3, the low rate of completions and the continued delay at the Riverside site that a simple and short addition is made to the wording. This would recognise the importance of windfall development in Bath and establish the link in preserving the Green Belt. It is therefore requested that the following changes be made. The paragraph would now read, with our added text underlined: "The allowance for windfall development to meet the strategic housing requirement is based on the redevelopment of previously developed land in accordance with Government advice. However, windfalls may also occur on sites which were not previously developed, subject to the other policies of the plan which seek to protect green field sites which are, for example, needed for recreational uses, or which are of townscape or nature conservation importance. Windfall sites play a vital part in contributing to the supply of housing and preventing the loss of green field sites outside the boundaries of settlements. They will be particularly important if any delays occurs in the delivery of the of the allocated sites Large site opportunities are most likely to emerge in Bath but some may also arise in Keynsham and Norton

Radstock and the 13 R.1 villages identified in policy SC. 1. Opportunities are likely to be more limited in the 8 villages identified as R.2 settlements"

Conclusions

4.1 It is considered that the amendment we have proposed is important. It would help to establish in the public and also potential developer's minds the importance of windfalls and the link to the justification for the take up of greenfield and Green Belt land outside the development limits of settlements. Too often the link between windfalls and the take up of greenfield land outside a settlement is lost. It is argued that this is particularly the case within a settlement like Bath with its important and potentially constraining historic designations and topography. There can be a tendency to see the City as a museum, which should not be altered, when in truth it has always evolved as time has passed. It is this evolution that makes it so special and thus a settlement that stands above many other settlements of a similar size in the quality of its built form.

Modification: M/B7/41 - Housing

Ref: 1427/J244 /s	The Environment Agency welcomes and supports the inclusion of the last sentence of the paragraph. It is important that development is considered in terms of its sustainability and the 'infrastructure' available.	Support noted.	No change.
Location (None)			

Modification: M/B7/43 - Policy HG.4

Ref: 1427/J245 /s	Point iii) of this Policy is supported. This will help ensure sustainability is considered in development proposals.	Support noted.	No change.
Location (None)			

Ref: 3126/J209	The combined effect of loss or weakening of Policies D1, BH.15, CF 8 would diminish the power to protect the already very weakly protected long gardens of the old mining areas which are so much an intrinsic part of their character. There is opportunity here to give them the protection they so badly need.	Not Duly Made	
Location (None)	Add clause iv) if it is not on the long gardens.		

Ref: 4195/J3 /s	1.1 My clients CG Fry and Son wish to support the alterations to policy HG.1 and HG4 contained in the Proposed Modifications to the Bath and North East Somerset Local Plan. They have an interest in sites within the built limits of Bath. They hope to progress with these towards obtaining planning permission for residential development. The Local Plan is obviously of great interest to them given its statutory status.	Support Noted	No change.
Location (None)	1.2 Alteration to the wording of the new paragraph M/B7/40 is proposed. 1.3 Their particular interest is the attitude and approach of the plan to residential "windfall" developments within the existing built limits of Bath. However it is the Council's future approach to the implementation of the revised HG4 that is of most interest. The removal of the reference to only previously developed land in Bath being acceptable for such development is welcomed. The alterations to HG.1 are of course more related to the flowing down of planning policy from governmental and regional level planning documents. However the increase in numbers in HG1 is welcomed and supported.		

1.4 Bath has its own nationally unique set of planning constraints because of its international/national historical heritage and landscape designations. It has a unique topography with many parts of the city having an undulating character with built development on relatively steep sites. It is argued that it has its own particular difficulties accommodating built development within its boundaries that are unique to it and which do not occur as often in other cities in the south west or even nationally.

1.5 These constraints are borne out by the housing supply figures supplied in the Council's own monitoring reports and also development control statistics. The Development Control Statistics 2005/2006 published by the government indicate that Bath and North East Somerset (BANES) has the lowest rate of approval of residential development, both major and minor, of any Authority in the former Avon area (Table 1.9). Yet it has fewer applications for residential development than those Authorities. The rate of approval of residential proposals is also lower than every Authority in Gloucestershire. BANES approved 50% of the applications it received for all types of residential development whereas the national average is 66%. In a crude way it confirms the difficulty of accommodating new residential development within Bath's unique constraints

1.6 The Inspector during the Local Plan Inquiry considered the supply of housing sites at length but we of course now know more information on the supply and delivery of housing. We also have the draft Regional Spatial Strategy that seeks to set levels of development towards 2026. We also now have the very recent and relevant Planning Policy Statement 3 on housing development.

1.7 The purpose of making these supporting comments is really to make the Council aware that there is concern over the supply of housing and that this is an issue that has become more problematic since the Inspector's Report. There were only 225 completions in 2004/2005 and 245 in 2005/2006 in the whole area. Yet the housing figures in HG.1 have been increased and there is only a relatively short time until the end of the plan period in 2011.

1.8 In making the Council aware of these supply issues our clients would hope to see a proactive approach to negotiations and the determination of windfall sites in Bath under the revised HG4. While changing the policy in line with the Inspector's representation is welcome it is only really in the implementation of that policy that the Council will avoid serious supply issues. This is particularly the case if important sites in Bath, most notably the Riverside development, are delayed in any way.

1.9 In this situation it is a truism that every new windfall dwelling in Bath reduces the potential to lose Green Belt land around the city in the future, or to at least limit the scale of such a loss. This is particularly the case beyond the current plan period. The loss of Green Belt would appear inevitable because of the existing supply situation and there is potential for this to increase in scale given Bath's status high in the hierarchy of settlements. When these matters are combined with the contents in the recent Barker review on Green Belt boundaries it becomes the case that any shortfall in the supply of new housing, be it now or in the future, will place pressure on the Green Belt around Bath. It is surely the case that those who own land or options on land around the outskirts of Bath, and who wish to develop it, benefit from the low rate of approval of residential developments within the city.

1.10 The importance of windfalls needs to be given a prominence that reflects the supply situation. This needs to be done without compromising the things that make Bath special namely its setting, historic heritage, access to public open space and the built form of the city. The Inspector changed the wording to allow development of sites within Bath on both greenfield and brownfield sites and this

recommendation was made because this is what government policy dictates through PPG3 and now PPS3.

Reasons for Support

In paragraph 1.9 above we gave a list of matters that we believe impact upon the need and importance of BANES to be proactive in promoting and finding a way to approve housing development proposals of the type that are defined under policy HG4. The important and most critical issues of these reasons are briefly outlined below.

The Problems of Housing Supply

- The target of Policy HG1 is now 6855 until the end of 2011. BANES Residential Land Survey 2006 informs us that as of April 2006 3718 dwellings were completed. This leaves 3137 completions needed by the end of 2011.
- The survey goes on to say that as of April 2006 the total capacity identified by BANES is 2267 dwellings leaving a shortfall of 870 to come forward as windfalls by 2011. That would be a delivery of just over 170 dwellings per year purely coming from windfall sites under policy HG4.
- To meet the target there needs to be an average of 627 completions pa in BANES up to 2011 from all sources both windfall and allocated sites.
- 2004-2005 saw just 225 completions, with a further 245 in 2005-2006.
- We consider it unlikely that there will be an average of 627 completions pa, and we note that the 650 completions in 1998-1999 is the most the district has ever achieved.
- The Western Riverside site is central to the delivery of homes in Bath in the plan period. The Inspectors commented that 450 dwellings (para 5.70) is the most that can be realistically expected before 2011 and did not expect to see development being commenced until the Spring of 2008 (para 5.71).
- To our knowledge no application, either outlines or full, has yet been approved at the Riverside. There seems an acceptance even under the most optimistic assessments that this site will not commence before the end of 2007.
- In that same paragraph 5.71 the Inspector said "I advise the Council not to take risks with the supply of housing land during the period of this plan. To rely on the delivery of a significant level of housing at eastern Riverside by 2011 would in my view be to take such a risk".
- It appears however that BANES is taking that risk. The residential land survey now proposes a delivery of 800 by 2011 and yet the Inspector, as noted above, thought 450.
- Table 3 to Chapter B7 — Housing, of this current modification document lists the Riverside site as 450 to 600, not the more prudent number of no more than 450 the Inspector stated and not 800 as in the BANES residential land survey from April 2006. Status of Bath in RSS and Other Policy
- Bath is named among the 21 Strategically Significant Cities and Towns in the southwest in the draft Regional Spatial Strategy published in June 2006. It is these settlements where the strategy concentrates growth.
- Policy SR2 places a requirement on planning authorities to maximise the use of PDL and significant urban extensions into the green belt where necessary.
- Paragraph 4.2.14 says that 'the key strategic development issue for Bath is how best to accommodate sufficient housing to help meet future needs, within and close to the City'.
- SR5 says 'development at Bath will focus on the reuse of previously developed land and buildings within the urban area, maximising densities, reflecting the impact on the historic environment and its setting'.

- Bath is expected to deliver 375 homes pa (SR5) and BANES is to provide 775 pa (table 4.1) (both 2006-2026).
- Bath is in the highest rank of settlements in the hierarchy in both this current proposed Local Plan and the Structure Plan. Impacts of Housing Supply Shortfall
- As things stand, the district and Bath in particular has a strong potential to see housing supply falling short of the housing targets. This will give rise to serious consequences, not just socio-economically but also to the meeting of the RSS targets in the future beyond this Local Plan to 2026. It has the potential to impact on funding in the new Planning Delivery Grant system.
- A more open approach to windfall development by BANES combined with an attitude amongst applicants to be more inventive, open to innovation and respond to the need for quality developments to meet the aspirations of BANES and the community on design within the City is required. The Draft RSS and the Local Plan itself encourage this but the housing supply situation makes it essential.
- It will take some time before major sites will start to deliver new homes (Western Riverside). There is still a high potential to have Section 106 matters, infrastructure, flood defence and ownership issues all impacting on the deliver of the numbers of units at this site before 2011. Delays in commencement at this site and delivery could see non-allocated sites in the green belt being promoted and their chances of success will be increased
- The more development which can be accommodated on land within the settlement boundary, the less green field sites will be released.
- Maximising windfall housing in Bath over the period of the plan is necessary before and while major regeneration projects take place.

Proposed Amendments

3.1 In proposed alteration M/B7/40 a new paragraph is proposed to reflect the changes in HG4 that land that has not been previously developed can contribute to the levels of windfalls. The wording goes onto state that other policies of the plan seek to protect greenfield sites that are used as allotments or other recreation.

3.2 It is requested that because of developments since the Inspector's report such as the Barker Review, PPS3, the low rate of completions and the continued delay at the Riverside site that a simple and short addition is made to the wording. This would recognise the importance of windfall development in Bath and establish the link in preserving the Green Belt. It is therefore requested that the following changes be made. The paragraph would now read, with our added text underlined: "The allowance for windfall development to meet the strategic housing requirement is based on the redevelopment of previously developed land in accordance with Government advice. However, windfalls may also occur on sites which were not previously developed, subject to the other policies of the plan which seek to protect green field sites which are, for example, needed for recreational uses, or which are of townscape or nature conservation importance. Windfall sites play a vital part in contributing to the supply of housing and preventing the loss of green field sites outside the boundaries of settlements. They will be particularly important if any delays occurs in the delivery of the of the allocated sites Large site opportunities are most likely to emerge in Bath but some may also arise in Keynsham and Norton Radstock and the 13 R.1 villages identified in policy SC. 1. Opportunities are likely to be more limited in the 8 villages identified as R.2 settlements"

Conclusions

4.1 It is considered that the amendment we have proposed is important. It would help to establish in the public and also potential developer's minds the importance of windfalls and the link to the justification for the take up of greenfield and Green

Belt land outside the development limits of settlements. Too often the link between windfalls and the take up of greenfield land outside a settlement is lost. It is argued that this is particularly the case within a settlement like Bath with its important and potentially constraining historic designations and topography. There can be a tendency to see the City as a museum, which should not be altered, when in truth it has always evolved as time has passed. It is this evolution that makes it so special and thus a settlement that stands above many other settlements of a similar size in the quality of its built form.

Modification: M/B7/46 - Land at R/O 45 Millards Hill to be included in the HDB

Ref:	3116/J172	1. We identified this site as having highest value for community benefit as allotments because it is so accessible from the linear way and is already overlooked by surrounding houses, which will facilitate security of the site. The field immediately to the East, if needed for housing, would be preferable, as housing there would further enhance the natural surveillance of the site. Partly enclosed fields at the HDB like this one are rare, and every effort should be made to retain them for allotment/community use. 2. Delete this modification	Disagree. The Council reviewed the site in accordance with the Inspector's recommendation to clarify the status of the site. It was concluded that the site should be included within the HDB so that any proposals could be considered within the context of Policy HG.4. The land cited by the objector was not discussed at the Inquiry.	No change.
Location	Millards Hill (45), Welton Norton Radstock			
Ref:	3300/J12 /s	We support this proposed modification to include this land within the housing development boundary as per our client's representations and the recommendation of the inspector at R8.6 of the Inspector's Report. We consider that this change more appropriately reflect the site's context surrounding by housing development which more logically would form part of the urban area.	Support noted.	No change.
Location	Millards Hill (45), Welton Norton Radstock			

Modification: M/B7/47 - Addition of land at Wellow Lane, Peasedown st John as a housing site

Ref:	687/J11	The Parish Council objects to this proposal and use of the marginal land for housing for the following reasons: 1. During the course of the original development of the new estates, Peasedown St John had to accept an additional 200 houses to that submitted in the plan, meaning that the final development was for 1400 houses not 1200. Therefore the Parish has already had 200 houses in addition to those planned. 2. The Inspector working for Wansdyke during the original development clearly stated in his report that he did not recommend any further development on the marginal land alongside Wellow Lane. We have to assume that the Inspector recommended this for good reason and subsequently placed the housing boundary at its current position, which now the planners are preparing to disregard. 3. The effect of a development of 100 houses in Wellow Lane and 13 additional houses in Sunset Close puts the micro-infrastructure of Braysdown Lane/Wellow Lane far beyond the ability of those roads to deal with anticipated extra traffic and seriously puts at risk the Safe Routes to School scheme which crosses Braysdown Lane at the top end. It has been suggested through telephone calls to B&NES planners that the additional use of Braysdown Lane would be discouraged but without any information as to how this would be carried out. It is perfectly obvious that should any additional school children be generated by the new housing development, a large proportion of those children will go to school via Braysdown Lane and in cars, which will in itself create further car parking problems in the centre of the village which is already far from satisfactory.	The Inspector considered the issues of housing supply again in detail at the Local Plan Inquiry and recommended that the Council should reinvestigate this site in order to meet the identified shortfall in housing in the District. The identification of sites reflects the locational sequence established in the Structure Plan: that is first Bath, then Keynsham, then Norton-Radstock and then the larger villages. Account has already been taken of the Brownfield site redevelopment opportunities. In light of the Government's priority on deliverability, the Inspector has emphasized that the sites should be both suitable for development and able to deliver housing by 2011. These options have been investigated taking into account the inspector's reasoning and recommendations, site constraints, the local plan strategy, corporate objectives, sustainability criteria and national planning advice, demand for alternative uses etc. As a result of the Council's investigations it was concluded that land Wellow Lane should be allocated for residential development. There is no previous planning history	No change.
Location	Wellow Lane and By-pass, Land between Peasedown St. John			

4. The village school is the largest Primary School in B&NES. We trust that B&NES Council agrees with the Government policy of local schools for local children and it is unlikely that any additional capital, which would need to be considerable, is going to be made available to accommodate any additional children from the proposed new estate. The Parish Council totally rejects the notion that additional children should be transported to Shoscombe or Camerton.

5. The Medical Centre at Hillcrest is already full and an additional population of 200-300 persons will place a tremendous strain on our Doctors, Sisters and other medical staff. Patients already have to park on Wellow Lane and Wellow Mead as there is insufficient space to accommodate cars on the surgery site. This is potentially an additional hazard.

6. Drainage and effluent will need major overhaul to cope with this proposed development; in addition the water pressure in this area is already low.

7. There is no indication of any major road engineering works that will be carried on in Peasedown St John to alleviate the extra traffic. The impact of the NRR development and the possible development of 210 homes in Radstock needs to be borne in mind; many of the people who will live there will doubtless use the A367. The situation becomes even bleaker when this additional road use makes exiting from Peasedown St John onto the by-pass at the Radstock end of the village even more dangerous and hazardous than it is already.

8. It is assumed that any proposed development on the marginal land will mean the destruction of yet another ancient hedgerow and it seems somewhat ironical to the Parish Council that on the one hand B&NES professes to have green credentials and yet on the other hand it would appear to be encouraging extra car journeys, taking children to and from school and is prepared to ignore the removal of hedgerows and therefore habitat.

9. New building should be accompanied by new employment opportunities within the area; this proposal does not meet these standards set by the Council.

10. The Parish Council is under the impression, in common with many other Parish and Town Councils that adjustments and improvements to the infrastructure come before housing development. In this case it would appear that B&NES is putting the cart before the horse and hoping, against all the evidence, that this additional development will not make a significant difference in the village or to the villagers or even that no one would notice the proposed change in the housing boundary. Even one of our local B&NES Councillors was unaware of this proposal until advised by one of the Parish Councillors.

11. Moving the housing development boundary sets a dangerous precedent. If this goes ahead will it end with the creep of houses into the green fields?
FMB: 01.12.06

relating to this site.

100 dwellings is the anticipated dwelling capacity but it is accepted that the actual dwelling capacity of the site will be determined through a planning application. The proposed allocation is also acceptable in highway terms with a requirement that vehicular access should be gained from Wellow Lane with no direct link to the Bypass.

The Council's education department has confirmed that the primary school has the capacity to accommodate pupils generated through the new development providing contributions to the school are secured through a legal agreement. The existing surgery in Wellow Lane also has the capacity to receive new clients.

The Council has sought to encourage and facilitate local employment opportunities in Peasedown St John by allocating the Bath Business Park which is now under development.

As the site lies adjacent to discoveries of prehistoric settlement the results of an archaeological field evaluation will be expected to be provided as part of any planning application. This will allow options for minimising or avoiding damage to the remains to be considered and reflects national advice in PPG16 'Archaeology and Planning'. Policy NE.12 seeks to protect natural features such as trees, hedgerows, stone walls and watercourses from the adverse effects of development. Should the proposal potentially cause harm to such natural features, mitigation and compensatory measures would be determined as part of any planning application.

Any planning application will need to comply with Policy ES.5 which will ensure that adequate provision is made for sustainable foul and surface water sewerage infrastructure and that foul or surface water problems on or off site are resolved. Other issues such as design, layout, impact on the surroundings, dwelling type and noise mitigation will also be addressed in detail at the planning application stage. However, the buffer between the site and the bypass will be retained as will the existing grass verges south of Wellow Lane.

The objection raises no new issues warranting a further modification.

Ref: 3849/J1	<p>We strongly object to the proposed modifications suggested for the Wellow Lane area in Peasedown-St-John.</p> <p>We have lived at our present address for over 30 years and have seen many changes, some for good and others not so good.</p> <p>We have tolerated a by-pass just across the way from us and learned to live with it as a necessary evil so to speak. We say this as trying to cross over to walk with dogs is best described as dicing with death.</p> <p>Already 1000 plus dwellings have been added to the village over the years and we consider that another 100 houses would only add to an already overstretched school, shops, surgery and other amenities.</p> <p>The A367 into and out of Bath is one of the most congested roads in the area, not to mention the roads directly into the village itself.</p> <p>We want to keep this a rural area and keep Peasedown as a village.</p> <p>To do this we have to protect our remaining green belt and not becomes just another suburb of Bath.</p> <p>We always understood, right or wrongly so, that the village boundary was the Wellow Lane, so surely the other side is Green Belt.</p>	<p>The Inspector considered the issues of housing supply again in detail at the Local Plan Inquiry and recommended that the Council should reinvestigate this site in order to meet the identified shortfall in housing in the District. The identification of sites reflects the locational sequence established in the Structure Plan: that is first Bath, then Keynsham, then Norton-Radstock and then the larger villages. Account has already been taken of the Brownfield site redevelopment opportunities. In light of the Government's priority on deliverability, the Inspector has emphasized that the sites should be both suitable for development and able to deliver housing by 2011. These options have been investigated taking into account the inspector's reasoning and recommendations, site constraints, the local plan strategy, corporate objectives, sustainability criteria and national planning advice, demand for alternative uses etc. As a result of the Council's investigations it was concluded that land Wellow Lane should be allocated for residential development. There is no previous planning history relating to this site.</p> <p>100 dwellings is the anticipated dwelling capacity but it is accepted that the actual dwelling capacity of the site will be determined through a planning application. The proposed allocation is also acceptable in highway terms with a requirement that vehicular access should be gained from Wellow Lane with no direct link to the Bypass.</p> <p>The Council's education department has confirmed that the primary school has the capacity to accommodate pupils generated through the new development providing contributions to the school are secured through a legal agreement. The existing surgery in Wellow Lane also has the capacity to receive new clients.</p> <p>The Council has sought to encourage and facilitate local employment opportunities in Peasedown St John by allocating the Bath Business Park which is now under development.</p> <p>As the site lies adjacent to discoveries of prehistoric settlement the results of an archaeological field evaluation will be expected to be provided as part of any planning application. This will allow options for minimising or avoiding damage to the remains to be considered and reflects national advice in PPG16 `</p>	No change.
---------------------	--	--	------------

Respondent Details	Summary of Comment	Proposed Response	Change
<p>Ref: 3850/J1</p> <p>Location Wellow Lane and By-pass, Land between Peasedown St. John</p>	<p>I object to the proposal to extend the housing development area to include land between Wellow Lane and the bypass. The site boundary should remain as shown on the proposal map. The reasons for this are;</p> <ol style="list-style-type: none"> 1. The inspector has failed to take account of RPG10 Policy SS2 - the proposal IS a planned expansion of a dormitory town and therefore is contrary to this policy. 2. Lack of a consistency by inspectors across the sub-region in their interpretation of RPG 10 3. The proposal is on a Greenfield Site - clearly there is an abundance of Brownfield Land at Radstock and therefore this site should fall way below this in the search sequence for housing land. 4. To build up to the by-pass creates an unacceptable hard urban form in a rural environment which shows a lack of understanding and sympathy for the organic growth of settlements. 5. Building close to the bypass would be an unacceptable environment for new residents in terms of noise/fumes. 6. Peasedown-St-John is not a sustainable settlement. Our commuting from the site would increase the need to travel by car, increase carbon dioxide emissions, congestion into Bath and do nothing to improve the imbalance between homes and jobs in this settlement 	<p>Archaeology and Planning'. Policy NE.12 seeks to protect natural features such as trees, hedgerows, stone walls and watercourses from the adverse effects of development. Should the proposal potentially cause harm to such natural features, mitigation and compensatory measures would be determined as part of any planning application.</p> <p>Any planning application will need to comply with Policy ES.5 which will ensure that adequate provision is made for sustainable foul and surface water sewerage infrastructure and that foul or surface water problems on or off site are resolved. Other issues such as design, layout, impact on the surroundings, dwelling type and noise mitigation will also be addressed in detail at the planning application stage. However, the buffer between the site and the bypass will be retained as will the existing grass verges south of Wellow Lane.</p> <p>The objection raises no new issues warranting a further modification.</p> <p>The Inspector considered the issues of housing supply again in detail at the Local Plan Inquiry and recommended that the Council should reinvestigate this site in order to meet the identified shortfall in housing in the District. The identification of sites reflects the locational sequence established in the Structure Plan: that is first Bath, then Keynsham, then Norton-Radstock and then the larger villages. Account has already been taken of the Brownfield site redevelopment opportunities. In light of the Government's priority on deliverability, the Inspector has emphasized that the sites should be both suitable for development and able to deliver housing by 2011. These options have been investigated taking into account the inspector's reasoning and recommendations, site constraints, the local plan strategy, corporate objectives, sustainability criteria and national planning advice, demand for alternative uses etc. As a result of the Council's investigations it was concluded that land Wellow Lane should be allocated for residential development. There is no previous planning history relating to this site.</p> <p>100 dwellings is the anticipated dwelling capacity but it is accepted that the actual dwelling capacity of the site will be determined through a planning application. The proposed allocation is also acceptable in highway terms with a requirement</p>	No change.

			<p>that vehicular access should be gained from Wellow Lane with no direct link to the Bypass.</p> <p>The Council's education department has confirmed that the primary school has the capacity to accommodate pupils generated through the new development providing contributions to the school are secured through a legal agreement. The existing surgery in Wellow Lane also has the capacity to receive new clients.</p> <p>The Council has sought to encourage and facilitate local employment opportunities in Peasedown St John by allocating the Bath Business Park which is now under development.</p> <p>As the site lies adjacent to discoveries of prehistoric settlement the results of an archaeological field evaluation will be expected to be provided as part of any planning application. This will allow options for minimising or avoiding damage to the remains to be considered and reflects national advice in PPG16 'Archaeology and Planning'. Policy NE.12 seeks to protect natural features such as trees, hedgerows, stone walls and watercourses from the adverse effects of development. Should the proposal potentially cause harm to such natural features, mitigation and compensatory measures would be determined as part of any planning application.</p> <p>Any planning application will need to comply with Policy ES.5 which will ensure that adequate provision is made for sustainable foul and surface water sewerage infrastructure and that foul or surface water problems on or off site are resolved. Other issues such as design, layout, impact on the surroundings, dwelling type and noise mitigation will also be addressed in detail at the planning application stage. However, the buffer between the site and the bypass will be retained as will the existing grass verges south of Wellow Lane.</p> <p>The objection raises no new issues warranting a further modification.</p>	
Ref:	3851/J3	Living in Wellow Lane, to get on the by-pass to Radstock, you can wait 5-10 minutes to do so. I have objection to the volume of traffic coming through Wellow Lane (Frederick Avenue, Albert Avenue to Braysdown Lane, Bottleneck into Braysdown Lane; half way up you have to wait for traffic coming down and also if there are people with or without babies and children, it is a problem)	The Inspector considered the issues of housing supply again in detail at the Local Plan Inquiry and recommended that the Council should reinvestigate this site in order to meet the identified shortfall in housing in the District. The identification of sites reflects the locational sequence established in the Structure Plan: that is first Bath, then Keynsham,	No change.
Location	Wellow Lane and By-pass, Land between Peasedown St. John	Water and sewage is also a problem and we have had to call out sewage people three times in the last two months owing to blockage. This blockage has not been		

from us but in the area.
Schools - Peasedown full.
Coaches picking up children going to other schools at least 5 coaches - 8.10am and dropping off at 3.50pm. If more houses are built this would make more children and would increase litter, noise etc. Often we cannot get in or out of our drive due to this.
Elderly people walking to the doctors is very dangerous. The doctors surgery is full and waiting time is approximately three days. Their carpark is full and cars park all along the road
We have an adult Son with learning difficulties who is picked up at our gate. This can be most difficult at times due to the traffic.
The dentist in Peasedown is full and means that people would have to travel.
If more houses are built in this area, the value of our property will be reduced.
It will also effect the nature, hedges, birds etc.

then Norton-Radstock and then the larger villages. Account has already been taken of the Brownfield site redevelopment opportunities. In light of the Government's priority on deliverability, the Inspector has emphasized that the sites should be both suitable for development and able to deliver housing by 2011. These options have been investigated taking into account the inspector's reasoning and recommendations, site constraints, the local plan strategy, corporate objectives, sustainability criteria and national planning advice, demand for alternative uses etc. As a result of the Council's investigations it was concluded that land Wellow Lane should be allocated for residential development. There is no previous planning history relating to this site.

100 dwellings is the anticipated dwelling capacity but it is accepted that the actual dwelling capacity of the site will be determined through a planning application. The proposed allocation is also acceptable in highway terms with a requirement that vehicular access should be gained from Wellow Lane with no direct link to the Bypass.

The Council's education department has confirmed that the primary school has the capacity to accommodate pupils generated through the new development providing contributions to the school are secured through a legal agreement. The existing surgery in Wellow Lane also has the capacity to receive new clients.

The Council has sought to encourage and facilitate local employment opportunities in Peasedown St John by allocating the Bath Business Park which is now under development.

As the site lies adjacent to discoveries of prehistoric settlement the results of an archaeological field evaluation will be expected to be provided as part of any planning application. This will allow options for minimising or avoiding damage to the remains to be considered and reflects national advice in PPG16 'Archaeology and Planning'. Policy NE.12 seeks to protect natural features such as trees, hedgerows, stone walls and watercourses from the adverse effects of development. Should the proposal potentially cause harm to such natural features, mitigation and compensatory measures would be determined as part of any planning application.

Any planning application will need to comply with Policy ES.5 which will ensure that adequate provision is made for sustainable foul and surface water sewerage infrastructure and that foul or surface water problems on or off site are resolved. Other issues such as design, layout, impact on the surroundings, dwelling type and noise mitigation will also be addressed in detail at the planning application stage. However, the buffer between the site and the bypass will be retained as will the existing grass verges south of Wellow Lane.

The objection raises no new issues warranting a further modification.

Modification: M/B7/51 - Policy HG.6

Ref: 743/J47 /s	The proposed modification to Policy HG.6 is considered to be an improvement.	Support noted.	No change.
Location (None)			
Ref: 2363/J2	The 2002 Deposit Draft gave out a clear and welcome statement of the Council's intent to defend the Green Belt and rural interests which are an essential part of the assets of the district as a whole. The revised version of 2003 strengthened policy HG.6, making it clear that greenfield sites in and around the rural settlements were not to be developed. It is therefore most surprising that the Council should now be proposing to undermine this defence by deleting condition i) of this policy. Such a step will inevitably give encouragement to prospective developers, and, coupled with possible conclusions following the forthcoming re-examination of the concept of the Rousing Development Boundary, will leave communities like Priston with very limited grounds on which to oppose excessive or unsuitable development. The threats posed to the integrity of the Green Belt in the case of such development — loss of wildlife habitat, impairment of the landscape, restriction of the countryside for recreational activities and so on — do not need rehearsing to a Council dedicated to Green issues. Over and above this, the reason for objecting to the possibility of further new building in my village — and this no doubt applies to other R.3 settlements — lies in the mismatch between population growth over the years and a decline in amenities and facilities. It would surely be unwise to take measures likely to result in a further increase in the number of families living in a locality where there is no school for their children to attend, no dedicated play area and largely no pavements where they can walk in safety; no Post Office for important transactions and no shop for essential food and other purchases; and only very limited possibilities of employment. For the inhabitants of Priston there is a need to travel out of the village for almost all purposes, and for the most part these journeys have perforce to be made by private car. Key Objective L.7 of the Plan underlines that housing should be provided at ` locations with convenient access especially by means other than tie car to	Disagree. As the Inspector pointed out, there is nothing in PPG2 to indicate that infill development should be restricted to previously developed land. As formerly written Policy HG.6 did not comply with PPG2.	No change.
Location (None)			

employment, shops, services and other community and recreational uses.' The Council's commitment to policies tending to reduce the incidence of car use is thus another compelling reason against the modification which it is now proposing to its Plan.

In the light of all the above, I ask the Council to reject the Inspector's recommendation R5.28 and to retain Policy HG.6 in its latest form, viz:

'.....will be permitted if

- i) it is on previously developed land and
- ii) it is infilling or represents the subdivision.....'

I would like to be info at the address on the attached form, of the eventual decision of the Council on this matter.

Ref: 3126/J207	ADD iii) it is first assessed under Green Spaces Strategy and PPG17 requirement.	Disagree. It is not appropriate to make reference to the Green Space Strategy and PPG17 within the context of this policy. Issues of green space provision will be dealt with at the planning application stage within the context of Policy SR.3.	No change.
Location (None)	Reason: to ensure land required to meet any deficiency of green space is protected.		

Modification: M/B7/53 - Policy HG.7

Ref: 3186/J14	We oppose the deletion of sub paragraph i) which protects local distinctiveness and character of a settlement and would wish it to be reinstated because of the importance in small rural villages of the need to consider the impact of the density within any proposed residential development on the character of the village as a whole. We do not believe the phrase "compatible with . . . its location ... its surroundings" to be specific or strong enough protection against adverse, inappropriate, intensive development within rural settlements.	There are other policies in the Local Plan which cover issues of local distinctiveness and character which can be used in conjunction with Policy HG.7 when considering planning applications.	No change.
Location (None)			

Modification: M/B7/57 - Housing

Ref: 3237/J19 /s	The construction of 721 affordable homes pa. 5,047 over the period 2002 to 2009.	Support noted.	No change.
Location (None)			
Ref: 3237/J34	REASON FOR OBJECTION: Construction of 721 affordable homes pa - 5,047 over the period 2002 to 2009	The Inspector considered the issues of housing supply again in detail at the Local Plan Inquiry and recommended that the Council should reinvestigate a number of sites in order to the meet the identified shortfall in housing in the District. In respect of the two sites at Peasedown St John the concluded that land between Church Road and New Buildings performs an important function in maintaining the separation of New Buildings as an independent group of houses rather than an extension of the larger built up area into the countryside. Land east of Carlingcott Lane forms part of the open countryside and that any development would be a harmful intrusion of the built up area into the countryside. In rejecting these sites the Inspector has identified sufficient sequentially preferable	No change.
Location Church Road and New Buildings Peasedown St. John	INTRODUCTION Representations for the proposed sites for inclusion in the B&NES Local Plan have previously been submitted by Healey and Baker, GVA Grimley, Hephher Dixon and ourselves. At the Public Local Inquiry held on the 5 April 2005, consideration was given to- > Whether the two sites should be allocated for housing within Policy GDS.1. > Whether the Housing Development Boundary should be amended to include both sites. > Wider housing issues concerning the adequacy of Brownfield Sites in the plan area. From the Public Inquiry it was understood — a. SETTLEMENT BOUNDARIES The drawn boundaries on plan did not take into account aspects such as recreation		

and leisure fields (cricket etc), which should be within the urban boundary, not on the outside of it; with the actual boundaries still being under consideration at that time. It was stated that the representation sites at Church Road and Carlingcott Lane should be part of the Village Envelope and not part of the Rural Hinterland.

B. TRANSPORT

The council agreed that the Public Transport and village shops were adequate to sustain the village life and that a bus stop exists on the edge of the sites, which would assist in parties travelling to work outside the village without the use of cars thereby assisting in reducing carbon dioxide emissions. The council admitted that the sites are 500m from the village centre, but most of the village is 500m from the village centre.

C. HIGHWAYS

The council stated that Church Road and the surrounding roads were too narrow; however, the site frontage could be widened; and the Inspector stated that could be dealt with at the planning stage. The Inspector also stated that at Carlingcott Lane, the complete lane did not require to be widened, just at the access point at one corner near the recreation ground where the lane had already been widened; and again it could be dealt with at the planning stage.

D. ECOLOGY

The Ecologists stated that the Sites should be of National Conservation Interest (SNCI). They had found Limestone Grass on both sites, and a Badger Set on the Church Road site, however; that would not stop development.

The Church Road site was overgrown and had killed much of the Limestone Grass but Limestone Grass was growing well on the Carlingcott Site. The Ecologists requested that the site be grazed to encourage its growth and recommended that the Council should be content with some development on the Carlingcott site providing that an area of land was set aside for the grass to thrive; which was agreed.

E. DEVELOPMENT

The Council stated that Peasedown Belle Vue Farm was fully built out to 21 units and that there would be no more development in Peasedown until after the UDP period ending 2011. However, two other large sites had been forwarded as a consideration for development.

The Council stated that Peasedown is an important R1 Settlement — a main area for habitation with infrastructure, public transport and shops to substantiate residential expansion; and that it was Peasedown Policy to develop Brownfield sites first, but admitted there were none at that time. The Bus garage was mentioned as a possibility but if it were developed it would lead to loss jobs; and the Inspector agreed that the new proposed employment zone would warrant in-migration and new housing.

F. THE INSPECTOR

The Inspector summed up by enquiring of the Council a suitable development density. It was agreed 8 dwellings to the acre, 20 dwellings to the hectare could be constructed on the sites.

options for the Council to investigate to meet the strategic housing land requirement without the need for the allocation of Greenfield sites in such locations.

The objection raises no new issues warranting a further modification.

Ref:	3237/J35	REASON FOR OBJECTING: Construction of 721 affordable homes pa - 5,047 over the period 2002 to 2009.	The Inspector considered the issues of housing supply again in detail at the Local Plan Inquiry and recommended that the Council should reinvestigate a number of sites in order to the meet the identified shortfall in housing in the District. In respect of the two sites at Peasedown St John the concluded that land between Church Road and New Buildings	No change.
Location	Carlingcott Lane Peasedown St. John	INTRODUCTION Representations for the proposed sites for inclusion in the B&NES Local Plan have previously been submitted by Healey and Baker, GVA Grimley, Hephher Dixon and ourselves.		

At the Public Local Inquiry held on the 5 April 2005, consideration was given to-
> Whether the two sites should be allocated for housing within Policy GDS.1.
> Whether the Housing Development Boundary should be amended to include both sites.

> Wider housing issues concerning the adequacy of Brownfield Sites in the plan area.

From the Public Inquiry it was understood —

a. SETTLEMENT BOUNDARIES

The drawn boundaries on plan did not take into account aspects such as recreation and leisure fields (cricket etc), which should be within the urban boundary, not on the outside of it; with the actual boundaries still being under consideration at that time. It was stated that the representation sites at Church Road and Carlingcott Lane should be part of the Village Envelope and not part of the Rural Hinterland.

B. TRANSPORT

The council agreed that the Public Transport and village shops were adequate to sustain the village life and that a bus stop exists on the edge of the sites, which would assist in parties travelling to work outside the village without the use of cars thereby assisting in reducing carbon dioxide emissions. The council admitted that the sites are 500m from the village centre, but most of the village is 500m from the village centre.

C. HIGHWAYS

The council stated that Church Road and the surrounding roads were too narrow; however, the site frontage could be widened; and the Inspector stated that could be dealt with at the planning stage. The Inspector also stated that at Carlingcott Lane, the complete lane did not require to be widened, just at the access point at one corner near the recreation ground where the lane had already been widened; and again it could be dealt with at the planning stage.

D. ECOLOGY

The Ecologists stated that the Sites should be of National Conservation Interest (SNCI). They had found Limestone Grass on both sites, and a Badger Set on the Church Road site, however; that would not stop development.

The Church Road site was overgrown and had killed much of the Limestone Grass but Limestone Grass was growing well on the Carlingcott Site. The Ecologists requested that the site be grazed to encourage its growth and recommended that the Council should be content with some development on the Carlingcott site providing that an area of land was set aside for the grass to thrive; which was agreed.

E. DEVELOPMENT

The Council stated that Peasedown Belle Vue Farm was fully built out to 21 units and that there would be no more development in Peasedown until after the UDP period ending 2011. However, two other large sites had been forwarded as a consideration for development.

The Council stated that Peasedown is an important R1 Settlement — a main area for habitation with infrastructure, public transport and shops to substantiate residential expansion; and that it was Peasedown Policy to develop Brownfield sites first, but admitted there were none at that time. The Bus garage was mentioned as a possibility but if it were developed it would lead to loss jobs; and the Inspector agreed that the new proposed employment zone would warrant in-migration and new housing.

F. THE INSPECTOR

The Inspector summed up by enquiring of the Council a suitable development

performs an important function in maintaining the separation of New Buildings as an independent group of houses rather than an extension of the larger built up area into the countryside. Land east of Carlingcott Lane forms part of the open countryside and that any development would be a harmful intrusion of the built up area into the countryside. In rejecting these sites the Inspector has identified sufficient sequentially preferable options for the Council to investigate to meet the strategic housing land requirement without the need for the allocation of Greenfield sites in such locations.

The objection raises no new issues warranting a further modification.

density. It was agreed 8 dwellings to the acre, 20 dwellings to the hectare could be constructed on the sites.

Modification: M/B7/64 - Housing

Ref:	3237/J27 /s	Affordable housing.	Support noted.	No change.
Location	(None)			
Ref:	1984/J20	Inspectors Recommendation: Modify para B7.6 - B7.82A as set out in the inquiry changes version in Topic paper 3.5:	This is a key development site in Bath & North East Somerset and therefore the Council is seeking to facilitate its implementation. The Inspector highlighted the complexities in bringing the site forward. The approved SPD indicates that the dwelling capacity of the site is over 2000 dwellings.	No change.
Location	Bath Western Riverside Bath	Council's Decision: Agree with recommendations and to modify the Local Plan accordingly.		
		National Grid Representation: National Grid Property is familiar with current national planning policy guidance with regard to affordable housing and, as a socially responsible landowner, accepts that developers and landowners have a degree of social responsibility where affordable housing is concerned.	It was accepted that the Inspector's concerns about the timetable for delivery should be heeded but allowance was also be made for the opportunity for more rapid progress. Therefore the Local Plan was modified to allow for a range of between 450 to 600 dwellings during the Plan period on Bath Western Riverside. It is therefore considered that the housing contribution from BWR for the Plan period is robust but it is stressed that this range in no way imposes a limit on the progression of the scheme and the revised wording of Policy GDS1 will not seek to impose a limit on completion rates by 2011.	
		Such requirements, however, have a dramatic impact on the viability of a project and National Grid Property is concerned at the inspector's Recommendation of a 35% target will be regarded as an average proportion to be achieved across all sites granted planning permission from now until the end of the plan period. A 35% target could overburden difficult sites and render them undeliverable.		
		National Grid Property recognises that large developments such as BWR need a variety of uses and residential tenures to ensure the vibrancy and overall success of a development, however, the BWR development is already burdened with site-specific costs that could render it unviable. The requirement for 35% affordable housing would only act to compound the issues of viability and thus delivery.		
		National Grid Property would like to see the policy reflect the fact that complex sites such as BWR should be assessed on merit and that any affordable housing policy recognises that sites should be assessed on a site by site basis and that affordable housing should be sought subject to a viability assessment.		

Modification: M/B7/75 - Housing

Ref:	3237/J21 /s	Affordable provision on sites in excess of 15 dwellings.	Support noted.	No change.
Location	(None)			
Ref:	3948/J22	(1) It is already apparent that already developers are often proposing to build just fewer than 15 dwellings in order to avoid the need to include affordable housing (and this is happening nationally rather than just locally), and this amendment does nothing to prevent that approach from continuing. This target also needs to	Disagree. The Inspector has accepted the Council's thresholds for affordable housing in recommended rewording of Policy HG.8 and its preamble.	No change.
Location	(None)			

recognise that demolition followed by rebuilding does not give the same net gain in accommodation as a new construction on a derelict site. I suggest that 15 remains the target for derelict or vacant land, but the target is reduced to 10 where the development follows the demolition of a sound and serviceable building..
 (2) Add after “. . .0.5 ha)” the words “on derelict or empty land, and 10 dwellings where demolition of a recently habitable dwelling precedes the development”.

Modification: M/B7/77 - Housing

Ref:	3237/J22 /s	145 to 215 affordable homes to be constructed in rural villages.	Support noted.	No change.
Location	(None)			
Ref:	3237/J36	REASON FOR OBJECTING: 145 to 215 affordable homes to be constructed in rural villages.	The Inspector considered the issues of housing supply again in detail at the Local Plan Inquiry and recommended that the Council should reinvestigate a number of sites in order to meet the identified shortfall in housing in the District. In respect of the two sites at Peasedown St John the concluded that land between Church Road and New Buildings performs an important function in maintaining the separation of New Buildings as an independent group of houses rather than an extension of the larger built up area into the countryside. Land east of Carlingcott Lane forms part of the open countryside and that any development would be a harmful intrusion of the built up area into the countryside. In rejecting these sites the Inspector has identified sufficient sequentially preferable options for the Council to investigate to meet the strategic housing land requirement without the need for the allocation of Greenfield sites in such locations. The objection raises no new issues warranting a further modification.	No change.
Location	Carlingcott Lane Peasedown St. John			
	<p>INTRODUCTION Representations for the proposed sites for inclusion in the B&NES Local Plan have previously been submitted by Healey and Baker, GVA Grimley, Hephher Dixon and ourselves. At the Public Local Inquiry held on the 5 April 2005, consideration was given to- > Whether the two sites should be allocated for housing within Policy GDS.1. > Whether the Housing Development Boundary should be amended to include both sites. > Wider housing issues concerning the adequacy of Brownfield Sites in the plan area. From the Public Inquiry it was understood – a. SETTLEMENT BOUNDARIES The drawn boundaries on plan did not take into account aspects such as recreation and leisure fields (cricket etc), which should be within the urban boundary, not on the outside of it; with the actual boundaries still being under consideration at that time. It was stated that the representation sites at Church Road and Carlingcott Lane should be part of the Village Envelope and not part of the Rural Hinterland. B. TRANSPORT The council agreed that the Public Transport and village shops were adequate to sustain the village life and that a bus stop exists on the edge of the sites, which would assist in parties travelling to work outside the village without the use of cars thereby assisting in reducing carbon dioxide emissions. The council admitted that the sites are 500m from the village centre, but most of the village is 500m from the village centre. C. HIGHWAYS The council stated that Church Road and the surrounding roads were too narrow; however, the site frontage could be widened; and the Inspector stated that could be dealt with at the planning stage. The Inspector also stated that at Carlingcott Lane, the complete lane did not require to be widened, just at the access point at one corner near the recreation ground where the lane had already been widened; and again it could be dealt with at the planning stage. D. ECOLOGY The Ecologists stated that the Sites should be of National Conservation Interest (SNCI). They had found Limestone Grass on both sites, and a Badger Set on the</p>			

Church Road site, however; that would not stop development.
The Church Road site was overgrown and had killed much of the Limestone Grass but Limestone Grass was growing well on the Carlingcott Site. The Ecologists requested that the site be grazed to encourage its growth and recommended that the Council should be content with some development on the Carlingcott site providing that an area of land was set aside for the grass to thrive; which was agreed.

E. DEVELOPMENT

The Council stated that Peasedown Belle Vue Farm was fully built out to 21 units and that there would be no more development in Peasedown until after the UDP period ending 2011. However, two other large sites had been forwarded as a consideration for development.

The Council stated that Peasedown is an important R1 Settlement — a main area for habitation with infrastructure, public transport and shops to substantiate residential expansion; and that it was Peasedown Policy to develop Brownfield sites first, but admitted there were none at that time. The Bus garage was mentioned as a possibility but if it were developed it would lead to loss jobs; and the Inspector agreed that the new proposed employment zone would warrant in-migration and new housing.

F. THE INSPECTOR

The Inspector summed up by enquiring of the Council a suitable development density. It was agreed 8 dwellings to the acre, 20 dwellings to the hectare could be constructed on the sites.

Ref: 3237/J37

Location Church Road
and New
Buildings
Peasedown St. John

REASON FOR OBJECTING: 145 to 215 affordable homes to be constructed in rural villages.

INTRODUCTION

Representations for the proposed sites for inclusion in the B&NES Local Plan have previously been submitted by Healey and Baker, GVA Grimley, Hephher Dixon and ourselves.

At the Public Local Inquiry held on the 5 April 2005, consideration was given to-

> Whether the two sites should be allocated for housing within Policy GDS.1.

> Whether the Housing Development Boundary should be amended to include both sites.

> Wider housing issues concerning the adequacy of Brownfield Sites in the plan area.

From the Public Inquiry it was understood —

a. SETTLEMENT BOUNDARIES

The drawn boundaries on plan did not take into account aspects such as recreation and leisure fields (cricket etc), which should be within the urban boundary, not on the outside of it; with the actual boundaries still being under consideration at that time. It was stated that the representation sites at Church Road and Carlingcott Lane should be part of the Village Envelope and not part of the Rural Hinterland.

B. TRANSPORT

The council agreed that the Public Transport and village shops were adequate to sustain the village life and that a bus stop exists on the edge of the sites, which would assist in parties travelling to work outside the village without the use of cars thereby assisting in reducing carbon dioxide emissions. The council admitted that the sites are 500m from the village centre, but most of the village is 500m from the village centre.

C. HIGHWAYS

The Inspector considered the issues of housing supply again in detail at the Local Plan Inquiry and recommended that the Council should reinvestigate a number of sites in order to meet the identified shortfall in housing in the District. In respect of the two sites at Peasedown St John the concluded that land between Church Road and New Buildings performs an important function in maintaining the separation of New Buildings as an independent group of houses rather than an extension of the larger built up area into the countryside. Land east of Carlingcott Lane forms part of the open countryside and that any development would be a harmful intrusion of the built up area into the countryside. In rejecting these sites the Inspector has identified sufficient sequentially preferable options for the Council to investigate to meet the strategic housing land requirement without the need for the allocation of Greenfield sites in such locations.

The objection raises no new issues warranting a further modification.

No change.

The council stated that Church Road and the surrounding roads were too narrow; however, the site frontage could be widened; and the Inspector stated that could be dealt with at the planning stage. The Inspector also stated that at Carlingcott Lane, the complete lane did not require to be widened, just at the access point at one corner near the recreation ground where the lane had already been widened; and again it could be dealt with at the planning stage.

D. ECOLOGY

The Ecologists stated that the Sites should be of National Conservation Interest (SNCI). They had found Limestone Grass on both sites, and a Badger Set on the Church Road site, however; that would not stop development.

The Church Road site was overgrown and had killed much of the Limestone Grass but Limestone Grass was growing well on the Carlingcott Site. The Ecologists requested that the site be grazed to encourage its growth and recommended that the Council should be content with some development on the Carlingcott site providing that an area of land was set aside for the grass to thrive; which was agreed.

E. DEVELOPMENT

The Council stated that Peasedown Belle Vue Farm was fully built out to 21 units and that there would be no more development in Peasedown until after the UDP period ending 2011. However, two other large sites had been forwarded as a consideration for development.

The Council stated that Peasedown is an important R1 Settlement — a main area for habitation with infrastructure, public transport and shops to substantiate residential expansion; and that it was Peasedown Policy to develop Brownfield sites first, but admitted there were none at that time. The Bus garage was mentioned as a possibility but if it were developed it would lead to loss jobs; and the Inspector agreed that the new proposed employment zone would warrant in-migration and new housing.

F. THE INSPECTOR

The Inspector summed up by enquiring of the Council a suitable development density. It was agreed 8 dwellings to the acre, 20 dwellings to the hectare could be constructed on the sites.

Modification: M/B7/80 - Policy HG.8

Ref: 3004/J24

Location (None)

1. Whilst the changes to the affordable housing policies of the Local Plan are welcomed it is considered that the policy as drafted is over prescriptive, beyond the content of Government guidance.
2. Whilst the indicative percentage should be identified within the Local Plan, it is unclear whether this should be a matter of upper case policy or, the subject of reasoned justification.
3. Further, it is unclear on what basis the Council may seek to impose a higher percentage given that there are no criteria within the policy seemingly to judge this aspect.
4. If the Council have particular sites, or locations in mind where they may seek higher provision, this should be clearly identified.
5. The references in the supporting text to PPG3 will need to be amended in light of the recent publication of PPS3 and its supporting guidance on affordable housing.

The inspector found no reason why an appropriate percentage target should not be included in the relevant policy of the Local Plan. This gives the percentage target full statutory weight.

The inspector was not convinced that there was enough information about the individual circumstances of each site to make the calculation of individual target provisions practicable. Treating the percentage as an average of all housing provision and stating the types of considerations that will be taken into account in negotiations in particular cases is the pragmatic way forward.

The modification to Policy HG.8 provides a framework for instances where a higher or lower

No change.

Respondent Details	Summary of Comment	Proposed Response	Change
		percentage will be sought	
		The Local Plan was prepared in accordance with PPG3 not PSS3. It is not appropriate to take on board the changes to PPG3 at this stage of the Local Plan process. PPS3 will form material consideration when it comes into force in April 2007. The affordable housing policies of the Local Plan will be reviewed as part of the preparation of the Core Strategy DPD. This is the appropriate time to take on board PPS3.	
Ref: 3126/J210	The threshold should be 10 houses, everywhere (or even less). Reason: acknowledged (..) shortfall of affordable houses is predicted. Developers frequently go to just under the threshold which means on urban sites, many opportunities for more affordable homes are being lost.	Disagree. The Inspector has accepted the Council's thresholds for affordable housing in the recommended rewording of Policy HG.8 and its preamble.	No change.
Location (None)			
Ref: 3237/J23 /s	Affordable provision increase to 35% of development.	Support noted.	No change.
Location (None)			
Ref: 3237/J38	REASONS FOR OBJECTING: Affordable provision increase to 35% of development	The Inspector considered the issues of housing supply again in detail at the Local Plan Inquiry and recommended that the Council should reinvestigate a number of sites in order to the meet the identified shortfall in housing in the District. In respect of the two sites at Peasedown St John the concluded that land between Church Road and New Buildings performs an important function in maintaining the separation of New Buildings as an independent group of houses rather than an extension of the larger built up area into the countryside. Land east of Carlingcott Lane forms part of the open countryside and that any development would be a harmful intrusion of the built up area into the countryside. In rejecting these sites the Inspector has identified sufficient sequentially preferable options for the Council to investigate to meet the strategic housing land requirement without the need for the allocation of Greenfield sites in such locations.	No change.
Location Church Road and New Buildings Peasedown St. John	<p>INTRODUCTION</p> <p>Representations for the proposed sites for inclusion in the B&NES Local Plan have previously been submitted by Healey and Baker, GVA Grimley, Hephher Dixon and ourselves.</p> <p>At the Public Local Inquiry held on the 5 April 2005, consideration was given to-</p> <ul style="list-style-type: none"> > Whether the two sites should be allocated for housing within Policy GDS.1. > Whether the Housing Development Boundary should be amended to include both sites. > Wider housing issues concerning the adequacy of Brownfield Sites in the plan area. <p>From the Public Inquiry it was understood —</p> <p>a. SETTLEMENT BOUNDARIES</p> <p>The drawn boundaries on plan did not take into account aspects such as recreation and leisure fields (cricket etc), which should be within the urban boundary, not on the outside of it; with the actual boundaries still being under consideration at that time. It was stated that the representation sites at Church Road and Carlingcott Lane should be part of the Village Envelope and not part of the Rural Hinterland.</p> <p>B. TRANSPORT</p> <p>The council agreed that the Public Transport and village shops were adequate to sustain the village life and that a bus stop exists on the edge of the sites, which would assist in parties travelling to work outside the village without the use of cars thereby assisting in reducing carbon dioxide emissions. The council admitted that the sites are 500m from the village centre, but most of the village is 500m from the village centre.</p> <p>C. HIGHWAYS</p> <p>The council stated that Church Road and the surrounding roads were too narrow; however, the site frontage could be widened; and the Inspector stated that could be dealt with at the planning stage. The Inspector also stated that at Carlingcott</p>	<p>The objection raises no new issues warranting a further modification.</p>	

Lane, the complete lane did not require to be widened, just at the access point at one corner near the recreation ground where the lane had already been widened; and again it could be dealt with at the planning stage.

D. ECOLOGY

The Ecologists stated that the Sites should be of National Conservation Interest (SNCI). They had found Limestone Grass on both sites, and a Badger Set on the Church Road site, however; that would not stop development.

The Church Road site was overgrown and had killed much of the Limestone Grass but Limestone Grass was growing well on the Carlingcott Site. The Ecologists requested that the site be grazed to encourage its growth and recommended that the Council should be content with some development on the Carlingcott site providing that an area of land was set aside for the grass to thrive; which was agreed.

E. DEVELOPMENT

The Council stated that Peasedown Belle Vue Farm was fully built out to 21 units and that there would be no more development in Peasedown until after the UDP period ending 2011. However, two other large sites had been forwarded as a consideration for development.

The Council stated that Peasedown is an important R1 Settlement — a main area for habitation with infrastructure, public transport and shops to substantiate residential expansion; and that it was Peasedown Policy to develop Brownfield sites first, but admitted there were none at that time. The Bus garage was mentioned as a possibility but if it were developed it would lead to loss jobs; and the Inspector agreed that the new proposed employment zone would warrant in-migration and new housing.

F. THE INSPECTOR

The Inspector summed up by enquiring of the Council a suitable development density. It was agreed 8 dwellings to the acre, 20 dwellings to the hectare could be constructed on the sites.

Ref: 3237/J39

REASON FOR OBJECTING: Affordable provision increase to 35% of development

The Inspector considered the issues of housing supply again in detail at the Local Plan Inquiry and recommended that the Council should reinvestigate a number of sites in order to meet the identified shortfall in housing in the District. In respect of the two sites at Peasedown St John the concluded that land between Church Road and New Buildings performs an important function in maintaining the separation of New Buildings as an independent group of houses rather than an extension of the larger built up area into the countryside. Land east of Carlingcott Lane forms part of the open countryside and that any development would be a harmful intrusion of the built up area into the countryside. In rejecting these sites the Inspector has identified sufficient sequentially preferable options for the Council to investigate to meet the strategic housing land requirement without the need for the allocation of Greenfield sites in such locations.

No change.

Location Carlingcott Lane
Peasedown St. John

INTRODUCTION

Representations for the proposed sites for inclusion in the B&NES Local Plan have previously been submitted by Healey and Baker, GVA Grimley, Hephher Dixon and ourselves.

At the Public Local Inquiry held on the 5 April 2005, consideration was given to-

> Whether the two sites should be allocated for housing within Policy GDS.1.

> Whether the Housing Development Boundary should be amended to include both sites.

> Wider housing issues concerning the adequacy of Brownfield Sites in the plan area.

From the Public Inquiry it was understood —

a. SETTLEMENT BOUNDARIES

The drawn boundaries on plan did not take into account aspects such as recreation and leisure fields (cricket etc), which should be within the urban boundary, not on the outside of it; with the actual boundaries still being under consideration at that time. It was stated that the representation sites at Church Road and Carlingcott Lane should be part of the Village Envelope and not part of the Rural Hinterland.

B. TRANSPORT

The council agreed that the Public Transport and village shops were adequate to sustain the village life and that a bus stop exists on the edge of the sites, which

The objection raises no new issues warranting a further modification.

would assist in parties travelling to work outside the village without the use of cars thereby assisting in reducing carbon dioxide emissions. The council admitted that the sites are 500m from the village centre, but most of the village is 500m from the village centre.

C. HIGHWAYS

The council stated that Church Road and the surrounding roads were too narrow; however, the site frontage could be widened; and the Inspector stated that could be dealt with at the planning stage. The Inspector also stated that at Carlingcott Lane, the complete lane did not require to be widened, just at the access point at one corner near the recreation ground where the lane had already been widened; and again it could be dealt with at the planning stage.

D. ECOLOGY

The Ecologists stated that the Sites should be of National Conservation Interest (SNCI). They had found Limestone Grass on both sites, and a Badger Set on the Church Road site, however; that would not stop development.

The Church Road site was overgrown and had killed much of the Limestone Grass but Limestone Grass was growing well on the Carlingcott Site. The Ecologists requested that the site be grazed to encourage its growth and recommended that the Council should be content with some development on the Carlingcott site providing that an area of land was set aside for the grass to thrive; which was agreed.

E. DEVELOPMENT

The Council stated that Peasedown Belle Vue Farm was fully built out to 21 units and that there would be no more development in Peasedown until after the UDP period ending 2011. However, two other large sites had been forwarded as a consideration for development.

The Council stated that Peasedown is an important R1 Settlement — a main area for habitation with infrastructure, public transport and shops to substantiate residential expansion; and that it was Peasedown Policy to develop Brownfield sites first, but admitted there were none at that time. The Bus garage was mentioned as a possibility but if it were developed it would lead to loss jobs; and the Inspector agreed that the new proposed employment zone would warrant in-migration and new housing.

F. THE INSPECTOR

The Inspector summed up by enquiring of the Council a suitable development density. It was agreed 8 dwellings to the acre, 20 dwellings to the hectare could be constructed on the sites.

Modification: M/B7/94 - Policy HG.9

Ref: 3237/J24 /s

100% affordable housing to land outside other policies.

Support noted.

No change.

Location (None)

Modification: M/B7/98 - Policy HG.14

Respondent Details	Summary of Comment	Proposed Response	Change
Ref: 743/J43 /s Location (None)	The proposed modification to Policy HG.14 is considered to be significantly improved wording.	Support noted.	No change.
Modification: M/B7/101 - Policy HG.14A			
Ref: 3948/J37 Location (None)	1. The Inspector's comments included acceptance that established moorings are acceptable locations, but failed to carry that through into the recommended wording. This amendment is broadly supported but this omitted category which should be included. 2. Between i) & ii) add "ii) an extension of a residential mooring already in existence", renumbering ii) as iii).	The Inspector intimates that established boatyards and marinas in sustainable locations would be appropriate for new mooring. She has established a new Policy so that residential moorings can be considered properly incorporating the principles of Policy HG.4. Any proposals involving extensions to moorings can be dealt with within the context of Policy HG.14A and any other relevant policies in the Local Plan without making specific reference to 'extensions'.	No change.
Modification: M/B7/102 - Policy HG.16			
Ref: 743/J44 /s Location (None)	The proposed modification to Policy HG.16 is considered to be significantly improved wording and consistent with the most recent Circular.	Support noted.	No change.
Ref: 3246/J2 Location (None)	The duty of local authority gypsy site provision ceased during 1994 and emphasis placed on private provision. To prevent sites being established in unsuitable areas councils were required by CIR 1/94 to identify suitable land for purchase. Some 12 years later no land has been identified and it is very apparent that BANES has no absolutely no intention of addressing the situation despite a number of unauthorised encampments in the district. In view of the existing situation and the councils abject failure to consider gypsy housing needed on a par with other housing need, it is considered HG16 is too stringent and restrictive for the present time. Consideration should be given to South Glos Policy H12 Para 8.232 which recognised the difficulty in identifying land for sites. Changes sought; 1. Delete GOOD access and replace with REASONABLE access. 2. Delete CONVENIENT 3. Delete whole sentence which is considered discriminatory if not also applied to all other forms of housing.	The lack of an assessment of need for gypsy and traveller accommodation for the District was discussed at the Local Plan Inquiry and highlighted by the Inspector in her Report. In accordance with advice in Circular 1/2006 'Planning for Gypsy and Traveller Caravan Sites' a sub-regional West of England Gypsy and Traveller Accommodation Assessment (GTAA) is being prepared by the four former Avon unitary authorities (Bath & North East Somerset, Bristol, North Somerset and South Gloucestershire). A baseline assessment has already been completed during 2006 by the West of England Gypsy working group set up to oversee the project. This will be used to inform the second part of the Assessment which is currently being undertaken by consultants. This will involve interviews with members of the gypsy and traveller community and new age travellers including those in bricks and mortar accommodation, other community engagement, consultation and feedback; stakeholder events/workshops consultation; data analysis of questionnaires and the drafting of the report. It is anticipated that the final report, i.e. the WoE Sub-Region Gypsy & Traveller Assessment of Need, will be completed by end of June 2007. It is	No change.

intended that there will be an overall report plus individual reports which set out the level of need for each of the four local authorities.

Policy HG.16 has been modified in accordance with the Inspector's recommendation to facilitate the proper consideration of proposals for gypsy and traveller sites. The redrafting of the policy conforms with guidance in Circular 01/2006. To identify sites through the current Local Plan in advance of the completed GTAA would be premature and to wait for its completion would unreasonably delay the adoption of the Local Plan. This point is acknowledged by the Inspector (para 5.332). Therefore it is essential to retain a robust criterion based policy against which site proposals can be considered without which there would be a policy vacuum and lack of clarity for applicants.

Whilst the GTAA will inform the level of need for gypsy and traveller accommodation in Bath & North East Somerset this will not be fully ascertained until June 2007 after the proposed adoption of the Local Plan (anticipated in April/May 2007). The location of sites to meet specific needs will then be pursued through the Local Development Framework together with a criterion based policy to deal with any windfall applications for gypsy and traveller accommodation. Any application in the mean time will be considered in the context of Policy HG.16 and all other relevant policies in the Local Plan until such time it is superseded by the relevant policy in the Local Development Framework.

Criterion (i) – it is not unreasonable to ensure that sites for gypsy and traveller accommodation have good access to local services, facilities and public transport. This will avoid sites being located too remotely from the urban areas or settlements where such services as schools and health care facilities are provided. A similar approach has been adopted for proposals involving residential moorings.

The wording of both criterion (ii) and (iii) reflect guidance in Circular 01/2006 and are therefore not unreasonable.

Ref: 3945/J1

Location (None)

We act for Mrs Connors and her extended Gypsy family who are all residing on their own land at the above address.. The site currently tacks planning permission and, is the subject of an Injunction granted by the High Court in July 2006 on the proviso that would not be proportionate to evict the families unless and until suitable specific alternative accommodation was made available for them. The Court had heard that the family through their agent had made representations at the Local Planning Inquiry such that criteria based policies alone would be unlikely to meet the need for Gypsy and Traveller sites and would be eminently unrealistic and that in their stead location based policies should be pursued and in particular three sites were proposed which may provide suitable alternative accommodation for Gypsies and Travellers residing and resorting to the area.

In considering these suggestions the Inspector found that there was not sufficient evidence before her in relation to the Park and Ride site but that the Council should look further into this matter. The Inspector then went on to amend the criteria by way of recommendation R5.41 which the Local Planning Authority has resolved to accept.

It is our case that accepting these modifications in the light of changed circumstances would mean an error of law and would be both unreasonable, perverse and irrational. The reasons for this are follows:- when the inspector made her recommendations it is clear that she was applying the then extant policy Circular 1/94 Gypsy Sites and Planning (5.326 of the inspector report) Indeed the Inspector said whilst she would have regard to the Consultation Draft Planning for Gypsy and Traveller Sites which had latterly been published, she would apply Circular 1/94 Gypsy Sites and Planning. Since the Inspector's report, circular 1/94 has been replaced by Circular 1/2006 Planning for Gypsy and Traveller Sites. That latter document was accompanied by the enactment of the Planning and Compulsory Purchase Act. 2004 which introduces a duty on Local Planning Authorities to identify locations suitable for Gypsy and Traveller sites following the requisite Gypsy and Traveller Accommodation Assessment introduced by further legislative reform in the Housing Act 2004 (Section 225). Whilst the Inspector refers to this latter piece of Legislation, neither the Circular 1/2006 nor the Planning Compulsory Purchase Act duty is referred to by her. Moreover when the Inspector was making the recommendation that the criteria should be adjusted she did so in the absence of the advice in paragraph 33 of 1/2006 that 'Local Authorities must allocate sufficient sites for Gypsies and Travellers, in terms of the number of pitches required by the RSS in site allocations DPD's, . . . Criteria must not be used as an alternative to site allocations in DPD's where there is an identified need for pitches. Identifying a allocating specific plots of land is a more difficult process in using a solely criteria based approach. However it ensures some certainty for local people and Gypsies and Travellers and planning applications are determined by Local Planning Authorities or appeals are considered by the Secretary of State' Whilst there is an argument over the extent of need for further Gypsy and Traveller sites in the Bath and North East Somerset area, it is a matter of agreement that an unmet need does indeed exist.

It is well know to the Local Planning Authority that relying on a criteria based policy has been a manifests failure. In relation to the Joint Replacement Structure Plan Policy 37 which is referred to by the Inspector as being quashed by the Court of Appeal it was quashed following the examination in public where the panel heard about the success [sic] of planning applications and appeals within the JRSP area and held that more needed to be done than relying just upon criteria based policies henceforth. The four unitary authorities including Bath and North East Somerset

The lack of an assessment of need for gypsy and traveller accommodation for the District was discussed at the Local Plan Inquiry and highlighted by the Inspector in her Report. In accordance with advice in Circular 1/2006 'Planning for Gypsy and Traveller Caravan Sites' a sub-regional West of England Gypsy and Traveller Accommodation Assessment (GTAA) is being prepared by the four former Avon unitary authorities (Bath & North East Somerset, Bristol, North Somerset and South Gloucestershire). A baseline assessment has already been completed during 2006 by the West of England Gypsy working group set up to oversee the project. This will be used to inform the second part of the Assessment which is currently being undertaken by consultants. This will involve interviews with members of the gypsy and traveller community and new age travellers including those in bricks and mortar accommodation, other community engagement, consultation and feedback; stakeholder events/workshops consultation; data analysis of questionnaires and the drafting of the report. It is anticipated that the final report, i.e. the WoE Sub-Region Gypsy & Traveller Assessment of Need, will be completed by end of June 2007. It is intended that there will be an overall report plus individual reports which set out the level of need for each of the four local authorities.

Policy HG.16 has been modified in accordance with the Inspector's recommendation to facilitate the proper consideration of proposals for gypsy and traveller sites. The redrafting of the policy conforms with guidance in Circular 01/2006. To identify sites through the current Local Plan in advance of the completed GTAA would be premature and to wait for its completion would unreasonably delay the adoption of the Local Plan. This point is acknowledged by the Inspector (para 5.332). Therefore it is essential to retain a robust criterion based policy against which site proposals can be considered without which there would be a policy vacuum and lack of clarity for applicants.

Whilst the GTAA will inform the level of need for gypsy and traveller accommodation in Bath & North East Somerset this will not be fully ascertained until June 2007 after the proposed adoption of the Local Plan (anticipated in April/May 2007). The location of sites to meet specific needs will then be pursued through the Local Development Framework together

No change.

resolved that they would follow that Inspector's recommendations but failed to do so and therefore the Court Of Appeal quashed policy 37 The four authorities concerned including BANES gave undertakings to the Court that they would not leave a policy vacuum where Gypsy and Traveller sites were concerned in the Structure Plan, an undertaking they have breached.

At paragraph 50-51 of the Circular 1/2006 the issue of the Green Belt is raised in the context of need and the Circular says this "alterations to the Green belt boundary can be used in exceptional circumstances for housing and other types of development inappropriate for the Green Belt. Such allocations often been used in cases where Local Authorities area contains a high proportion of Green Belt land and no other suitable sites outside the Green Belt exist. Such an exceptional limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) could be considered to meet a specific identified need from a Gypsy and Traveller site in the way such an alteration could be used for any other type of development....."

If we turn to the inspector recommendations in her report, our clients Mrs Connors and her four sisters were expressly referred to at paragraph 5.330 where it says " examples were given to me of Gypsy families in need in the District in particular four homeless families with twenty children. Furthermore it was stated that Gypsies know it is easy to find sites elsewhere so tend not to try and settle in BANES. I do not therefore accept the Councils view that there is no need to provide permanent or transitory sites for gypsies." A proper assessment of need is required urgently to assess the scale of need and where it might best be met. This will be required to inform the LDF and to ensure that provision is made to a Locational Policy. The locations most favoured by Gypsies in the District and generally highly constrained by Green Belt and AONBS but in these circumstances it is even more important for the Council to provide the lead in identifying suitable sites or locations. If there is a need for a site within the area constrained by the Green Belt, provision should be made through the plan making process for either a limited alternative to the defined Green Belt boundary or to inset a suitable site within the Green Belt' Clearly the Inspector had in mind the very self same Green Belt alterations that Circular 1/2006 was referring to the context of unmet need for Gypsy sites in a largely Green Belt area such as in here.

Moreover in relation to need the Inspector was highly critical of the Local Planning Authority at paragraph 5.329 as she said this: "A resolution was taken by BANES in July 2004 to carry out a full assessment of need with the assessments ready for presentation to the Local Plan inquiry. However, the assessment has not been carried out and there is no programme for the work required. The Council indicated they were waiting for guidance before undertaking such an assessment.....and nevertheless I consider that the Council should delay no further in undertaking their assessment...."

At paragraph 5.333 the Inspector said "The failure to provide a locational policy in this plan will result in delay in their identification of specific sites. Therefore it is even more important that the criteria based policy provide clear robust and positive guidance....". We return to the theme raised earlier that 1/94 was the relevant National Planning Policy for Gypsies at the time, that Policy allowed the local Planning Authorities either to identify land suitable for Gypsy sites or to have clear realistic criteria based policies instead. As indicated above, such an approach is no longer compatible with national planning guidance in 1/2006 where a need for further sites is evidenced, as in this case. It is one thing for the Inspector to apply the advice extant at the time of writing her report but it would be quite another for

with a criterion based policy to deal with any windfall applications for gypsy and traveller accommodation. Any application in the mean time will be considered in the context of Policy HG.16 and all other relevant policies in the Local Plan until such time it is superseded by the relevant policy in the Local Development Framework.

Criterion (i) – it is not unreasonable to ensure that sites for gypsy and traveller accommodation have good access to local services, facilities and public transport. This will avoid sites being located too remotely from the urban areas or settlements where such services as schools and health care facilities are provided. A similar approach has been adopted for proposals involving residential moorings.

Criterion (v) – development would not be permitted if it would harm the amenities of residents. Therefore if it causes harm it is considered unacceptable i.e. no level of harm is acceptable.

The comment regarding the inclusion of other guidance and legislation in the policy reiterates a previous objection to Policy HG.16 and was considered by the Inspector in her Report. The advice in Annex C of Circular 01/2006 regarding the use of criteria in policies will be used to inform the development of policy for gypsy and traveller sites in the emerging Local Development Framework.

a Local Planning Authority in full knowledge of the facts that the planning legislation and attendance circular advice from the Department for Communities and Local Government has changed in the meantime in such a way that criteria based policies are no longer appropriate where a need for sites exists, It follows therefore that to adopt the Inspector's recommendations in respect of HG16 would amount to an error of law, would be perverse, irrational or disproportionate and unreasonable and could well conflict with the duty to facilitate the Gypsy way of life as given affect by Article B of the European Convention on Human Rights.

With respect to the proposed policy criteria modifications proposed by the Inspector, we would refer to the letter from Avon Travellers Support Group of today's date and endorse comments which we would ask you to please record as separate objection. So far as those criteria are concerned, in criterion one we would replace the word good with the word reasonable to acknowledge the fact that 1/2006 accepts that Gypsy sites are in principal acceptable in rural areas whilst other appeal decisions in the Structure Plan area indicate that the criteria of 'good' could be to stringently applied by the Planning Authorities. With respect to criterion five, after the word 'no' we would add the word 'unacceptable'.

Moreover the Inspector's modifications should themselves be re—visited perhaps by re-opening the local plan inquiry because the issues that she identified have been changed by the passage of time and by the introduction of new legislation and circular guidance as raised above. For example, issue three "should the policy adopt criteria from the Circulars and other government guidance and legislation?" appears to have been dealt with incompletely because she states inter alia it would be inappropriate for detailed reference to be made to [High Court decisions etc] in the policy. However, the question was whether the policy criteria from the circular and Government guidance and legislation be adopted? In that vein we would refer you to Annex C of Circular 1/2006 the Good Practise Criteria many of which could be adopted in their entirety.

Therefore in conclusion we argue that relying solely on a criteria based policy flies in the face of national guidance issued subsequently to the Local Plan Inspector's report and would disclose an, error of law that would be disproportionate in its impact on Gypsies and Travellers. The location on both policies should be pursued with all new vigour and whole-hearted commitment by the Local Planning Authority rather than relying upon a criteria based policy which they know from experience as well as in the Judgments of the High Court and Court of Appeal are far from realistic.

Ref: 3948/J23

Location (None)

(1) The inspector's comments recognise the difficulty that might be caused by sites proposed within Green Belt land or in AONB but falls short of including suitable words in the recommended amendment. Suitable words should be added, along with protection for SSSI and VIOS which the inspector has overlooked completely, but which are very important to protect, and need specific protection within the Local Plan to deter nuisance appeals.
(2) Add after iii) the words "iv) it does not conflict with policies governing green belt, SSSI, AONB VIOS or WHS", renumbering iv) and v).

Disagree. The Local Plan should be read as a whole and therefore it is not necessary to duplicate the provisions of other policies in Policy HG.16. Any proposals for gypsy site provision will be considered within the context of Policy HG.16 and all other relevant policies including Policies GB.1 (Green Belt), NE.8 (SSSIs), NE.2 (AONBs), BH.15 (VIOS) and BH.1 (WHS) if appropriate.

No change.

Chapter B8. Waste

Modification: M/B8/22 - Waste

Respondent Details	Summary of Comment	Proposed Response	Change
Ref: 3126/J181 /s Location (None)	Strongly support the vision that re-use and recycling are the primary goals of waste policy. Where "residual" waste is discussed, it should be seen as a diminishing phenomena.	Support noted.	No change.
Ref: 3948/J25 Location (None)	1. In order to allow the Inspector's amendment of "residual waste", the line above should refer to "potential waste" thus making implicit the concept of a reusable or recyclable element which is not technically "waste" but "awaiting reclamation". Although a fine distinction, it will make the set of Waste Management policies easier to interpret in the light of the ambiguities in the DEFRA guidance. 2. Change "re-use of waste" to "re-use of potential waste".	The modification relates to the deletion of the words "and re-use of waste" and the word "waste" has been added in order for the sentence to be grammatically correct therefore the objector's comment does not technically relate to a modification. The paragraph is setting the context for the review of the Council's Waste Management Plan and its wording does not relate to policy formulation in the Local Plan.	No change.

Modification: M/B8/27 - Policy WM.1

Ref: 1427/J242 /s Location (None)	The Environment Agency supports the re-draft of this Policy.	Support noted.	No change.
--	--	----------------	------------

Chapter B9. General Development Sites

Modification: M/B9/4 - Deletion of overlap with other policies from Policy GDS.1

Ref: 3004/J25 Location (None)	1. Renrod support the deletion of Policy GDS.1 which represented an unnecessary repetition of other policies within the Local Plan. 2. The removal is consistent with other Modifications which helpfully seek to reduce the amount of text within the document and make it easier for the Plan user. 3. It is evident from the Inspector's conclusions in respect of this policy that she was content that there are a group of policies which are to be applied to all development sites and, that the Local Plan should be read in its entirety which provides the basis for the control of development and the allocation of land. 4. In other Representations Renrod have objected to the failure of the Plan to be modified to exclude their sites on the Lower Bristol Road in accordance with the Inspector's recommendation. 5. Part of the Council's reasons for rejecting the Inspector's recommendation suggest that any sites excluded from the Western Riverside area would not be the subject of sufficient planning control in the event that they were to come forward for redevelopment. 6. Manifestly, this is not the case. As the Council note in accepting the Inspector's recommendations in relation to GDS.1, the Plan must be read in its entirety and, there are a host of policies which seek to control development elsewhere within the Plan.	Support noted for modification to Policy GDS.1. See also Council's responses under representations 3004/J20, J21, J22 and J23. The Council has accepted that there are generic policy requirements such as affordable housing, transport, design etc which apply to all proposals coming forward for development on both allocated & windfall sites. It is these policy requirements that have therefore been removed in response to the recommendation of the Inspector. Where policy requirements relate specifically to a site and are needed in order to make the development acceptable, then these have been retained within Policy GDS.1. The Council considers that the Renrod sites are functionally and spatially integral to the BWR scheme and their exclusion would militate against the delivery of a comprehensive scheme on BWR. These requirements are not covered by the generic policies.	NO change.
--	--	--	------------

Modification: M/B9/5 - General Development Sites